Loneliness and Encounter

Rabbi Jill Jacobs

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I recently saw the movie *Collateral*, in which Tom Cruise plays Vince, a hit man who hires Max, an unsuspecting cab driver, to drive him around Los Angeles for a night so that Vince can kill the key witnesses in a federal drug trial.

For days after seeing this movie, I couldn't sleep. And I couldn't identify what it was about the movie that I found so terrifying. I certainly do not believe that some hit man could have me on his list.

Finally, I realized that what is so terrifying about the movie is that the character of Vince personifies a paradox in which many of us, at one time or another, find ourselves trapped—the paradox of being, on the one hand, terrified of being alone and yet, at the same time, unable fully to connect with those around us.

Toward the beginning of the movie, Vince speaks anxiously about a person who died on the LA subway and who continued to ride, unnoticed, for six hours after his death. (This actually happened a few years ago in New York—a person died on the subway during rush hour and it was several hours before another passenger noticed that this man was not just sleeping.) For Vince—and perhaps for us--the prospect of dying utterly alone, unnoticed by those around him, is the scariest end imaginable.

Earlier this year, one of my neighbors in my apartment building was murdered in his apartment, by an acquaintance. It was several days before his immediate neighbors noticed a smell from his apartment and called the super, who opened the door and found this man dead. Were it not for the neighbors noticing a smell, who knows how long this man's absence might have gone unnoticed. What could be more frightening than this prospect of having no one—not family, friends, classmates or coworkers—notice our absence. And what responsibility do I, the neighbor, bear for living in the same building as this man for a year and never even *noticing* him, let alone learning who he was and what he was about.

I am reminded of a character in Sartre's novel, *Nausea* who is so lonely that he contemplates suicide, but abandons this idea out of fear that, he says, "no one, absolutely no one, would be moved by my death, that I would be even more alone in death than in life."

In *Collateral,* the irony is that despite his utter fear of being alone, Vince is incapable of truly encountering another human being. He speaks of human beings as specks in the universe and as eminently disposable. At various points in the movie, we see Vince having what seem like friendly conversations with others. But the moment we think that finally, Vince has learned to connect to another, he pulls out a gun and kills this person.

Though all of us, to some degree, can probably identify with Vince's fear of being alone, none of us, presumably, have as much trouble as he connecting with others, and none of us would

be able to murder another human being. Still, true encounter with another human being may be one of the most difficult tasks that we are called to do.

Martin Buber, one of the greatest Jewish theologians of our time, speaks of encounter as the center of the religious experience. In his book, *Between Man and Man*, he distinguishes among three ways in which one may interact with another person:

> The *observer* is wholly intent on fixing the observed man in his mind, on "noting" him. He probes him and writes him up. That is, he is diligent to write up as many "traits" as possible. . . A face is nothing but physiognomy, movements nothing but gestures of expression. . . The *onlooker* is not at all intent. He takes up the position which lets him see the object freely, and undisturbed awaits what will be presented to him. . . The onlooker and the observer are similarly orientated, in that they have a position, namely, the very desire to perceive the man who is living before our eyes. Moreover, this man is for them an object separated from themselves and their personal life, who can in fact for this sole reason be "properly" perceived. Consequently what they experience in this way, whether it is, as with the observer, a sum of traits, or, as with the onlooker, an existence, neither demands action from them nor inflicts destiny on them.

The observer and the onlooker, according to Buber, simply *experience* other people as objects, but do not allow these people to enter into or to disturb their perception of themselves or their sense of obligation. Buber speaks, at one point, of conversations that are actually two simultaneous monologues, in which the people involved are ostensibly speaking to each other but, in fact, only speaking to and about themselves. Certainly all of us have been in conversations like this, in which we are too focused on ourselves to hear the other person—conversations, for instance, in which one person cannot finish speaking about a fresh wound before the other interrupts to tell a story about when a similar thing happened to him or her.

Living life always as an onlooker or an observer virtually guarantees that we, like Vince, will remain in some way alone, never fully able to connect with those around us.

In contrast to the observer and the onlooker, Buber presents us with the person who is able to enter into genuine dialogue with the other. This person, Buber says, is one who allows another person to say "something *to me*, addresses something to me, speaks something that enters my own life. . . This man is not my object. . . We may term this way of perception *becoming aware*."

True encounter, says Buber, is the moment in which one is truly present to another person. Such presence requires relating to this person as an independent human being, and not as an extension of oneself to be understood within the context of one's own experiences or needs. True presence necessarily imposes demands and responsibilities. As Emmanuel Levinas teaches us, the moment we truly perceive another person as a separate human being with infinite needs and desires, we necessarily have an infinite responsibility toward that person.

There is a famous story, which many of you may know, about a prince who decides that he is a rooster. He takes off his clothes, sits under the table and crows. The king and queen, naturally, are alarmed that their only son, the heir to the throne, seems to be entirely out of his mind. They call all of the psychologists and doctors in the kingdom to try to cure their son, but none are able. Finally, a wise man arrives and promises that he will be able to cure the prince. To the surprise of the king and queen, this man takes off all of his clothes, climbs under the table with the prince, and begins to cackle. In this way, the wise man is able to encounter the prince *on his own terms, as he is*, to enter into true dialogue with him, and, in the continuation of the story, to heal him.

Similarly, the back page of last week's *New Yorker* shows a psychiatrist desperately trying to take notes on a patient who is speaking while lying underneath the couch. In the first panel, the psychiatrist sits on his chair and stares at the empty couch. In the second panel, the psychiatrist leans down and peers under the couch, notebook still in hand. In the final panel, the psychiatrist has crawled under the couch and is lying next to his patient, presumably now finally able to hear him.

Buber describes experience—the type of relation in which one acts as an onlooker or an observer—as "the antithesis of religion." Religion, he says, is not about experience, but rather about encounter—the moment in which we are able to meet people where they are, to hear them and to be heard. Only this type of true encounter can help us escape the loneliness that is so common among us.

Moving from *experiencing* the other within our own context and truly *encountering* the other is, as Vince demonstrates in *Collateral*, extraordinarily difficult.

How, then, do we move from the realm of experience to that of encounter?

I would suggest that the contrast between the two major fasts of the Jewish calendar—Tisha B'Av and Yom Kippur—offers a model for how we might transition from experiencing the other to encountering the other.

On the face of it, Tisha B'Av, the commemoration of the destruction of the Temple in Jerusalem, and Yom Kippur appear very similar. Both are full-day fasts meant to force us into introspection. On Tisha B'Av, we speak of the transgressions of the Jewish people as having led to the destruction of the Temple and to our subsequent expulsion from Jerusalem. On Yom Kippur, we speak of the ways in which our own mistakes and misdeeds have led us away from being the people we want to be.

Beyond their somber themes, these holidays both contain a note of redemption. On Yom Kippur, we each have the chance to renew ourselves. The shofar sounded to mark the end of Yom Kippur reminds us of the shofar that, the Torah promises, will be blown to announce the redemption of the world. Tradition tells us that the messiah—who represents the promise of redemption—will be born on Tisha B'Av, otherwise the saddest day of the Jewish year.

Despite these similarities, the two holidays are, at the core, vastly different from each other.

Central to the mourning and introspection of Tisha B'Av is a sense of being alone. *Eicha*—*Lamentations*—the biblical book read on this day—begins, "*Eicha yash'va badad*"—"How the city sits alone." In the Torah portion read on the Shabbat before Tisha B'Av, Moses cries out,

How can I, by myself, carry the burden of all of you?"

Inherent in the cry of"*Eicha*," translated as "how," but really a word that connotes utter despair, is a sense of being alone. Accordingly, many of the midrashim on the book of *Eicha*—the rabbinic interpretations and expansions of the biblical texts—speak of the Jewish people and of God mourning alone. Though each is mourning the same event—the destruction of Jerusalem—the two cannot come together in their pain. In one of the most poignant midrashim on this text, the *malakhei hasharet*, the angelic beings, suggest that it is inappropriate for the sovereign of the universe to be crying over the destruction of Jerusalem. God responds that if they continue to protest, God will retreat and mourn in a place that even they can't reach. In this moment of pain, God cannot connect even with the heavenly beings, let alone with human beings, with whom, in the course of the Midrash, God virtually never speaks. In another midrash, God, wanting to mourn, asks the angels how human beings mourn. In this moment of pain, God can neither connect to human beings, nor even remember the Jewish laws of mourning, which we consider to be of divine origin.

Though God and the Jewish people are ostensibly linked in their pain over the destroyed Jerusalem, this pain, rather than bringing them closer together, pushes them farther apart. Many of us may have had similar experiences in mourning the death of a family member or friend. While the pain of loss can bring us closer together with those who share this pain, this pain can also lead to conflict among the very people who should be comforting one another. While doing hospice chaplaincy a few years ago, I worked with one family in which the four adult children, while their father was dying and throughout the process of planning for his funeral and then sitting shiva, could not stop fighting with each other over past and current grievances. Instead of allowing their mutual suffering to bring them closer together, each of these adult children used their own suffering as an excuse to retreat further into themselves and to disconnect from their siblings.

In contrast to Tisha B'Av, Yom Kippur is a day on which we undertake a difficult and perhaps painful introspective process in community with others. On Tisha B'Av, it is traditional not even to say hello to other people. In this way, we maintain a sense of aloneness even when surrounded by others. On Yom Kippur, however, we are constantly made aware of those around us. This holiday—more than any other holiday in the Jewish calendar—takes place in the synagogue, in the context of our community. Many of us, perhaps, do not often attend synagogue during the year, but are somehow drawn here on this day, to be with other people as we tend to our personal renewal. This sense of being together in community is expressed best by the *vidui*—the confessional that is a centerpiece of the liturgy of the day. This confessional is always recited in the plural, as a sign that we all hold ourselves responsible for injustices committed by anyone in our community.

On Tisha B'Av, we may experience others, but we are too focused on our own mourning and our own pain to encounter another person. Even when surrounded by others, we remain, like Vince in Collateral, profoundly alone. On Yom Kippur, however, our personal pain and searching leads us to others and, we hope, to a real experience of encounter. This encounter helps to ease our personal pain; as we take stock of our own lives, confess our missteps, and consider who we will be in the future, we are ever aware that we are not going through this process alone, but that everyone around us is in the midst of a similar and similarly-difficult endeavor.

When we are able truly to encounter and to be present to one another, we need no longer fear being alone. Furthermore, the moment of encounter that Yom Kippur represents breaks down the separation, between God and ourselves that characterizes Tisha B'Av. Sin, in our tradition, is understood as a separation between ourselves and God. In straying from what God demands of us, we move farther and farther from God and find ourselves increasingly less able to hear and respond to God's call. But Yom Kippur offers us the opportunity to come back—to reëncounter God and to try again to live a life in which the presence of God is manifest at every moment.

God, on this day, does not seem far away but, in the words of Rabbi Joseph Soloveitchik, comes and "sits down among us," perhaps sharing in and easing our pain.

This encounter with God necessarily occurs within the context of the human community. As Buber reminds us, our relationship with God is not a vertical one, in which we stand alone and speak to God, but rather, a horizontal one in which we speak to each other and, in these interactions, encounter God as well.

Dr. Rachel Naomi Remen tells the story of Frank, the director of a medical clinic at a large teaching hospital. She writes:

> As faculty, part of his job is to see those patients who have no 'teaching value.' Those who present a medical challenge or a diagnostic problem are saved for the younger doctors who are still in training.
>
> On this particular Monday afternoon, one of those patients, a Mrs. Gonzales, was his regular two o'clock appointment. She was an elderly lady, maybe eighty, in the last stages of breast cancer. No further cancer treatment was available for her, so at each visit he would listen to how her week went, adjust her pain medications, and treat any other complaints she had as best he could.
>
> On this Monday, as always, he made adjustments to her palliative regime and then. . . much to his surprise, his intuition suggested that what would be most helpful to Mrs. Gonzales would be for them to pray together. . .
>
> So Frank turned to this ill, grandmotherly patient and said, "Mrs. Gonzales, perhaps it might be good if we prayed together." She looked at him and began to cry.

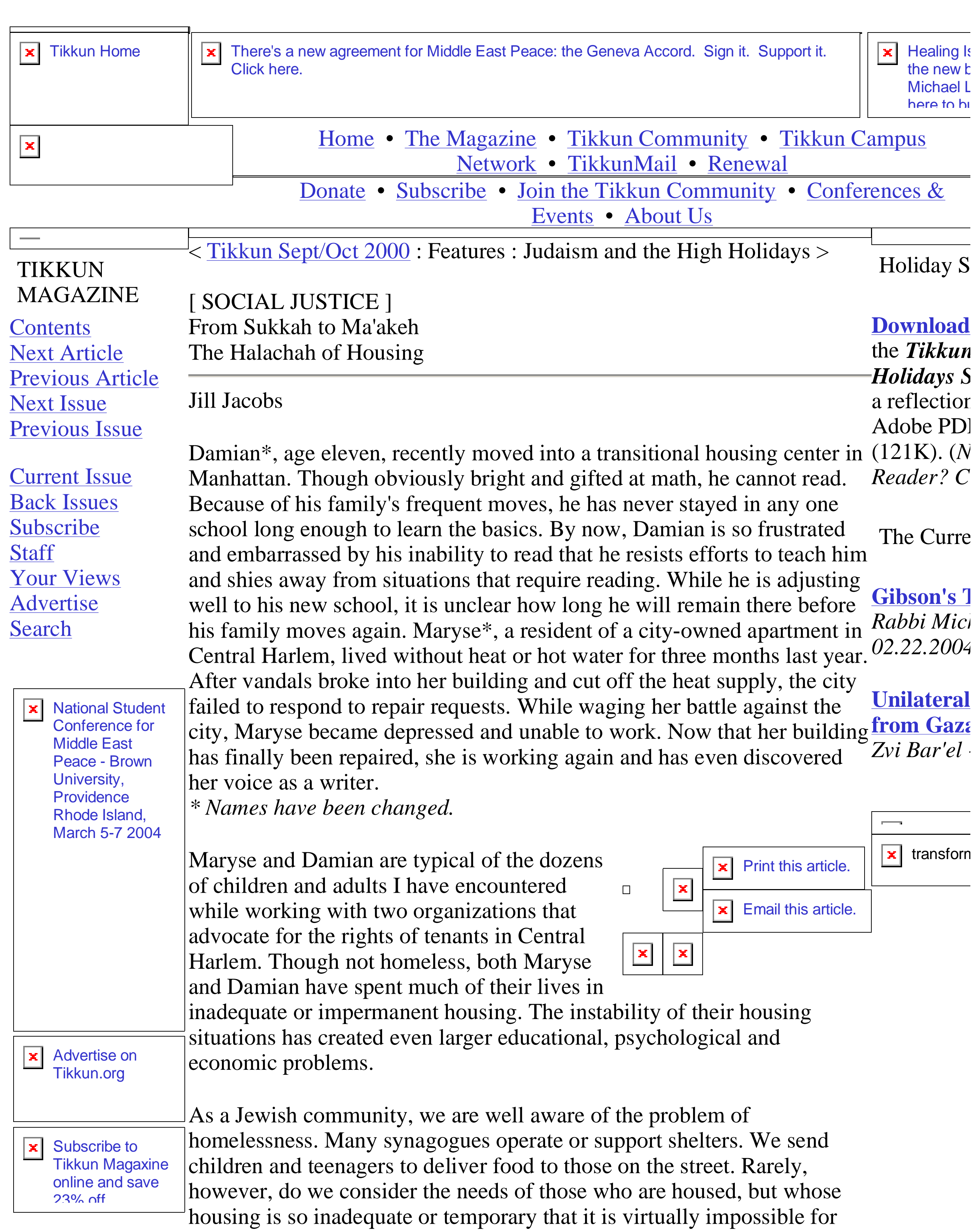
> Fortunately, he didn't do what I had been trained to do years ago when a patient cried. He didn't call a nurse. . . Taking her hand, he simply received her emotions respectfully and waited. Still holding his hand, she said, "That would be very wonderful, Doctor." Then she told him that she was a Catholic and asked him if they could kneel down. Shaken, he looked toward the door. It was closed He was on highly unfamiliar ground, but he was in it already and he decided to continue. . .
>
> So, in his white coat, he helped her to kneel down and he knelt down with her in the tiny examining room. She began to pray, first in Spanish and then in English. He had not prayed for many years, but a calm settled over him and his memory, awakened by the sound of her voice, gave him back a prayer from his childhood. When she had finished, he said it aloud. There was a long comfortable silence.
> Then very gently the old woman reached across and touched his cheek. First in Spanish and then in English she asked God to bless him and strengthen him in doing his important work. He says he can still feel the touch of her hand even months later.

In this moment of encounter, in meeting Mrs. Gonzales where she is at that moment, and in allowing her to meet him, Frank bridges the loneliness of a dying patient and, together with her, helps God to be present in the space between them.

In Hebrew, the name of God is often written as two yuds next to one another. Rabbi David of Levov, an 18th century Hasidic master, explained that the reason for this spelling is that each yud stands for "Yisrael" or "Jew." He continues, "Whenever you find Jews side by side and on a par, there is the name of God. But whenever it looks to you as if on Jew were standing above the other, then it is not the name of God."

In bringing God's presence into the world, the moment of encounter also offers the promise of redemption. The *Mah zor Vitri*, a medieval Jewish legal source, suggests that the reason that the shofar, which heralds the eventual redemption of the world, is sounded so late in the Rosh Hashanah service—and we might extend this to explaining why the shofar is sounded only at the end of Yom Kippur—is that we must wait until the entire community is present before we sound the shofar. Redemption, the *Mah zor Vitri* suggests, must take place in the context of community. Through true encounter with the other, we not only escape our own personal fear of being alone, but we also bring God into our midst and, by extension, help to bring about the redemption of the world.

Rabbi Jill Jacobs is currently the Director of Education for the Jewish FundS for Justice



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From Sukkah to Ma'akeh
The Halachah of Housing

Jill Jacobs

Damian*, age eleven, recently moved into a transitional housing center in Manhattan. Though obviously bright and gifted at math, he cannot read. Because of his family's frequent moves, he has never stayed in any one school long enough to learn the basics. By now, Damian is so frustrated and embarrassed by his inability to read that he resists efforts to teach him and shies away from situations that require reading. While he is adjusting well to his new school, it is unclear how long he will remain there before his family moves again. Maryse*, a resident of a city-owned apartment in Central Harlem, lived without heat or hot water for three months last year. After vandals broke into her building and cut off the heat supply, the city failed to respond to repair requests. While waging her battle against the city, Maryse became depressed and unable to work. Now that her building has finally been repaired, she is working again and has even discovered her voice as a writer.
** Names have been changed.*

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Maryse and Damian are typical of the dozens of children and adults I have encountered while working with two organizations that advocate for the rights of tenants in Central Harlem. Though not homeless, both Maryse and Damian have spent much of their lives in inadequate or impermanent housing. The instability of their housing situations has created even larger educational, psychological and economic problems.

As a Jewish community, we are well aware of the problem of homelessness. Many synagogues operate or support shelters. We send children and teenagers to deliver food to those on the street. Rarely, however, do we consider the needs of those who are housed, but whose housing is so inadequate or temporary that it is virtually impossible for them to lead a fully functional life.

Housing issues tend to be extraordinarily complicated, and there is little

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consensus about the best option for low-income housing. Cities have experimented with everything from housing projects to vouchers to mixed-income housing. To complicate the situation further, the lines between permanent and temporary housing are often blurred. Transitional housing centers, such as the one in which Damian lives, provide residents with social services and aim to help them to find permanent apartments; however, because of the lack of affordable housing, particularly in cities such as New York, many families spend years in such centers. The same is true of shelters and housing projects. Additionally, while such housing is supposed to protect inhabitants from the dangers of the street, these residences often prove to be more dangerous than the street. Recent controversial decisions in cities such as Chicago and San Francisco to raze some of their largest and most crime-ridden housing projects have brought public attention to one of the paradoxes of public housing. On the one hand, public housing offers emergency shelter for those who might otherwise be homeless. On the other hand, enormous housing projects impose new dangers on their residents.

A close reading of Jewish sources offers some help in untangling these complicated issues. This help must come by way of analogy, because biblical laws of poverty are surprisingly silent on the question of housing. Aside from a brief citation in Isaiah 58:6–7 "This is the fast I desire … to share your bread with the hungry, and to take the wretched poor into your home; when you see the naked to clothe him, and not to ignore your own kin," the Bible (as well as later rabbinic sources) tends to focus on our responsibility to give money and food to the poor but generally ignores the question of shelter. Yet homelessness as a metaphor is a repeated theme in Jewish sources. We can use the metaphor of the Jews as a homeless people as well as other texts that hint at housing issues, as a guide to creating a Jewish housing policy.

After telling the story of the Exodus from Egypt, the Bible repeatedly enjoins the people of Israel not to impose their own experience on others. The first set of laws that the people receive after the revelation includes the injunction, "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Exodus 22:20). Later, the text forbids keeping slaves for more than seven years because "you were slaves in the land of Egypt and the Lord your God redeemed you" (Deuteronomy 15:15). The message is clear—we have experienced oppression and suffering and should not impose the same experiences on others. By extension, the Jews' extended homelessness during the exile from Israel should compel us to protect others from homelessness.

Two biblical laws lead us toward a more specific understanding of the nature, purpose, and appropriate construction of housing. For one week a year, we are commanded to live in sukkot, temporary shelters that offer only partial protection from the elements. These sukkot are sufficiently strong to house us for the week, but fragile enough to remind

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us of the forty years of homelessness the Jews experienced between the Exodus from Egypt and the entrance into the land of Israel. In regard to permanent housing, the Bible requires that the roof of every house have a *ma'akeh*, a guardrail that prevents falls. Through these two sets of laws, we can begin to understand the nature of housing and to formulate a response to debates about low-income housing.

The sukkah derives its significance from the contrast between it and the permanent house to which one is accustomed. Without the existence of a permanent house, the designation of the sukkah as "permanent" for seven days would have little meaning. The sukkah, by definition, does not offer its residents full protection from the outside world. According to the mishnah, "For the seven days of Sukkot, a person makes his sukkah into a permanent residence and his house into a temporary residence. When it rains, at what point is one permitted to go inside? From the time that the food will be spoiled [by the rain] (Sukkah 2:9)." Living in the sukkah should not be a hardship; therefore, residents of the sukkah must have another place to go when conditions in the sukkah become unbearable. The sukkah must meet basic needs during the specific period for which it is ordained, but should not be construed as a permanent residence. Those living in the sukkah must always have a safer place to which they can return. In the same way, a shelter or transitional housing facility must meet basic needs for a short period of time, but should not be considered a long-term solution to the housing crisis. We need to acknowledge that, like a sukkah, these short-term solutions cannot offer all of the protections of a permanent house. Therefore, even while we offer emergency controls against homelessness, we cannot consider our work complete until we guarantee permanent housing solutions.

The commandment in Deuteronomy 22:8 to build a roof guard rail, or ma'akeh, emphasizes the supreme importance of human life. One whose house does not have a ma'akeh risks being held responsible for the death of one who falls from the roof. The ma'akeh thus teaches that we are responsible even for the indirect consequences of our actions. One cannot build a house and then abdicate responsibility for what happens there. The builder's primary concern should be the people who will inhabit or visit the house and the builder thus must take any precautions necessary to guarantee the safety of these people. The commandment of the ma'akeh also teaches that the purpose of a permanent house, unlike a sukkah, is not simply to provide shelter; the house must offer full protection to all who enter it. This protection must continue even long after the original builder has left; therefore, a landlord cannot ethically abandon a building and consider him/herself free of responsibility for the tenants who remain there. Those who construct housing projects that fail to protect the safety of the residents must assume responsibility when gangs and drug dealers take over. When cities rebuild and "gentrify" poor neighborhoods, city government has a responsibility to ensure that current residents do not lose their homes. Middle and upper-income tenants moving into these areas have a responsibility only to move into previously vacant apartments and not to displace existing tenants.

To the discussion of acceptable housing the twelfth-century scholar Moses Maimonides adds an important corollary: "One who rents a house to another is obligated to construct doors and to fix broken windows, to reinforce the ceiling, to fix broken beams, and to make a bolt and a lock and similar things which are produced by artisans and which are essential to dwelling in houses. The tenant is obligated to put up a ma'akeh and a mezuzah" (Mishneh Torah 6:3). This definition of a permanent, habitable residence stands in stark contrast to the rabbinic descriptions of the sukkah, which is exposed to the elements and whose roof cannot be solid. The landlord has specific obligations to make the residence habitable. Even if the tenant is desperate enough to accept a home that does not have sturdy walls or a secure lock, the landlord is responsible for providing these things. A landlord must operate according to an ethical standard, not according to what the market will bear.

What is surprising about Maimonides' statement is that he shifts the responsibility to build a ma'akeh from the builder to the tenant. Presumably, he would maintain the biblical mandate for a builder to erect a ma'akeh but, in the case of a pre-existing building, he assigns this responsibility to the tenant. If so, we can read his statement this way: the builder should provide solid walls, strong windows, effective locks, and a ma'akeh, but when the builder fails to do this, or when a building has fallen into disrepair, the landlord and the tenant divide these responsibilities. While the landlord must make the building habitable, the tenant also must take responsibility for his or her own safety and spiritual well-being. The landlord's role comes first, as it would be impossible to attach a ma'akeh or a mezuzah to a building without a steady roof or a door. The landlord's actions make it possible for the tenant to empower him or herself to assume responsibility for the continuing safety of the building.

Such relations between landlord and tenant take place within a larger social context. Rashi, the eleventh-century commentator, questions the juxtaposition in Deuteronomy 22 of a series of seemingly unrelated laws. The commandment to shoo away a mother bird before taking her eggs immediately precedes the law of the ma'akeh; the law immediately following the ma'akeh prohibits the mixing of different seeds on a single plot of land. Rashi suggests that this series of laws illustrates the principle that one mitzvah leads to another—one who follows the law regarding the mother bird will merit building a new house; one who constructs a ma'akeh will be granted land on which to plant.

In accordance with Rashi, we can read this series of laws as an instruction manual for establishing a society that respects the dignity of every individual. This society must begin with a commitment to respecting the dignity of even the most overlooked creature. The next step toward creating a permanent society—defined as a society sufficiently secure in its stability that it literally sets down roots—is the establishment of permanent houses. It is not acceptable for permanent residents of a place to live in sukkot. Stable housing must precede other indicators of permanence such as farms or long-term job commitments. Therefore, we

must begin from the assumption that every person deserves decent housing, regardless of income, background, or ability to work. Only when every member of society has an adequate and permanent place to live can we begin to deal with productivity issues. Just as it would be impossible to expect people to establish farms before they have places to live, it is impossible to expect people to commit to jobs or job training programs before we meet their basic needs. As Maryse learned, it is difficult to concentrate on work and otherwise to live a productive life when one's housing is in jeopardy. This year, New Yorkers rightly protested Mayor Rudy Giuliani's plan to evict shelter residents who do not find jobs within thirty days; it is ludicrous to think that those without permanent shelter can commit to permanent jobs.

The examples of the sukkah and the ma'akeh teach us a number of Jewish principles about housing. First, true housing is, by nature, permanent. Second, the purpose of a house is to protect those within it. Third, the relationship between landlord and tenant should be one of partners. Finally, stable and protective housing is a necessary condition for the establishment of a just and permanent society.

These principles have particular bearing on a number of contemporary housing issues. When shelters are necessary, they should protect the safety of those who stay in them. This means that those who operate shelters have the responsibility not only for erecting a building, but also for guarding those who sleep there from theft and violence. Furthermore, our goal should always be to place people in permanent housing rather than allow shelters to become de facto permanent residences. Projects, however, are not appropriate permanent residences because they lack a metaphorical ma'akeh; just as an open roof invites falls, projects put their inhabitants in harm's way by demeaning them spiritually. Projects also are insufficient housing because so few of them have involved future tenants in the planning process, and thus have violated Maimonides' requirement for a tenant/landlord partnership.

Perhaps the housing option that best reflects Maimonides' dual emphasis on the responsibilities of the landlord and the tenant is one in which tenants manage their own buildings. Programs such as New York's Tenant Interim Lease Program (TIL) and St. Louis' Cochran Gardens allow tenants to act as their own landlords. In New York, TIL, which turns buildings into co-ops, has been a particularly effective option for residents of city-owned buildings at risk of being sold to for-profit landlords. When a for-profit landlord buys a cluster of buildings, s/he generally raises the rent as much as permitted and often moves tenants from one building to another or into smaller apartments within the same building. Managing their own buildings offers tenants the chance to control their rents and to guarantee stability for themselves. However, managing a building is difficult work. Therefore, we should also look for viable and empowering options for tenants not interested in full management responsibility.

As Jews, we need to commit ourselves to creating a society that provides dignified, affordable and permanent housing to all of its members. This

means devoting communal and personal resources to policy issues, setting communal standards for the responsibilities of Jewish landlords, and formulating ethical principles for determining where to live. The memory of our own homelessness, as well as the examples of the sukkah and the ma'akeh, should compel us to understand the fundamental nature of decent housing and to devote ourselves to creating a society that guarantees permanent housing to all.

Jill Jacobs is a third-year rabbinical student at the Jewish Theological Seminary. She has worked with the Urban Homesteading Assistance Board and with Action for Community Empowerment, both in New York.

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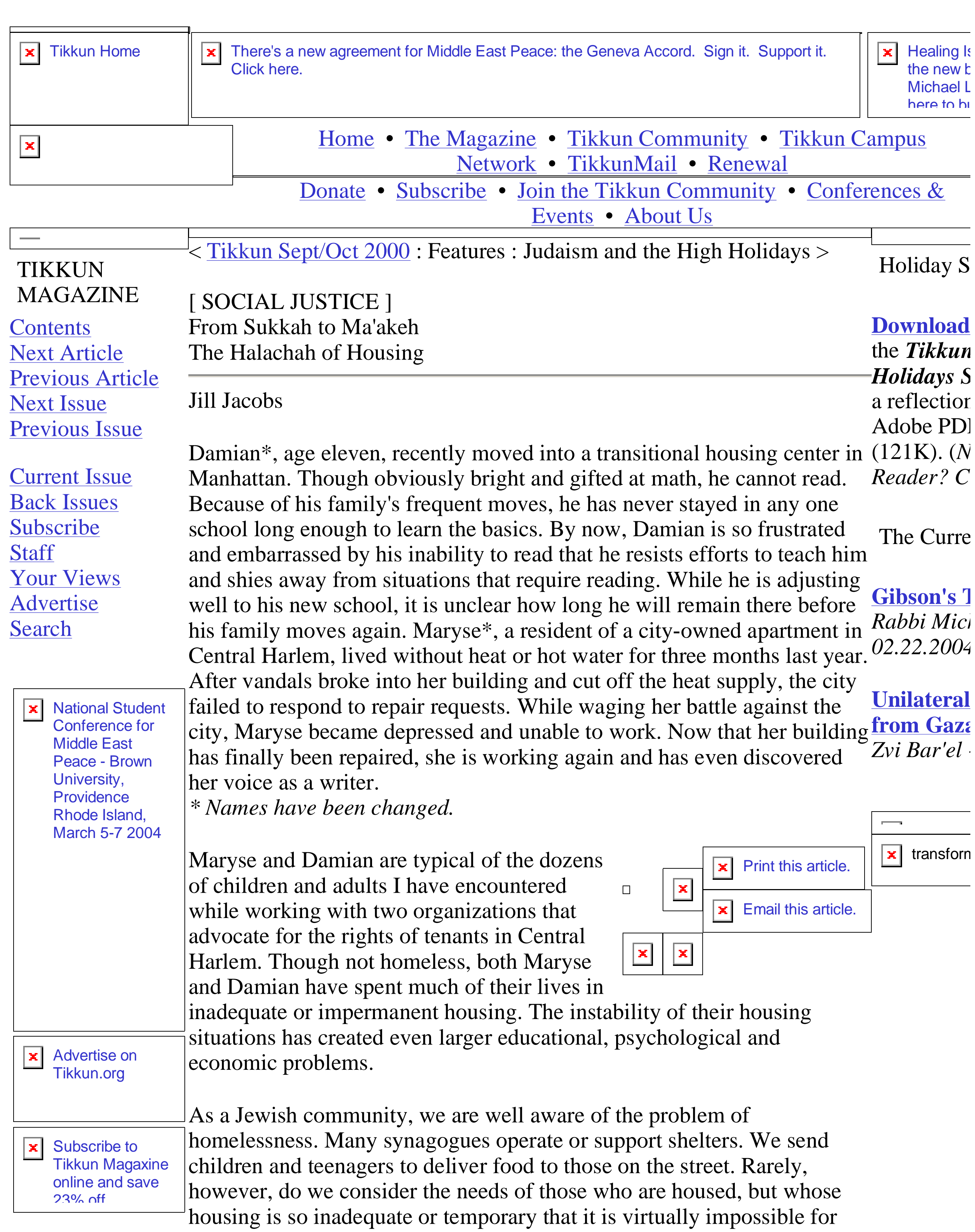

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The Halachah of Housing

Jill Jacobs

Damian*, age eleven, recently moved into a transitional housing center in Manhattan. Though obviously bright and gifted at math, he cannot read. Because of his family's frequent moves, he has never stayed in any one school long enough to learn the basics. By now, Damian is so frustrated and embarrassed by his inability to read that he resists efforts to teach him and shies away from situations that require reading. While he is adjusting well to his new school, it is unclear how long he will remain there before his family moves again. Maryse*, a resident of a city-owned apartment in Central Harlem, lived without heat or hot water for three months last year. After vandals broke into her building and cut off the heat supply, the city failed to respond to repair requests. While waging her battle against the city, Maryse became depressed and unable to work. Now that her building has finally been repaired, she is working again and has even discovered her voice as a writer.

** Names have been changed.*

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Maryse and Damian are typical of the dozens of children and adults I have encountered while working with two organizations that advocate for the rights of tenants in Central Harlem. Though not homeless, both Maryse and Damian have spent much of their lives in inadequate or impermanent housing. The instability of their housing situations has created even larger educational, psychological and economic problems.

As a Jewish community, we are well aware of the problem of homelessness. Many synagogues operate or support shelters. We send children and teenagers to deliver food to those on the street. Rarely, however, do we consider the needs of those who are housed, but whose housing is so inadequate or temporary that it is virtually impossible for them to lead a fully functional life.

Housing issues tend to be extraordinarily complicated, and there is little

consensus about the best option for low-income housing. Cities have experimented with everything from housing projects to vouchers to mixed-income housing. To complicate the situation further, the lines between permanent and temporary housing are often blurred. Transitional housing centers, such as the one in which Damian lives, provide residents with social services and aim to help them to find permanent apartments; however, because of the lack of affordable housing, particularly in cities such as New York, many families spend years in such centers. The same is true of shelters and housing projects. Additionally, while such housing is supposed to protect inhabitants from the dangers of the street, these residences often prove to be more dangerous than the street. Recent controversial decisions in cities such as Chicago and San Francisco to raze some of their largest and most crime-ridden housing projects have brought public attention to one of the paradoxes of public housing. On the one hand, public housing offers emergency shelter for those who might otherwise be homeless. On the other hand, enormous housing projects impose new dangers on their residents.

A close reading of Jewish sources offers some help in untangling these complicated issues. This help must come by way of analogy, because biblical laws of poverty are surprisingly silent on the question of housing. Aside from a brief citation in Isaiah 58:6–7 "This is the fast I desire … to share your bread with the hungry, and to take the wretched poor into your home; when you see the naked to clothe him, and not to ignore your own kin," the Bible (as well as later rabbinic sources) tends to focus on our responsibility to give money and food to the poor but generally ignores the question of shelter. Yet homelessness as a metaphor is a repeated theme in Jewish sources. We can use the metaphor of the Jews as a homeless people as well as other texts that hint at housing issues, as a guide to creating a Jewish housing policy.

After telling the story of the Exodus from Egypt, the Bible repeatedly enjoins the people of Israel not to impose their own experience on others. The first set of laws that the people receive after the revelation includes the injunction, "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Exodus 22:20). Later, the text forbids keeping slaves for more than seven years because "you were slaves in the land of Egypt and the Lord your God redeemed you" (Deuteronomy 15:15). The message is clear—we have experienced oppression and suffering and should not impose the same experiences on others. By extension, the Jews' extended homelessness during the exile from Israel should compel us to protect others from homelessness.

Two biblical laws lead us toward a more specific understanding of the nature, purpose, and appropriate construction of housing. For one week a year, we are commanded to live in sukkot, temporary shelters that offer only partial protection from the elements. These sukkot are sufficiently strong to house us for the week, but fragile enough to remind

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us of the forty years of homelessness the Jews experienced between the Exodus from Egypt and the entrance into the land of Israel. In regard to permanent housing, the Bible requires that the roof of every house have a *ma'akeh*, a guardrail that prevents falls. Through these two sets of laws, we can begin to understand the nature of housing and to formulate a response to debates about low-income housing.

The sukkah derives its significance from the contrast between it and the permanent house to which one is accustomed. Without the existence of a permanent house, the designation of the sukkah as "permanent" for seven days would have little meaning. The sukkah, by definition, does not offer its residents full protection from the outside world. According to the mishnah, "For the seven days of Sukkot, a person makes his sukkah into a permanent residence and his house into a temporary residence. When it rains, at what point is one permitted to go inside? From the time that the food will be spoiled [by the rain] (Sukkah 2:9)." Living in the sukkah should not be a hardship; therefore, residents of the sukkah must have another place to go when conditions in the sukkah become unbearable. The sukkah must meet basic needs during the specific period for which it is ordained, but should not be construed as a permanent residence. Those living in the sukkah must always have a safer place to which they can return. In the same way, a shelter or transitional housing facility must meet basic needs for a short period of time, but should not be considered a long-term solution to the housing crisis. We need to acknowledge that, like a sukkah, these short-term solutions cannot offer all of the protections of a permanent house. Therefore, even while we offer emergency controls against homelessness, we cannot consider our work complete until we guarantee permanent housing solutions.

The commandment in Deuteronomy 22:8 to build a roof guard rail, or ma'akeh, emphasizes the supreme importance of human life. One whose house does not have a ma'akeh risks being held responsible for the death of one who falls from the roof. The ma'akeh thus teaches that we are responsible even for the indirect consequences of our actions. One cannot build a house and then abdicate responsibility for what happens there. The builder's primary concern should be the people who will inhabit or visit the house and the builder thus must take any precautions necessary to guarantee the safety of these people. The commandment of the ma'akeh also teaches that the purpose of a permanent house, unlike a sukkah, is not simply to provide shelter; the house must offer full protection to all who enter it. This protection must continue even long after the original builder has left; therefore, a landlord cannot ethically abandon a building and consider him/herself free of responsibility for the tenants who remain there. Those who construct housing projects that fail to protect the safety of the residents must assume responsibility when gangs and drug dealers take over. When cities rebuild and "gentrify" poor neighborhoods, city government has a responsibility to ensure that current residents do not lose their homes. Middle and upper-income tenants moving into these areas have a responsibility only to move into previously vacant apartments and not to displace existing tenants.

To the discussion of acceptable housing the twelfth-century scholar Moses Maimonides adds an important corollary: "One who rents a house to another is obligated to construct doors and to fix broken windows, to reinforce the ceiling, to fix broken beams, and to make a bolt and a lock and similar things which are produced by artisans and which are essential to dwelling in houses. The tenant is obligated to put up a ma'akeh and a mezuzah" (Mishneh Torah 6:3). This definition of a permanent, habitable residence stands in stark contrast to the rabbinic descriptions of the sukkah, which is exposed to the elements and whose roof cannot be solid. The landlord has specific obligations to make the residence habitable. Even if the tenant is desperate enough to accept a home that does not have sturdy walls or a secure lock, the landlord is responsible for providing these things. A landlord must operate according to an ethical standard, not according to what the market will bear.

What is surprising about Maimonides' statement is that he shifts the responsibility to build a ma'akeh from the builder to the tenant. Presumably, he would maintain the biblical mandate for a builder to erect a ma'akeh but, in the case of a pre-existing building, he assigns this responsibility to the tenant. If so, we can read his statement this way: the builder should provide solid walls, strong windows, effective locks, and a ma'akeh, but when the builder fails to do this, or when a building has fallen into disrepair, the landlord and the tenant divide these responsibilities. While the landlord must make the building habitable, the tenant also must take responsibility for his or her own safety and spiritual well-being. The landlord's role comes first, as it would be impossible to attach a ma'akeh or a mezuzah to a building without a steady roof or a door. The landlord's actions make it possible for the tenant to empower him or herself to assume responsibility for the continuing safety of the building.

Such relations between landlord and tenant take place within a larger social context. Rashi, the eleventh-century commentator, questions the juxtaposition in Deuteronomy 22 of a series of seemingly unrelated laws. The commandment to shoo away a mother bird before taking her eggs immediately precedes the law of the ma'akeh; the law immediately following the ma'akeh prohibits the mixing of different seeds on a single plot of land. Rashi suggests that this series of laws illustrates the principle that one mitzvah leads to another—one who follows the law regarding the mother bird will merit building a new house; one who constructs a ma'akeh will be granted land on which to plant.

In accordance with Rashi, we can read this series of laws as an instruction manual for establishing a society that respects the dignity of every individual. This society must begin with a commitment to respecting the dignity of even the most overlooked creature. The next step toward creating a permanent society—defined as a society sufficiently secure in its stability that it literally sets down roots—is the establishment of permanent houses. It is not acceptable for permanent residents of a place to live in sukkot. Stable housing must precede other indicators of permanence such as farms or long-term job commitments. Therefore, we

must begin from the assumption that every person deserves decent housing, regardless of income, background, or ability to work. Only when every member of society has an adequate and permanent place to live can we begin to deal with productivity issues. Just as it would be impossible to expect people to establish farms before they have places to live, it is impossible to expect people to commit to jobs or job training programs before we meet their basic needs. As Maryse learned, it is difficult to concentrate on work and otherwise to live a productive life when one's housing is in jeopardy. This year, New Yorkers rightly protested Mayor Rudy Giuliani's plan to evict shelter residents who do not find jobs within thirty days; it is ludicrous to think that those without permanent shelter can commit to permanent jobs.

The examples of the sukkah and the ma'akeh teach us a number of Jewish principles about housing. First, true housing is, by nature, permanent. Second, the purpose of a house is to protect those within it. Third, the relationship between landlord and tenant should be one of partners. Finally, stable and protective housing is a necessary condition for the establishment of a just and permanent society.

These principles have particular bearing on a number of contemporary housing issues. When shelters are necessary, they should protect the safety of those who stay in them. This means that those who operate shelters have the responsibility not only for erecting a building, but also for guarding those who sleep there from theft and violence. Furthermore, our goal should always be to place people in permanent housing rather than allow shelters to become de facto permanent residences. Projects, however, are not appropriate permanent residences because they lack a metaphorical ma'akeh; just as an open roof invites falls, projects put their inhabitants in harm's way by demeaning them spiritually. Projects also are insufficient housing because so few of them have involved future tenants in the planning process, and thus have violated Maimonides' requirement for a tenant/landlord partnership.

Perhaps the housing option that best reflects Maimonides' dual emphasis on the responsibilities of the landlord and the tenant is one in which tenants manage their own buildings. Programs such as New York's Tenant Interim Lease Program (TIL) and St. Louis' Cochran Gardens allow tenants to act as their own landlords. In New York, TIL, which turns buildings into co-ops, has been a particularly effective option for residents of city-owned buildings at risk of being sold to for-profit landlords. When a for-profit landlord buys a cluster of buildings, s/he generally raises the rent as much as permitted and often moves tenants from one building to another or into smaller apartments within the same building. Managing their own buildings offers tenants the chance to control their rents and to guarantee stability for themselves. However, managing a building is difficult work. Therefore, we should also look for viable and empowering options for tenants not interested in full management responsibility.

As Jews, we need to commit ourselves to creating a society that provides dignified, affordable and permanent housing to all of its members. This

means devoting communal and personal resources to policy issues, setting communal standards for the responsibilities of Jewish landlords, and formulating ethical principles for determining where to live. The memory of our own homelessness, as well as the examples of the sukkah and the ma'akeh, should compel us to understand the fundamental nature of decent housing and to devote ourselves to creating a society that guarantees permanent housing to all.

Jill Jacobs is a third-year rabbinical student at the Jewish Theological Seminary. She has worked with the Urban Homesteading Assistance Board and with Action for Community Empowerment, both in New York.

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