

Herman's House and Parashat Balak:
T'ruah Talking Points
On Solitary Confinement
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Parashat Balak provides good opportunities to talk about solitary confinement, to share reflections on Herman's House, and to encourage congregants to watch the film on PBS on July 8.

One entry point for drashing is the case of Balaam's would be curse of the Israelites' encampments and the resultant blessing of these dwelling places that comes instead.

On Cursing and Blessing and Dwelling Places

As you'll remember, in Parashat Balak, Balak asks Balaam to pronounce a curse against the Israelites, of whose growing power Balak quite understandably dreads. With these words, Balaam reminds Balak that he cannot subvert God's wishes, even if Balak were to give him his house "full of silver and gold" (22:18).

(23:8) How can I curse whom God has not cursed... מָה אֶקַּב לֹא קָבַהּ אֵל וּמָה אֶזְעַם לֹא יַעַם יְהוָה:

Instead, Balaam can only bless the Israelites. Compelling for our purposes is the fact that Balaam's blessing has everything to do with the spaces in which Israelites dwell.

(24:5) How good are your tents Jacob, your dwellings Israel. הַמָּה-טָבוּ אֹהֲלֵיךָ, יַעֲקֹב; מִשְׁכְּנֹתֶיךָ יִשְׂרָאֵל

Beyond the Israelites

Of course Balaam's insistence that he cannot curse those whom God has not refers specifically to the Israelites.

- Rashi: How can I curse those who God has not cursed: Even when they deserved to be cursed, they were not cursed. When their father (Jacob) reiterated their transgression, saying, "in their wrath they killed a man" (Gen. 49:6), he cursed only their wrath, saying, "Cursed be their wrath" (ibid. 7). [Mid. Tanchuma Balak 12, Num. Rabbah 20:19]

But modern Jews, have often extended the protections found for Israelites to all people in an embrace of universal human rights. Textual basis for such extensions can be found in many places: In the high moral principle of our tradition – the first lesson of the Torah—that all peoples descend from the first person and that all people's humanness is equal, created as we all are *b'tzelem elohim*; and here:

- Sanhedrin 37a: Furthermore, [Humanity was created from a single human] for the sake of peace among humanity, that one person might not say to another, "My ancestor was greater than yours," God fashioned every person in the stamp on the first human, and yet not one person resembles another. Therefore every single person is obligated to say, "the world was created for my sake."

We learn too that it is not within our rights as members of the human community to curse or cause intentional suffering to any member of the human community, no matter how difficult we find them, no matter how understandable our outrage, or no matter how afraid we are:

- Brakhot 10a: Bruriah, when R. Meir seeks death of those who harass him says, "Do you think you can justify your [wish for their death] on the basis of the psalmist's words 'Let sins cease from the land?' Sinners don't have to die for sins to cease; it is sufficient that they stop sinning"

- Bereshit Rabbah 24:7: R. Akiva taught: "Love your neighbor as yourself" (Leviticus 19:18) is the greatest principle, so that you must not say, "Since I have been put to shame, let my neighbor be put to shame, since I have been cursed, let my neighbor be cursed." R. Tanhuma taught: "If you do so, know whom you put to shame, for 'In the image of God did God make humanity'" (Genesis 1:27).
- Devarim 25:3: [the convicted criminal] may be given forty lashes. Lest beating him more than these many lashes would degrade your brother in your eyes (v'niklah achichah l'einechah).

Solitary Confinement as Curse and as Counter to Jewish Views of Justice

Widely recognized as a form of psychological torture that destroys peoples' minds and utterly crushes their spirits, solitary confinement as it is practiced in America today is excessive, overly punitive and amounts to nothing other than a curse upon those who are forced to endure it.

Excessive punishment (punishing in order to kill, to utterly destroy, or to humiliate) runs counter to Jewish views of justice, which focus on repentance and rehabilitation.

- Ezekiel 33:11

<p>יא אָמַר אֱלֹהִים חַי-אֲנִי נָא אֶדְנִי יְהוָה, אִם-אֶחְפֹּץ בְּמוֹת הַרְשָׁע, כִּי אִם-בְּשׁוּב רָשָׁע מִדְרָכּוֹ, וְחָיָה: שׁוּבוּ שׁוּבוּ מִדְרָכֵיכֶם הָרָעִים... {פ}</p>	<p>11 Say to them: As I live, says God, I have no pleasure in the death of those who have strayed, only that they turn from their ways and live; turn, turn from your evil ways;</p>
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Herman's House

Herman's House tells the story of an encounter between Herman, a man cursed by confinement in solitary for decades, and Jackie, a woman who seeks to bring some blessing into his life.

Herman's House presents a first hand account of the curse that is solitary confinement.

- Herman: "I can only make about four steps forward before I touch the door. If I turn in an about face at any place in this cell I'm going to bump into something. I'm in the cell for 23 hours a day. I'm used to it and that's one of the bad things about it."
- Michael (another of the Angola Three who is interview in the film):
You know, I came to the brink of losing my own sanity, where I was just on attack mode, you know I was mean. Every chance I got, I was gonna get somebody. Being in solitary confinement – the best way I can explain it to anybody that's never been there go to the pound, your animal shelter. Where the dogs are. When you go in there the dogs go crazy. You know, they're barkin' they're growlin' you know, some of them will bite in defense. That's what Camp Jay is like – you know its complete madness.
- Gabriel Reyes (a prisoner and former hunger striker at the Pelican Bay State Prison in California (NOT in the film)): "Unless you have lived it, you cannot imagine what it feels like to be by yourself, between four cold walls, with little concept of time, no one to confide in, and only a pillow for comfort - for years on end. It is a living tomb."

Research evidences and Jewish and other religious organizations recognize that these personal accounts accurately reflect the disturbing reality that prolonged solitary confinement is devastatingly damaging to the vast majority of those subjected to it.

- RA Resolution: solitary confinement is widely recognized around the world as a destructive practice that destroys prisoners' minds...
- Resolution on Prisoner Conditions and Prisoner Isolation, May, 2012
(<http://www.rabbinicalassembly.org/story/resolution-prison-conditions-and-prisoner-isolation?tp=378>)
- NRCAT: ...[P]risoners held in isolation for extended periods experience symptoms akin to delirium, and the impact on mentally ill prisoners is especially damaging.
- NRCAT Statement to End Solitary Confinement
(http://salsa.democracynaction.org/o/2162/p/dia/action/public/?action_KEY=7373)
- There are substantial differences in the effects of solitary confinement upon different individuals. Those most severely affected are often individuals with evidence of subtle neurological or attention deficit disorder, or with some other vulnerability. These

individuals suffer from states of florid psychotic delirium, marked by severe hallucinatory confusion, disorientation, and even incoherence, and by intense agitation and paranoia. These psychotic disturbances often have a dissociative character, and individuals so affected often do not recall events which occurred during the course of the confusional psychosis. Generally, individuals with more stable personalities and greater ability to modulate their emotional expression and behavior and individuals with stronger cognitive functioning are less severely affected. However, all of these individuals will still experience a degree of stupor, difficulties with thinking and concentration, obsessional thinking, agitation, irritability, and difficulty tolerating external stimuli (especially noxious stimuli).

Moreover, although many of the acute symptoms suffered by these inmates are likely to subside upon termination of solitary confinement, many—including some who did not become overtly psychiatrically ill during their confinement in solitary—will likely suffer permanent harm as a result of such confinement.
- Dr. Stuart Grassian (<http://law.wustl.edu/journal/22/p325grassian.pdf>)

Dr. Stuart Grassian is a Board-certified psychiatrist and former faculty member of the Harvard Medical Schools. He has served as an expert witness in numerous lawsuits addressing solitary confinement, and his conclusions have been cited in a number of federal court decisions. He has provided invited testimony before legislative hearings in New York State, Maine and Massachusetts. (<http://aclu-co.org/news/aclu-and-experts-slam-findings-of-doc-report-on-solitary-confinement>)

Blessing

As in Parashat Balak, in Herman's House, Jackie's blessing has everything to do with dwelling places. Either a description of Jackie's project, or the following exchange is useful for understanding the premise film:

Jackie:

“Shortly after I started writing Herman he went into this cell, which is the dungeon, which is a lot more punitive. And it was during that time that I started to see him dilapidate, you know, and to suffer. And so I knew that the only way – I'm not a lawyer and I'm not rich, you know, and I'm not powerful but I'm an artist and I knew that the only way that I could get him out of prison was to get him to dream.”

Jackie:

“And that was where this project began. I asked Herman what kind of house do you dream of after spending 30 years in prison.”

Herman:

“I mean what kind of house does a man in solitary dream about? I don’t dream about no house. Being out there in the streets even if I was homeless I’d be satisfied.”

Jackie:

“He said, “All right, Jackie, I’ll play. I’ll play your game.”

LATER: Herman on the blessing it has been… Tis is interesting…

Seeing Our Dwelling Places, Seeing Ourselves

Herman:

“This house is built in a manner in order to demonstrate and illustrate what I’ve been through. The majority of my life has been in a cell, in a cage, the majority of my life. I came in this cell at 31 years old man, I’m 69 now. You look at the house, you’re looking at me.”

As much as Herman House is about giving the audience a glimpse into Herman’s dream House, it is about giving us a glimpse into Herman’s heart. And Jackie’s heart too.

Taking our lead from Herman – and Balaam as well – we might say, you look at a people’s dwelling place, you’re looking at them.” Looking at how we cause other human beings to dwell in our midst, tells a great deal about the current state of our country. How we respond to what we see, says a great deal about our values, commitments, and will.

Ideas for a Closing

After he looks at the community from three vantage points, Balaam blesses the people.

In watching Herman’s House on July 8th you will have an opportunity to look from a new vantage point at the solitary dwelling places of over 80,000 American citizens. And then, I am asking you to join me in looking to the ACLU and Truah and NRCAT as resources for educating yourselves more about solitary confinement in our state. And then together we might begin to respond to this travesty in ways that bring blessing to us all.