

Herman's House and Parashat Pinchas:
T'ruah Talking Points
On Solitary Confinement
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Parashat Pinchas 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

Parashat Pinchas is a momentous but relatively quiet parsha. After all the clamor and distress of the end of Balak, Pinchas the Israelites pause to take stock and regroup. First, the community takes a census. Then guided by God, they decide on a remarkable precedent-setting court case. Also quite remarkably, they appoint a successor to Moshe. Finally, the community is instructed regarding ritual and holy day observances.

On the whole his parsha asks: At this moment, who are we (census)? How do we want to govern (Zelophehad's Daughters and the appointment of Joshua)? And how can we best serve God (rules for ritual observance)?

Census as *Heshbon HaNefesh*, Census of Solitary Confinement in the US

When we think about the issue of solitary confinement in the United States, similar questions apply. And here too, beginning with a census is an appropriate and telling start. A census provides useful information not only about the numbers of people in a community, but more broadly, about the state – arguably the very health of the community. Used for these ends, a census can act as a spiritual reckoning as well as a demographic one. A census can be a communal taking stock, a communal process of *heshbon hanefesh*.

US Solitary Confinement Statistics

(<http://www.nrcat.org/torture-awareness-month-june/ending-prolonged-solitary-confinement>)

With just five percent of the world's population, the U.S. accounts for 25 percent of the world's incarcerated and the vast majority of all prisoners held in long-term solitary confinement. According to the Bureau of Justice Statistics, over 80,000 people in the U.S. criminal justice system are held in some form of isolation. The severe psychological effects of solitary confinement include hallucinations, paranoia, and increased rates of self-mutilation and suicide.

Solitary confinement involves isolating a prisoner in a small cell, usually 6'x 9', for 22-24 hours per day for months, years and even decades. Individuals held in solitary confinement in U.S. prisons include young people under the age of 18, individuals with mental illness, and migrants held in immigration detention. People of color are disproportionately impacted by solitary confinement. State data reveals that African Americans in New York account for roughly 14% of the state's population yet make up 59% of the population in solitary confinement units and nearly 50% of the overall prison population in the state.

Prolonged solitary confinement is a form of torture taking place every day in U.S. prisons, jails and detention centers.

שָׁאוּ אֶת רֹאשׁוֹ - On Counting in Pinchas and in Herman's House

In contrast to other Biblical censuses (Ex. 30: 11 - 13, Hosea 2:1, I Samuel 15:4) which use a substitution for people (a shekel, a goat) when counting, the Pinchas census seems to involve direct counting (26:2) שָׁאוּ אֶת רֹאשׁוֹ.

When trying to understand the nature of solitary confinement, there is no substitute for looking at each individual directly. Herman's House does just that. The film puts a face and a name (rosh and shem) on the American prison system. The film allows us a rare glimpse into the inner life of Herman, an inmate, and his relationship with Jackie, a remarkable young woman who tries to bring blessing into his world.

Herman's House begins with a census of its own. But one that gives you a sense of the character and relationship of the people involved. See footnoted exchange.¹

1 Jackie:

"Would you be comfortable with me putting that in the timeline, that you got married in 1963?"

Herman:

"Of course I don't have a problem with that."

Jackie:

"Okay, cool. Dates of your brothers and sisters' birth. What number are you?"

Herman:

"What number am I? I am the fourth child."

Jackie:

"You're the fourth out of how many? Twelve right?"

Herman:

"No baby, nine."

Jackie:

[laughs]

Herman:

"Are you testing my wits or something? Twelve!? You should've said seventeen!!!" (joking)

Herman:

"The first letter Jackie wrote me, I was smiling and she was talking about how intimidated she was in order to write me. Now I am saying hell I'm a damn prisoner in a cage locked up with the key thrown away.

She was in her twenties at the time when she first sent them pictures to me.

When I'd first seen the pictures to me it was garbage. And I'm wondering, what in the hell is she sending me these pictures for?

But then when I read the letter then it had significance. It was something that she was doing in order to say: Hey look, this is the first thing that I set my eyes on for every hour on the hour, I would show you how things were with me out here in comparison with what life is for you.

Davar Acher on Counting

- Bava Metzia 42a: ...but a blessing is not found in that which has been weighed, measured, or counted, but only in that which is hidden from the eye, for it is said, “God will command the blessing on you in your hidden things.”

The Bavli suggests that counting can lead us astray because it by nature fails to capture the true meaning and value of what we are counting. We can't measure blessing either by the quantity or externality of things or people, but only by the palpable but elusive inner qualities that course through them. Things we can't ever hope to see.

In the case of solitary confinement, numbers only begin to tell the story. The hidden lives behind the numbers reveal the true qualities of this practice. While we can never fully grasp the inner life of a person subjected to prolonged solitary confinement, we should try to. Because in this case, blessing is most likely to come from looking as directly as possible at the lives of those normally hidden from us.

Davar Acher on Counting

Counting every head, every person directly, reminds us that each one of us counts, each one of us matters - those behind prisons walls, and those outside them. For every one American we count in solitary confinement, every one of us should feel accountable.

Back to Pinchas, Ideas for Conclusions

Looking closely at the practice of solitary confinement through watching Herman's House can bring blessing to us. It is a revelation of the ugliest and saddest, and most beautiful and glorious aspects of the human soul, of human relationships, and of what it means to live the life we're given.

Upon seeing Herman's House, and getting to know more personally the people behind the numbers, we, like Jackie can't help but be compelled to address the other issues raised in our parasha as applied here. That is, “How do we best govern regarding the way we treat our prisoners?” And, “When it comes to treating prisoners - how best do we serve God?”

Jackie:

It has to be a point of anger that pushes you to do something. And if its just anger, its not rich. But if its anger and love, then you have a chance of it actually affecting somebody else besides yourself.”

I know people do crazy things, you know? That was crazy but it was, it was special because it was crazily done for me.

So I immediately responded back to her and it just kicked off from there.”

Jackie:

“When I first started to visit him he was in the dungeon and it was two metal screens that were askew so you couldn't see. All you could see was kinda like a silhouette moving.

But what was really remarkable was I had tiny tiny braids in my hair, really small, and he's like “Are those plaits in your hair?” and I was like “Yeah.” He could actually see these, this tiny tiny detail in the top of my hair which people who were talking to me barely noticed.”

Join Us In Watching Herman House

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 Truth 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.