Hearing the Voice of the Poor

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I live in one of the larger Jewish neighborhoods in Los Angeles. It is called Pico-Robertson by those of us who live here (the romantic moniker designates the intersection at the heart of the neighborhood). It is called "Beverly Hills adjacent" by the real estate brokers, and SoRo or South Robertson by the city. Usually when friends come to visit and they want to see the city I take them north and then east to Hollywood and the studios or west to the rich peoples' houses and the beach. However, if we traveled further south, we would see a completely different Los Angeles. Two rival street gangs are competing for control of the neighborhood that begins two blocks south of my house. This has resulted in three teenagers being killed in drive-by shootings in the past few weeks. For the gangs, controlling the neighborhood means being able to spray paint your gang's name on the local walls and fences—and controlling the drug trade. This is why high school kids are being killed.

If we continued south and east we would get to the area around Los Angeles International Airport, or LAX. This area is known as the Century Corridor—named for Century Boulevard, which runs from

the airport and through the neighborhoods of Hawthorne, Lennox, and Inglewood. Just as industrial towns in the past grew up around mines and railroads, Century Corridor grew up around the tourist industry. Most of the residents of these neighborhoods work at LAX or one of the thirteen hotels along Century Boulevard. Once, the three thousand-plus jobs that the hotels provided were well-paying union jobs that allowed workers to live a middle-class life. But 9/11 changed everything. The drop in tourism allowed the hotels to lay off many workers, and then some hotels were sold to owners who did not renew union contracts; others closed for "renovations," at the end of which they did not rehire union workers.

The vestiges of a middle-class lifestyle are visible in the "house and garden" blocks of the neighborhoods. The facades of these homes, however, hide the fact that behind most houses is an illegal or "unrecognized" addition that houses many more people and gives these neighborhoods a population density eight times higher than in the rest of Los Angeles County. In this community, one in four families lives below the federal poverty line, half the families living in poverty have at least one family member employed full time, more than 40 percent of children here come from poor households, and the median household income is 25 percent lower than in Los Angeles County as a whole. Lennox, which is an unincorporated city, did not have regular trash removal until 2005.

The distance between the impoverishment of a community and the withering of the social fabric is not great. The murder rate in Lennox is seven times higher than that of Los Angeles County as a whole. The violent crime rate overall is five times higher.

Usually, though, I don't take my friends that far south unless they are going to the airport.

First Story

On an otherwise unremarkable March evening in Los Angeles, I find myself in Koreatown, in a second-story office above a store on a usually bustling street. I am sitting in a room with seventeen Latino workers, two Korean-American labor organizers, and three other members of the Progressive Jewish Alliance (PJA), on whose board I sit. This motley, multiethnic, classically Angeleno crew was brought together by the employment of the Latino workers in a kosher market in my overwhelmingly Jewish neighborhood. We learn during the course of the evening about wage and hour problems and physical and verbal abuse of the workers by their Iranian Jewish employers.

The Latino workers came to the Korean labor association because the latter specializes in representing workers at small markets. The labor association came to the PJA looking for a Jewish community group to support the workers' struggle. The Asian Pacific American Legal Center pointed the Korean Immigrant Workers Association in our direction based on sweatshop work we had done together.

The four of us from PJA leave deeply moved by the difficulties facing the workers and by their gratitude that members of the Jewish community are reaching out to help them. Over the next year we are forced to confront our own limitations as an organization whose membership is almost wholly Ashkenazi while we attempt to reach out to the Persian-Jewish community, and as an organization whose membership is largely secular while we reach out to the religious community—Orthodox, Conservative, and Reform. We are far more successful at the latter than at the former.

Second Story

The emergency meeting of our neighborhood association was held at the Robertson Rec Center. About sixty people sat on folding chairs on the parquet floor of the basketball court (which also serves as a theater) listening to representatives of the Los Angeles Police Department gang unit and representatives of various elected officials talk about how they were responding to the recent drive-by shooting. Luckily, no one had been hurt in the incident, but the whole neighborhood heard the shooting as a wakeup call.

Sitting among my neighbors, I was impressed at the care residents, police, and elected officials expressed for the neighborhood. The lead officer seemed to know everyone in the neighborhood, and he was keeping an eye out for those who would threaten the peace. We were living, unfortunately, in a neighborhood that was the disputed territory of two different gangs. The gang unit explained the dynamics and

history that led to the shooting and what they were doing to confront it and head off future shootings.

During the discussion period the questions of the residents started to move away from ways to deal with gang members to ways to deal with an R.V. that was parked in front of the local park. The R.V. had been there for a few weeks, obviously inhabited by a person who had no other home. The questions were becoming increasingly belligerent in demanding that the police find a way to remove this person (whom nobody knew and who had not apparently done anything wrong). Various statutes and strategies were discussed, and nightmare scenarios were proffered as if based in fact. ("I heard that sometimes people who kidnap children hide out in R.V.s.") I was becoming increasingly uncomfortable as the meeting drew to a close.

After the meeting I approached one of the officers to clarify that I was all for aggressive policing to identify the people who shot up the apartment, and to prevent those types of incidents in the future. I was not, however, interested in him spending his time rousting homeless folks. Drive-by shooting are dangerous crimes. Homelessness is neither dangerous nor a crime.[1]

Principles for Urban Justice

Many of us live in megalopolises—urban areas so large that they almost boggle the imagination. Can we articulate principles by which we can live so as to promote justice in our urban areas? I think we can. One of the first, and perhaps the first, question we need to ask is: how can we think about the way our urban areas are planned so that the planning itself promotes justice?

In thinking through these questions—something I have been doing for some years now—I turn to rabbinic texts, the touchstones for any traditional discourse on justice grounded in Jewish principles.

A short digression on *traditional* is demanded here.

By *traditional* I mean relating to the textual tradition of Judaism as a vocabulary and a horizon of philosophical and theological possibilities (to go Heideggerian for a minute). In other words, rather than arguing for first principles (what is "the good"? what is "justice"?) I will be thinking through and with texts that have come through many centuries of study. I will not give them a veto (to switch to a Kaplanian metaphor) over other possibilities, but will rather start with a subtle and nuanced reading of certain texts in order to draw from them a conceptual vocabulary that I can employ to understand the issues we are discussing.

This drawing out will not be a claim for a literalist reading of texts or an insinuation of (the discourse of) commandedness into the political and ethical vocabulary of justice. It will rather be a display of the textured use of the vocabulary that the Jewish legal/textual tradition presents. This is itself a goal, since the larger exercise (of which this essay is a part) is staking a claim to a Judaism that privileges justice, and in which justice is the warp and woof of its texture.

Building a Gatehouse

We start with a Mishnah from the first chapter of tractate *Bava Batra*—the tractate that deals with contractual relations between people of various types. The first chapter is focused on the laws governing relations between neighbors.

> They may coerce him to [participate in the] building of a gatehouse and a gate for the [joint] courtyard. (Mishnah, *Bava Batra* 1:5)

> Rabban Shimon ben Gamliel says, "Not all courtyards need a gatehouse." (Babylonian Talmud, *Bava Batra* 7b)

This Mishnah describes the laws of living in a cooperative courtyard (something like a condominium but with joined houses surrounding a central court). To understand this Mishnah we have to draw out some of the implications that are not explicit. For example, from the fact that "they may coerce him" we can infer that the ruling here is not put forward as a suggestion (something one could do) but as actionable and backed up—somewhere along the line—with a court and a police force. While the "they" (in the first line) is probably the other folks who live in the courtyard, the source of the coercion is almost definitely institutional.[2]

The debate between the anonymous first opinion in the Mishnah and Rabban Shimon ben Gamliel is most likely a debate about public policy. Is a gate and/or a gatehouse an obvious good such that every set of courtyard residents might coerce their confrères to participate in building one? The first opinion thinks that it is, and Rabban Shimon ben Gamliel disagrees. So far this is pretty straightforward. Yet, with the Talmudic commentary comes a strange twist. Let us then jump forward some four or five centuries.[3]

The discussion in the Babylonian Talmud (*Bava Kamma* 7b) comments on this law and then introduces a short story of Elijah and a Hasid, a righteous person.

> This implies that the building of a gate house is a laudable thing. However, there is [the story of] that righteous person whom Elijah spoke with [regularly]. He built a gatehouse for his house, and Elijah no longer spoke with him.

In opening this section, the anonymous editorial voice of the Talmud (referred to as the *stam*, or "anonymous") draws a seemingly unproblematic inference from the Mishnaic law. If the Mishnah mandates coercive action to compel one to contribute to the building of the gatehouse, it would obviously be because the Sages thought that a gatehouse was a good thing. One would hope that one was only coerced to follow public policy that led to a positive result.

One who is fluent in Talmudic rhetoric would already know that the formula "this implies that *x*" is not an innocent turn of phrase. It is, rather, a setup. The *stam* wishes to point out a contradiction between the black-letter law of the Mishnah and another more authoritative source at his disposal. Here, then, is the rub. Here, though, the source that the *stam* introduces is a story of the prophet Elijah. While later on in Jewish textual history, especially in the mystical tradition, a revelation from Elijah assumes a certain authority, this is not true for the Sages. The Sages are very wary of oracular, prophetic, or supernatural authority of any kind. Why, then, is *this* story of Elijah brought to contradict our Mishnah?

In order to answer this question we will first have to embark on a tangential journey to inquire as to Elijah's role in the Babylonian Talmud. We then will have to inquire after the Hasid. What does it mean to be righteous?

Finally, in order to complete our interrogation of this little story, we need to glance at the marginal commentary of Rabbenu Shlomo Yitzchaki, universally known as Rashi.[4] Commenting on the line in the story "and Elijah no longer spoke with him," Rashi writes, "For it gates off the poor people who are shouting [*tzo'akim*] [for money or assistance] and their voices are not heard."

Rashi understands that Elijah no longer appeared to the righteous person because the gatehouse—which that person built—served as a barrier to the voices of the poor, with the result that the people living inside could no longer hear their shouts. Rashi repeats this comment in the continuation of the discussion (which I will not reproduce here) three times. Each time Rashi uses the same language. Their shouting could not be heard. Each time some form of the Hebrew word *tza'akah* is used. This raises the questions: Why does Rashi say this? How does Rashi know this? There does not seem to be any particular reason to interpret the Talmudic text in this way. Yet Rashi, and the commentary tradition in general (both preceding and succeeding Rashi), interpret this story in this way. Why?

Elijah

I will investigate these questions in order. Elijah appears in numerous stories in the Babylonian Talmud. The story that seems to most closely resemble ours is from the tractate *Ketubot* (106a). It is told there that a certain man brought a present to Rabbi Anan, a Sage.[5] When the latter asked the man for the reason for this display of generosity, he replied that he wished Rabbi Anan to adjudicate a dispute he was involved in. Rabbi Anan immediately refused the gift and refused to serve as judge in the dispute, lest his judgment be tainted in any way. Rabbi Anan referred the man to another Sage, Rabbi Nachman. Upon seeing that the fellow was recommended by Rabbi Anan, Rabbi Nachman stopped hearing the case that was in front of him and brought this case forward. When the fellow's opponent in the case saw the honor that Rabbi Nachman accorded the man referred by Rabbi Anan, the opponent withdrew his complaint, feeling that he had no chance to prevail.

As a result of this affair, Elijah, who had previously been a regular study partner of Rabbi Anan's, stopped appearing to Rabbi Anan. (The latter fasted and repented, and Elijah returned to teach him.)

Why would Elijah stop seeing Rabbi Anan? It would seem that Rabbi Anan had done exactly the right thing. He had refused to hear the case and he had refused the gift.[6] Rabbi Nachman's misplaced sense of honor led justice astray as he privileged the man Rabbi Anan had sent. This infraction could not be laid at Rabbi Anan's feet, could it? Why was Rabbi Anan reprimanded or punished while Rabbi Nachman was not?

It seems that Elijah's task is not to monitor gross violations of justice, but rather to patrol the boundaries of acceptable behavior at the high end of moral action. While Rabbi Nachman's violations were egregious, they were also obvious. Rabbi Anan was being held accountable for not having attended to the possible ramifications of his acceptable behavior. This is at least one of Elijah's tasks.[7] How does this impact our understanding of the Elijah story with which we started?

The Hasid

Before proceeding home, as it were, to try to clarify the text with which we began, I am going to tarry a bit with the Hasid. Luckily, there is a section of a chapter of Mishnah from the tractate known as Ethics of the Fathers (*Pirkei Avot*) that references the Hasid. I will quote a number of those statements.

> There are four types of character in human beings:
>
> 1. [One that says] "mine is mine, and yours is yours": this is a commonplace type; and some say this is a Sodom-type of character.
> 2. [One that says] "mine is yours and yours is mine": is an unlearned person (*am ha'aretz*).
> 3. [One that says] "mine is yours and yours is yours": is a pious person [Hasid].
> 4. [One that says] "mine is mine, and yours is mine": is a wicked person. (Ethics of the Fathers, chapter 5, Mishnah 10)

> There are four kinds of temperaments:
>
> 1. Easy to become angry, and easy to be appeased: his gain disappears in his loss;
> 2. Hard to become angry, and hard to be appeased: his loss disappears in his gain;
> 3. Hard to become angry and easy to be appeased: a pious person [Hasid];
> 4. Easy to become angry and hard to be appeased: a wicked person.
>
> (Mishnah 11)

> There are four types of charity givers:
>
> 1. He who wishes to give, but that others should not give: his eye is evil to that which belongs to others;
> 2. He who wishes that others should give, but that he himself should not give: his eye is evil toward that which is his own;
> 3. He who desires that he himself should give, and that others should give: he is a pious man [Hasid];
> 4. He who desires that he himself should not give and that others too should not give: he is a wicked man. (Mishnah 13)

> There are four types among those who frequent the study-house (*bet midrash*):
>
> 1. He who attends but does not practice: he receives a reward for attendance;
> 2. He who practices but does not attend: he receives a reward for practice;
> 3. He who attends and practices: he is a pious man [Hasid];
> 4. He who neither attends nor practices: he is a wicked man.
>
> (Mishnah 14)

These texts are relatively straightforward and they yield the following. A Hasid is one who travels the extra distance to practice piety. The Hasid is not one to skimp on the rigors of righteousness. This returns us to our story with an even greater quandary. Elijah reprimanding the Hasid represents a strong argument for the fact that there must be

untoward possible ramifications to the righteous behavior that, of all people, the Hasid should have known. Rashi points us in the right direction: "crying out."

Heeding the Cry

Exodus 22:20–23 is one of those texts that everybody seems to know. *Seems* is the operative word in that last sentence.

> You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.
> You shall not ill-treat any widow or orphan.
> If you do mistreat them, I will heed their outcry [*tza'akah*] as soon as they cry out [*tza'ok yitz'ak*] to Me, and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans.

The customary interpretation of these verses, especially in circles sensitive to issues of social justice, is that the lesson of oppression is compassion. You were slaves in Egypt, you knew what it was like to be marginal and mistreated, therefore you will not wrong a stranger. This interpretation misses the significance of verse 22 (which uses forms of the verb "cry out," *tza'ak*, two times) and verse 23. I want to suggest a different way of understanding these verses.

The narrative of redemption in the book of Exodus[8] starts at the end of chapter 2 with the following.

> A long time after that, the king of Egypt died. The Israelites were groaning under the bondage and cried out [*vayitz'aku*]; and their cry for help from the bondage rose up to God. God heard their moaning, and God remembered God's covenant with Abraham and Isaac and Jacob. God looked upon the Israelites, and God took notice of them.

The series of actions that lead to redemption—in the very next chapter God commissions Moses—are crying out (verse 23), and hearing the cry (verse 24). Once God heard their *tza'akah*/cry,[9] then God remembered the covenant and took notice of them.

In complete contrast to this story, we read in chapter 5 of Exodus of the Israelites' earliest interaction with Pharaoh after Moses's first confrontation with Pharaoh.

> Then the foremen of the Israelites came to Pharaoh and cried [*vayitz'aku*]: "Why do you deal thus with your servants? No straw is issued to your servants, yet they demand of us: Make bricks! Thus your servants are being beaten, when the fault is with your own people." He replied, "You are shirkers, shirkers! That is why you say, 'Let us go and sacrifice to the LORD.' Be off now to your work! No straw shall be issued to you, but you must produce your quota of bricks!" (Exod. 5:15–18)

When the Israelites cry out to Pharaoh (the text uses again the verb *tza'ak*) in their anguish, Pharaoh *ignores them*, calls them shirkers, and places higher work demands upon them. This is the beginning of the end of Pharaoh. Pharaoh did not listen to the cries of the Israelites, but God did, and therefore God unleashed God's fury onto Egypt and made their wives widows and their children orphans—and worse.

This, then, is the meaning of Exodus 22:20–23. You were in Egypt. You know that there are two ways to react to the cry of the oppressed. You can react like God and hear the cry and bring about redemption, or you can react like Pharaoh and ignore the cry and bring God's wrath upon yourself. Exodus 22:20–23 puts the choice of justice in its starkest form—you can choose to imitate God or to imitate Pharaoh.

I would like to suggest that Rashi had this teaching in mind when he commented on the Talmudic discussion that we started with. He was answering some of the very same questions we posed. What was so important about this Elijah story that it would be introduced to contradict a law of the Mishnah? What was it that the Hasid did, or failed to do? Reading the story with and through Rashi we realize that Elijah's displeasure was aimed at the fact that a gatehouse can serve to undermine the moment that generates ethical, just, and therefore redemptive action. Elijah was not worried that a Hasid would ignore a poor person who presented himself on his doorstep. Nor was Elijah worried that if the Hasid happened upon a poor person in the street that the Hasid

would ignore him. Elijah was worried that the act of building the gatehouse would prevent the Hasid from *hearing the cry* of the poor person, thereby preventing the possibility of a just, ethical response.

We end, then, at the beginning. The beginning of redemption is acting justly. The beginning of just action is hearing the cry of the poor. We do not need to know people intimately to hear their cry. We do need to have access to them—and we need for them to have access to us.

We are living, however, within a web of social and cultural projections of the world that are based in a fear of the other. Mike Davis has called this the ecology of fear in which people construct their lives around the need to feel secure—gated communities, threatening oversized cars, and so on.[10] I am not diminishing the real threats that we face—those drive-by shootings I mentioned above occurred within blocks of my house. I do, however, want to strongly agree with Rashi's Elijah that security does not trump justice.

If we think about our urban spaces with this fundamental principle in mind—choose to imitate God and not Pharaoh—we inexorably must choose justice over excessive security. We must choose not to hassle the homeless guy in the R.V., even if it may have an impact on our property values. We must choose decriminalizing homelessness over creating a business zone in our downtowns. Above all, we must figure out ways to turn our cars, our ears, and our minds toward the people in the areas of our cities where we do not go. When we are able to hear their cries, we can respond justly.

In the early twelfth century, the Spanish rabbi Meir HaLevi Abulafia, a close associate of the royal house, wrote an excursus on our Talmudic text. He understood the question the text poses: if we set up our urban spaces such that the poor can enter, then other darker forces can enter, too:

> Yet, here, what benefit is there? And what harm is removed from the courtyard with this gatehouse? For certainly when the poor can enter, so too can thieves enter! Still, this makes no difference. (*Sefer Yad Ramah, Bava Batra* 13)

Still, this makes no difference. There is a point at which justice must be everyone's priority.

A Jewish Vision for Economic Justice

RABBI JILL JACOBS

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Depending on whom you ask, Judaism advocates either a socialist redistribution of wealth or a laissez-faire capitalist system. Partisans of the former generally begin by pointing to the biblical institution of the *Yovel*, or Jubilee year, in which land returns to its original owner; proponents of the latter usually note the Rabbinic permission for merchants and employers to set whatever prices and wages the market will bear. A close reading of Deuteronomy 15:4–12 suggests, however, that Jewish law rejects both of these extremes and envisions a controlled free market system that attempts to balance an openness to entrepreneurship with a desire to protect the weakest members of society from economic hardship.

The book of Deuteronomy includes what is, arguably, the clearest articulation of a biblical vision of economic justice:

> There shall be no needy among you—for Adonai will surely bless you in the land which Adonai your God gives you for an inheritance to possess it if you diligently listen to the voice of

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