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RENT[†]

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*You're living in America
leave your conscience at the tone
and when you're living in America
at the end of the millennium
you are what you own*

*What was it about that night
connection—in an isolating age.
For once the shadows gave way to light. . . .
For once I didn't disengage¹*

—“What You Own”

Jonathan Larson's rock opera, *Rent*, has created a sensation. It has done so partly because so few Broadway shows have successfully used rock music, and partly because Larson's score is hauntingly beautiful and affecting. The intense reaction to the show reflects Larson's attempt to confront the 'problem of living in a world occupied by the plague of AIDS. The personal agonies of those touched by the disease are underscored in horrific fashion by Larson's own untimely death at the age of thirty-five from an aortic aneurysm on the night of the show's final dress rehearsal. The intense reaction to *Rent* also reflects Larson's use of characters who are not typical inhabitants of Broadway

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¹ JONATHAN LARSON, *What You Own*, from *RENT* (1996).

shows. They are as likely to be gay as straight. They include a recovering heroin addict, a current user, a transvestite, a nightclub stripper, and a "computer-age philosopher." They are also, for the most part, young, with the penchant of the young to ponder questions about the meaning of life that many adults put aside as though they were resolved. The chorus is composed substantially of homeless people who form the backdrop to everything that happens to the main characters. With a story based on Giacomo Puccini's *La Bohème*, most of the main characters are artists who live in poverty—Mark the filmmaker, Roger the punk rocker, Maureen the performance artist, Angel the street performer and Collins the "computer-age philosopher." They, unlike many of the homeless, have some choice about their poverty. They have chosen to lead a bohemian life on the margins of society. They celebrate this life outside the "mainstream," with the demands and rewards granted the artist, and they do so in the face of multiple pressures to "sell out." Larson celebrates them, in all their human complexity. He takes them seriously and he forces us to do so as well.

The reviews of *Rent* have focused on the outsider status of the characters, their struggles with AIDS and drug addiction, and the problems of couples finding love, breaking up and getting back together—or not. Although some reviews mention the fact that homeless people appear as characters in the play, few have elaborated on the meaning of their role. Nor have they analyzed, or taken seriously, the variety of images and songs in *Rent* that involve both property and law. Yet these images are central to an understanding of the play. Homeless people figure prominently and their comments are interwoven with other stories involving AIDS, drug addiction, and the search for love. Mimi, one of the main characters, eventually winds up living on the street herself. Benny, the landlord, ejects the homeless people squatting on his vacant lot; he also attempts to evict the artists from their loft.

Larson directly confronts the question of whether owners have obligations as well as rights. Joanne, the only major character who is not primarily an artist of some type, is a lawyer. Her work in developing a legal strategy to contest the eviction, as well as Benny's use of the police to evict the homeless squatters, centers attention on the question of the extent to which the moral obligations of owners should be legally required. The title of the play itself—*Rent*—suggests the importance to Larson of these issues.

The play moves from individuals to relationships to social and political life. Larson addresses the problems of individuals (and their friends) facing the horror of AIDS and the challenges involved in

"living with" AIDS rather than "dying from" it. He also puts a spotlight on the problem of "selling out"—choosing careers that make money but demand sacrificing oneself and one's core values, placing one's self and one's economic interests above the obligation to take into account the effects of such choices on the most vulnerable among us. Both AIDS and the problem of selling out concern the meaning of life and the possibility of the death of the body or the spirit. Larson responds to both AIDS and the temptation to sell out by suggesting a way to affirm life. From there, Larson moves to the dilemmas raised by relationships, including relations among friends, between children and parents, between landlords and tenants, between owners and squatters. He raises the ambiguities of separation and independence as well as the rewards and hazards of love. Larson then asks us to consider the obligations we have to strangers, symbolized by the homeless characters and personified by the Greek chorus that continually reappears to remind us that during the travails of the artists in their individual lives and relationships, other people exist outside their windows who have no one, nowhere to go, no place to be, no mother to call.

We live in an age when a Democratic President married to a long-time supporter of the Children's Defense Fund has led the fight to "end welfare as we know it."² To force women with children to go to work, we have cut off entitlements that fed, clothed and housed their children. We have done so without adequate funding for child care or job training and without any assurance that jobs will be available that will enable those mothers to care for themselves and their children. Will mothers on welfare be able to make it in the work force? Will their children be all right? Our politicians show an astonishing lack of curiosity about this question. I repeat: we are talking about *children*; will they be all right? The official policy of the United States does not suggest any confidence that ending welfare will in fact achieve the result of helping children; rather, it boasts an extraordinary, callous indifference to their fate. And when half of all African American children live in poverty, and stereotypes of welfare recipients have a racial bias, one can only wonder at the motivations behind our new-found push for self-reliance.

² See Robert Pear, *Clinton Defends New Welfare Bill*, CLEVELAND PLAIN DEALER, Dec. 8, 1996, at 22A, available in 1996 WL 14686557; Barbara Vobejda & Dan Balz, *President Seeks Balm for Anger Over Welfare Bill*, WASH. POST, Aug. 22, 1996, at A01, available in 1996 WL 10727381; see also Robert Kuttner, *Clinton Joins the GOP*, WASH. POST, Aug. 11, 1996, at C07, available in 1996 WL 10725724.

Our nation of immigrants has told immigrants who become needy while they are here among us that they have no entitlement to basic subsistence. If they do not like this, they can work, even if they are elderly or disabled, or they can go back where they came from.³ Those of us who were welcomed to this country by the words of the Jewish poet Emma Lazarus on the Statue of Liberty wonder at the hypocrisy and callous disregard shown to our newest residents. "Give me your tired, your poor,/Your huddled masses yearning to breathe free,/The wretched refuse of your teeming shore,/Send these, the homeless, tempest-tossed, to me:/I lift my lamp beside the golden door."⁴ My father and my grandparents passed by those words as they escaped pogroms in Russia and Poland. The safe haven here protected them from the Nazi scourge that killed their brothers and sisters and cousins who remained behind. Do we not mean those words anymore? Should we wipe them from the face of the statue? Do we want only the vigorous, the wealthy, the young?

The return of the ideology of self-reliance, the outsider status and stereotyped images of welfare recipients, and the growing impatience with the problems of the homeless, suggest a change in our fundamental conceptions of both property and welfare. *Rent* is about an "America at the end of the millennium" in which allegiance to the new regime of "personal responsibility" is supported by political and academic arguments that government aid for people who find themselves in dire straits only winds up hurting them. There is no need to worry about the poor—even poor children. Tough love is good for them; government action will only makes things worse. Self-reliance—or private charity—will take up the slack.

We have just witnessed a massive effort to recruit volunteers to address the problems of poor children.⁵ But what if neither private redemption nor private benevolence fills the gap? The answer suggested by our brave new world is that there is no answer; the poor you will always have with you. Nor is there a need to feel guilty or worry

³ In the summer of 1997, President Clinton pressured Congress to restore disability payments to immigrants who were legally here on or before August 22, 1996, and who are or who become disabled in the future. See Eric Pianin, *Republicans Agree to Restore Some Welfare Benefits*, WASH. POST, July 26, 1997, at A10, available in 1997 WL 11975836. Those disabled immigrants had lost benefits as a result of the welfare reform laws passed in 1996. Legal immigrants are still ineligible for food stamps. See *Welfare Reform Act Upheld in Federal Court; Ruling Allows Aid Cuts to Infirm Legal Aliens*, WASH. POST, July 25, 1997, at A12, available in 1997 WL 11975726.

⁴ JOHN BARTLETT, *BARTLETT'S FAMILIAR QUOTATIONS* 664 (15th ed. 1980).

⁵ See Brian McGrory, *Leaders Gather to Encourage Community Service*, BOSTON GLOBE, May 5, 1997, at A13, available in 1997 WL 6252322; Brian McGrory, *Volunteers Fail to Heed Clinton's Call: Summit Produces Few Results*, BOSTON GLOBE, Oct. 12, 1997, at A1, available in 1997 WL 6274458.

about poor children; anything the government does to step in only makes it worse. How does one cope with this loss of redemption? In the world according to Larson, the new wisdom suggests that we "drive the other way . . . leave your conscience at the tone."

Rent is an exploration and extended comment on these changes in our political culture. What is it that has brought us to the situation where "[y]ou're what you own"? In a profound sense, Larson's play explores the failures of "connection—in an isolating age." At the same time, the central message is that strategies exist to overcome those failures. Connection is possible; "[f]or once I didn't disengage." "Shadows" can give way to "light." For these reasons, *Rent* provides a propitious vehicle for analyzing the meaning of property now.

TUNING UP

The play begins with Roger, the punk rock singer, tuning "the Fender guitar he hasn't played in a year." He is having trouble. "This won't tune." The strings keep slipping. Even when they are close to the right pitch, they sound wrong; they are not "true."⁶ Mark, the filmmaker, captures this on film. Mark has decided to "shoot without a script." He is experimenting to see if this works out better than his "old shit"—writing a "script," closing off things in advance. Mark is the observer, engaged in the documentation of human experience. What is Roger doing? "I'm writing one great song—" Interrupted by the phone. It is Mark's mother, calling to say we love you, we miss you, sorry your girlfriend Maureen dumped you for another woman. She leaves a message on the answering machine as Mark refuses to pick up the phone to speak with her. Mark tries again to interview Roger. "Tell the folks at home what you're doing Roger." Again Roger says, "I'm writing one great song—" Interrupted by the phone again. Their old roommate Collins, whom they have not seen in a long time, is downstairs. "Throw down the key." Collins is abruptly mugged. "I may be detained." A third phone call. It is their ex-roommate Benny who has bought the building and become their landlord; he demands the past year's rent, which Mark and Roger do not have.

We begin with two artists in the process of creating. They are both having trouble starting, and they come to opposite solutions. Mark

⁶ Strings used for string instruments get old and unravel inside and sometimes outside. When this happens, we say the string cannot produce a "true" note. A true note is clear, focused, and beautiful, and produces the right series of harmonics above the note we are conscious of hearing. When this happens, we need to replace the string; the instrument we are using to produce the music needs to be repaired so that the tool is adequate for our expressive goals.

shoots without a script: no planning, no writing; he just begins to record life around him. As the performance artist Laurie Anderson says in one of her songs, "We're in record."⁷ Roger, on the other hand, is tuning up. He is preparing, intent on getting his tools right before he begins. He cannot tune the guitar, and he therefore cannot start. There is a tension here.

And yet there is a sense in which tuning up is the same as shooting without a script. The first note in *Rent* is off-key, out of tune; it changes immediately as Roger tunes the guitar. For most musicians, tuning up occurs before performance—Larson makes it part of the music, the beginning of the music. The wrong note is the place we start.⁸ Finding the right note becomes part of the music, and therefore part of the opera's dramatic theme. We do not get a training session, a blueprint, that will tell us how to live our lives; we learn on the job, so to speak. We make it up as we go along. We do not have the opportunity to tune up before we start. In life, we never stop tuning up.

Artistic creation, which Larson uses as a metaphor for life, requires a tension between planning and spontaneity, between structure and freedom. We need a script; we need to tune up. But we also need an ability to respond, to break the paradigm, to hear what is being said by others. The script is necessary, but it also gets in our way; it makes us unable to respond to what is there. Rigid attachment to the script prevents the artist from paying attention to the question of whether the script is actually working. Most artistic or literary creation requires revision, a second draft, a third draft, repeated editing; a continuous tuning up. A person cannot produce a good product without changing the script she has written, once she sees what works and what does not. There is thus a tension between constraint and freedom, between fixing things in advance and building them over time. In the script mode, we anticipate the future and guess about what will work. In the revision mode, we respond to past efforts once we can see what they have come to, how they have succeeded and how they have failed. Tuning up, according to Larson, involves both these creative modes.

We also begin with relationships: roommates (Mark and Roger), ex-roommates (Collins and Benny and Maureen), traditional families (Mark and his parents), couples (Mark and Maureen and her new lover Joanne). The relationships are both intact and broken. Mark and Roger are friends, roommates, a new kind of family. Collins is no

⁷ LAURIE ANDERSON, *Same Time Tomorrow*, on BRIGHT RED (Warner Bros. 1994).

⁸ "Not to have is the beginning of desire." Wallace Stevens, quoted in AVIVAH GOTTLIEB ZORNBERG, *GENESIS: THE BEGINNING OF DESIRE* 379 (1995).

longer their roommate but remains their friend; he is part of their extended, constructed family. Benny was their roommate and is no longer a friend. Maureen and Mark are no longer a couple. Mark refuses to pick up when his mother calls.

What is the connection between art and human relationships? Great art, including great music, requires both structure and freedom. Both entail an ability to respond, on the part of the artist, on the part of the audience. Human relationships involve an ongoing process of relating, a process that occurs over time and requires each person to attend both to herself or himself and to the other. There is no script for relationships that one can follow mechanically; relationships, like music and art, require continuous tuning up as one goes along.

In classical music, beauty is created not by harmony but by a tension between harmony and dissonance, a tension created and sustained by the relationship among musical elements. A single note, by itself, is not harmonious or dissonant; it is both and neither. It is harmonious because it does not sound as dissonant in relation to a contrasting note, but it is dissonant in that it is rootless, out of context, not in connection with any key, with any tonality that gives it a sense of direction or place or stability. Sing "Mary had a little lamb" to yourself and stop before the last note: "Mary had a little lamb,/little lamb, little lamb/Mary had a little lamb,/her fleece was white as—" The structures of classical harmony inexorably impel us to want to hear the last note, the tonic note, the foundational note of the scale. A single note that is not in the context of a melody or a harmonic progression can sound dissonant because it creates no sense of stability or resolution. A single note can sound eerie, suspended, drifting. What gives the notes and the harmonies their meaning in classical music is the movement *away* from the tonic and back again. The stability heard with classical harmony is only experienced in relation to contrasting, dissonant chords that are in tension with it. The tension between harmony and dissonance makes music beautiful, poignant, heart-wrenching.

We want to hear the last note of "Mary had a little lamb" because we are driven forward by the implicit harmonic structure as well as the tension created by rhythmic and melodic movement. But we do not understand, emotionally or experientially, the movement toward the last note to have been a waste of time. If we heard the final note alone, even if it were accompanied by harmonizing notes, it would be boring. What makes the resolution musical is *what comes before*, the tension and the contrast between the tonic chord and the other chords in the scale that create the harmony. This harmonic tension is multiplied exponentially by melodic tension and rhythmic tension, each of which similarly

operates through the use of contrast. Melodies can be simplified to their basic structural notes, but such simplified melodies lose much of their beauty; what makes the melody successful is the invocation of unexpected notes—dissonant notes—in the midst of expected (consonant) ones. Conversely, other melodies get their exquisite beauty precisely because of their incredible, unexpected simplicity. Yet even simple melodies are beautiful not only because of their simplicity; they are affecting because even the simplest melody creates tension, both harmonic and rhythmic, that is inherently unstable and hence moves itself, and us, forward.

Rhythm works by contrast between fast and slow tempos and between the repeating pulse and the contrasting beats interposed between those primary pulses. Rock music takes its characteristic form by adopting a four beat bar with repeated emphasis on beats two and four—the off-beats, the beats that should not be emphasized. It is the contrast between the strong beats and the emphasized off-beats that creates the sense of forward motion in rock music, a motion informed by a tension between the sense of the off-beats as both out of place and as inexorably leading to the next note. By the time we get to the last note, the music is over. What makes music musical is what comes *before* the resolution of all of these various forms of tension.

Haydn, Mozart, and Beethoven invented the classical style in music.⁹ But what is great about their music is how they constantly break out of the classical frame they constructed. They create a structure that leads us to expect one thing, and then they dash our expectations. They create rules and then break them. As the typographic wizard Robert Bringhurst wrote about type design, “[b]y all means break the rules, and break them beautifully, deliberately and well. That is one of the ends for which they exist.”¹⁰ Haydn builds the harmonic structure to induce us to expect a certain chord and then—without warning—he produces a different chord, taking the music in another direction. Mozart makes us expect to hear a certain beat emphasized, and then he emphasizes the off-beat. (He was the first rock musician.) Beethoven makes us expect to hear a four bar phrase, but then he unexpectedly lengthens the line, making the phrase seven bars, rather than four. Opposition, the tension between the desire for structure and the desire to break out of it, is the essence of the classical style. Both stability and resistance are necessary for the creation of beauty, for the fulfillment of desire.

⁹ See generally CHARLES ROSEN, *THE CLASSICAL STYLE* (expanded ed. 1997).

¹⁰ ROBERT BRINGHURST, *THE ELEMENTS OF TYPOGRAPHIC STYLE* 10 (1992).

Rent begins by connecting artistic creation and human relationships. From the first moment, Larson asks us to consider the tensions within those relationships, between roommates, among friends and family members, between lovers and between landlords and tenants. Immediately, we are brought to the question of property. The last phone call is from Benny, the roommate turned landlord seeking the rent. What do Larson's conceptions of artistic creation and human relationships have to teach us about rent? As we shall see, Larson's conception of property requires us to understand that it derives its power and its justice—as well as its injustice—from the tension between the notion of absolute rights and the notion of rights as contextually dependent, as responsive to human needs as they play out in social life. He forces us to see that the notion of property as an absolute right is internally inconsistent and self-defeating. Property is a paradox. It aims at security and stability. Yet this stability can only be achieved by making property rights responsive to the needs of each person to have some measure of that same security. To do this requires making property rights contingent on their effects in the world and especially their effects on those excluded from the world of property.

TORN APART

*How do you leave the past behind
when it keeps finding ways to get to
your heart
It reaches way down deep and tears
you inside out
til you're torn apart. . . .
How can you connect in an age
where strangers, landlords, lovers
your own blood cells betray
What binds the fabric together
when the raging, shifting winds of change
keep ripping away*

—“Rent”

The roommates Mark and Roger face the threat of eviction. Benny, the landlord, demands that they pay the back rent for the past year. It is not clear whether they in fact owe this rent. Benny had been the roommate of Mark and Roger (and Maureen) before he married a wealthy woman, Allison, and bought the building from her father. When Benny calls to demand “[t]his past year’s rent which I let slide,” Mark and Roger reply, “Let slide? You said we were ‘golden’/when you

bought the building." The very first song confronts the ambiguities in this situation. Do they owe the rent? What do they owe Benny? What does he owe them? Has Benny, the roommate turned landlord, breached an obligation of trust with Mark and Roger? Or have they taken advantage of him?

The first song in the opera—"Rent"—calls on the ambiguities in the meaning of the term. Rent means the payments due a landlord. Yet it also means "being torn." The usage that comes to mind is: "he rent his clothes"—an image of despair and loss that represents grief at the death of a loved one. The phrase comes from Genesis (*Bereishit*) 37:34¹¹ at the moment after Jacob sees Joseph's bloody coat and exclaims: "Joseph is torn, torn-to-pieces."¹² The image is thrust upon us at the moment Collins gets mugged in the opening scene; the muggers take his coat, ripping it off him, ripping it in two. Collins is left with one sleeve on his arm. The image of a rent garment, at the moment Collins and Angel meet, foreshadows the death of Angel and Collins' grief. How does the rent owed a landlord relate to grief at the death of a loved one?

In its guise as rental payment, rent means obligation. In its guise as being "torn apart," rent means a fundamental fracture. It thus suggests at once connection and isolation, attachment and alienation. Obligations, in turn, can be either legitimate or illegitimate; they can attest to relationships of mutual recognition (you've given me a new lease on life) or oppression. Rent, as tear, can also evoke either the fact of rupture or the need to repair what is broken. The ambiguity in the situation is manifest: do Mark and Roger owe the rent or does Benny owe them the right to stay without rent? Benny is their landlord (he "owns" the building) but also was their roommate—their co-owner—and he was their friend. The relationship—both the landlord-tenant relationship and their friendship—is "torn." Who tore it and why?

The problem of relationship recurs. Even before Benny calls to threaten eviction, we hear a voice message from Mark's mother con-

¹¹ "Yaakov [Jacob] rent his clothes,/he put sackcloth on his loins/and mourned his son for many days." Genesis 37:34 (*Bereishit*), in *THE FIVE BOOKS OF MOSES* 181 (Everett Fox trans. 1995).

¹² Genesis 37:33 (*Bereishit*), in *THE FIVE BOOKS OF MOSES*, *supra* note 11. The Jewish Publication Society translation reads "Joseph was torn by a beast." *THE TORAH* 71 (Jewish Publication Society, 3d ed. 1992). The verse reads: *Tarof toraf Yosef*. Joseph's name, *Yosef*, comes from the verb "to add." As Rachel's first, long-awaited child, she hoped God would add more children. But Joseph also "added" joy to the lives of Rachel and Jacob. Thus, the verse powerfully expresses the grief of Jacob (*Yaakov*) at the loss of his son. The one who tears tore apart the one who was to add. The gain, the incredible joy brought by the birth of the boy was torn away, torn to pieces. Life itself was ripped apart.

soling him because his girlfriend Maureen has left him for another woman, Joanne. Soon we discover that Roger has not left the apartment in six months. He has been in withdrawal from heroin since his girlfriend April "left a note saying 'we've got AIDS' /before slitting her wrists in the bathroom." In between these revelations, their friend Tom Collins calls up to their room, gets mugged and is rescued by Angel, the street performer, with whom Collins immediately falls in love. We find out that both Angel and Collins have AIDS, as does Roger. We also meet a homeless man who sings about what Christmas Eve means to him: "Christmas bells are ringing/somewhere else! Not here." Somewhere else, for someone else, not for me; I am alone, no family to be with, no place to go, no way to celebrate this spiritual night.

In the chaotic first ten minutes of the show, a connection is being made between love and ownership. Love involves relations with others: intimate, inviting, fulfilling, as well as dangerous, fearful, and agonizing. The problems of two-person relationships, their beginnings and ends, their strengths and vicissitudes, are being directly related to the relationships among roommates, between landlords and tenants, and between owners and the homeless. Rent as obligation vies with rent as the state of being torn. Something is solid and something is broken in these relationships. There is a failure of connection. Throughout, the metaphor of AIDS is a horrible reminder of the fragility and infinite worth of life. This fragility connotes a connection that is broken. The body is broken; love relationships are broken; the landlord/tenant relationship is "rent." You cannot "leave the past behind It reaches way down deep and tears/you inside out" What is torn? One's connection with one's inner self, one's better self, one's connection with others. "How can you connect in an age/where strangers, landlords, lovers/your own blood cells betray?"

Roger and Mark search for an answer to aid them in the face of terrible threats to their being, their place in the world, threats that come from disease and threats that come from being left alone, abandoned by others. "What binds the fabric together when the raging, shifting winds of change keep ripping away?" Rent suggests the temporariness of things. Renters do not own; they do not have the permanency, the permanent home that is the privilege of the owner. Their connection, their security, their place in the world is subject to the "raging, shifting winds of change." AIDS brings home the temporariness of life. There is literally no time to lose for Roger, Collins, Angel, and Mimi. The fragility of life echoes the fragility of their tenure in their homes. The image of rent as the place of the temporary suggests a fundamental instability, and the main response to it is a

yearning for stability, security, order. One yearns for life, as one yearns for friendship, family, love. One yearns for a home—a place to be, a place for these things to happen, a place for love to flourish.

Rent connotes not only the broken, torn, temporary character of life and love; it connotes what is owed and what is owned. In a different vein, temporariness suggests a solution, rather than a problem. The relation between ownership and obligation is a paradoxical one. In one sense, non-owners owe it to owners to respect the owners' rights; in this view, ownership and obligation are compatible and consistent. In another more provocative and destabilizing sense, however, owners may owe non-owners. The homeless chorus repeats over and over again, "[n]o room at the Holiday Inn—again." Do owners who monopolize space owe those who are not owners the right to be somewhere?¹³ If not, where must nonowners go? If there is no place to go, there is no place to be. Does ownership go so far, or must it be limited so as to ensure that the claims of the owner do not have the effect of denying other people a right to exist somewhere? The rent image suggests a connection between afflicted (rent) bodies, broken relationships and a broken property system; at the same time, a connection exists between obligations to choose life (living with AIDS, not dying from it), and obligations to "strangers, landlords, lovers" (those with whom one has a relationship or to whom one should acknowledge an obligation).

Temporariness is a problem, but so is permanence. Permanence, in the form of ownership, provides stability for those who are protected by it, while creating instability and insecurity for those left outside. Fixed rights may create stability for the owner, but those very same rights are what make the homeless vulnerable. Benny, as owner, can eject homeless squatters from his lot. His stability is their instability. In so doing, they are literally "torn apart." Permanent, timeless solutions—fixed property rights—do not respond to human needs. If the effects of recognizing fixed property rights are irrelevant—if we are content to have "no safety net"—then "Christmas bells are ringing somewhere else! Not here." For permanence to be extended to everyone, for "Christmas bells" to ring here, as well as there, property rights must be adjusted to ensure a fair distribution of stability and instability.

Renters suffer instability—the whole play starts with the threat of eviction. Yet renters have more stability than those who have no home at all; in fact, Benny relents and allows Mark and Roger to stay, but he does not do the same for the homeless squatters on his vacant lot next

¹³ See generally Jeremy Waldron, *Homelessness and the Issue of Freedom*, 39 U.C.L.A. L. REV. 295 (1991).

door. Renters do not have the fixed, relatively permanent rights of the owner; nor do they suffer the complete vulnerability of the homeless. Larson suggests, in the rent image, a middle course between complete permanence (fixed ownership rights without obligation) and complete vulnerability (homelessness). A new model of property is being proposed along with a new model of life—a way to cope in a life that has been rendered vulnerable both by AIDS and by the withdrawal of the safety net. Rent, in other words, describes both a problem and a path toward a solution.

ONE GREAT SONG

*glory
in a song that rings true
truth like a blazing fire
an eternal flame*

*Find
one song
a song about love
glory
from the soul of a young man
a young man*

—“One Song Glory”

In tuning up, Roger does not find the right note; there is no single right note to find. “I’m writing one great song . . . before I go/glory/one song to leave behind.” He then sings a gorgeous song about his inability to write a song, to write “the” song. He has a sense he “wasted opportunity,” had an “empty life.” He wants to “[f]ind/glory/in a song that rings true/truth like a blazing fire.” It is of consequence that he says he wants to “find” the song; writing it will not be fully an experience of creation, but of response. What kind of response is required? It must be true. What is true to him? “A song about love/glory/from the soul of a young man/a young man.” What is true is love; he seeks to write a love song. And what haunts him is the time he will not have; “[t]ime flies/and then—no need to endure anymore/time dies.” He has no time to learn, he has no time to perfect his craft, no time to fall in love. He is a young man racing against the clock to “[f]ind/the one song/before the virus takes hold/glory/like a sunset/one song/to redeem this empty life.”

Roger seeks “glory.” What does this mean to him? In one image, it is conventional success. He was “the pretty boy front man” in a

successful band who "had the world at his feet." But this kind of success is not what he craves. The glory he seeks is "a song that rings true," a "song about love." Why is it that only a song about love will ring true? Roger imagines that he can stay withdrawn in his loft and redeem his empty life by a brilliant artistic creation. Ironically, his song about his need to do this is itself beautiful, and this is perhaps the point. Roger wants to be true to himself, to express the soul of a young man, facing death, who has no time. Yet his longing is for love, and it turns out that he cannot write the song by himself; the truth he seeks cannot lodge in individual glory. Redeeming his wasted life by writing the true song requires an ability to get out of his shell, to get out of his apartment, to connect with another. Only a song about love will ring true. Only in relation with another can he be himself.

LIGHT MY CANDLE

Roger asks himself how to write a song. As he finishes his song about his inability to sing, he hears a knock on the door. In an answer to his longing, an answer that is quite unbelievable and (therefore) satisfying, he meets his neighbor, Mimi, a neighbor who seeks him out. "Would you light my candle?" As a request, this is simultaneously sexually charged, a confession of loneliness, and a plea for the same kind of glory that Roger seeks—redemption for an "empty life"—redemption found in connection with another. Roger discovers, late in the play, as he searches for "glory" in writing "one great song," that Mimi is the song. The notes he needs to write—the music he longs to make—cannot be made by himself, but only in relation to the one he has come to love.

We are thus brought back to relationship. Toward the end of the play we see three couples on stage: Angel and Collins, Mimi and Roger, Maureen and Joanne. Two of the couples are in the throes of a fight, and the tension in their relationships is directly contrasted with the idealized relationship between Angel and Collins. Collins meets Angel, who teaches us about ambiguity, love and joy. We never witness Angel and Collins disagreeing or fighting. Why does Larson hold them up as the ideal?

Angel is the one who can most contain within himself "opposite" genders; he is the cross-dresser, the man who spends most of his time dressed as a woman. He is the one most able to tolerate ambiguity, to be responsive to complexity. Collins, in his attraction to Angel, similarly is able to see him as both male and female at the same time and to be attracted to both aspects of his personality. The tension between Angel

as him and Angel as her is accepted, embraced, and celebrated by both of them.

Angel is able to contain these opposing principles within himself. He was both a Boy Scout and a Brownie "til some brat got scared." According to Larson, the tensions between structure and freedom, between the self and others, between life and death, are best resolved by not being resolved—that is, by embracing them, rather than by ignoring them or by reconciling them. Angel does not "resolve" the tension between male and female; he contains them both. He is both. Similarly, the creative artistic act is simultaneously one of individual genius and one of collective accomplishment. All music borrows from what went before; all classical music, including rock music, uses the harmonic and rhythmic and melodic vocabularies that are the collective invention of our musical culture. Music derives its beauty by using and rebelling against its own structures. And the tension between the horror of AIDS and the imperative to "live with" it can be resolved only by a simultaneous recognition of the sword that hangs over one's head and the fact that it has not fallen yet: "there's only this . . . forget regret or life is yours to miss."

CALL YOUR MOTHER

Roger, where are you? Please call

*¿Mimi, chica, dónde estás?
¿tu mamá está llamando
dónde estás? Mimi call*

Kitten—wherever are you—call

*Mark—are you there—are you there
I don't know if he's there
We're all here wishing you were here too—
where are you Mark are you there are you
where are you
Mark—are you there—are you there
I don't know if
please call your mother*

—"Voice Mail #5"

From the first scene, a repeated comic interlude is the repeated phone messages from various mothers and fathers of the characters. The motif reaches a climax toward the end of the play when a quartet

of parents call asking their children, "where are you?" In different languages, and in different ways, they beg their children to "call your mother."

It is striking how small a role the traditional family plays in providing a support structure for the individuals in the play. Two components of the traditional family are presented by Larson: the parent-child relationship and the couple relationship.

The parents are constantly calling their children and the children do not answer. They seek independence; at the same time, Larson suggests that the presence of family, especially the parental connection, provides a bedrock that the artists can ill do without. The homeless characters do not have any mothers calling them; they have no home where they are welcome.

One gets the sense that no one calls his or her parents enough. From the standpoint of parents, this is undoubtedly true. Parents try to keep children home, while kids try to move away, to become independent. Then those kids try to hold onto their own kids, and the cycle repeats.¹⁴ All the young people in the play seek independence from their parents. They want to find themselves. They rebel against parental expectations, against parental (conventional) definitions of success. Money is not the main focus for them. And yet, the existence of their parents creates an anchor, a constant in their lives. The mothers keep calling, even though the children do not return the calls. Larson makes us listen, over and over again, to the calls of the mothers. He reminds us that the artists could go home, unlike the homeless who have no family, or who have outworn their welcome at home. The artists don't return the calls, but loss of the call would leave them vulnerable, bereft. There is a suggestion they would be lost without it.

In her discussion of the creation in the Bible, Avivah Gottlieb Zornberg explores the dilemmas of connection and isolation, of separation and independence.

One might say that the difficulty in rearing children has to do with the ambiguities of independence. The child must separate from the parent; the parent must allow the child to discover his or her own reality. Where there was one, there must be two. But this separation, though necessary, is a complex and often tormented experience. The relationship between separation and loving attachment has to be negotiated

¹⁴ See LAWRENCE KUSHNER, *INVISIBLE LINES OF CONNECTION: SACRED STORIES OF THE ORDINARY* 52 (1996).

each time afresh. There is no theory that can totally guide the parent or the artist. No belfry can house this kind of experience.¹⁵

In separating, the child loses something and yet gains the gift of an enlarged life. The love of parents enables the child to become an individual, to stand on her own, and then to relate back to the parents and to others as a mature person, someone whose individuality can be maintained without sacrificing the ability to relate to others, someone whose relations with others help to sustain and foster her own individuality.

Families are given to us; we do not choose them. And yet, a choice about how to structure a new family is precisely what each of the characters makes. The family that most matters to them is the constructed family that involves both gay and straight couples and the extended family of roommates and close friends. We are presented with a tension between family as a given and family as a choice. Larson clearly wants to celebrate choice in family life and to suggest that the realm of family not be mechanically restricted to the idea of a "traditional" family. He celebrates the reconstruction, rather than the rejection, of the family.

The emphasis on reconstruction as a response to dysfunction informs Larson's vision of the way to create one's life. Again using artistic creation as a metaphor for life, the parent-child dance suggests that artistic creators need to stand on the shoulders of others, as children stand on the shoulders of their parents, using the tools artistic predecessors created while rebelling against them. Reconstruction also is involved in living with AIDS. Death is not a good thing; early, untimely death, is an unmitigated horror. And yet, it has been reported that since the bombing of the federal office building in Oklahoma City, everyone involved in the rescue now hugs their children every day. Sometimes it is only with the realization that life is a gift and that it can be cut short without warning do we properly appreciate our friends, our family members, our own lives. Do these lessons have anything to teach us about property?

¹⁵ ZORNBERG, *supra* note 8, at 20.

THE OWNER OF THAT LOT NEXT DOOR

*What happened to Benny
What happened to his heart
and the ideals he once pursued*

*The owner of that lot next door
has a right to do with it as he pleases*

—“You’ll See”

We now come to the problem of strangers. We began with individual artists—creators of their own lives—giving meaning to life in the face of death. The ability to do this, Larson contends, is wrapped up in the ability to form relationships, to make connections, with parents, with roommates, with lovers, with friends. We now learn the reason Benny has threatened to evict Mark and Roger. Their old roommate Maureen is planning on presenting a public performance on the vacant lot next door, also owned by Benny, to protest his plan to eject the homeless squatters and develop the lot into a cyberarts studio. He will drop his eviction threat and enable them to live in the loft rent-free if they will persuade their friend Maureen to give up her protest, stop her performance, and allow the homeless squatters to be ejected. Should Mark and Roger give up their ideals to obtain what they always wanted, or should they resist Benny? They choose to resist. This theme recurs when Mark is called by the producer of a “sleazy” television show and offered a job. Should he take it and “sell out” his principles, his artistic goals, or should he forgo material success and “do his own work”? After first accepting the offer, Mark changes his mind. “I need to finish my own film.”

Benny entices Mark and Roger to consider their interests without regard to the interests of the homeless squatters on Benny’s lot. He offers to give them everything they could ever have asked for: rent-free space to do their artistic work, sustained by the rental income from the other tenants. In effect, he offers to make Mark and Roger owners of property like him, owners who can live off the “rents” of the property they own, freeing them to do the kind of work they want to do. It is an incredible offer, a dream come true. The only price they must pay is to understand that protecting the interests of the homeless squatters prevents this from happening.

The homeless neighbors repeatedly utter the chorus that reminds us that this evening, on Christmas eve, “Christmas bells are ringing/somewhere else! Not here.” They tell us in greater and greater

detail what this means. "How time flies/when compassion dies/No stockings/no candy canes/no gingerbread/no safety net/no loose change/no change no."

Benny, as owner, dispatches the homeless with a callous recitation of rights. On Benny's attempt to evict those who have no place to go, Roger bemoans Benny's transformation from roommate (comrade, companion, friend) to owner. "What happened to Benny/What happened to his heart/and the ideals he once pursued?" "The owner of that lot next door," Benny says, "has a right to do with it as he pleases." Is this the meaning of ownership? Even *if* Benny has the right to do it, the question remains whether he *should* do it. And if he should not, then perhaps he should not have the right to do it. "How can you connect," Roger asks, "in an age/where strangers, landlords, lovers/your own blood cells betray?" Connection in an age of isolation; what happened to Benny's heart?

Benny suggests that the happiness of the homeless neighbors can only be protected at the expense of the happiness of Mark and Roger; Mark and Roger's happiness can only be obtained at the expense of the nonowners. Happiness is thus a zero-sum game, as is ownership. This is the image of justice presented by Thrasymachus in Plato's *Republic* as interpreted by Elizabeth V. Spelman.¹⁶ Benny wants them to understand and accept that their happiness is contingent upon the grief of others; the suffering of others is a necessary cost of their own success. But Roger and Mark reject this offer. They are unwilling to consider their own success to be inextricably tied to the loss of others. They reject the view of Thrasymachus (and Benny) that "the misery of other people doesn't touch us."¹⁷ They cannot "take pleasure in performing actions that [they] know to cause great misery in others."¹⁸ Rather, like Socrates, they see their "happiness as compatible with the happiness of others, and . . . other people's misery as affecting the possibility of [their] own."¹⁹ They are unwilling to pursue their goals in this way, if it has these effects on others who are even more vulnerable than they, others who have no family to call on, no mother calling them.

¹⁶ See ELIZABETH V. SPELMAN, FRUITS OF SORROW: FRAMING OUR ATTENTION TO SUFFERING 23-25 (1997).

¹⁷ *Id.* at 24.

¹⁸ *Id.* at 25.

¹⁹ *Id.* at 23-24.

LIFE SUPPORT

*There's only us
There's only this
Forget regret
or life is yours to miss. . . .*

*No other road
no other way
no day but today*

—*"Life Support"*

After early revelations that Roger, Collins and Angel have AIDS, and before we are aware that Mimi also has AIDS, we are taken to an AIDS support group. "Life support's a group," Angel says, "for people/coping with life." This support group is the central image of the play, nourishing both the individuals suffering from and living with AIDS and the couples who break up and reunite. In the end, the support group furnishes the most powerful image of several strategies for dealing with the problem of homelessness.

The first time we meet the group, we hear a halting, interrupted version of the "affirmation" of life that forms the central musical theme of *Rent*. After introducing themselves, they begin to affirm the preciousness of life, of each moment of life. "There's only us/there's only this" Then they are interrupted by Mark, the filmmaker, who barges in unceremoniously and awkwardly asks to be allowed to observe. He is the artist, witnessing the event, wishing to record it, detached yet intimately involved; it is, after all, his friend Collins who is there and his roommate Roger who could not bring himself to be there. They begin the "affirmation" again. "Forget regret or life is yours to miss"—but one of the members of the group rebels. "Excuse me Paul—I'm having a problem with this/this credo—My T-cells are low—I regret that news." Paul, the group leader, responds, "Alright/but Gordon—how do you feel today?" After hesitating, Gordon eventually admits, "Best I've felt all year." "Then why choose fear?" Paul asks. "I'm a New Yorker!" Gordon says. "Fear's my life!"

But then Gordon admits something unknown and unknowable about hope and love. "Look—I find some of what you teach suspect/because I'm used to relying on intellect/but I try to open up to what I don't know." Then Gordon sings along with Roger, who is on stage, but not in the group (he is back in the apartment he has not left in six months since his girlfriend April committed suicide): "Be-

cause reason says I should have died three years ago." Then they can complete the credo. "No other road/no other way/no day but today."

The no-other-road message is introduced in a halting, contested, skeptical, problematic way. It does not quite work; it does not banish fear, it does not destroy or even diminish the horror of an early death—a death out of time. "Reason says" it should not work; reason says there is nothing to learn, no way to cope, no life to support. And yet—there's only this. The meaning of life has to come, not in the anticipated future, not in the contemplation of what might have been, of what might be, but at this moment, now. Meaning cannot wait.

The image of the AIDS support group embedded in the credo is one of collective solidarity, individuals standing in a circle, together supporting each other by simultaneously uttering the words of the credo. It is sung as a chorale, many voices singing together in harmony. Remember that harmony works only by creating and resolving tension. At the same time, the chorale form suggests a model of mutual support that presents to the one whose life is shattered by the threat of AIDS a way to "live with AIDS" rather than "die from it." The "no day but today" theme resonates powerfully throughout the play and forms the concluding music. Yet it resolves and does not resolve the tensions created by the threat to the body presented by AIDS.

Immediately after the support group, Mimi comes to Roger's loft and attempts to entice him to go out with her. In a funny, raucous, spirited song, Mimi howls like a wolf as she implores Roger to "take me out tonight." Roger will have none of it. He responds angrily that he cannot handle going out and she should come "another day." The music is harsh, as is Roger's answer, but Mimi re-enters and in a gorgeous, flowing melody introduces the "credo." "The heart may freeze or it can burn/the pain will ease if I can learn/There is no future/There is no past/I live this moment/as my last." She then releases the words of the credo, suggesting the possibility that she too has AIDS. "There's only us/There's only this." This moment is the most precious thing, she says, we have life, we are not dead yet. "I have put before you life and death, blessing and curse. Choose life . . ." ²⁰

And then Roger rejects the offer. "Another day." He relents; maybe he should go. "I should tell you, I should tell you." But no, "another day." In operatic fashion, Mimi sings her credo while Roger sings his refusal, his temptation, and his regret. It is a duet, a classical duet of complementary but opposing voices.

²⁰ See Deuteronomy (*D'varim*) 30:19, in *THE FIVE BOOKS OF MOSES*, *supra* note 11; see also TANAKH, *THE HOLY SCRIPTURES* 323 (Jewish Publication Society 5748/1988).

She and Roger represent opposite coping strategies for dealing with pain. Roger has been in withdrawal from heroin, in contrast to Mimi's continued use of it. But more fundamentally, Roger has withdrawn from life; he has not left his apartment in six months. His withdrawal from drugs is healthy, but it also represents a withdrawal from fun, from mischievous danger, from the kind of unconventional exuberance that sustains art. He cannot write his "one great song" because he has withdrawn both from himself and from others. Mimi, on the other hand, embraces life, to the point that it becomes a fault; she continues to use heroin, even though it may be what gave her AIDS. She continues to have fun, to laugh, to dance, to howl at the moon like a cat in heat. Roger is tempted, but he cannot come out of his shell, out of the place to which he has withdrawn. He cannot connect with her. And in his failure to connect with Mimi, although drawn to her, he fails to connect with himself. That failure of connection makes it impossible for him to write his "one great song" or to find "glory" in his "wasted life." Roger stays behind as Mimi leaves.

WILL I?

*Will I lose my dignity
Will someone care
Will I wake tomorrow
from this nightmare*

—"Will I?"

After we witness Roger's failure to connect, to emerge from his shell, to leave his house and re-enter the world in order to connect with Mimi, to allow himself to again be made vulnerable to love, we return to the support group. But this time, the members are separate, alone in their homes or on the street—although on stage together and metaphorically together in the same horrible situation, dealing with the disease. And the message they sing is entirely different. Instead of the hopeful credo, we hear an unrelievedly despairing set of questions. "Will I lose my dignity/Will someone care?/Will I wake tomorrow/from this nightmare?" There is no hope in these questions. Nor are they answered.

Yet an answer glimmers in the musical form that the questions take. It starts with one lone singer who repeats the questions over and over. Then, unexpectedly, a second voice enters, beginning the melody in the middle of the first singer's line. Two intertwined voices, the second voice delayed, overlapping. Then three voices, then four. More

people join the singing until four separate renditions of the same music—the same melody, the same words—are rolling along. Before the fourth voice can finish the melody, the first voice begins it again. The round creates a circle, a musical circle, to parallel the physical circle in which the members of the life support group stood as they sang the credo.

The musical form of the round suggests a strategy for dealing with AIDS that is quite different from that suggested by the credo. There is nothing hopeful about the words; nor do the questions have any answer. Yet each of the individuals asks the same questions, and, in the make-believe world of the stage, they do it together, musically. One imagines people gathered in a place of worship, asking questions that have no answer. Why do bad things happen to good people?²¹ They get support, not because there is a clear or a good answer to this question, and not because there is any answer at all; the question is unanswered. God may be present, but God is also silent. Yet there they are, asking the question together, standing in the presence of God. The support comes from the fact of individuals together wrestling with profound questions, learning that others are dealing with the same problems, facing the same perplexities. And perhaps, just perhaps, there is the intimation—by use of the “credo” language—of the presence of God.

A recently composed piece of chamber music by Andrew Imbrie was written after the death of the composer's son. On stage is a wind quintet, representing life. Off stage is a string quartet. The music off stage is ethereal, beautiful, and it never changes. On stage, where life takes place, the music is excited, happy, intricate. And then things go wrong; the son dies and the music becomes agonized and dissonant. Off stage, the string quartet keeps playing, unchanged in any way. There is no response to the travails occurring on stage. Eventually, the music on stage calms down, but it never returns to the happy, uncomplicated music that began the piece.

On one reading, the string quartet represents a distant and uninvolved God, a God who allowed the Holocaust to occur, who allowed young people to become infected by the AIDS virus and die before their time. Despair and grief reign in the world, and God is oblivious. On another reading, the music off stage never stops; it never wavers; it never fails. It is steady, peaceful, present, neither loud nor soft, just very, very present. No matter what happens on stage, the quartet remains there, calm, supportive.

²¹ See generally HAROLD S. KUSHNER, *WHEN BAD THINGS HAPPEN TO GOOD PEOPLE* (2d ed. 1989).

The repeated despairing questions asked by the members of the support group suggest a model of support that does not come from having a simple answer. The voices overlap. The second voice literally and metaphorically *leans* on the first voice. They imbricate²² each other. They are separate and yet intimately involved. Moreover, as one voice sings a strong note of the scale, the other sings a harmonizing, weaker note. The voices take turns being strong and weak, as friends confronting the death of a loved one take turns crying. Each voice leans on the one that precedes it and the one that follows, as people learn from their parents and pass on what they have learned to their children. And although the voices sing simultaneously, they do not sing the same words at the same moment.

The round form creates an incredible sense of forward motion. Whenever one voice finishes, the others are still in the middle of their thought. Through repeating the question, thought or phrase, the music does not stop but will go on indefinitely; it can only end if the voices drop out, one by one—that is, if the musical line dies. Yet if another steps in to take up the line dropped by the one who died, the circle remains unbroken and the music is impelled inexorably forward.

The round form presents a powerful, moving metaphor for the support group; a metaphor quite different from the hopeful solidarity presented by the credo. It suggests a means of obtaining support and meaning in the face of unmitigated doubt. The individual is not obliterated; individual voices remain. Yet, at the same time, they are not fully independent; they overlap, they lean on each other, each one with a hand on the shoulder of the one next to her. Connection is simultaneously with the one next to you and with the group as a whole, facing inward to the circle, seeing every other one asking the same questions.

I SHOULD TELL YOU

Larson based *Rent* on *La Bohème*, and it is instructive to notice ways in which they are different. One crucial difference concerns the pattern of deaths. In *La Bohème*, one of the central characters, Mimi, dies in the final scene. Larson alters the pattern. He begins with a death. Before the play even begins, we are told, Roger's girlfriend April committed suicide. Then, in the middle of the play, when we do not expect a death, Angel suddenly dies. In a song depicting the end of the relationships between Joanne and Maureen and between Roger

²² A lovely, little-known word referring to biological or physical features of a design that overlaps, as in tiles or shingles on a roof or the elements of a pine cone.

and Mimi, they sing "It's over"—meaning their relationships. Collins says "It's over," but he means to inform them that Angel has just died. In a moment when we do not expect it, when we are preoccupied with other things, the vicissitudes of love relationships, the pillar of the group, the "angel" among them, is suddenly gone. At the end, when Mimi is deathly ill and falls silent, and we expect her to die, as Mimi died in *La Bohème*, she unexpectedly revives and relates a near death experience. This is not a "happy" ending. It reminds us that Angel did die, and when we did not expect it. Mimi's failure to die is not experienced as a final triumph; we are led to believe she indeed will die and will do so soon.

Angel's untimely and unexpected death impresses upon us that death usually comes without a warning. There is a Talmudic saying that one must repent before one's death, and since one cannot know if one will wake up tomorrow, the time to repent is now.²³ Roger and Mimi say over and over, "I should tell you, I should tell you," but they never do. It is only when Roger believes Mimi has died, or is on the verge of death, that he can tell her he loves her. At the same time, the failure of Mimi to die when we expect her to die causes Mark to sing the credo for the first time.

The message is about the incredible preciousness of life, of each moment of life and of the life of each person. The "no day but today" theme promises a way to live in the face of the possibility of death, of an unjust, early and untimely death. It is to impress upon us the knowledge that AIDS is not merely a disease suffered by a small, select number of people. Anyone could die at any time. We kid ourselves to think that we are immortal. I have had too many friends die in the last several years, and none of them died from AIDS. Three were murdered and two died of illness, one of those from a negligent overdose of chemotherapy. The message Larson hammers home—and his own death hits us on the head with his insight—is that AIDS is universal. Just as dentists and doctors now take universal precautions, assuming any patient could have AIDS, Larson suggests that we examine our lives and live as if each day mattered, as if it were not disposable, as if it were our last day to tell those we love that we love them.

The emphasis on the preciousness of life echoes in the repeated appearances by the homeless chorus, letting us know that although all of Act I occurs on Christmas Eve, Christmas has not come in the way it should come for them. It is irrelevant where the fault lies; Larson

²³ See Rabbi Eliezer, BABYLONIAN TALMUD, SHABBAT 153a, reprinted in JEWISH WISDOM 347–48 (1994).

wants us to consider to what extent there is a failure to respond on the part of those of us who are not homeless.

LIVING ON THE STREET

*She was huddled in the park in
the dark
and she was freezing
and begged to come here*

*She's been living on the street
We need some heat*

—“Finale”

At the very end of the play, Mimi ends up “living on the street.” Her body racked with fever, attacked by AIDS, addicted to heroin, she was “huddled in the park in the dark/and she was freezing.” The homeless are no longer simply strangers but include someone we know, someone we have come to care about, someone we love. Mimi is Roger’s great love; she is “his song.” His relationship with her is what has reconnected him with life, gotten him out of the house, allowed him to “live with AIDS” instead of die from it, inspired him to write a song that could give him “one blaze of glory.” Larson leads us to understand how it is that she came to be “living on the street.” She is no longer “other” but is one of us. “Can’t you spare a dime or two?” asks the homeless chorus. “Here but for the grace of God go you.”

The continual reappearance of a homeless chorus echoes the theme associated with AIDS on the fragility and preciousness of human life and the fragility and preciousness of love. The fragility and value of access to property is suppressed in ordinary consciousness because we (we property owners, we tenants, we job holders, we temporarily-able-bodied . . .) assume that homelessness is a problem of others—not us, not our family members, not our friends.²⁴

Throughout the play, Larson reminds us about drugs. Roger and Mimi may have gotten AIDS from taking drugs through a contaminated needle. Mimi tries to go straight but cannot. The drug market is presented in the midst of the square where homeless people are selling clothes. Larson presents us with the destructive potential of drugs, as well as the competing reasons for getting high: the impulse

²⁴ See generally KATHERINE S. NEWMAN, *FALLING FROM GRACE: THE EXPERIENCE OF DOWNWARD MOBILITY IN THE AMERICAN MIDDLE CLASS* (1988) (exploring the widely-shared but culturally suppressed experience of downward mobility).

to escape the pain of life, or, conversely, to enjoy life, to experience physical or spiritual ecstasy. But it is the destructive impact he brings most clearly to mind in the suggestion of physical dependence, of the corrupt drug dealer who hooks people. The drug dealer, there in the square, being followed by his customers begging for what they need to get high, to satisfy their addiction, is presented as the image of the market gone wild, the free market taken to its ultimate conclusion: profit with no regard for the destructive impact caused by the seller's trade.

YOU ARE WHAT YOU OWN

*[W]hen you're living in America
at the end of the millennium
you're what you own . . .*

*What was it about that night
Connection—in an isolating age
For once the shadows gave way to light
For once I didn't disengage*

—“What You Own”

Mimi got Roger out of the loft for the first time in the six months since his girlfriend April committed suicide, and he found out he had AIDS. He was able to reconnect with life and to establish a hesitant but fulfilling relationship with her. Yet he became jealous because he believed Mimi had or continued to have an affair with Benny. In the course of fighting about this, Mimi sings a love song that Roger eventually joins. Without you, everything goes on as normal, “[t]he earth turns/the sun burns,” but none of these things matter: “but I die/without you.” Love is what gives each of them a sense of connection with another person, a sense of connection with themselves, and a sense of connection with life itself. Yet this loving involvement poses grave risks; one may be exposed to the despair experienced at the loss of the loved one. They will learn what it is like to need to rend their own garments. This risk, the fear of experiencing this, causes Roger to leave Mimi. He has gone to Santa Fe, the image of the place of redemption, the escape valve where Roger, Mark and Collins imagine they might start a restaurant and live in peace and comfort. He has gone to find glory, to write his “one great song” before the “virus takes hold.”

At the same moment Roger is running away from Mimi, Mark is agonizing over his decision to work for the sleazy television show and abandon his artistic and moral principles for money. He is wrestling

with what it means to be an artist, to work for the truth, for his own truth, for what he cares about, rather than what is valued by others, what has economic value. He remembers when he and his friends celebrated "*La Vie Bohème*"—the relentless resistance against convention, social expectations, conformity, fitting in, selling out.

In different ways, Roger and Mark are tempted by selfishness. Roger flees from Mimi because he "cannot bear to watch her die." He focuses on his own needs rather than her needs; in so doing, he cannot see that only by loving her can he satisfy his needs. The temptations of flight are real, but they cannot ease the pain; the promised rewards of flight from others are illusory. Only by returning to Mimi can Roger write his song. Running away solved nothing. "Where could I go," writes Saint Augustine, "yet leave myself behind?"²⁵ Roger discovers, almost too late, that Mimi "was the song" all along, that he can write the one great song because it is a song about love, and he can only write the song about love having allowed himself to experience again what it means to love someone. He finds out that Mimi is the song, and that his own being is bound up, connected, to her, and that he cannot write his music on his own.

Mark is tempted by the market. He is a poor artist with a job offer with a television network. He can live doing what others value, and he can do artistic work that will actually make money. And yet, it turns out that making money by working for the sleazy television show is not at all what he wants. Real selfishness causes him to quit, to tear up the contract, to be true to himself and his ideals. The temptations of flight and the temptations of the market both distract our heroes from what matters to them, and what matters to them turns out to be their sense of obligation both to themselves and to other people.

As Roger and Mark wrestle with these profound questions about the meaning of their lives, they confront a paradox. They are each tempted by the message that they should be selfish; no one can or should rely on someone else. Look out for number one. Yet they both discover that the only way to be truly selfish, to live a full and fulfilling life, is to develop an ability to connect with others.

Roger flees someone he loves at a difficult time, a time when she needs him most, because he cannot bear to watch her die. However, Roger discovers that if he is truly selfish, if he truly wants to write his song, he needs Mimi. "[T]he songwriter cannot hear/yet I see Mimi everywhere." The way to be truly selfish was to let himself love another.

²⁵ SAINT AUGUSTINE, *CONFESSIONS*, BOOK IV 78 (Penguin 1978).

When Mimi first got Roger out of the house, he had trouble connecting with her in the cafe with his friends, leaving her alone at the table while he wandered off. He first turned to pay real attention to her when he discovered she had AIDS. Her watch alarm went off and she said "AZT break." Roger turned and asked in a quiet, pained, stunned voice. "You?" "Me," she said. "You?" Mimi asked. Roger answered, "Mimi."

Roger's answer sounds like "Me, me" as if he were saying, "I too have it" and repeating it in a self-absorbed way. But he does not say this; he says *her* name. He conveys at the same moment that he has the disease, but what he wants to express is his sorrow at her situation. His heart goes out to her. At the same time, the elision between "Me, me" and "Mimi" shows that he has, for the first time, been drawn out into the world and connected his fate to the fate of another. What happens to "Mimi" is what happens to "me."

Mark is tempted by the offer to do work he detests to become financially secure. "The filmmaker cannot see . . . Angel's voice is in my ear." Angel is the one who is most obviously true to himself, the one who dresses in an unconventional fashion, in a way likely to create ridicule and rejection. Mark listens to Angel's voice and learns that being selfish in the sense of doing what makes money may not be what most satisfies him. What best expresses his self and will make him happy is to reject the idea that the work that is valuable to do is the work that is demanded by the market.

Convention dictates making money without regard to one's own spiritual needs or the needs of others. At the moment Roger and Mark wrestle with these issues, they turn their attention to the pervading selfishness they observe around them and inside them. In this age of self-reliance, they hear the message that they should look out for themselves alone, and that the right way to do this is to abandon obligations to others, to play the market, invest in what makes money. "Don't breathe too deep/Don't think all day/Dive into work/Drive the other way/That drip of hurt/that pint of shame/goes away/just play the game." Don't think about the homeless people around you, the ones you walk around to get to work, the ones who keep popping up to remind us that Christmas bells are not ringing for them. "You're living in America/at the end of the millennium. Leave your conscience at the tone." Look out for yourself. "And when you're living in America/at the end of the millennium/you're what you own." If this is true, homeless people, who own nothing, *are* nothing. It means also that owners become callous; they are indifferent—they feel entitled to be indifferent to the effects of their actions on others.

Roger and Mark bemoan the America in which they live, in which we are invited to live as if no one mattered but ourselves, and in which the highest value is success in the marketplace. The only mark of value appears to be profit. Social welfare is measured by market success; individual success is measured by contributions to the market. "You're what you own." In the middle of their struggles against this world, Mark and Roger each come to the realization that rejecting this invitation has consequences for their own lives. At the same moment Mark decides to do his own work and quit the job with the sleazy television show, Roger realizes that Mimi was "the song" all along. "What was it about that night?" they ask. "Connection—in an isolating age." They recall Christmas Eve when two things happened. First, they rejected Benny's offer to give up his threat to evict them if they would support his right to eject their homeless neighbors. They "connect" their fate with the fate of the homeless squatters; they are unwilling to run over those squatters in a race for their own material security. Second, love blossoms. On that night, Angel and Collins met and fell in love, as did Roger and Mimi. The connections they made were both in individual relationships and to their neighbors, the strangers in their midst.

At that very moment in the song when they recall that night and the joy of "connection—in an isolating age," Mark decides to quit and Roger decides to go back to Mimi. Mark invokes their friend and exemplar, Angel. "Angel—I hear you—I hear it/I see it—I see it/my film!" His own work, his true self, not what the market will bear. Roger says, at the same time, "Mimi I see you—I see it/I hear it—I hear it/my song!" Roger realizes Mimi is the song ("one song—glory/Mimi/your eyes") and decides to return home to find her and be with her. The joint revelations connect work and love. Mark's work is to reject the market measure of success and refuse the job that makes the most money, as he and Roger refused to sell out the homeless people to get a rent-free cyberarts studio. Roger realizes himself in his relation to another, his love for Mimi. They "connect" and reject isolation.

Immediately, Mark and Roger return to the theme of living in America where you are what you own. "Dying in America/at the end of the millennium." We are not living; we are dying. We are dying because of AIDS; we are dying because of the pressures to sell out our ideals, to sell out the people who are most vulnerable and who most need us to make other choices. But then they turn the theme around. "We're dying in America/to come into our own/and when you're dying in America/at the end of the millennium/you're not alone." The dying theme becomes a quest for life; dying from AIDS becomes living with AIDS. "You're what you own" becomes a call to "come into our

own." And what does it mean to come into our own? "You're not alone/I'm not alone/I'm not alone." What most sustains them is not "ownership" but their connection with each other, their not being alone, their support group, their mutual support.

You are what you own is both the problem and the solution. If you are what you own, each person must own something so that they can be, so they can "come into [their] own." This suggests the religious imagery of each person being created in the image of God, having God within. We must ensure that everyone's voice is heard in the round and has some place to be; that both owners and strangers take into account the fate of people who have nowhere to go; to connect in an age of isolation. If ownership is necessary for independence, we need to ensure that everyone can become an owner. The person who lies on the street corner is your sister; but for the grace of God it could have been you.

NEAR DEATH

*There is no future—there is no past
Thank God this moment's not the last*

*There's only us
There's only this
Forget regret or life is yours to miss
No other road no other way
No day but today*

(Women)

*I can't control
my destiny
I trust my soul
My only goal
is just to be*

*Without you
the hand gropes
the ear hears
the pulse beats
life goes on
but I'm gone
cause I die*

(Men)

*Will I lose my dignity
Will someone
care
Will I wake tomorrow
from this
nightmare*

*There's only now
There's only here
Give in to love
or live in fear
No other path
No other way*

without you

I die without you

No day but today

No day but today

—“Finale B”

We reach the finale when Mimi, near death, is carried up to the loft by Maureen and Joanne. Mimi collapses and we expect her to die, as Mimi died in the original *La Bohème*. Roger sings the love song he wrote for her, agonized that he waited so long and that she may never hear it. Yet she wakes; she did hear it. She found herself in a “tunnel. Heading for this warm, white light.” Her recovery and her near death experience enable both Mark and Roger to sing the credo for the first time. Mark, the detached observer, learns to celebrate the moment, with full emotion. Roger is able to tell Mimi, for the first time to her face, that he loves her.

Yet Larson brilliantly exposes the contradictions, the tensions that humans face. Roger and Mimi are able, for an instant, to celebrate the moment. “There’s only us/There’s only this/Forget regret or life is yours to miss/No other road no other way/No day but today.” This celebration of the preciousness of this day—this moment—gets its power and poignancy, its fearsome wonder, from the fact that it could have been the last. Larson wants us to learn to “live with AIDS,” to learn to feel joy in the midst of pain. He then has the company sing the credo together. The women start out by finishing it, singing the more hopeful message: “I can’t control/my destiny/I trust my soul/My only goal/is just to be.” Yet at the same time the women are counseling joy in the moment, the men are singing about their despair. “Will I lose my dignity/Will someone care/Will I wake tomorrow/from this nightmare.” Then they switch roles. The men become strong and the women face their pain. The men finish the credo. “There’s only now/There’s only here/Give in to love/or live in fear/No other path/No other way/No day but today.” The women sing the painful love song, the song that acknowledges the pain that will come to the one whose lover dies first: “Without you/life goes on/but I’m gone/cause I die/without you.”

Larson wants us to experience and contain within ourselves the tensions that are the mark of a fully human life. There is no clear answer to our questions about the most difficult moral questions we

face. Yet we must face them, without suppressing any part of the human experience. "Consistency in conflict," writes Martha Nussbaum, "is bought at the price of self-deception."²⁶

The no safety net line is a critique of the withdrawal of the welfare state, but it is also an intellectual statement: there's only us, there is no answer out there. On the other hand, it is wrong to assume that the answer is within us, and we can be sure that we are right. It is a form of idolatry to think that we are like gods who have the answer, that we can reason to the answer, perfectly, without distortion or mistake. Larson urges responsiveness rather than allowing people to think they know by hypostatizing fixed certainties. We are required to believe in right and wrong without absolute certainty that we know what it is. There's only us; we need to respond to the other and to ourselves, to act morally in face of uncertainty.

THE PARADOXES OF PROPERTY

*The liberal views of Robert Montgomery, professor of economics at the University of Texas, made him unpopular with the Texas legislature. . . . When he was asked if he favored private property, Montgomery replied, "I do—so strongly that I want everyone in Texas to have some."*²⁷

—John Kenneth Galbraith

*In a capitalist order, one person's proprietary value (or power) is obviously relative to other people's. A constitutional system of proprietary liberty is, therefore, incomplete without attending to the configurations of the values of various people's proprietary liberties. The question of distribution is endemic in the very idea of a constitutional scheme of proprietary liberty.*²⁸

—Frank I. Michelman

Property is what the homeless need and property is what causes their problem. This is one paradox presented to us by *Rent*. Is there a way out of it?

Let us focus on understanding the exact nature of the paradox. Property is conventionally understood as comprising a bundle of

²⁶ MARTHA C. NUSSBAUM, *THE FRAGILITY OF GOODNESS* 242 (1986).

²⁷ *THE LITTLE, BROWN BOOK OF ANECDOTES* 395 (Clifton Fadiman ed., 1985).

²⁸ Frank I. Michelman, *Liberties, Fair Values, and Constitutional Method*, 59 U. CHI. L. REV. 91, 99 (1992). See generally JEREMY WALDRON, *THE RIGHT TO PRIVATE PROPERTY* 332 (1988); Waldron, *supra* note 13, at 295.

rights, including the right to use the property, the right to exclude nonowners and the power to transfer it. It is also conventionally understood as granting the "owner" absolute, or almost absolute, control over the thing that is owned. The problem is that these two conventional understandings contradict each other. It is not possible for property rights both to be absolute and to comprise this complete bundle. Some rights in the bundle conflict with other rights in the bundle; the property rights of one person impinge on, and interfere with, both the property and personal rights of others. Absolute property rights are self-defeating.

Consider the problem of use. In a 1978 case decided by the Supreme Court of Texas, the Exxon Corporation began drilling on its property to withdraw water.²⁹ In so doing, it relied on an existing rule of law that stated that it could do so without regard to the effects on others. The earlier cases establishing that rule involved owners who drilled wells on their land and effectively withdrew water from underneath neighboring land, drying up their neighbors' wells, without otherwise harming the land itself. But when Exxon's withdrawal of water threatened to sink all the homes in the county, thereby destroying everyone else's property rights, the Texas Supreme Court found that Exxon's rights had reached their limits. Exxon, as owner, could not exercise its rights with total disregard for the interests of other property owners. The mutual dependence of their rights on each other required an accommodation. The security of everyone's property depended on each owner having due regard for a proper balance between one's own interests and those of one's neighbors. The free use of Exxon's property had to be limited to protect the neighbors' rights to prevent Exxon from acting so as to cause substantial harm to their land.

Consider the right to exclude. The United States Supreme Court has said that the "power to exclude has traditionally been considered one of the most treasured strands in an owner's bundle of property rights."³⁰ Yet public accommodations laws and fair housing laws substantially limit the owner's right to exclude nonowners on the ground of race or other protected categories, such as sex or religion. In fact, these laws grant members of the public the right to enter restaurants and stores and to rent or buy homes over the objections of the "owner" of those properties. They do so to ensure that each person has the right to acquire property without regard to race. The right to buy

²⁹ See *Friendswood Dev. Co. v. Smith-Southwest Indus., Inc.*, 576 S.W.2d 21, 23 (Tex. 1981).

³⁰ See *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982).

property conflicts with the right to determine when to sell. In order to establish a market that treats each person as an equal individual, capable of contracting and using property without exclusion because of race, owners' powers to determine when and to whom to open their property must be limited.

The right to exclude also gives "owners" substantial powers over nonowners. The right to exclude others may have the effect of excluding some individuals from access to property entirely. Property suggests the possibility of propertylessness. The right to exclude, exercised aggressively by owners, may have the effect of rendering some people homeless. The only way to ensure that everyone can be an owner is to ensure that there is enough land or property for everyone, and that the economic system allows each individual to earn enough to become an owner. Individuals have the freedom to use property only if they can become owners, and we can only ensure that everyone can become an owner if property rights are regulated to ensure access to the opportunity to become an owner. Making sure that we are not left with nonowners—people excluded entirely from the system—requires regulation of owners to ensure that property rights are not accumulated and exercised in ways that effectively exclude others completely from the system.

Consider the landlord-tenant relation—the "rent" relationship. The tenant is, to a large extent, under the landlord's power. The landlord can evict the tenant at the end of the lease term and has no duty under current law to continue to rent. Of course, competition among tenants for apartment space limits the absolute power of landlords, but if tenants as a class are poorer than landlords as a class, there may be a structural disparity that places tenants at a bargaining disadvantage. After all, the tenant needs a place to live; the landlord obviously has a place to live plus another place available for renting. Since housing is a necessity, there is a structural imbalance between the landlord and the tenant that may or may not be overcome by ordinary market mechanisms.

Perhaps the tenant—or the homeless person—can go into business and get a job to earn enough to become an owner. Perhaps. But impediments exist. The tenant may be a divorced mother who cannot earn enough in the marketplace to pay for child care, transportation costs, rent and food. The incomes available to low-income workers almost always put them in dire straits in today's world. With the reduction or elimination of welfare, their situation is only exacerbated.

Maybe the system will adjust in the long run. Yet every time the unemployment rate goes too low, Alan Greenspan gets nervous and

raises interest rates to ensure that businesses stop hiring and even lay off a few more workers. There is a Kafkaesque quality to the recent interplay of macroeconomic policy and welfare policy. Those who are looking for work, or who are underemployed, hope for an expanding economy. Yet every time the economy expands to increase employment or grows too quickly, the Fed puts on the brakes.³¹ This policy is especially bizarre given the current push to induce welfare recipients to get jobs.³² If too many people get jobs, the Fed tries to get employers to fire them.

The owner depends on an ability to exclude others. The owner has the power to coerce nonowners to pay rent since they need access to a home. Yet the lack of property of the homeless itself impedes their ability to obtain property, to obtain a job or otherwise enter the market. The dependence of the owner on the dispossession of others contradicts the institution of private property that presupposes an end to feudalism, to lords hoarding property, lording it over the peasants who own nothing but live on the lord's land subject to his jurisdiction. To have the social institution of property is to take away the lord's power and transfer it to those at the bottom of the feudal ladder, the people living on the land, the people who claim a space and a right to exist.

The tension is manifest. Property is a paradox. Its purpose is security, autonomy, and control, where every person is a monarch of his or her castle, with a room of one's own to make a life and to create a world. Yet this control depends on the right to exclude—the very right that may sometimes deny autonomy to others. The consequence of property as exclusion may be the exclusion of others from the realm of dignity—of property. The consequence of exclusionary ownership and the clash between federal welfare policy and federal monetary policy is that the homeless have no place to be. This consequence contradicts the notion of property as security for individual personhood.

The institution of private property presupposes that it is potentially available to all. Yet the very recognition of property rights in owners entails the ability to control a scarce resource needed to sustain human life.³³ The exclusionary nature of property means that the

³¹ See Bob Herbert, *Bogeyman Economics*, N.Y. TIMES, Apr. 4, 1997, at A5, available in 1997 WL 7991199.

³² See Derrick Z. Jackson, *Welfare Recipients vs. Working Poor*, BOSTON GLOBE, Apr. 4, 1997, at A15, available in 1997 WL 6248202.

³³ See generally Laura S. Underkuttler-Freund, *Property: A Special Right*, 71 NOTRE DAME L. REV. 1033 (1996).

extent of property rights that can be recognized in owners depends on the consequences of recognizing those rights on those excluded from property altogether. Stability for Exxon's neighbors could only be attained by limiting Exxon's right to withdraw water from its land. This is the social face of property. The right must be limited, contingent, time-sensitive and compatible with the right of others to also obtain property. This contingency is required to obtain stability and security for nonowners. To obtain stability and basic security for all, property rights must be made partially secure and partially contingent on limits needed to ensure that security is afforded to all persons within the system. There must be an economy of stability and freedom which cannot be fixed inexorably in advance. To fix it in advance is to fall into contradiction; protecting Exxon's claim to absolute control of its property would effectively result in lack of protection—in fact, complete destruction—of the rights of all other property owners.

It turns out that the stability of the home can exist only with and only because of the contingency and the instability of property rights. No one is assured of a home if everyone is assured absolute control over their homes and property. Coexistence requires property as an individual right to be modified by its social face—a social context which limits the right in light of the right of others. Stability comes only with the recognition of contingency.

Perhaps one has to choose. Either property is an absolute individual right or it is a social institution with no individual entitlements. If it is an absolute individual right, the social aspect can be ignored and the owner given the right to evict the homeless squatter without that owner—or other owners—having any obligation to ensure that the homeless squatters have some place to be. If property is a social institution alone, however, it can then be defined and redefined in any way, taking from individual owners any security of tenure; their property rights are subject to being taken at any time to promote the good of the community.

But no. Neither prong of the dilemma can survive on its own. Property is an entitlement, but entitlements are not absolute; they are defined, at least partially, by the effects of exercising them on the ability of others to obtain similar rights. Property, as individual right and as social institution, also includes the right of access, the right to have a realistic opportunity to become an owner. The absolute conception of the property right is self-contradictory. Property rights depend on, and cannot exist without, the ability to bear this tension, to regulate it, to recognize it, to affirm it.

Property is a social system as well as an individual right. This does not mean that individuals (owners) have no claims, no entitlements, no status to resist the demand to use one's property for the benefit of others. Rather, it means that it is a question whether a claim should be honored. The answer may well be yes. Yet a claim cannot be honored if it denies the same claim to others. But honoring a claim to exclude is precisely to deny the claim to others, unless. . . . Unless what? Unless attention is paid to counting everyone as a member of the community. In the book of Numbers, the tribes of Israel are duly counted.³⁴ Why? One answer is that everyone counts. Each person was created in the image of God and each one has the responsibilities and rights that attend that status. The counting also was done to determine how much land to give each tribe; the larger tribes got more land. Each one was guaranteed some land and the Jubilee (the *Yovel*) ensured that, every fifty years, those who lost their land to debt could return home to their land and to their families. Attention to the right of each one extends to understanding the interaction, the mutual dependence, of each person with each other.

Although it may seem paradoxical to understand ownership as entailing obligations to nonowners, the link between property and individual dignity demands an understanding of property as embodying systemic norms of mutual care. Jewish law, for example, embodies an understanding of property that is *both* highly protective of property owners and highly protective of nonowners. Although the *Torah* (the Five Books of Moses) recognizes the institution of private property and devotes two of the ten commandments to prohibiting invasions of property rights (prohibiting both theft and coveting—because coveting leads to theft), it also contains numerous admonitions to share property with those who have none—the widow, the orphan, the stranger, and the poor. We are commanded not to reap to the edges of the field, not to pick up grain or grapes that have been dropped in the course of harvesting, and not to return to the field to retrieve “forgotten sheaves.”³⁵ All those are owned by the poor—those who have no access to land of their own or whose family ties have been shattered. We are commanded to “open our hands to the poor.”³⁶ The word “stranger” appears at least one hundred times in the *Tanakh* (the Jewish Bible) as we are repeatedly commanded to care for the stranger

³⁴ See Numbers (*Bamidbar*) 1:1–2:34, in THE FIVE BOOKS OF MOSES, *supra* note 11.

³⁵ See Deuteronomy (*D'varim*) 15:7, 24:19, in THE FIVE BOOKS OF MOSES, *supra* note 11; Leviticus (*Vayikra*) 19:9–10, in THE FIVE BOOKS OF MOSES, *supra* note 11.

³⁶ See Deuteronomy (*D'varim*) 15:11, in THE FIVE BOOKS OF MOSES, *supra* note 11.

(the sojourner, the homeless one), remembering that we were strangers in the land of Egypt.³⁷ Property, in this system, can only be morally justified if everyone has access to it, including access to the minimal means of sustaining a dignified human life. This moral system requires self-help, demanding that individuals act to take care of themselves and their families—but it also forbids indifference to the dispossessed and those who have fallen on hard times.

Property cannot exist without security and it cannot exist without contingency. Property is not meaningful unless it is an entitlement and it cannot mean what it is unless it is a social system.

Larson confronts us with a number of paradoxes and ways out of them. A person with AIDS is “dying in America.” Yet Larson twists that painful fact inside out. Roger and Mark are dying “to come into [their] own.” Dying is used to represent both the possibility of death and the imperative to live with joy in the face of unbearable pain: “[n]o day but today.” Families are necessary for individual security; yet traditional or given families may or may not work. Larson suggests the use of the constructed family in addition to, or in place of, the traditional family. Artistic creation requires innovation by the unconventional artist, rebellion against received form, gleeful resistance; at the same time, artists use the conventions they have inherited and change them, using the structures while breaking out of them.

So too with property. *Rent* teaches us crucial lessons for cutting through the paradox. The ultimate lesson of *Rent* is the need for “connection—in an isolating age.” Larson asks us to see homelessness, the casual discarding of people, as a plague no less horrific than AIDS. Roger needs to reconnect with life, to learn to “live with AIDS,” to learn to find himself in relation to others—to a lover, to a new construction of family, and finally to the strangers on the street whose lives depend on the decision he makes not to abandon the protest against Benny’s conception that the owner of that lot next door has the “right to do with it as he pleases.”

Larson presents the AIDS support group as a metaphor for the social aspect of the institution of property. The group stands in a circle and affirms the preciousness of life, of *each life*, each person present. Even in the face of unmitigated despair, the round form suggests a way to construct a circle that recognizes the dilemmas of each individual life while allowing each one to lean on others in a circle that possesses

³⁷ “The stranger who resides with you shall be as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God.” Leviticus (*Vayikra*) 19:34, in *THE FIVE BOOKS OF MOSES*, *supra* note 11.

a built-in motion forward, a sustaining quality. Just as the voices in the round lean on each other, while retaining their individuality, property owners have obligations, as well as rights. Each one facing into the circle, while finding a place to stand, suggests a way to live with the tension between the individual and the community. Individuals stand in relation to others, each voice important, crucial for the maintenance of the musical energy. Any voice dropping out spoils the music, the harmony created by the tension of opposing voices. Each one is important. Property is conceptualized, in Larson's world, not as plots with owners possessing absolute rights, but owners situated in relation to others with a combination of rights and obligations. Indeed, their property gets its value, not just because of their individual efforts, but because of its place in a social system, each owner dependent on the efforts of the others, as well as her own. Just as the voices of the round overlap, so do property rights. Property rights entail obligations to respect the rights of others. This mutual regard does not mean that each has the right to be relentlessly selfish. Rather, it means that individuals have obligations to ensure that their property rights do not have the effect of denying minimal standards of human decency to others.

Property rights overlap, not only in the sense of giving each owner both rights and obligations to others, but in that they require a mixture of stability and contingency. Just as artistic creation requires constant tuning up and revision of the script, property rights get their value from appropriate attention to the ways in which they must be defined and redefined over time to ensure that their exercise does not deny rights to others.

When Aaron Feuerstein decided to rebuild his burned-down factory in Methuen, Massachusetts rather than taking the insurance money and retiring, he was hailed as a hero.³⁸ When he decided to continue paying salaries to his workers, even though they could not work, and to attempt to rehire all of them, he was looked at in awe. He was invited to sit next to Hillary Clinton at the President's State of the Union Address. Articles and stories about him abounded in news media. His fame suggested both a longing for this kind of commitment to workers and an implicit criticism of companies that have acted without regard for their workers. At the same time, no one suggested

³⁸ See Patricia Nealon, *Mill Reopens Amid Fanfare and Gratitude*, BOSTON GLOBE, Sept. 22, 1997, at C11, available in 1997 WL 6270529; see also Steve Wulf & Tom Witkowski, *The Glow from a Fire: A New England Textile Manufacturer Turns Tragedy into a Christmas Tale of Warmth for His Workers*, TIME, Jan. 8, 1996, at 49.

that it should be legally required to do what Feuerstein did. Indeed, if the president of a publicly-owned company had done what Feuerstein did, he might be subject to a lawsuit by disgruntled shareholders claiming that he was not maximizing the value of their shares and thus acting in contradiction to his fiduciary duties to them as owners of the corporation.³⁹ Yet the widespread admiration for Feuerstein suggests that the absolute conception of ownership—with the shareholders conceptualized as “owners” of the corporation and the workers as expendable “factors of production”—denies the dignity and security of those workers in a way that denies their ability also to become owners. Real protection for property rights would ensure that the workers would not be cast away, thrown out of the system in a way that denies them the ability to achieve the stability associated with ownership rather than dependence. People do adjust over time; they get new jobs, they move on. But some people do not move on; they do not make it. The policies that would work well in these transitional settings are hard to define. Nonetheless, an attitude of indifference to the suffering of those who are the victims of change, who are excluded from property by the claimed rights of the owner, and who have no reasonable alternative, is part of what Larson asks us to give up.

Our brave new world of self-reliance makes everyone vulnerable. The answer Larson gives to the harsh world where “you’re what you own” is the support group where “you’re not alone.” Support, in turn, requires mutual attention rather than callous indifference. Benny argues that the owner of that lot next door has the (absolute) right to do with it “as he pleases.” *Rent* is an extended rejection of this argument. Rights, including property rights, cannot be justly defined or exercised in ways that leave others vulnerable to complete dispossession. In a world where anyone can become homeless, or face the horror of a deadly illness or an untimely death, no one can endure

³⁹ See generally *Dodge v. Ford Motor Co.*, 170 N.W. 668 (Mich. 1919). Feuerstein himself recognizes that he could only do what he did because he is the sole owner of his company. If he had been the manager of a publicly-owned corporation, he would have been forced to sacrifice his workers for the short-run profits associated with moving to a location with lower labor costs. Feuerstein explains:

I own my company, but it's unfortunate that CEOs, who are maybe professionally far better than me, are being forced today, because of [the] power in the hands of these Wall Street funds, they're being forced today to make short-term decisions to improve the bottom line. As a result of it, they are cutting and killing the very labor that this country needs for its future.

Sunday Morning: Profile: No Longer Needed: Aaron Feuerstein, Corporate America's Layoff Policies and How They Affect the United States (CBS television broadcast, Jan. 14, 1996) (transcript available in 1996 WL 8065770).

without a sense of "connection—in an isolating age." This connection requires us to learn to tolerate ambiguity and complexity. It also requires an ability to respond rather than mechanical application of rules enacted in advance without regard for their consequences. We cannot rest on vague assurances that things will work out in the long run, that people will find jobs, that they will get their lives in order, over time. Children need food today; if no help comes now, they lose their childhood. If not now, when?⁴⁰ No day but today.

⁴⁰ See Saying of Rabbi Hillel, in SAYINGS OF THE FATHERS (*PIRKE AVOT*) 1.14, translated in *PIRKE AVOT: A MODERN COMMENTARY ON JEWISH ETHICS* 10 (Leonard Kravitz & Kerry M. Olitzky, eds., 1993)