

FORUM I

The Liberal Agenda: Is it Good or Bad for the Jews?

ALBERT D. CHERNIN

Several years ago Norman Podhoretz, editor of *Commentary* and a guru of Jewish neoconservatives, said that the question that should determine the Jewish community's posture on issues of public policy is whether it was good or bad for the Jews. Mr. Podhoretz felt the Jewish community relations establishment had strayed from that principle.

It's a "bum rap!" Almost instinctively, the field of American Jewish community relations has been moved by that principle throughout its nearly 100-year history, and no less so over the past four decades. Jewish self-interest was the point of departure in the years immediately after the end of World War II when the field redefined its strategies in response to the trauma of the Holocaust. Although enormous changes have taken place in the United States and in the status of the American Jewish community since World War II, those community relations strategies and their underlying premises, which in many ways influenced these great changes, continue to this day to be responsive to the interests of the American Jewish community.

The post-World War II pioneers of the community relations field did not view self-interest from a narrow, short-term perspective. They did not see it simply as a basis for reacting to the here-and-now without concern for larger, long-term trends and consequences, especially unintended consequences. Enlightened self-interest required then, as now, understanding the potential impact of the complex interplay of long-term tendencies of political, eco-

nomie, and social forces on the status and security of the American Jewish community.

In addition, almost by instinct and even unconsciously, the self-interests of the Jewish community have been shaped by the Jewish ethos. That humanistic ethos, which has driven Jews in modern history, has evolved from 2000 years of Jewish Diaspora history, especially the last 200 years, and the social justice imperatives of Judaism. While particularistic, the Jewish ethos paradoxically has led to universalistic postures, which some have attacked as being at variance with Jewish interests. How can they be at variance since a concept of Jewish interests by definition embraces the protection of its ethical value system?

PROTECTING THE FIRST AMENDMENT

To protect Jewish self-interest, the Jewish community relations field envisioned the kind of society required to ensure the creative continuity of the Jewish community and the rights of the Jew as an individual. The premise underlying the field's activities was that the security of American Jews was directly linked to the strength of the American democratic society: an open, pluralistic society that guaranteed the fundamental rights of the individual.

Thus, the Jewish community relations field defined its goals and policies in terms of fostering and preserving such a society. These policies rested on the Bill of Rights, particularly the First Amendment, as the bulwark to protect fundamental rights of the individual against shifting majorities and the fluidity of popular sentiment.

Derived from the concepts of Jefferson and Madison, the Jewish community relations field asked whether it was good or bad for Jews for the state and its agents to

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- force or influence a person to go to or remain away from church or synagogue?
- punish a person for entertaining or professing religious beliefs or disbeliefs?
- force or influence a person to profess a belief or disbelief in any religion?
- punish a person for church or synagogue attendance or nonattendance?
- levy a tax in any amount, large or small, to support any religious activities or institutions, whatever they may be called or whatever form they may adopt, to teach or practice religion?
- participate or become entangled, openly or secretly, in the affairs of any religious organization or groups and vice versa?

These questions raise more particularistic questions: What is the cumulative effect on the Jewish child of religious instruction on public school premises? Bible reading in the public schools? Prayer recitation in the public schools? What is the effect of religious observances in the public schools? Nativity plays? Easter pageants? In the minds of Jewish children, are not such practices perceived as coercive, even though masked by so-called voluntary participation? Does not the placement of the creche as the central religious symbol of the Christmas holiday in the public school or at a county court house have the effect of conveying a government endorsement of Christianity?

In short, what kind of message do such practices send? To nonadherents the message is that they are outsiders, not full members of the political community. To adherents, that they are insiders, favored members of the political community, as Justice O'Connor observed in the Pawtucket creche case. Is such a message good or bad for the Jews?

To an American Jewish community that by definition observes a nonconformist religion and that numbers less than 3% of the total population, the answers to these questions may seem self-evident. They go to the heart of the firm position on the separation of church and state advocated

for a half-century by the Jewish community relations field. This posture has been vindicated by the clear and ringing answers given by the Supreme Court to these questions in a series of milestone decisions handed down in church-state cases over the last 50 years. In these decisions the Supreme Court warned that these protections could be eroded in "myriad, subtle ways."

The separation principle has challenged the Jewish community and all religious faiths in the United States to retain adherence of their members by persuasion. Religious groups cannot look to the state to support the faith. Their advocates must make the case again and again without a government crutch. Far from being a burden, that challenge has been good for religion in America. It has invigorated religious life in America in contrast to most Western societies. For the American Jewish community it has fostered vitality in Jewish life.

The separation principle and, indeed, the totality of the First Amendment also have resulted in a system of voluntarism that is unique to the United States. A strong and powerful voluntary sector stands as a significant check on state power and as a forceful advocate for the individual and their groups. This uniquely American experience provided fertile soil for the Jewish community, which was rooted in an historic pattern of self-help. It has produced an incredible voluntary institutional framework that is generously supported by a voluntary self-imposed tax. The strength and dynamism of Jewish institutional life in America cannot be found in any other Diaspora community with the possible exception of Canada and compare favorably with that in Israel.

This system of voluntarism is now challenged by the growth and complexity of social needs and services. The American Jewish communal service field faces the dilemma of how to provide vital and costly services to meet those needs while avoiding entanglement of church and state. Like

the apple in the Garden of Eden, it is a terrible temptation to bite the apple of government support.

Government support means government involvement, and government involvement is inherently coercive, however benign. Government involvement either will lead the state to insist that sectarian agencies provide nonsectarian services and maintain an open intake policy or will cause the state to become an instrument of promoting religion. Neither is in the interest of the Jewish community. Throughout history Jews have suffered when church and state were co-mingled.

If the erosion of the wall of separation serves any religious interests, it would be the interests of the dominant religious group. Although the dominant religion may vary from region to region in the United States, in no region, including New York, would it be Judaism. Even from the American experience we have known the adverse impact of a dominant religious view on a small minority such as the Jewish community. At best it led to benevolent tolerance of Jews living in what was perceived as a Christian nation. It did not foster among Jews a true sense of their being first-class citizens. We saw that in America before World War II.

We also have to guard against the adverse impact of what could emerge as a new national civic religion on the particularism of the Jewish community. So-called nonsectarian or common core religious practices have the effect of diluting, rather than enhancing, distinctive religious belief and practice. Recall the Regents' Prayer of New York, which fortunately was found to be unconstitutional. This new version of a state religion without form or substance but with government functionaries as its high priests is advocated by some, including Jews, to overcome the vices of this nation. Such civic virtues as honesty, mutual respect, and fair play do not require religious sanctions to be transmitted

to young people. They require an educational atmosphere that acts out those virtues.

Common core and nonsectarian religious practices increase, rather than diminish, indifference toward particular religious beliefs and practices. Such indifference is growing among many young Americans, including young Jews. Indeed, it is such indifference to particularistic religious observance and belief that leads to the growth of intermarriage. As do other religions, Jewish ritual requires its own special idiom. In so many subtle ways its distinctiveness deepens Jewish identity and the profound sense of kinship linking Jews together across national borders and history. Universally accepted civic virtues, when expressed in the form of civic religion, pose a threat to Jewish continuity. Civic religion is another form of assimilationism.

In landmark case after landmark case over the last 50 years, the Supreme Court found that the Establishment Clause of the First Amendment guarded against such dangers. Now these milestone decisions are in grave danger. With only one more vote on the Supreme Court those great precedents could be swept away. Chief Justice William Rehnquist and Justice Anthony Kennedy have spelled out in minority opinions the direction they would have the Supreme Court take on the principle of separation of church and state.

"The wall of separation . . . should be frankly and explicitly abandoned," Rehnquist asserted in a minority opinion in the *Jaffree* case. In that case the majority on the Supreme Court found state-sanctioned silent prayer in the public schools to be unconstitutional. Justice Kennedy would find as unconstitutional only those laws or governmental activity that led to actual establishment of state religion. Based on his dissenting opinion in the Pittsburgh *menorah/creche* case, Justice Kennedy would draw the line only at religious practices or direct benefits to religion "that it

in fact establishes a state religion or religious faith, or intends to do so."

Milton Konvitz, the eminent authority on the Bill of Rights (and who is also deeply committed to Jewish survival), has warned that if the minority opinion of Rehnquist were to become the majority opinion, then prayers in the schools, state aid for religious and secular instruction in religiously related schools, and even state support for the salaries of all clergy would be constitutionally permissible.

Justices Byron White and Anthony Scalia, in their concurrence in such minority opinions, have shown that they are ready to move in the direction pointed to by Rehnquist and Kennedy. The question is whether Justice David Souter, the successor to Justice William Brennan, the eloquent defender of the establishment clause, will provide the fifth vote to make their minority opinion the majority one or to maintain the long-standing position of the court?

Is the danger exaggerated? We should harken to Madison's warning in response to a similar threat 200 years ago: "Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance." Justice Tom Clark sounded a similar warning 30 years ago: "Today a trickling stream, all too soon a raging torrent."

As the strongest and most privileged Jewish community in Diaspora history, this generation of American Jews has an obligation to future generations of American Jews, who will be an even smaller percentage of the total American population, to preserve those bulwarks that have enabled us to be a distinctive and free Jewish community while remaining fully integrated into American society. We have achieved the best of possible worlds. Thus we should bear in mind Lech Walesca's observation: "I'm not sure the American people have any idea how blessed they are to have the Bill of Rights." I am not sure

that the Jewish community fully recognizes how blessed it is to have the Bill of Rights as the bulwark of its protection as a minority in this nation.

FIGHTING PREJUDICE AND DISCRIMINATION

Parallel with its decision to give the highest priority to protecting the First Amendment, the Jewish community relations field at the end of World War II also gave equally high priority to a national campaign against prejudice and discrimination in America. American Jews, as well as the African-American community, suffered from the painful manifestations of bigotry that were then widespread in the United States, in spite of the war this nation had waged against Hitler.

The community relations field concluded that the most effective means of fighting prejudice was to attack its overt expression, discrimination, through the use of law and social action. Exhortation and education were not sufficient. Inherent in such a decision was the assumption that using law to bar certain forms of behavior could lead to a change in attitudes. It also reflected the view that law was a powerful educational tool in asserting the standards and mores of American society.

Such an approach required a universalist posture. Law by definition is universalist, and to achieve its enactment requires universal symbols with which most Americans, not only Jews and African-Americans, could identify. Thus, although the posture of the Jewish community relations field appeared to be universalist, that posture was derived from the particularistic interests of the Jewish community.

The strategy also called upon the Jewish community, in partnership with African-Americans, to be in the vanguard of such anti-discrimination efforts. However, the leadership of both communities recognized that they could not achieve their legislative

agenda alone. They needed allies and so gave a high priority to building broad-based coalitions. In the early 1950s the Jewish community relations field built with the NAACP the Leadership Conference on Civil Rights, which is still a highly effective coalition in Washington, and with national church bodies, the American Immigration and Citizenship Conference, now the National Immigration, Refugee, and Citizenship Forum.

After years of struggle, that campaign against discrimination resulted in the comprehensive federal civil rights legislation enacted in the mid-1960s. It resulted in the repeal by Congress in 1965 of the racist national origins quota system, which closed the doors of America in the 1930s to thousands of Jews who could have been saved from Hitler's inferno if we had such a law then. The 1965 law opened the door to thousands of Soviet Jews who were to emigrate to the United States in the following years. The enactment of these laws were enormous achievements, and they changed the nature and face of American society.

CONFRONTING COMPLEX SOCIAL AND ECONOMIC PROBLEMS

The success of these efforts has not led the field of Jewish community relations to discard the basic principles that guided these campaigns. Law and social action, universal symbols, and coalitions aimed at achieving equal opportunity for all Americans continue to be responsive to the needs of America and the interests of the Jewish community today.

Although these civil rights laws and the fairer American immigration policies have made an enormous difference in overcoming legal barriers to equal opportunity, they also exposed deeper, more complex social and economic problems. In many ways these problems were the legacy of 200 years of slavery in America and 100 years of a government-sanctioned caste system. These problems are not as amenable to the more direct legal remedies that were

used effectively, for example, against discrimination in public accommodations or in voting. They represent a long-term threat to this country's ability to be an economic superpower in the twenty-first century and to the social fabric of America. They could lead to greater, not less, intergroup strife and enmity, certainly a matter of concern to the Jewish community.

The debate over strategies to respond to these complex issues has led to simplistic and demagogic attacks on "misguided bleeding-heart liberals and liberalism." For the apostles of ideological conservatism, as distinguished from classical conservatives, liberalism has become a dirty word. Such scornful characterizations may make for good campaign malarkey, as in recent presidential elections, but they have not resulted in a serious national strategy to address the difficult domestic problems this nation faces as it moves into the next century.

For myself and most American Jews, liberalism seeks pragmatic and moderate change joined to a vision of what the Jewish community sees as the good society: an open, pluralist, compassionate, equal opportunity society. Although the Jewish community believes that government should exercise severe self-restraint in the sphere of individual conscience, belief, and speech, it looks to government to play a decisive role in ameliorating economic and social problems, especially those of poverty-stricken Americans. Government should be open to change and respond compassionately to the painful reality of the disadvantaged. The late Isaiah Minkoff, my predecessor as executive vice chairman of NJCRAC, wisely observed that the idealists are in fact the realists. They have the imagination to see beyond the nose on their face.

So what is reality in the United States today? Nearly 32 million Americans live in poverty, many of them without hope of escaping it and all of its pathological consequences. They have inadequate jobs or are jobless, inadequate housing or are even

homeless, inadequate or no medical care, and inadequate education.

The problem has worsened in recent years. The percentage of those living below the poverty line increased from 11.7% in 1979 to 13.1% in 1988. Living below the poverty line in 1988 were 31.6% of African-Americans and 26.8% of Hispanics. The median earnings of heads of families, adjusted for inflation, fell by 15% from 1973 to 1986. The number of those who have jobs but remain under the poverty line increased by two million from 1979 to 1987. Those who work full-time and receive the minimum wage live below the poverty level. Under the minimum wage today at \$3.80 an hour a worker will receive annually \$7,904. When the minimum wage goes up to \$4.25 as the law requires, the annual wage will be \$8,840, still significantly under the poverty level of \$11,611 for a family of four.

Nearly 40% of America's children under 18 are among the nation's poor. About 23% of the nation's children were born into poverty in 1988, compared to 20.5% in 1979; 23% of the children under six were poor in 1987 compared to 17% in 1968.

Western culture tends to blame the poor for their plight. What usually follows are sermons and exhortation. In recent years there has been an increasing tendency to lay the blame for poverty on government programs for the poor, charging that they have fostered dependency. Many of these programs have had unintended consequences, but would the poor be better off without Social Security, Medicaid, Supplemental Security Income, or food stamps? Would this nation be better off with the good old days of "lady bountifuls" assuaging the conscience of society? I cannot believe that even *laissez-faire* conservatives would want to return to that kind of system.

To be sure, there are problems with some of these government programs, and we should remedy them. However, those problems do not justify the retreat of gov-

ernment from the commitments it made in the 1930s and the 1960s. Nor do they justify limiting the programs to providing a safety net. Such an approach provides what is essentially crisis aid; it is not based on a national strategy of preventive assistance. The Reagan Administration cut back and in some cases eliminated those programs that provided education, job training and retraining, support services, and incentives to move people toward self-reliance and self-sufficiency in our society. The Bush Administration contemplated the development of a national strategy of preventive assistance, but has backed off from doing so.

Can these seemingly intractable problems be ameliorated by the market economy and the private sector when left to their own devices and resources, as some suggest? That is an unrealistic burden to place on the market economy. The engine of the market economy is the profit motive. Although it may result in the greatest good for the greatest number, which has been the American experience with as many as eight of ten Americans enjoying the fruits of its prosperity, it has left millions of other Americans untouched by prosperity. The market economy should not be indifferent to the social good, but that is not the primary concern of business. The common good is the charge of government. That is the basis of the social contract between government and the people.

Today the issue is the role of government, national priorities, the development of a comprehensive national strategy, and a federal budget that will respond effectively to these problems. In the summer of 1965, this nation, led by President Lyndon Johnson, declared war on poverty. In spite of the many attacks on it, some justifiable, that War on Poverty had an impact. The largest problem involved in that War on Poverty is that it had to be fought simultaneously with the war in Vietnam. Under the Johnson Administration we tried to pay for both guns and butter, which placed long-term strains on

the federal budget. However, they were not as severe as the strains placed on the federal budget by the Reagan Administration in successfully pushing for simultaneous major cuts in taxes, deregulation, cuts in services, and an exorbitant growth in defense expenditures. For this the nation is paying a much higher price than for Johnson's War on Poverty.

The good news is that in the 1990s we have a unique opportunity to attack our nation's social and economic problems. It grows out of the sea change in U.S.-Soviet relations and its long-term consequences for the defense budget. By 1995 the Defense Department budget will be at least 10% less and more likely 25% less in real dollars than the 1990 Pentagon budget of \$300 billion. Former top-level Defense Department officials suggest that by the end of the twentieth century military expenditures could be half of the 1990 expenditures.

Although the United States still will require a lean and mobile defense force to meet continuing conflicts in the Third World, America's role as a superpower will depend less and less on its military strength and more and more on its economic and social strength as we move into the twenty-first century. America's national interests will suffer if we miss this opportunity to reorder our national priorities. If we fail to undertake federally funded programs aimed at realizing the potential of those American children who live in poverty today, we could find ourselves incapable of competing with other great economic powers—a united Germany, the European Economic Union, and Japan.

The savings from the defense budget will not automatically be redirected to these priorities. There will be competition from other sources for those dollars, as we see today in the struggle to control the federal budget deficit and rescue the savings and loans. Vigorous advocacy by the voluntary sector will be required to achieve a national budget that will be responsive to these priorities.

In fighting for the allocation of these resources to solve what in fact is a national crisis, the voluntary sector above all others understands that there are no panaceas, no quick fixes, or prescriptions that are guaranteed to work. But, as we did in the 1930s and as we did again in the 1960s, we have to experiment within the framework of a comprehensive and coherent national approach. If some programs do not work, we ought not to scrap the entire effort, but to remedy or eliminate the ineffective programs and try something else. We have a responsibility to make this effort both from the point of view of social justice and of national self-interest.

The Jewish community should join in such advocacy as it did in the 1940s, 1950s, and 1960s. Today the Jewish community has never been more affluent, better educated, or politically influential. No longer are we among the have-nots as we were before and immediately after World War II. We have made it.

Now that we have made it, there are those who contend that it is time for the Jewish community to change sides and recognize that its self-interests do not rest with advocacy on behalf of the downtrodden. Yet, Jewish self-interest goes beyond our pocketbook. The self-interest of the Jewish community is not the same as the Episcopalians, and the overwhelming majority of the Jewish community understand that. We still experience anxiety about the status and security of Jews and the Jewish community as a minority group in this nation and about the strength of the American democratic system. We are keenly sensitive to the problems of the chronically poor and disadvantaged that threaten the social fabric of American society and ultimately Jews. That is why two-thirds of American Jews vote for liberal candidates in contrast to the voting patterns of the Episcopalians.

The very process of engaging in social justice advocacy as a Jewish community preserves our distinctive Jewish ethos, which obviously is in the self-interest of the Jewish

community. In being concerned about Jewish survival we are concerned about the nature of that survival, about the kind of people we want to be. Without that ethos we indeed would become like the Episcopalians. If we act only on the basis of our economic self-interest, little by little we will begin to blur what distinguishes us. We will begin to dilute our values and beliefs, and that will not be good for Jews or the nation.

Happily for the Jewish community, America's enlightened self-interest in an open, economically healthy, pluralistic society coincides with Jewish self-interest and the Jewish ethos. We should reject those false prophets who urge us to turn away from these social justice imperatives. Jews who are angry about injustice are in

the best tradition of prophetic Judaism, and that's good for Jews and it's good for America.

Thus I close, as I began, with the judgment that the same assumptions that guided the development of our policies and goals in 1945 still should continue to guide us in 1990, except that now we must develop policies and programs to remedy problems that are even more complex than those we faced 45 years ago. The experience of the past 45 years should give hope that we can ameliorate even these ills if the nation commits itself to doing so. Whether the nation makes that commitment in part will depend upon whether the voluntary sector, including the Jewish community, will press forcefully for such a commitment.