

Sh'ma

a journal of Jewish responsibility

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Bakke, the jews and affirmative action

Nina Cardin

The case of Bakke vs. the University of California has stimulated the Jewish community to clarify its position with regard to affirmative action. To understand the statements coming from various of our national Jewish organizations, it is first necessary to review a bit of affirmative action history.

The major impetus, and subsequent interpretation and implementation of affirmative action, came from the executive branch of the federal government, specifically a chain of Executive Orders and Department of Labor regulations. Affirmative action was first known as equal opportunity. Its implementation was to be by the removal of all discriminatory barriers. The Department of Labor then realized that simply requesting faithful adherence might not persuade groups to give equality to all. It consequently inaugurated a more active policy. Reports on employment practices and public assertions of compliance with non-discriminatory practices were required. The final shift was to affirmative action, the use of "goals and timetables . . . to correct deficient utilization of minority groups and women." Since non-compliance could cause the loss of federal contracts some companies and institutions established fixed numerical goals which had to be filled by specific future dates. But this is a quota system.

Umbrella Council sees Affirmative Action as Positive
Let us now examine the various positions of eight major Jewish organizations: the Union of Orthodox Jewish Congregations of America (UOJCA); the Union of American Hebrew Congregations (UAHC); the National Council of Jewish Women (NCJW); the United Synagogue of America (USA); the American Jewish Congress (AJCong); the American Jewish

Committee (AJComm); the Anti-Defamation League (ADL); and the National Jewish Community Relations Advisory Council (NJCRAC), which is a national "umbrella" organization composed of 101 constituent groups, nine of which are national, including the preceding seven. (The two remaining national groups are the Jewish Labor Committee and the Jewish War Veterans; the former co-signed the ADL pro-Bakke brief.) The AJCong and AJComm filed a joint brief in this case. All the groups have working policy statements on affirmative action but no other group of these eight filed a brief.

The NJCRAC is dedicated to effecting social change in order to insure Jewish security by issuing community relations guidelines. Its "Position on Affirmative Action" was written in 1975 following the *De Funis v. University of Washington* case. It was agreed upon by its membership, with the sole exception of the UOJCA, which appended qualifying statements. The policy puts forth affirmative action as a necessary and positive form of social activity, needed to "overcome the evils of past discrimination and other deprivations."

This means that victims of historic deprivations, such as black Americans, as well as victims of personal disadvantage, such as any poor, sick or under-educated, deserve "special help . . . to hasten their productive participation in society." What this means, however, is not that blacks *qua* blacks deserve this help. It is not their blackness that needs remedying. Rather it is their deprivation. And since not all blacks are deprived, not all blacks deserve special help. The blacks who should receive special help are those who have suffered "other deprivations" such as poverty, illness and poor education, just as any other individual so deprived should receive special help. Historical group deprivation is not an automatic claim to individual redress.

What Factors add up to Individual Deprivation

Therefore, with regard to the actual dispensing of remedial aid, NJCRAC could just have said: all who are victims of deprivation are entitled to the benefits of affirmative action. Why then include the "past discrimination" phrase if that is neither necessary nor sufficient grounds for qualifying for affirmative action? Because even though omission of the phrase technically fulfills the description of affirmative action beneficiaries, NJCRAC would have been prevented from acknowledging and stressing a crucial principle. It wanted to enunciate that "a just society has an obligation to overcome the evils of past discrimination," and that being black once was, and un-

fortunately sometimes still is, the cause of those "other deprivations."

However, commitment to the principle of group obligation leading to the righting of past wrongs committed against another group, creates a tension. The source of that tension lies in NJCRAC's commitment to the conflicting but equally crucial principle: "The sole criterion of eligibility for such special services must be individual need." That is, individual deprivation (whether it is the result of historical discrimination or family misfortune) mixed with that individual's merit, should compose the determining factors of awarding such services. Merit here does not mean the results of an individual's past record, raw test scores and raw achievements. Rather it means an interpretation of those data in order to determine that individual's potential to participate productively in society. The underlying belief is that affirmative action will provide the individual with all the necessary elements s/he would otherwise have received had s/he not been deprived.

A Sure-fire Rallying Point: Quotas are Unacceptable
The NJCRAC defines three sets of legitimate programs under its category of "special help." They are a) "compensatory education, training, retraining, apprenticeship, job counseling and placement, financial assistance and other forms of help for the deprived and disadvantaged . . .": b) intensive recruitment of qualified and qualifiable individuals which will reach the target individuals; and c) constant review of established job and admission requirements "to make certain that they are performance related and free of bias."

NJCRAC asserts that these three categories exclude quotas and proportional representation. This point is stressed by all surveyed organizations: affirmative action does not equal quotas. Quotas and proportional representation are precise, inflexible numerical targets which must be satisfied by a specific date regardless of situational circumstances such as lack of qualified or qualifiable applicants. For all the Jewish organizations there can be no valid distinction between "benign" and "invidious" quotas. All quotas are wrong even if they are the results of the well-intentioned, necessary and legitimate affirmative action. Such abuses should be outlawed.

Numerical Goals are still in a Hazy Area
Concerning numerical goals and timetables, the NJCRAC's statement is ambiguous. It seems to distinguish between quotas on the one hand, and numerical goals and timetables on the other. Generally, goals are defined as numerical targets which serve as notice

of good-faith efforts and hopeful projections, but do not necessarily have to be met by a specific deadline if so prevented by valid reasons. NJCRAC speaks in terms of "numerical data and statistical procedures" which can be used to "measure and help assure the effectiveness of affirmative action programs." This language is sufficiently vague so that it can be interpreted as specific estimates which can be made to help project *future* plans, in which case NJCRAC would support the use of numerical goals and timetables. Alternately, it can mean that data may and should be collected only to help evaluate *past* progress and *past* situations, in which case NJCRAC would not support the use of numerical goals and timetables.

Sh'ma

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One caution: because the NJCRAC's statement was accepted by all of its constituents minus one it is the closest thing the Jewish community has to a unified policy on affirmative action. But NJCRAC's members are autonomous. They may accept, modify, or reject aspects of its program recommendations as they see fit. Some organizations, among them the broadest and most influential in the American Jewish community, drew up their own affirmative action statements which embellish or emphasize various points according to their particular interest.

Equality Without "Advantaging" the Disadvantaged?
The only group that officially chose to qualify the NJCRAC statement was the UOJCA. It stresses that merit should be the "sole standard of qualification for admissions and promotion opportunities" thereby aiming to rid society of present discriminatory behavior without calling for redress or remuneration of past deprivations. Affirmative action is here understood in its original sense of equal opportunity. That entails the removal of barriers of discrimination and impediments to just treatment, thereby hoping to assure everyone the right to compete as equals. Admitting that some minorities and women do suffer "gross inequities," nonetheless they state, "We do not believe it would be morally or legally proper for any group in the American society to be given advantage over others to redress inequities."

Remedial education and special job training, that is, most of a) of the NJCRAC statement, are "heartily endorse[d]" by the UOJCA. Not to be misunderstood, however, it suggests that to be legal these programs must be open to everyone and based on individual need, regardless of group affiliation. The UOJCA appendage does not mention sections b) or c) of the parent statement. This implies that they do not "heartily endorse" either of them. They are avidly opposed to quotas, proportional representation and even numerical goals and timetables. Their statement refers to the latter as that which "compromises, or opens the way to compromise of, the principle of merit" which should be the sole criterion for entry and advancement.

The UOJCA is sensitive about its stand. Although they believe, as a spokesman said, that it just "doesn't make sense" to accept those who are less qualified over those who are better qualified, they nonetheless adamantly stress that they condemn racist behavior and encourage employment and admission of minority group members who are qualified.

The Difference Between Bakke and DeFunis
At the other end of the spectrum are the UAHC and

the NCJW. Both explain the problem arising from affirmative action as the conflict between two sacred principles. On the one hand, individuals should be judged solely according to their own competence and merits. On the other, society has an obligation to remedy a historic, systematic wrong for which it has been responsible. Their conclusion is that our society needs to eradicate the scars of past injustices and open the way for individuals to be fairly judged on their own achievements. The UAHC, in a resolution of September, 1977, stated that the larger society must tolerate "temporary disadvantage" for this purpose. A joint NCJW-UAHC press release on the De Funis case (1974) called for "sacrifice and accommodation." (But the NCJW says this does not accurately represent their present position on affirmative action.) Goals and timetables are undoubtedly acceptable methods of rectifying past wrongs, despite the fact that in the short run certain individuals may be displaced. Quotas and numerical representation, however, are still not acceptable.

The Bakke case in particular presented a problem for both groups. Although in 1974 both filed briefs on behalf of the University of Washington in the famed De Funis case, neither filed briefs in this one. Both held that the De Funis case was only one of goals and timetables, and therefore proper. The Bakke case, they say, is clearly one of quotas.

But if the NCJW is so opposed to the use of quotas, one might expect them to file a brief on behalf of Bakke. Their rationale for not doing so is that if a judicial blow were struck against quotas, which is what a pro-Bakke decision would mean, that ruling could be misinterpreted as a blow against all affirmative action programs. Fearful that the Supreme Court "may not clarify the total issue and may not advance the important goal of affirmative action" the NCJW chose to remain silent on this case.

United Synagogue's Stress on Individual Merit
The UAHC non-position follows similar reasoning and also hints at the indiscretion of upsetting black-Jewish relations by having all Jewish organizations united against the University of California. (At their November, 1977 conference, the UAHC reiterated their rejection of quotas in admissions and promotion policies, while stressing their support of goals and timetables.)

The United Synagogue of America subscribes actively but piecemeal to the NJCRAC policy. At their 1973 Biennial Delegates Convention, the USA adopted a resolution on affirmative action which condemns quotas

of any type. In their five-point social action clause they make no mention of the need for redress of past discrimination, specific recruitment of minority qualified or qualifiable personnel, or goals and timetables. Individual merit and potential alone are mentioned. Their resolution supports the NJCRAC statement's a) clause, but the USA substitutes "to any and all individuals who might benefit therefrom" for the more specific and remedial-sounding phrase "the deprived and disadvantaged." Their affirmative action policy additionally stresses "not only the restoration of budgetary cuts, but also the increase of federal funds allocated to implement those programs" which assist the "underqualified."

Help for Disadvantaged Must Not Disadvantage Others

The AJCong and the AJComm straddle the positions of the USA and UAHC/NCJW. Both agree that some active form of societal redress is proper and necessary to eradicate the disadvantages caused by past discrimination. As the AJCong 1974 Resolution of Quotas and Affirmative Action states, "[A]nti-discrimination laws as a means of insuring equality . . . have not been working effectively. We have therefore supported special efforts which emphasize the obligation . . . to act affirmatively to insure recruitment of blacks and minorities."

However, excessive corrective measures which result in creating a new class of disadvantaged are not acceptable. Unlike the UAHC and NCJW, the AJCong and AJComm do not believe it right that some other individuals suffer "temporary disadvantage." In their joint brief filed on behalf of Bakke, they say, the "preferential admissions system . . . can claim fairness only by ignoring how it affects groups. The Equal Protection Clause [of the Fourteenth Amendment] does not permit such an approach." They seek the creation of a program which combines an increase in minority participation and opportunities while at the same time remains committed to "merit and comparative qualifications as a principle of selection."

Both Support "Goals," though Definitions Vary

Such a program is suggested by the AJCong and endorsed by the AJComm as legitimate for affirmative action. This program includes a) college open enrollment programs; b) remedial education programs; c) "vigorous recruitment efforts to find qualified minority group members;" d) conditional admissions programs with assigned special preparatory programs; e) proper selection processes "which are free of cultural bias, and which are job-related and of predictive validity."

Obviously, quotas are soundly condemned. Both groups offer support for the use of goals and timetables, the AJComm more heartily than the AJCong. For example, the AJComm says it "strongly endorses affirmative action and reasonable, realistic 'goals and timetables.'" It defines the latter as "numerical *targets* for increasing the representation of qualified persons from groups previously discriminated against." The AJCong is a bit more timid in allowing the use of goals. For them, goals "may be established only on the basis of a bonafide finding as to available qualified talent in the disadvantaged group within the relevant job market or pool of applicants." This distinction in definitions has more to do with precaution and emotion than practice.

Both the AJCong and the AJComm, interpreted the De Funis case as one of quotas, not goals. Each came out against the University of Washington, notwithstanding the fact that two Jewish groups, the UAHC and the NCJW defined that case as an issue of goals and came out for the University of Washington.

The ADL: Race can be Used as "a" Factor in Admission

Striving for clarification of issues in the Bakke case, the ADL filed a brief on behalf of Bakke explaining just what the pertinent issue was. "The only question presented by this case is whether the University of California can utilize race as the determinative factor in the admission and exclusion of candidates for its medical school." This is not saying that race cannot be used as one of many determining factors in the overall assessment of the candidate. Race just cannot be *the* determining factor.

The ADL policy statement notes that society has an obligation "to help undo the evils flowing from past discrimination by affording its victims every opportunity which would hasten their productive participation in the society at their optimum level of capacity." Interpreting this clause, we see, in ADL's own words, that victims are those who have been deprived of "adequate primary and secondary school education, for whatever reason." That includes society's systematic wrongs, as well as disadvantages deriving from personal misfortune. "Every opportunity" means only constitutional, non-discriminatory programs such as broad recruitment and compensatory training for those lacking adequate primary and secondary education. It includes a method of determining an applicant's potential, in addition to his past achievements.

Remedial Services for a Deprived Person, not a Group
The ADL policy statement was necessarily broader

than its brief on Bakke. It says Jews should not inequitably shoulder the burden of the remedial adjustments in this difficult period, but it continues, "neither should we shirk our share of the inconveniences and sacrifices that the whole society must make to assure equality of opportunity as a fact and result." This sounds very much like the UAHC's "sacrifice and accommodation." But in fact, there is a crucial distinction between them. UAHC accepts "temporary disadvantage of *certain individuals*" if necessary, within the context of legitimate affirmative action programs. The ADL sees any program which might cause such personal disadvantage as *ipso facto* illegitimate, and unacceptable. Their spokesman emphasized that the "sacrifice" in ADL's policy is that of a group. More precisely, it is the Jewish community's share of society-at-large's inconvenience in creating more schools, creating more opportunities, and paying those taxes to produce them, which is the "sacrifice" spoken of here.

ADL subscribes to the a) clause of NJCRAC's statement. However, a strong *caveat* is here provided against abuse or misapplication of this policy. Remedial aid and the like, ADL says, should in no way be read to also mean preferential treatment for specified groups. Groups do not get, nor do they deserve, remedial treatment; individuals do. "Redress to identifiable qualified individuals who have been the victims of discrimination shall not be deemed a preference within the meaning of this policy statement."

Preferences, quotas, even goals and timetables are not acceptable. Though ADL nowhere uses the phrase 'goals and timetables,' a spokesman said that it would come under the rubric of "other discriminatory practices" in their policy statement. The reason for that, he said, is that ADL has yet to see a so-called case of goals and timetables which was not in reality a disguised quota system. While saying that such a blurring of systems is not always intentional, in practice, operational distinctions disappear. What ADL is left with then, by way of guiding principles helping to enforce affirmative action programs, is a call for good-faith efforts. In such a case, ADL can subscribe to NJCRAC's use of "numerical data and statistical procedures" by interpreting that as meaning such data may be collected to help evaluate and assess past progress, and not as permitting the use of specific numerical future plans and deadlines.

One Dissenting Voice in Support of Quotas

There is one glaringly variant opinion on the affirmative action issue. An *ad hoc* group, organized by Rabbi Robert Marx of Chicago, which calls itself the

Jewish Coalition for Affirmative Action, believes that historic injustices may be rectified by the temporary use of quotas. "While we do not feel that quotas represent a desirable long term program for our country," their statement says, "we do feel that the weight of continued oppression makes it mandatory that universities and public institutions be allowed to exercise their discretionary powers to reserve positions for Blacks and other disinherited minorities." This statement, which had 165 signers as of November 10, 1977, makes no mention of other deprived individuals. "Our own people have to be made aware that Affirmative Action and even temporary quotas pose no threat to the Jewish community."

Certainly, as seen from the above article, the vast majority of the Jewish community would agree with the Coalition regarding affirmative action. But regarding quotas, they would not. The term *quotas* is a dirty word to most Jews. It sticks in their ears. It is stuffed with the history of past injustices laid against them. It creates specters of the possibility of renewed injustices. Jews know what discrimination is. For the most part, as their organizational statements show, they want to help those presently suffering discrimination as much as they can. But Jews made it in society on their own merits. They feel others should too, not just because they had to, but because that is right. Moreover, Jews do not feel comfortable enough in society to take chances with their future and fortune. Rabbi Marx will have a hard time convincing them that quotas are more desirable than dangerous. They are more likely to agree with Mr. Justice Jackson's statement cited in the ADL brief, concerning another case in which the essential argument was also that the ends justified the means: "I am not alarmed that it would plunge us straightaway into dictatorship, but it is at least a step in that wrong direction."

. . . but others say about bakke . . .

(Ed. note: All groups mentioned in the preceding article were invited to respond if they felt their position required further explanation. E.B.B.)

Race should Never be an Admissions Factor

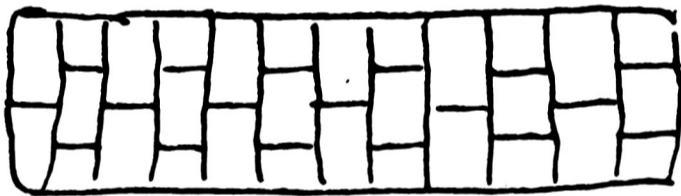
In Ms. Cardin's article, it is suggested that the Anti-Defamation League opposes the use of race as the determinative factor but not as one of many determining factors in the admission and exclusion of candidates for medical school.

ADL makes no such distinction: it rejects the concept that race is an appropriate factor for consideration in

the admissions process since race is an immutable birth characteristic having no relation to any reasonable standard of merit. Furthermore, consideration of race is either meaningless because the applicant would in any event have been admitted, or it is the determinative factor because, without such consideration, the applicant would have been rejected.

ADL recognizes that there is a constitutionally permissible and socially compelling need for experimentation with non-discriminatory approaches to university admissions that will afford the disadvantaged of all races better access to a higher education and the professions. ADL supports broader recruitment of and compensatory training for individuals who have not had an adequate primary and secondary school education for whatever reason. However, ADL opposes the use of any form of racial preference in the admissions process as inconsistent both with the concept of non-discrimination and the goal of equal opportunity for all people.

Larry M. Lavinsky
Chairman, National Civil Rights Committee
Anti-Defamation League of B'nai B'rith



Our Addition to NJCRAC's Program was Not a Dissent We at the Union of Orthodox Jewish Congregations of America must take exception to Ms. Cardin's interpretation of our statement on page 33 of the current NJCRAC Joint Program Plan. Ms. Cardin overlooks our general endorsement of all of the plan's main points in our statement: "... we support those programs of government and the private sector which seek to end discrimination on the basis of race and sex." Our specific endorsement of remedial education and special job training programs later in the statement is merely an expression of additional emphasis. Nowhere does our statement express or imply any dissent from the other activities endorsed in the NJCRAC position.

Ms. Cardin concludes that our organization is "avidly opposed to quotas, proportional representation and even numerical goals and timetables." She then states that our official opposition to "any form of affirmative action which in any way compromises, or opens the way to compromise of, the principle of merit," is

a reference to the latter (presumably, numerical goals and timetables). Ms. Cardin's list perhaps represents her own conviction that quotas et. al necessarily compromise the principle of merit, but our statement does not specify *any* particular program as inherently hostile to the merit system.

Pinchas Stolper
Executive Vice President
Union of Orthodox Jewish Congregations of America

Affirmative action as a Jewish mandate

Robert J. Marx

When a Federal judge sitting in Montgomery, Alabama, has before him as the defendant the State of Alabama, and, when the State of Alabama admits that there is not a single black officer in the Alabama State Highway Patrol because the State of Alabama has not been able to find one qualified black man to serve on its highway patrol, and when the judge says: Within twelve months you *will* find thirty blacks qualified to serve on the State Highway Patrol — the Jewish community can understand and applaud that judge. When, however, as in the Bakke case, the University of California says that it will find sixteen qualified blacks to enter its Medical School to atone for the fact that there are so few black doctors in our country, then the Jewish organizations of the country hasten pell-mell after one another to file *amicus* briefs with the Supreme Court condemning this action.

Why are we so able to understand what the Federal judge has done while we condemn the University of California? Is there a deep principle of justice which separates the two cases? Or is it that Jewish interests are involved in medical schools that are not involved in the State Highway Patrol system?

If we truly understood Jewish self-interest, we would support rather than criticize the University of California. We would act to guarantee the entrance of large numbers of black people and other disinherited minorities into the mainstream of American society — and not to keep them out. We would do so because a society that is united, a society that is not torn by economic strife, is ultimately a society that is most hospitable to Jews and to Judaism. We would simultaneously stop trying to draw arbitrary distinctions between goals, timetables and quotas. The only distinction I can perceive is that when we view them favorably they are called goals and timetables and when we view them unfavorably they are called quotas.

The Shortsightedness of Fighting Our Allies

Historically, quotas have been used to keep people out. We Jews despise them because they were used to keep us out of medical schools and law schools and universities all over the country. Because of this unpleasant experience, Jewish agencies simply need to raise the red banner of 'quota' in front of us and we, like the bull before the toreador, come charging.

Why did Jewish organizations (except for the U.A.H.C. and the National Council of Jewish Women) feel compelled to take the lead in opposition to affirmative action programs? And opposition is precisely what we offered. Despite our protestations of support, the *amicus* briefs in the De Funis case and in the Bakke case were instruments of opposition and were correctly perceived that way in the black community.

Jews should never have entered into the affirmative action controversy in a role which seemed to oppose black aspirations. By filing our Bakke and De Funis briefs we allowed our society to transform the conflict from Black-White into Black-Jewish. Traditional allies overnight could be pictured as apparent enemies. The breakdown of our alliance with the black community is not only sad; it is potentially tragic. As minorities, Jews and black people have much in common. Both experience social and economic disabilities and both have known the tragic consequences of discrimination and persecution.

Jews should favor affirmative action programs accompanied by goals and timetables not only because of our historic alliances, but also because we, along with all other Americans, ought to be willing to pay a share of the costs involved in creating a just society. Despite the presence in our society of a considerable number of poor Jews, the vast bulk of the American Jewish community is highly successful and highly privileged. Along with all other segments of white America, we Jews should have been willing to share in the sacrifices necessary to guarantee that another minority, a particularly persecuted and oppressed minority, might have a share in the American dream.

Ethics, not just Politics, should Concern Us

But there are more pressing moral considerations, too, that must enter into our own analysis of affirmative action. Because of these considerations, we felt that it was necessary to create an organization known as Jews for Affirmative Action. It is precisely because we were convinced that once our community understood the need for effective affirmative action programs that they would be in favor of these programs. I hear those who say that race should be one of the

criteria and not *the* criterion for admission to our universities and I can sympathize with their concerns. And yet race and race alone lies at the crux of the black problem. It is because for so many centuries race was the only criterion for their exclusion, that the black community faces the tremendous handicaps that it now encounters at every turn. It is easy enough to say that everyone should be judged on individual merit but individual merit was precisely what was denied to black boys and girls for over two hundred years.

Our universities use quotas and numbers all of the time. It ill behooves us as Jews to object to them now when it applies to race. Numbers are used in the admission of college basketball and football players. They are used in the distribution of music and art scholarships. I can think of no better a place for numerical considerations than that which makes room for those who have been excluded and deprived.

Finally, we are not talking about unqualified students, but qualified ones when we talk about affirmative action. Bakke was qualified for admission to the medical school at the University of California, but so were a score of other students who qualified ahead of him and who were also not admitted. No specter frightens us more than that of hordes of unqualified doctors or attorneys flooding our countryside with their ineptitudes, but no one who favors affirmative action is in favor of admitting inept students or unqualified ones.



What we *are* talking about is making room for those who have been denied an opportunity in the past. What we are talking about is fulfilling an American dream. What we are talking about is the creation of a society in which the current vast economic and social distances are bridged and not widened. What we are talking about is the creation of a society that is just. If the *amicus* briefs which our Jewish agencies have filed influence the Supreme Court so that the opportunity for affirmative action is lost, then the black community will have suffered a great loss. But the Jewish community will have suffered a greater one.

The bakke case: a personal response

Nina Cardin

The Bakke case has created a need for further clarification of the meaning of equality in the modern world. What are the goals of equal opportunity or affirmative action? Minority members certainly should be given the opportunity to participate fully in society. But today there are still certain members of society who cannot compete *on par* with society's other members. They thus become less-than-equal participants. What can society do, what must society provide, to insure equality of participation?

Originally it was thought that if one simply removed barriers, disregarding color and race, one could assume all other things would be equal. If that had been true, a normal distribution of all minorities would have occurred in various fields and occupations. It didn't.

The modern version of affirmative action which takes into account that all other things are not equal, says that preference should be given to certain members of society based on legal claims of retribution for their minority group. With the help of government regulation, what was formerly illegal (deciding admission or promotion mostly by race) now became not only legally permissible, but necessary.

Today's affirmative action programs relate most directly to jobs and schools. The programs only tangentially deal with remedial education, special training sessions and the like. Instead, the determination of whether a program can be called "affirmative action," as well as such a program's success, is measured by how many minority group members attend a certain school or hold a certain job. It is at this level that the real controversy lies.

Under present standards, institutions and schools must guarantee the success of a given proportion of minority group individuals. That is, they must have a specified number of such persons at various "success points" in their respective institutions in order to comply with federal funding standards.

Wouldn't it make more sense though, to make federal funding and full compliance with affirmative action standards dependent on the type, manner and amount of remedial and special training programs an institution provides? This would 1) assure the crucial remunerative programs to those who, for whatever reason, missed vital educational opportunities; 2) prepare those previously under-educated to compete equally with those who were not deprived; 3) remove the unfair practice of guaranteeing a set number of

successes regardless of the applicant pool; 4) allow institutions to comply with federal standards without resorting to discriminatory practices; 5) provide benefits to the disadvantaged without punishing the innocent or unfairly depriving the advantaged; and 6) diffuse the artificial racial tensions since accessibility to remunerative programs is by nature broader than accessibility to school or job openings.

The last point should not be misunderstood. Of course there will still be tension over who gets the job over whom. And every once in a while someone will yell "racist." But generally, with the removal of the need to fill vacancies by color scheme, and the thrust properly placed on remedial education and special occupational training, minorities and disadvantaged will have unlimited access to opportunities allowing them to compete equally. "Good faith" decisions on non-discriminatory admission and hiring practices will be bolstered by the time and money those institutions were required to expend on remedial training programs. Success will then justly depend on the individual.

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Another word on alcoholism

Sheldon Zimmerman

I am the rabbi quoted by Barry Glassner (*Sh'ma*, 8/142). Five years ago a congregant came to me and indicated that her husband was an alcoholic. I was amazed. I had never seen him drunk or even seen him with a drink in his hand. He never drank socially or at home. He only drank at work. Both he and his wife indicated that I would be amazed at the number of Jews in Alcoholics Anonymous. For 6-7 months they took me with them to different AA meetings around the city, and also to Alanon and Alateen meetings as well. I was startled to see the number of Jews involved. As a rabbi I was permitted to meet with them and talk with them. It was then that I brought this matter to the attention of both Central Synagogue and the Federation of Jewish Philanthropies. For a

few months it was like knocking my head against the wall. Then things began to happen.

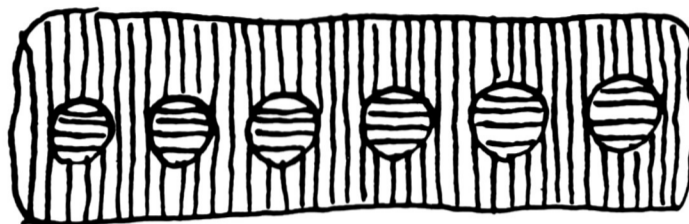
Central Synagogue opened its doors to AA meetings nearly 4 years ago. It was the first congregation in the U.S. to do so. Today in New York we have 8 synagogues with AA and/or Alanon groups meeting there. Some Jews feel more comfortable in a room without a crucifix or other visible non-Jewish religious symbol. Four years ago the Federation began its Task Force on Alcoholism and has sponsored numerous educational and consciousness-raising programs about the problem. This year the Task Force in cooperation with the New York City Affiliate of the National Council on Alcoholism has been sponsoring a 5 session series on Alcoholism and how to deal with it. Rabbis, group workers, physicians and psychologists et al are participating. At the end of the year the Task Force plans to publish a book on Jews and Alcoholism. The Central Conference of American Rabbis has a subcommittee on Alcoholism which is at work. Martha Spiegel is right in talking about the Jewish community's denial of the problem. However, it is wrong to overlook the beginning-work that has begun particularly in New York.

One of our major problems is double-denial. Denial is part of the alcoholic's response. The Jewish community compounds the problem by its myth that Jews are not alcoholics ("A *shikor* is a *goy*") and that being an alcoholic is a shameful thing, particularly for a Jew. Jews are much more willing to talk about mental health problems and we tend to prefer psychological diagnoses rather than ones like alcoholism. We need to educate the Jewish community that alcoholism is a disease and not a shameful problem to be hidden under the rug or in the closet. As long as the Jewish community persists in the myth about alcoholism we make it doubly hard for Jewish alcoholics to confront themselves and their alcoholism.

Three further comments need to be made. First, because of my identification as a rabbi who is open to work with alcoholics, I have been contacted by 150-200 Jewish alcoholics from around the country. I have not noticed any common denominator such as "assimilated" or "Reform" or "non-observant." I have met alcoholics from every Jewish coloration. In fact I have been contacted by Chassidim dealing with problems in their own community. Traditional observance is not necessarily a bulwark against alcoholism and alcohol abuse.

Secondly, although statistics are important I am not concerned personally with whether there is as high a

percentage of alcoholics among Jews as other ethnic groups. I *know* that there are thousands of Jewish alcoholics, although the overall percentage may still be low. We have to help the few or the many. Lastly, special work has to be done with our young people. The incidence of alcohol abuse is spreading among the young both in high school and college. Just ask any Rabbi who has to take young people away for camp weekends.



Another word on jewish music

Irene Heskes

It seems to me that no truly indigenous "American-ethnic" folksongs are being produced in current times — not by the Jew, nor the other religious groups and ethnics, not by the Indians nor the Blacks. The numerous songs of protest and proclamation of the '60s were merely broadsides of textual stress and musical sameness, timely but by no means timeless. It is of some passing interest that they were often the creations of young Jews. Furthermore, the rock-religious musics, and in fact the whole matter of electronic sounds, have influenced a generation which is, if not tone-deaf, critically lacking delicate discernment of melodic qualities and artistic nuances. In particular cultural confusion are the religious fringes, all of whom are reaching to the entertainment media or to commercial "hype" and not into the essence of their respective liturgical traditions. As for folksong, "old world ethnic" music is gathered up, but then casually translated into current patois and style — hardly a nostalgic trip down memory-lane.

If the Indians overgeneralize their song materials and the Blacks' songs come forth self-consciously strident and repetitive, more's the pity. Their reservoirs of folkmusic heritage are worthy and deserve far better treatment. In this connection, it is significant to note that two American Jewish composers — Frederick Jacobi and Ernest Bloch — earlier in this century, seriously collected and incorporated the authentic folkmusic of the Plains Indians. And another Ameri-

can Jew, George Gershwin, spent some time living among the Gullah Blacks of the Carolina coastal area, collecting their distinctive chants which he then adopted for the original recitatives and some of the arias of his opera "Porgy and Bess."

Well, the heart of the matter is this: society cannot command, demand, or cookie-shape cultural expression. The arts, in particular, must have their own ways with us. While most often candid observers, and sometimes active participants, we must persist in optimism for the future. Whatever else may be written or stated ad verbum, today's batch of American Jewish musicians are eclectic in tastes and have their spoons in all the porridge pots. And quite often their achievements make us very proud.

Small town jewish life: a mixed blessing

Frank Waldorf

Having served four bi-weekly congregations in towns of 50,000 population or less, I am convinced that the small structural size of these tiny Jewish communities evoked a higher percentage of participation in all Jewish activities. Since every soul is needed for the very survival of the organized Jewish group (whether it be synagogue, sisterhood, or B'nai B'rith), individuals who might otherwise be disinclined toward communal Jewish programs assume active, even leadership roles.

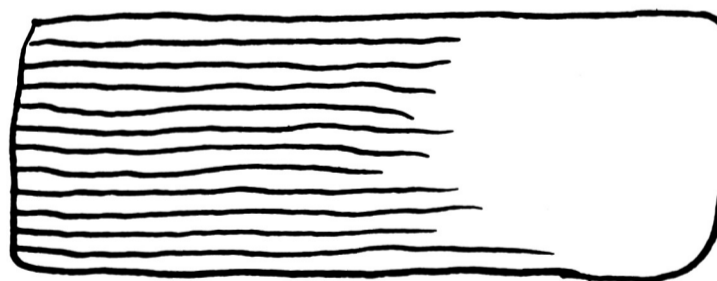
The effect of community size is best demonstrated by the behavior of Jews who immigrate from large urban centers to small towns. Typically, they have been dues paying, but peripheral members of Jewish organizations. But in the small town, faced with relative Jewish isolation, they find themselves attending services and meetings, teaching religious school, accepting offices in organizations. Since the established residents have already served once and even twice in key leadership roles, the newcomers often find their willingness to accept responsibility gratefully received.

Urban Jews have been working feverishly to achieve the sense of *havura* fellowship which small town Jews experience as a matter of routine and as a result of size. When tragedy strikes, literally the entire Jewish population turns out to comfort and to offer material support. In one situation, a couple had been in town less than a year when the wife died suddenly. Members of the community helped with funeral arrangements, brought in food for *shiva*. The husband remarked that in his native city, he would not

have been the recipient of such sincere, loving care. Although business has taken him away, he still retains close ties of friendship.

Children May Hesitate to Proclaim their Jewishness
Happy times also bring out the family quality of small town Jewish life. Communal seders have the emotional tone of a large family gathering. A *bar/bat mitzva* or confirmation is a communal *Simcha*. In communities which are declining in population, inhabited by older folk, the birth and naming of a baby is a particularly hopeful time for communal affirmation. The intimate interaction which must be assiduously cultivated in large urban areas flourishes almost naturally in the small town setting.

Yet life in a small town exacts a high psychological price particularly from children. In many cases, a Jewish youngster is the only Jew in his school or his class. While overt anti-semitic incidents appear to be rare, uniqueness takes a heavy toll. One youngster reported reluctance about inviting classmates to attend his *bar mitzva* ceremony in the synagogue. While he had no difficulty in sharing with them the party which followed the synagogue service, he did not want them to see him participate in rituals they would not understand. Very often the isolation of the Jewish child leads to his minimizing the uniqueness of Jews and Judaism. If being Jewish is not all that different from being Christian, then the psychological burden is not so difficult to bear. One result of Jewish isolation in small towns is that college students report great difficulty in becoming friendly with Jewish students from large urban areas. Many express a preference for smaller schools in smaller communities.



Is Apparent Anti-semitism the Real Thing?

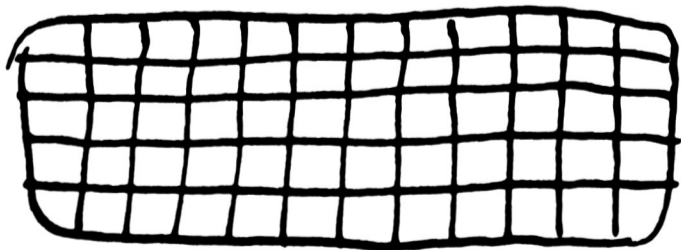
Another startling experience in small towns is the wide disparity of perceptions about the existence and extent of anti-Semitism (maybe, not all that different from disputes in urban centers, except that small town Jews have far greater business and social contact with non-Jews). One group holds that "behind every smiling face is an anti-Semite." One professional man reported his inability to find a non-Jewish golfing partner. Another complained that, despite years of

work in a service organization, he was passed over for its presidency. Almost everyone reports verbal slights; in a used auto parts store: "You're not going to Jew me down"; around a poker table: "Come on fellows, let's see your Jewish flags"; at the country club during the Six Day War: "Well, are you an American or a Jew?" Stories of personal slights force the outside observer to ask, "was Jewishness really a contributing factor?" To incidents of casual speech, "was it symptomatic of severe anti-Jewish hatred?"

On the other side are those who say that while Jews may not be loved, neither are they hated. Small town Jewry is heavily into the retail trade, where almost all of the customers are non-Jews. If Jews are so hated, how do you explain so many satisfied, long-term customers? In many small towns, Jews can obtain country club membership and attain elective public office. Most Jews enjoy extensive Saturday night social relationships with non-Jews. If there is so much anti-Semitism, where is it expressed? Of such Jews, an outsider might ask: If they were clobbered by anti-Jewish discrimination, would they recognize it?

Between these two groups is the vast majority that concedes merit to both arguments, but cannot decide between the two views of reality. Despite their closer contact with the non-Jewish world, small-town Jews are no better equipped than the rest of us to perceive and understand the enigma of anti-Semitism.

Since the end of World War II, small town Jewish populations have been on the decline. Young people are often encouraged to obtain college educations and move away. Many do so, abandoning prosperous family businesses. But, in recent years, with the multiplication of urban problems, there has arisen a new generation of city-bred Jews who actively choose the tranquility and slower pace of rural life. If this influx continues, the small-town Jewry which once faced extinction will survive and even prosper. Certainly the warmth and closeness of small-town Jewish communities will offer an attractive alternative to Jews who long for person-to-person relationships at the heart of their Jewish lifestyle.



Stuff our purim pita issue, please

Man does not live by bread alone, so someone created the pita! Along with any other humorous or satirical pieces to celebrate the Purim season, we would like to make a collection of special uses for our favorite flour and water combination. What have you done with a pita lately? Send us your rantings and ravings before February 21st. See how easily you can beat these examples we cooked up: Stuff with marshmallows and use as a pillow. Good for late night snacks. Paint on a face with food coloring, add raisins and dried fruit for eyes, nose, etc. Wear as a mask for Purim – to be eaten when the *hamantaschen* run out. Send all Purim contributions to *Sh'ma*, Box 567, Port Washington, N.Y. 11050.

. . . but others say about singles . . .

And now, some words from a "Nice Jewish Girl" I am Jewish and single in my early 30's. Thus far, the usual methods of looking for "the Jewish man" have been unsuccessful. The bars (yes, Nice Jewish Girls do try them too) seem to be overflowing with discontented marrieds and singles specifically *not* looking for a meaningful relationship. The dances and mixers are either too young or too old. The scene at the mountains is a 72 hour non-stop bar with the additional, "Your room or mine?" Lately, blind dates, through friends and relatives, seem reluctant to call.

I am a teacher with intelligence and good sense. I have been told that I'm attractive. I am unencumbered with an ex-husband or children. I come from a good, Jewish family, etc., etc. I am good enough!

Many people don't *need* to be married. The valid, past reasons of love, sex, financial security – and even having children are valid no longer. And yet, many singles *want* to be married.

It is also true that many singles can "get married" if they will settle. My own hopes have changed. I am fussier *now* than ever before because I have more to offer *now* than ever before. And I want to select (as the ads say) – not settle. Meanwhile, I keep looking – but where is the selection?

Bev Phillips
Clifton, N.J.

Pursuing Interests is the Best Way to Meet People
Instead of dreaming up new and inventive ways through which singles can meet one another ("Playing

the jewish singles game," *Sh'ma* 8/145), Jewish institutions should introduce programs and events which center around *interests* and not one's marital status. Synagogues, for example, who primarily see 23-35 year old Jewish singles as unmarried Jews in need of a mate (or, if they're married, as potential "Young Couples Club" members), have failed, it seems to me, to take the *individuality* of these persons seriously.

Undoubtedly, it is tempting for synagogues to attempt to meet the needs of its 23-35 year old single members through singles parties. Planning such events requires relatively little forethought because the goal of such parties remains the same even though the people who attend them vary. But precisely *because* the ultimate purpose of each singles party is to help Jewish singles marry other Jewish singles, such events inevitably wind up as dehumanizing and therefore less than successful. One marries, or should marry, someone who can be a companion, a friend as well as a lover, someone who shares common goals and aspirations. Surely singles parties lend themselves more to "looking everyone over" than they do to engaging in serious conversation. It is of little consolation to learn that one can avoid disappointment by going to such events without expectations.

Perhaps if synagogues would spend less time separating the marrieds from the singles and instead, examined (through questionnaires, phone calls, a letter from the rabbi etc.) and then instituted the *kinds* of programs its members would like to attend: 1) more single – and married – 23-35 year old Jews might begin participating in synagogue events and 2) in so doing, they might meet others with whom they share similar interests. It isn't too far-fetched to think that some of these newly formed friendships might result in marriage. But whether they do or not is of secondary importance. What is *most essential* is a reordering of priorities. First, the synagogue must acknow-

ledge and provide expression for the individuality of its congregants. Only then, should the question of whether singles parties are necessary, or desirable, even be raised.

Ellen M. Umansky
New York, N.Y.

Maybe People who Share *Sh'ma* should Find Each Other
So, if Singles' events are superficial, and the alternatives are limited, maybe the "legitimate Jewish press" should run more personals columns for advertising for a mate. Surely *Sh'ma's* readers can't be "losers" (associated with the typical Personals Column) and a dignified Personals Column might even help you with that yearly deficit. In addition to professor, rabbi, writer, editor, scholar, why can't the Editor become a *Shadchan*?

If you print this, I'd prefer to remain anonymous.
Thank you.

(Ed. Note: We'll be glad to run a few personals for subscribers as an experiment for us and the singles.
– E.B.B.)

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