
ment to what these labels represent but if we are to address common concerns, these labels must be shed.

Etzioni posits that the old way of thinking “sets government against the private sector, and the authority of the state against that of the individual.” His philosophy centers around the proposition that the good society will seek a balance between the competing goods of social order and individual autonomy. Either of these without the other, he argues, is self defeating. Too much liberty destroys liberty’s foundations. Too much order destroys the moral and social basis of good order. Liberal Jews have always understood this combination.

He notes that liberalism played a crucial role at a particular time in history but believes that today’s emphasis on autonomy has gone too far, aiding the emergence of a new social pathology that must be weighed. Most of us would agree that civil society is in trouble. Consider the family, the schools, the dialogue in the public square. He is right in proposing that the solutions do not necessarily lie in passing more laws; what is needed now is the force of public moral suasion to move society forward.

The original golden rule speaks of the individual’s responsibility to other individuals. *The New Golden Rule* says “respect and uphold society’s moral order as you would have society respect and uphold your autonomy.” It speaks of the individual’s responsibility to the community. *The New Golden Rule* requires that the tension between one’s own preferences and social commitments be reduced by increasing the duties one affirms as one’s moral responsibility—not duties imposed from without but duties that one believes in and chooses. These ideas seem to me worthy of dialogue.

The Time To Engage

The challenge for Jewish liberals is to step away from our entrenched assumptions—to begin to think seriously about the need for and meaning of social order—and to overcome our fear that this idea need necessarily lead to authoritarianism. A question for us to discuss is: How much order should we have and what kind of order do we want? A strong society must balance social order and liberty and as Jews, we need to help define what that means.

Intensive public conversations are taking place on many issues on which we can share our expertise. If we do not participate, we will not be part of the new solutions. Important issues are being debated every day—physician-assisted suicide, a woman’s right to choose, the permanent removal of children from abusive homes, the death penalty, and most recently the stringent divorce laws for “covenant marriages,” passed in both houses of the Louisiana legislature.

Society’s ultimate decisions for addressing these matters are vital to our future. By using the paradigm proposed by Etzioni, we can engage in this dialogue, no longer bound by the nostrums of left and right. We do not have to lose our vision in this process, but we can join with others to construct new approaches to achieve our original aims. Communitarianism may not be the cure-all for everything that ails America today, but it does offer an opportunity to recognize our “sacred cows” from a critical distance, to re-think our conventional wisdom and to envision new possibilities. We not only have an opportunity to bring our talents and experiences to this dialogue, we have an obligation. As Rabbi Tarfon said, “The work is long and the day is short, the reward is great and the master is insistent.” †

When policy hurts

■ **Bradley Shavit Artson**

We live in an age of brittle political divide, in which labels substitute for nuance and caricature replaces engagement. In such a hostile environment, one of the tools of battle both Left and Right wield with gusto is the proper role of compassion in public policy. Ronald Reagan successfully portrayed Walter Mondale as weak by tarring him with the charge of compassion, and Bill Clinton was able to make Bob Dole appear cruel by insisting he lacked compassion. In both cases, the assumption lurking behind the charge was a dispute as to whether or not a person’s pain should influence social policy. The implications of this disagreement cannot be overstated; its consequences shape our legal responses to such issues as affirmative action and race, civil rights and women, equality and gays, environmental ethics and corporate interests.

The Differences Between Right And Left

On the conservative side, the argument often goes as follows: laws inevitably establish general rules to shape and constrain proper interactions. In a duty-based system (as law ought to be) even the best of laws will occasionally pain some individuals. To jettison a law that is

RABBI BRADLEY SHAVIT ARTSON serves Congregation Eilat, Mission Viejo, CA, and is the author of *It's A Mitzvah! Step-by-Step to Jewish Living* (Behrman House & the Rabbinical Assembly).

generally good because it is occasionally painful to some people is to invite social chaos and disintegration. In such a view, arguing for compassion is really an attack on social order and morality. Hence, Reagan's attack on Mondale.

Liberals take a different approach, seeing the preservation of rights and liberties as paramount. Law is a tool for maintaining equity and justice. An individual's pain (or that of a group) should rightly be redressed through legislative alteration. Since the goal of law is compassion and empathy, a law which causes pain is, by definition, one which must change. To refuse to tinker with laws in order to minimize pain is to trample on individual liberty and personal rights, the very point of having the laws in the first place. Such a refusal betrays a moral callousness that can destroy society as a whole. Hence, Clinton's attack on Dole.

Between these two characterizations there can be no compromise. Indeed, there can't be any substantive dialogue, since each begins with premises the other rejects, and each side uses terms in ways that the other viewpoint precludes. Within the Jewish world, this issue is compounded as politically conservative and liberal Jews each claim the exclusive support of Jewish tradition for their political orientations. Conservatives look to *halakhah's* emphasis on duty over rights, and to the normative nature of Jewish law to express the central premises of conservative political thought. Liberals look to Judaism's insistence on identifying with the oppressed rather than the oppressor, its mandate to pursue justice, and its focus on God as the liberator of slaves to endorse the core ideology of political liberalism. And each group replicates the larger society's debate about the proper role of weighing individual pain in the formulation of legal norms, with conservatives generally holding that compassion is not a sound basis for legislative change, and liberals insisting that it is the primary motivation for legal innovation.

Shifting The Debate

As is so often the case, it needs to be reiterated that no political movement (nor any single denomination) possesses a monopoly on Jewish sources. The Torah was given to all and is owned by no one. There are deep affinities between biblical/rabbinic values and aspects conservatism, just as there are profound resonances between Jewish values and much of liberalism. And there are divergences too.

Rather than perpetuating a propagandistic argument about which way is more Jewish, we might be well advised to seek a new way of speaking about the subject.

It is quite clear that the issue of pain misses the mark, hindering the ability of decent and thoughtful people to reach a better understanding and, perhaps, consensus. Rather than asking whether or not personal pain should have some bearing on social policy, let us reformulate the question. All law creates some pain for someone. Prison sentences for certain crimes causes pain to the convicted; handicapped parking zones creates pain for those people who must look elsewhere for parking; traffic lights make people wait. Any legal priority will create some measure of pain by what it seeks to discourage or prohibit. But the very act of legislating is one of drawing boundaries and of excluding certain practices and individuals. Law is, among other functions, a way of deliberately causing pain by punishing crime and by imposing justice. Both liberals and conservatives would agree to that necessity. So we are not debating the issue that society intends to create pain as a way of shaping public practice. Good people may well differ as to which pain should be imposed on which people in which circumstances, but we need to admit honestly that no one is against imposing pain as a consequence of policy choices.

Differences Of Belief

The real issue is whether or not social policy should abide an injustice unintentionally created or perpetuated by law. In other words, once we discover that a law (however well-meaning) creates or sustains a wrong, should legislators feel the need to try to rectify that wrong? Laws which sought to provide for the poorest in our midst (mothers and children) had the unanticipated consequence of discouraging marriage between poor men and women, resulting in unstable families and single mothers. Isn't that pain something that legislators should revisit? The Blue Laws, legislation that mandated Protestant norms (among them, closing businesses on Sunday) created an imposition to Jews, secularists, and others which was felt to be an infringement of the religious freedom. Would anyone argue that those laws should remain intact?

All agree, it seems, that good laws apportion pain in the form of penalties, imprisonment, fines in order to fashion a just society. And all agree that when legislation creates illegitimate suffering, legislators ought to try to modify the law to ameliorate the pain. It turns out, then, that our disagreement has nothing to do with compassion or a commitment to the integrity of law after all. Liberals and conservatives differ in their assessment about what constitutes justice (should gay marriages be legal), desirable social goals (promoting racial balance in schools and in businesses), and equity (should the state permit

surrogacy for hire). We differ as to who deserves our compassion; and who, our condemnation.

Rather than masking substantive disagreements behind irrelevant arguments about the proper role of compassion in formulating policy, let us face the ancient mandate: those who love Adonai must hate evil. We disagree about what constitutes evil, and we disagree about how and when to combat it. ✦

endthoughts

Preventing memory

■ George Jochnowitz

The first symptom was fatigue. “It’s psychological,” some people said. My mind felt fuzzy. I was suffering from stupidity: my memory got worse; I couldn’t find the words to express myself. “You’re depressed,” some people said, but it didn’t feel like depression. It felt like illness. After my second midnight trip to the emergency room, I had an angiogram. “You have 70% blockage in three coronary arteries and 50% blockage in a fourth,” I was told. “You can have bypass surgery at 8:00 AM Friday—tomorrow morning.”

Under normal circumstances, a suspenseful movie is too scary for me. I didn’t have the alternative of just walking out of the theater. “Better sooner than later,” I thought. The surgeon came to introduce himself. So did the anesthesiologist. “I’ll see you tomorrow morning,” he said. “Only you won’t remember it.”

“Yes I will,” I said.

“No you won’t. You’ll get an amnesic drug.”

“I don’t think I want it,” I said, but I didn’t have the confidence to argue or insist.

A nurse—or was it a social worker—came later to talk to me. “What is your approach to dealing with fear?” she asked.

“When I’m scared, I’m just scared,” I replied.

“Do you pray?”

I was planning to say the *Sh’ma* before I went under anesthesia. But the question provoked a different reaction

in me. “Thank God I’m not praying,” I thought. Prayer is good for thanksgiving; religious ritual celebrates the passage of time and may help in time of mourning. But when you’re scared, prayer only sharpens the fear. If God could hear prayer, he already knew what I wanted. “If I live, maybe I’ll be grateful,” was the only prayer I could formulate. That was exactly right.

* * *

Could I have fallen asleep? I couldn’t open my eyes. I couldn’t try. I wasn’t breathing. I couldn’t try. “Maybe I can roll over and bang the side of the bed,” I thought. I couldn’t try. I had just been turned off.

“Without air I will get headachy and lose consciousness,” I thought, but I didn’t have a trace of a headache. “If I am found before I have been unconscious too long, maybe there won’t be too much brain damage,” I thought. But I was very conscious. I felt very smart. My stupidity had gone away.

The terror was unlike any other I had experienced. “Three minutes left,” I thought. “This is all so unnecessary.”

Then I felt air entering my lungs. I had not been abandoned after all. “How could someone have put a tube for air into my mouth without my knowing it?” I wondered. And finally—a voice: “George, this is Sheila, your nurse. It’s a quarter to five in the morning and you’re all right.”

Relief. There is someone who knows I can’t answer. At last I could fall asleep. But the voice came back to tear me out of my rest: “George, this is Sheila, your nurse. It’s a quarter after five in the morning and you’re all right.”

If the words hadn’t been almost exactly the same as the previous time, I might have forgotten the whole thing.

I opened my eyes. What a wonderful thing to be able to do! The ceiling was the same hospital ceiling I had been looking at when I was able to move. I couldn’t talk, but I could distinctly feel a hose in my mouth. Did I dare hope? Could the operation be over? The ceiling was the same, but lots of rooms in the hospital must have the same ceiling. If I could find out what day it was, I would know. I pointed to my wrist.

“It’s a quarter after five,” said Sheila.

I shook my head no. I was able to move it as easily as always. “What are you trying to say?” asked Sheila.

I pointed to my wrist again.

“Something about the time?” she asked.

I nodded.

“It’s Saturday,” said Sheila. Thank God. The operation was over and I was alive. I was in a different room despite the similar ceiling.

GEORGE JOCHNOWITZ teaches linguistics at the College of Staten Island, CUNY.