

Earl Raab

May 31, 1977

On Discriminating

Last week some San Francisco public figures went to Miami to fight discrimination against homosexuals. At the same time the San Francisco Board of Education voted to revise the district's guide to family life education in order "to reflect gay life." That could be two different matters.

Miami had passed a law to prohibit economic discrimination against homosexuals. The San Franciscans went there to support the law, which is now under attack. After all, we have established a sensible principle in this country that individuals should not be denied jobs, housing or public accommodations because of a group identification which is irrelevant.

Laws against discrimination are really laws against irrelevant discrimination. There is never any relevant reason for discriminating on the basis of nationality, religion or sex--as in the case of a bona fide ethnic studies program, or a religious institution or a women's steam bath. Because of patterns of prejudice, the country has outlawed irrelevant discrimination against race, religion, national origin, age and sex. Such laws usefully put the burden on the discriminator to prove relevance.

Sexual orientation has now been added to that list in a few localities, starting with San Francisco. That makes sense. It would be patently foolish, uncivilized, and intolerable for employers or landlords to generally discriminate against any group of individuals because of their sexual orientation.

But the school situation is more complicated. While society has no proper bias in favor of any race or religion, it does have a proper bias in favor of the heterosexual family.

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The Fifth Commandment is not just an order for children to honor their parents; anymore than the Sixth Commandment is just an injunction against killing. (The Talmud says: "If one comes to kill you, get ahead, and kill him)."<sup>1</sup> The Sixth Commandment more generally proclaims the sanctity of life; just as the Fifth Commandment more generally proclaims the primacy of the family. The duty of the parents is there laid down as well as the duty of the children. The reference is not to love--but to duty. And that is a societal duty, not a matter of personal relationships or gratifications.

On a practical level, a civilized society depends upon the transfer of culture from parents to children; and upon its citizenry caring about the future. In general, people care about the future because their children will be in it. The heterosexual family model--parent and children--is the building bloc of society.

The public schools are not supposed to be neutral on society's values. They should be biased in favor of the Bill of Rights. They should be biased in favor of the heterosexual family model. That's a distinction which the new San Francisco school program will somehow have to make.

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A different kind of distinction should be made in response to a complaint that this column is "over-activist."

"We're always being told to do something," the complaint read. "Complain to the FCC, harass this Congressman, picket that consulate, and so forth. Maybe you should relax. Maybe this Jewish community is being too activist on too many things for its own good. That might be foolish, and boomerang."

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Admittedly, some actions can be foolish. There are those who don't discriminate between motion for its own sake, and action towards a goal. According to them, a man can descend more militantly by jumping out a ten story window than by taking a slow elevator. But action is never foolish just because it is action, or visible.

The JCRC pointed out a few years back:

"The day has long passed since the organized Jewish community felt that it had to restrain its activity just for the sake of a 'good public relations image.' American Jews are first class citizens. When there are issues that affect the Jewish community, that community can and should be as outspoken, as activist and militant as the situation calls for. We need have no fear in making our concerns as explicit, as public and as dramatic as necessary. Indeed, we have the responsibility to do exactly that. American Jews cannot afford to be Jews of silence."