UCLA

UCLA Women's Law Journal

Title

The Myth of a Model Minority: The Transformation of Knowledge into Power

Permalink

<https://escholarship.org/uc/item/8b8197f1>

Journal

UCLA Women's Law Journal, 10(1)

Author

Horsburgh, Beverly

Publication Date

1999

DOI

10.5070/L3101017724

Copyright Information

Copyright 1999 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

BOOK REVIEW

THE MYTH OF A MODEL MINORITY: THE TRANSFORMATION OF KNOWLEDGE INTO POWER

BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN
AMERICAN LAW. By Daniel A. Farber[†] & Suzanna Sherry[‡].
New York: Oxford University Press, 1997.

Beverly Horsburgh*

ABSTRACT

In this Book Review Essay, Professor Horsburgh responds to Professors Farber and Sherry that radical critique of merit — the contention that standards are biased and reflect the interests of the powerful — leads to anti-Semitism and racism because statistics indicate that Jews and Asian Americans benefit the most from the existing criteria and that their family income exceeds the average income of all other social groups. Professor Horsburgh suggests that these authors are influenced by the myth of a model minority, a utopianesque narrative in which an ethnic group serves as living proof of the neutrality of meritocratic norms and a condemnation of those who blame the system, instead of themselves, for their failure to achieve success.

[†] Henry J. Fletcher Professor of Law and Associate Dean for Research, University of Minnesota Law School. B.A. 1971; M.A. 1972; J.D. 1975, University of Illinois College of Law.

[‡] Earl R. Larson Professor of Civil Rights and Civil Liberties Law, University of Minnesota Law School. A.B. 1976, Middlebury College; J.D. 1979, University of Chicago Law School.

* Professor of Law, St. Thomas University School of Law. B.A., Smith College; J.D., University of Miami School of Law. I thank my research assistants, Maria Elena Verde, Alexander P. Ramos, and Eric J. Olson for all their help in writing this Essay. I also want to thank Richard Delgado, Martha Minow, Katherine Franke, Ken Casebeer, Marnie Mahoney, Andrew Cappel, and Peter Margulies for their invaluable comments and support.

Drawing on her own background as a Jewish woman, Professor Horsburgh looks at the harmful effects of the myth in her own community and the ways it impedes the progress of other minorities. Professor Horsburgh finds that as an inspiration of the dominant liberal ideology, the myth disguises patriarchy, encourages cultural imperialism, and rationalizes race, class, and gender-based discriminatory practices. While the book's authors charge that a model minority presents a paradox to the radical proposition that knowledge is the instrument of power, Professor Horsburgh argues that the myth operates as the vehicle by which knowledge (demographics based on family income levels) reproduces power. Contrary to the popular belief that the cultural phenomenon of a model minority validates the fairness of the established social order, Professor Horsburgh shows that the myth is integral to the workings of power-based social arrangements.

TABLE OF CONTENTS

I. INTRODUCTION.....	166
II. THE MODEL MINORITY PHENOMENON AND THE JEWISH PEOPLE: EQUATING JEWISH IDENTITY WITH LIBERALISM.....	171
III. THE MODEL MINORITY MYTHOLOGY AND JEWISH WOMEN: TRANSFORMING KNOWLEDGE INTO POWER.....	178
IV. THE MODEL MINORITY MYTHOLOGY AND OTHER MINORITIES: TRANSFORMING KNOWLEDGE INTO POWER.....	192
V. CONCLUSION.....	199

I. INTRODUCTION

In recent publications, Professors Daniel Farber and Suzanna Sherry address an aspect of the post-modernist critique of objectivity,¹ the contention that knowledge, reason, and truth

1. Notwithstanding the impossibility of describing what is meant by a postmodernist stance in a brief summary paragraph, one definition, capturing the crux of the postmodern, is offered by Gary Minda: "Postmodernists do not deny there can be knowledge of reality; what they deny is that we can rely on theory and language to objectively fix the meaning of reality." See GARY MINDA, *POSTMODERN LEGAL MOVEMENTS: LAW AND JURISPRUDENCE AT CENTURY'S END* 225 (1995). The postmodern inquiry for many legal scholars is to ascertain the consequences of living in a world in which reasoning processes reflect the bounded views of subjects embodied in specific historo-cultural contexts. Some postmodernists emphasize the degree to which subjecthood is constituted by social forces. See, e.g., Richard Delgado & Jean Stefancic, *Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?*, in *CRITI-*

are socially constructed effects of systems of power.² To emphasize that this interpretation of reality poses a threat to liberalism's epistemological foundation of objective rationalism, they name the paradigmatic shift in thought "radical multiculturalism."³ The authors focus their attention on one specific corollary of radical multiculturalism's knowledge/power equation,⁴ the claim of many scholars that merit standards reflect the interests of the privileged in preserving the status quo.⁵ Farber and Sherry counter the attack on merit by arguing statistics have proven that the family income of Jews and Asian Americans exceeds the average income of all other groups in American society.⁶ If there is no such thing as objective merit, then there is no benign explanation for the accomplishments of these model minorities.⁷ Anti-Semitism and racism are the inevitable consequences of the

CAL RACE THEORY: THE CUTTING EDGE 217, 221 (Richard Delgado ed., 1995) [hereinafter THE CUTTING EDGE]. They write: "[T]his mechanistic view of an autonomous subject . . . is simplistic. In an important sense, we *are* our . . . narratives, and they us. We subscribe to a stock of . . . narratives . . . that . . . construct our social world. Because we then live in that world, it begins to shape and determine us" Others argue subjecthood is not totally structured and that an individual can be self-consciously aware of the relationship between the self and the self's ideological conditioning. See, e.g., Martha R. Mahoney, *Whiteness and Women, in Practice and Theory: A Reply to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 217, 220-27 (1993) (criticizing feminist theories that concentrate solely on women's lack of agency over social circumstances without acknowledging women's strengths and cognizance of their situation).

2. See DANIEL A. FARBER & SUZANNA SHERRY, BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW 5, 7, 24-29 (1997) [hereinafter FARBER & SHERRY, BEYOND ALL REASON]; Daniel A. Farber & Suzanna Sherry, *Is The Radical Critique of Merit Anti-Semitic?*, 83 CAL. L. REV. 853, 854-55, 865-66, 879 (1995) [hereinafter Farber & Sherry, *The Radical Critique of Merit*]. See also MICHEL FOUCAULT, POWER/KNOWLEDGE: SELECTED INTERVIEWS AND OTHER WRITINGS 1972-1977, at 51-52, 59, 93-98, 107, 131 (Colin Gordon ed. & Colin Gordon et al. trans., Pantheon Books 1980) (positing all knowledge constitutes power relationships relayed through discourses that produce what are perceived to be truths) [hereinafter FOUCAULT, POWER/KNOWLEDGE].

3. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 5, 8.

4. I refer to the Foucauldian notion that knowledge discourses are the product of power systems and, thus, the two are indistinguishable. See FOUCAULT, POWER/KNOWLEDGE, *supra* note 2, at 51-52, 59, 93-98, 107, 131.

5. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 5, 23-24, 26, 31-33; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 854-855.

6. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 57-58; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 869-70.

7. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 9-11, 53. See also Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 869 (describing Jews and Asian Americans as model minorities).

radical critique of merit.⁸ First, Farber and Sherry explain, the critique of merit renders Jewish and Asian Americans vulnerable to the charge of engaging in conspiracies to sustain their power,⁹ or serving as collaborators in league with the powerful.¹⁰ Second, linking merit to power reinforces the negative stereotype of Jews and Asian Americans as soulless parasites whose successes can be traced to their skill in appropriating the ideals of the majority population.¹¹ Finally, the authors suggest that these ethnic groups could be accused of outpacing other groups for precisely the opposite reason: they contrive to impose their alien values and have “judainized” or “asianized” the authentic American cultural scene.¹²

At first glance, Farber and Sherry’s exposure of the radical critique’s failure to consider Jewish and Asian American economic success discredits attempts to attribute the unequal distribution of goods and resources to culturally biased standards promulgated by an elite social class. Moreover, the doctrine’s racist/antisemitic implications, at odds with its own progressive goals, underscore the dangers in relying on radical theories to solve social problems. Any political movement harboring resentment towards vulnerable ethnic minorities — insinuating Jews and Asian Americans should be blamed for the existing disparities in wealth — cannot generate an egalitarian, just society.

From a postmodern perspective, however, radical multiculturalism rejects totalizing thought systems that explain the world by resorting to simplistic villain/victim formulas, and challenges the very premises upon which Farber and Sherry base their exposé. That is to say, postmodern multiculturalism questions more than just the concept of objectivity, but also other core assumptions of traditional schools of thought. Along with abandoning reason as a stable grounding for knowledge and theories of justice, this radical point of view casts doubt on liberalism’s subject-centered ontology in which self-directed actors, epistemi-

8. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 59–61; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 857.

9. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 61–63; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 871–73.

10. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 65–66.

11. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 63–65; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 874–75.

12. See FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 66–67; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 875–76.

cally unconstrained by locality, historicity, or ideology,¹³ are the agents of the existing social condition.¹⁴

Furthermore, individuals who accept income surveys and standards at face value, situating them outside of the cultural context in which statistics are given meaning and definitions of merit are formed, could also view model minorities as a tangible presence in our social world. Inasmuch as Jewish and Asian American social and economic achievements are verifiable facts, the model minority image seems to virtually mirror reality — the material existence of ethnic groups who are living proof of the neutrality of the established criteria and set an example for other minorities to follow.

On the other hand, to postmodern epistemological skeptics, knowledge of external reality is mediated by our own interpretive processes, which are intimately related to our language, ideology, and place in the various institutional structures composing our society. It is our representations of the world, in which we are already immersed, that create the objects of our perceptions.¹⁵

My purpose in this Essay is to demonstrate that Farber and Sherry's argument against radical multiculturalism rests on a myth which projects an idealistic picture of an ethnic minority and a utopianesque vision of a culturally pluralistic society. I propose that as an inspiration of the dominant liberal ideology, the myth of a model minority functions to confirm and legitimate the existing political order. The cultural phenomenon does not constitute proof of the political system's fairness, but is an integral part of the workings of a power-based political system.

13. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 99 (intimating that it is possible to separate ourselves from existing social arrangements and that scholars should aspire to attain an objectivity, "independent of both our heart-felt desires or political commitments and of our racial, sexual, religious or class-based identities").

14. See Seyla Benhabib, *Critical Theory and Postmodernism: On the Interplay of Ethics, Aesthetics, and Utopia in Critical Theory*, 11 CARDOZO L. REV. 1435, 1438, 1445 (1990); SUSAN J. HEKMAN, *GENDER AND KNOWLEDGE: ELEMENTS OF A POSTMODERN FEMINISM* 47–60 (1992); Pierre Schlag, *The Problem Of The Subject*, 69 TEX. L. REV. 1627 (1991). For a more in-depth discussion of the ways Farber and Sherry misconstrue radical multiculturalism by incorporating into their analysis a liberal view of subjecthood, see *infra* pp. 197-99.

15. According to some postmodernists, the perception of an existing object is an act that creates the object because the comprehension of the object is constitutive of its reality. See, e.g., Alan Brudner, *The Ideality of Difference: Toward Objectivity in Legal Interpretation*, 11 CARDOZO L. REV. 1133, 1144 (1990).

Throughout this Book Review Essay I discuss my own community, the Jewish-American people. In Part II, I contend that Farber and Sherry's description of the Jews as conventional liberals converts this ethnic group into little more than representatives of the white middle-class, estranged from Jewish history, culture, and religious traditions.

In Part III, I explore the myth of a model minority and its effect on Jewish women. I argue that family income statistics are misleading in that these studies overlook Jewish women's limited social horizons and economic dependence on Jewish men. I then note that post-Holocaust consciousness has caused many in the community to fear the Jews have become an endangered species, and to conceptualize Jewish motherhood as the primary vehicle of Jewish survival. I further point out that the myth portrays Jewish women as paradigmatic examples of the "good" stay-at-home wife and mother, devoted to the family's needs. I claim that both the endangered species metaphor and the myth affirm liberalism's patriarchal discourse on motherhood and acculturate many Jewish women to participate in their own subordination. I also argue that the myth reinforces the belief that Jewish men are the breadwinners of the family and thereby re-inscribes the negative stereotype of Jewish women as unproductive members of society. The myth provides anti-Semites with ample grounds to resent Jewish women who are assumed to enjoy an unearned prosperity. In summary, contrary to Farber and Sherry's charge that Jewish middle-class status presents a paradox to radical multiculturalism, I maintain that knowledge of Jewish income levels is transformed into power through a myth that fosters sexism and antisemitic attitudes.

In Part IV, I propose that the myth purports to prove the affluence of one minority signifies success is attainable for all. I highlight the ways the myth promotes cultural imperialism, rationalizes race, class, and gender-based barriers in the workplace, persuades us that certain social groups are inferior to others, and justifies the common belief that single mothers on welfare are responsible for their poverty. In addition, I emphasize that even though Farber and Sherry accuse radicals of inciting anti-Semitism, they fail to recognize the danger in celebrating the achievements of just one minority. Because the model minority success story is insensitive to the problems facing other minorities, it is bound to incite an attack against the very group singled out for distinction. In using Jews to legitimate the social order — the

way that anti-Semitism has traditionally been propagated — history seems to be repeating itself through the myth. Yet again, the myth transforms knowledge of disparities in income levels into power.

II. THE MODEL MINORITY PHENOMENON AND THE JEWISH PEOPLE: EQUATING JEWISH IDENTITY WITH LIBERALISM

Farber and Sherry turn to demographic studies¹⁶ to refute the proposition that standards are shaped by the self-reflective reasoning of the privileged who discount the qualifications of those whose race, class, or gender differ from their own.¹⁷ Nonetheless, Farber and Sherry's analysis of statistical data, reflecting their preconceived political beliefs, undermines their attempts to uphold liberalism's ideal of transcultural reason.¹⁸ Inadvertently, they support the radical critique's denial of objective rationalism.

In their writings, Farber and Sherry observe that Jewish income outdistances the average family income,¹⁹ and that Jews are disproportionately represented in academic institutions.²⁰ They point out that because Jews comprise less than three percent of

16. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 57–58.

17. I do not include all of the radicals who are discussed by Farber and Sherry, because they mention nearly every critical legal theorist that comes to mind. For references to some of the usual suspects, see FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 5 (citing CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 54 (1987); *id.* at 26 (citing Richard Delgado, *Norms and Normal Science: Toward a Critique of Normativity in Legal Thought*, 139 U. PA. L. REV. 933, 951 (1991)); PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* 103 (1991)); *id.* at 31–32 (citing Duncan Kennedy, *A Cultural Pluralist Case for Affirmative Action in Legal Academia*, 1990 DUKE L.J. 705, 708, 733; Stanley Fish, *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory*, in *LITERARY AND LEGAL STUDIES* 164 (1989); Alan Freeman, *Racism, Rights and the Quest for Equality of Opportunity: A Critical Legal Essay*, 23 HARV. C.R.-C.L. L. REV. 295, 324, 382–85 (1988); Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758, 803, 806–7)).

18. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 27–28, 33, 99.

19. Farber and Sherry state that the average Jewish family income in 1970 was 172% of the average American income and that more recent data shows this social group earns significantly more than white gentiles. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 57–58; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 869–70.

20. Farber and Sherry find that the percentage of Jews who graduate from college is twice the rate of the general population and that Jews occupy a significant percentage of law school and university faculty positions. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 57–58; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 868–69.

the overall population, it is hard to believe they obtained their positions by exerting political influence.²¹ Statistics call into question multiculturalism's assertion that assessments of skills and abilities favor the dominant.²² Though statistical surveys can be interpreted in any number of ways, Farber and Sherry's rhetorical structure allows for just two possibilities. If Jews outnumber other social groups, enabling them to take advantage of their political leverage, the criteria might well be partisan. If Jews are far less numerous, lacking the wherewithal to exercise power, evaluative practices must be evenhanded. In light of demographics, reporting the insignificant number of Jews in the overall population, just one of these possibilities becomes credible: Jews earned their success by their own efforts, and Jewish affluence attests to the legitimacy of liberalism's neutrally applicable standards.

Farber and Sherry appear to claim that the accomplishments of some in American society proves that prosperity is equally available to all. But statistical findings do not confirm that measurements of competence are impartial or disclose that the upward mobility of the Jewish community results from conforming to the dictates of objective standards. The authors' case against radical multiculturalism, which they find inscribed in ethnographies, hinges on an interpretive construct of an ethnic group that just happens to suit their allegiance to the liberal ideology. Portraying a minority as substantiating the openness of our meritocratic regime does not defeat the radical critique. Rather, the characterization reinforces multiculturalism's insights and conveys a politic: it tells the disadvantaged, in a somewhat patronizing manner, they too can realize America's promise of success if they emulate the designated model, become good liberals, and assimilate norms reflecting the background and attitudes of the

21. If the purported merit bases for selection are invalid, one must wonder just how to account for figures that are so high above the proportion of Jews in the general population. . . . If "faculties distribute political resources (jobs) through a process that is political in fact, if not in name," it is hard to countenance the award of the 25%-40% of those jobs to a group that is less than three percent of the general population.

Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 868-69 (quoting Duncan Kennedy, *A Cultural Pluralist Case for Affirmative Action in Legal Academia* 1990 DUKE L.J. 705, 732). See also FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 60 (questioning why merit would be structured by the powerful white majority to prefer Jews and Asian Americans).

22. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 56.

mainstream. I believe this representation of the Jews, encoding the traditional discourse on merit, is a political *percormative* speech act that obscures the inherent bias in relying on methods of evaluation informed by the lifestyles and experiences of white middle-class males.²³ Indeed, it troubles me that Jews are the conduit by which the dominant interpretive community promotes cultural imperialism and validates the fairness and rationality of rules determining the economic status quo.

Furthermore, Farber and Sherry's attempt to trace the source of Jewish success also is conditioned by their ideological frame of reference. They speculate Jews, Asian Americans, and white gentiles could have internalized values emphasizing traits considered advantageous in modern society. They also speculate that in the past, Jews might have adopted values similar to mainstream norms that equip them to surpass the average income levels.²⁴ These explanations amount to measuring the degree to which the ethical principles of a specific minority are indistinguishable from the liberal mores of the majority. Farber and Sherry refer to their own values more than the moral code of a distinct ethnic group and come close to rendering Judaism synonymous with liberalism. If Jews are little more than conformists, skilled in adapting to the customs of the majority population, then Farber and Sherry's description of the Jewish people bears a striking similarity to what they fear will result from radical multiculturalism — that Jews will come to be seen as simply imitators of American culture.²⁵

It is somewhat problematic to typecast the Jewish people as liberals and assume income statistics in themselves reveal Jewish cultural attitudes. Consider that in the past religion, law, commerce, and literature — all expressions of a culture — functioned as the very cords of anti-Semitism binding western civilization together. Hence, Jewish storytelling developed; a genre that

23. See, e.g., IRIS M. YOUNG, *JUSTICE AND THE POLITICS OF DIFFERENCE* 192–225 (1990) (disputing pseudo-scientific assessments of merit, and arguing the race, class, and gender of decision-makers impart a normative content to traditional standards).

24. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 59–60.

25. Farber and Sherry claim that the radical critique of merit leads to a description of the Jews as *Zelig*-like chameleons without a cultural identity of their own who take on the characteristics of their surroundings. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 63–65; Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 874.

thrives on irony²⁶ and on the displacement of majoritarian cultural icons.²⁷ Consider also the importance of Yiddish theater: plays derived from the well-known classics, but nevertheless projecting Jewish views of the world.²⁸ These deconstructions of the dominant culture enabled the growth of a particularly Jewish perspective, as well as the maintenance of Jewish self-respect in the midst of oppression. Given the history of Jewish socialism²⁹ and the ways some Jews reinvented themselves by reconceiving the western ethos, there is a distinctively Jewish tradition of challenging the dominant epistemology and presenting alternative hermeneutical understandings. Many contemporary Jewish scholars have inherited this legacy and subscribe to progressive liberatory projects antithetical to orthodox political theories and practices. For instance, Jewish women, especially *femcrits*, postmodernists, critical race scholars, socialists, lesbians, and bisexuals, are unlikely to be considered members of the establishment. Their writings hardly comport with conventional academic standards, or exemplify legal liberalism's organizing principles of thought.³⁰ In fact, Farber and Sherry single out a

26. See, e.g., SHOLOM ALEICHEM, *OLD COUNTRY TALES* (Curt Leviant trans., J. P. Putnam's Sons 1966); ABRAHAM CAHAN, *THE RISE OF DAVID LEVINSKY* (Harper Torchbook ed., 1960); HENRY ROTH, *CALL IT SLEEP* (1934); SAMUEL TENENBAUM, *THE WISE MEN OF CHELM* (1965); ANZIA YEZIERSKA, *BREAD GIVERS* (1925).

27. See, e.g., Karl Emil Franzos, *Shylock in Czernowitz*, reprinted in *A TREASURY OF JEWISH HUMOR* 675 (Nathan Ausubel ed. & trans., 1951) (a retelling of *The Merchant of Venice* from an Eastern European Jewish perspective).

28. See, e.g., IRVING HOWE, *WORLD OF OUR FATHERS* 460-61 (1976); RONALD SANDERS, *THE DOWNTOWN JEWS: PORTRAITS OF AN IMMIGRANT GENERATION* 247-55 (1969).

29. For a history of Jewish socialism, the Bund and trade-unionism, see HOWE, *supra* note 28, at 289-359; SANDERS, *supra* note 28, at 63-100; A. MALAMAT ET AL., *A HISTORY OF THE JEWISH PEOPLE* 910-14, 959-61 (H. H. Ben-Sasson ed., 1976). For a history of Jewish women in the labor movement, see CHARLOTTE BAUM ET AL., *THE JEWISH WOMAN IN AMERICA* 137-62 (1975); SUSAN A. GLENN, *DAUGHTERS OF THE SHTETL: LIFE AND LABOR IN THE IMMIGRANT GENERATION* 167-206 (1990); Alice Kessler-Harris, *Organizing the Unorganizable: Three Jewish Women and Their Union*, 17 *LAB. HIST.* 5 (1976); Paula E. Hyman, *Gender and the Immigrant Jewish Experience in the United States*, in *JEWISH WOMEN IN HISTORICAL PERSPECTIVE* 222, 228-29 (Judith R. Baskin ed., 1991); LINDA GORDON KUZMACK, *WOMAN'S CAUSE: THE JEWISH WOMAN'S MOVEMENT IN ENGLAND AND THE UNITED STATES 1881-1933*, at 116-33 (1990). See also MARTIN JAY, *THE DIALECTICAL IMAGINATION: A HISTORY OF THE FRANKFURT SCHOOL AND THE INSTITUTE OF SOCIAL RESEARCH 1923-1950*, at 31-32 (1973) (commenting that nearly all of the radicals associated with the Institute were Jews).

30. Although Jewish women might not explicitly identify themselves as such in their scholarship, I think many would agree that aspects of their Jewish cultural or religious identity in some ways influence their concern with social justice and inform

few Jewish feminists because they are noted for their divergence from the entrenched canons.³¹ There is little reason to believe that these nontraditional Jewish scholars are over-represented in academia or that they stand a good chance of being accused of controlling the academy's evaluation process.³² Their presence in the academy, along with their writings and their politics, defy any portrait of the Jews as gatekeepers or followers of the status quo. Surely, Jewish nonconformity belies the notion that associating liberalism's norms with power also inescapably invites an attack against the Jews. Moreover, to call upon the storytellers of today to recant their views, out of a fear of an antisemitic backlash,³³ is to stifle Jewish creativity and censor Jewish self-expressions. Farber and Sherry might well inaugurate what they charge will be the consequence of radical multiculturalism: a negative portrayal of the Jews as unimaginative and derivative.³⁴

The model minority representation misconstrues the complex dynamics of Jewish social integration. Jewish identity resembles Joseph's coat of many colors.³⁵ I see American Jews as

their view of the world. See, e.g., Naomi R. Cahn, *The Looseness of Legal Language: The Reasonable Woman Standard in Theory and Practice*, 77 CORNELL L. REV. 1398 (1992); MARTHA A. FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* (1995); Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994); Mary Coombs, *Interrogating Identity*, 11 BERKELEY WOMEN'S L.J. 222, 239-40 (1996); Beverly Horsburgh, *Lifting The Veil Of Secrecy: Domestic Violence In The Jewish Community*, 18 HARV. WOMEN'S L.J. 171 (1995) [hereinafter Horsburgh, *Lifting the Veil of Secrecy*]; Mahoney, *supra* note 1, at 217; Martha Minow, *Stories in Law, in LAW'S STORIES: NARRATIVE AND RHETORIC IN THE LAW* 24 (Peter Brooks et al. eds.) (1996); Stephanie M. Wildman, with Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible, in THE CUTTING EDGE*, *supra* note 1, at 573; Joan C. Williams, *Dissolving the Sameness/Difference Debate: A Post-Modern Path Beyond Essentialism in Feminist and Critical Race Theory*, 1991 DUKE L.J. 296. I do not attempt an exhaustive compilation. Some scholars might be uncomfortable in being singled out as Jewish, which in itself suggests that Jews still have reasons to see themselves as outsiders in American society. Also, many who were born as Jews might not consider themselves Jewish, which suggests there is more than one definition of Jewishness and that Jewish identity can be very complicated.

31. See, e.g., FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 40 (referring to Catharine MacKinnon and Andrea Dworkin); *id.* at 86 (referring to Kathryn Abrams and Mary Coombs); Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 865 (referring to Naomi Cahn).

32. See Farber & Sherry, *Beyond All Reason*, *supra* note 2, at 58.

33. See *id.* at 8-9.

34. See *id.* at 63-65.

35. See, e.g., Robert M. Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, 5 J.L. & RELIGION 65, 68 (1987) (praising the Jewish tradition's pluralistic tolerance for a symphony of conflicting voices). Some distinctions between mem-

partly absorbed into the mainstream, constructed by liberalism's values, and also as partly standing apart, grounded in the Jewish history of persecution. This small group of people negotiate the tensions between cultural boundaries by yielding to the influences of the greater society, withdrawing into their own customs, or resisting the belief systems of both cultures. The last response is in its own way very typically Jewish. Jews have struggled against systematic persecution by developing a variety of tactics. Survival strategies to maintain and celebrate Judaism are commonalities reconciling disparate theoretical perspectives in Jewish modernism³⁶ and Jewish postmodernism.³⁷ While common

bers of the Jewish community are obvious. For an overview of the diversity in religious viewpoints, see ROY A. ROSENBERG, *THE CONCISE GUIDE TO JUDAISM: HISTORY, PRACTICE, FAITH* 144-73 (1991). There is also a considerable degree of variance in income levels and lifestyles. See, e.g., HOWARD M. SACHAR, *A HISTORY OF JEWS IN AMERICA* 823 (1992) (citing Anne G. Wolfe, *The Invisible Jewish Poor*, Address at The American Jewish Committee Annual Meeting (1971)). Also, there are significant differences between Ashkenazic (European Jewish descent) and Sephardic (Middle-Eastern Jewish descent) cultural practices. Because my own background is Ashkenazic and I am less familiar with the histories of the Sephardim, I limit my frame of reference in this Essay to the experiences of Western Jewry.

36. I have argued that much of the writing of modernist legal scholars who focus on Jewish identity reflects the outsider's desire to show that the Jewish tradition is not incompatible with American liberalism. See, e.g., Samuel J. Levine, *Jewish Legal Theory and American Constitutional Theory: Some Comparisons and Contrasts*, 24 HASTINGS CONST. L.Q. 441 (1997); Sanford Levinson, *Identifying The Jewish Lawyer: Reflections on the Construction of Professional Identity*, 14 CARDOZO L. REV. 1577 (1993). See also Horsburgh, *Lifting The Veil of Secrecy*, *supra* note 30, at 211 (commenting on Jewish legal scholarship). For further analysis of the American Jewish lawyer's attempt to resolve conflicting loyalties by fusing the principles of liberal constitutionalism with *Halakhic* traditions (Jewish legal traditions), see JEROLD S. AUERBACH, *RABBIS AND LAWYERS: THE JOURNEY FROM TORAH TO CONSTITUTION* 24-25 (1990).

While written in a traditional style and purporting to be objective, this liberal genre of storytelling is as politicized as any project embarked on by a nontraditionalist. Nevertheless, these liberal narratives are not criticized for valuing politics more than the truth. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 99 (questioning if objective truth can emerge from narrative scholarship that is not independent of "heartfelt desires" or "political commitments").

37. Influenced by Husserl and Heidegger, but more concerned with ethics and Jewish identity than ontology, Emmanuel Levinas is a rather unique poststructuralist thinker whose writings reflect on the Jewish tradition. See *THE LEVINAS READER* (Sean Hand ed., 1989). See also Martin Jay, *Hostage Philosophy: The Ethical Thought of Emmanuel Levinas*, in *TIKKUN: A JEWISH CRITIQUE OF POLITICS, CULTURE & SOCIETY* 245 (Michael Lerner ed., 1992) [hereinafter *TIKKUN*]. Jewish postmodernist philosophy would also include the writings of Jacques Derrida and Eli Wiesel. For a discussion of the works of both writers as emblematic of postmodernist thought, see Vivian Grosswald Curran, *Deconstruction, Structuralism, Antisemitism and the Law*, 36 B.C. L. REV. 1, 5, 47 (1994), who posits that both deconstructionism and Holocaust studies reflect disillusionment with the founda-

structural restraints arising from cultural institutions of power can proscribe to some extent, the reactions of individuals in a group might in some ways differ and in some ways be the same. Similar responses to hierarchical social arrangements do not mean all in the group are identical twins who share the same attributes.³⁸ Yet what is meant by the model minority designation essentializes Jewish identity into one voice and domesticates the radical Jewish soul. The model minority eliminates that which truly unites and sustains many Jews: religious/cultural traditions, shared historical experiences, and Zionist aspirations mixed with fears of extinction and antisemitic persecution.

In short, Farber and Sherry's use of statistics to infer that Jews conform to mainstream norms fails to capture the complexity of Jewish attitudes. The authors have externalized their own values and, in so doing, imagine a people as the meritocratic ideal made incarnate. My concerns, however, are not limited to whether or not the ethnic stereotype in fact exists. Its sociopolitical implications are what I find problematic.

tional values of the Enlightenment and are responses to the rise of totalitarian regimes in the twentieth century. See also Hava Tirosh-Rothschild, "Dare to Know": *Feminism and the Discipline of Jewish Philosophy*, in *FEMINIST PERSPECTIVES ON JEWISH STUDIES* 85 (Lynn Davidman et. al. eds., 1994) (laying the groundwork for integrating Jewish philosophy, the postmodernist trend in western philosophy, and feminism). She states:

[I]t is no longer possible to ignore the linguisticity and embodiment of all human knowledge. . . . Philosophy can no longer claim to aspire to, let alone attain, objective universal truths: all knowledge is subjective, historically situated, linguistically bound, and politically motivated. . . .

Id. at 88.

A feminist standpoint epistemology means thinking that comes from women's lives or, . . . from the lives of oppressed, exploited, and marginalized women. . . . In telling the story from the other side, feminist scholarship offers a corrective to "normal" scholarship in all fields. . . .

Id. at 91.

38. See *infra* note 87, referring to Iris Young who draws a distinction between classifying a group on the basis of a common identity (what she terms a "social group") and recognizing that because a particular pattern of power structures is imposed upon a group of people, they can be thought of as one unit (what she terms a "serial collective"). Furthermore, reactions to systemic power in the greater culture can in turn become oppressive, resulting in the creation of a subculture's own form of institutionalized oppression. See discussion *infra* pp. 183-89 for an analysis of one common Jewish response to oppression that I believe is a recurrent theme in Jewish culture, heightened by the experience of the Holocaust, the tendency to objectify Jewish mothers as the vehicle of Jewish survival.

The concept of a model minority could serve the purpose of authenticating liberalism's discourses on merit through the instrumental usage of the Jews. Jewish accomplishments seem to substantiate the ostensible neutrality of meritocratic norms — norms that reflect the self-referential reasoning processes of the dominant. Once the Jewish community is presented as the embodiment of liberal virtues, a vulnerable ethnic minority is politicized. Furthermore, in expressing these values of our culture through imagery, metaphors, and storytelling, the Jewish people are elevated to the status of an icon and the Jewish success story takes on mythic proportions. Moreover, because language is viewed as a transparent medium through which the outside world is made conscious, we become convinced that the myth is real. But what the Jews have come to represent is not so much a matter of Jewish values, lifestyles, and histories as it is a projection of a particular ideological stance.

Moreover, this ideological point of view, encoded in mythic form, especially influences Jewish women's self-definitions and, in a phenomenologic sense, their experiences of motherhood. In Part III, I explore the myth of a model minority and its profound effect on Jewish women.

III. THE MODEL MINORITY MYTHOLOGY AND JEWISH WOMEN: TRANSFORMING KNOWLEDGE INTO POWER

A model minority depiction of the Jews relies solely on regarding the face value of statistics on the Jewish family's income to present Jews as disproportionately successful in comparison with other social groups.³⁹ While some might consider statistics on the income of Jews as proving material success, others, who take gender into account, might view demographic income surveys more cynically. To a Jewish feminist, Jewish women are probably a part of income statistics only largely to the extent that they are affiliated with Jewish men, as fathers or husbands. The rise in the standard of living has been at the expense of Jewish women who, in many cases, have been reduced to a state of economic dependence on men and are just incidental contributors to the family's income.⁴⁰ The history of Jewish women in this coun-

39. See Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 869–70.

40. See AVIVA CANTOR, *JEWISH WOMEN/JEWISH MEN: THE LEGACY OF PATRIARCHY IN JEWISH LIFE* 221, 234 (1995); Kessler-Harris, *supra* note 29, at 7; Hyman, *supra* note 29, at 226.

try explains, to some extent, how this economic imbalance developed.

At the time of Eastern European Jewry's mass migrations during the Nineteenth Century, there were at best limited job opportunities for women in the United States.⁴¹ Most young Jewish women worked in the "sweat" system prevalent in the Jewish garment trade,⁴² where they were timed for using the bathroom, cheated out of their wages, and forced to contribute to their employers' overhead expenses.⁴³ There was little regard for safety,⁴⁴ and sexual abuse was endemic.⁴⁵ Women did not passively accept their situation;⁴⁶ some were active in organizing the unionization of the many shops in which they worked.⁴⁷ They picketed, went on strike, and were arrested and assaulted for demanding their rights.⁴⁸ Though women such as Clara Lemlich, Rose Schneiderman, and Rose Pesotta, assumed leadership roles in the unionization of the garment industry,⁴⁹ by the late 1800s gender bias in the labor movement marginalized women workers.⁵⁰ As large numbers of newly-arrived Jewish men entered the clothing industry, Jewish women were pushed aside and men took over the more skilled, higher-paying jobs.⁵¹

While no great skills were required to earn a meager living in the garment trade,⁵² eventually a significant number of skilled Jewish men immigrated to this country, compared with other eth-

41. See CANTOR *supra* note 40, at 173.

42. The employers of the sweatshops were "uptown" German-Jews. See BAUM ET AL., *supra* note 29, at 151-52; HOWE, *supra* note 28, at 155-59; SACHAR, *supra* note 35, at 145.

43. See BAUM ET AL., *supra* note 29, at 130-31.

44. See *id.* at 131.

45. See *id.* at 132-36; GLENN, *supra* note 29, at 147-48.

46. See Hyman, *supra* note 29, at 227-28 (noting the remarkable sense of autonomy displayed by Jewish immigrant working women). Jewish women were active in the early woman's suffrage movement and organized a kosher meat boycott over rising prices as well as rent strikes on the lower East Side. See *id.* at 235-36. See also GLENN, *supra* note 29, at 45-47.

47. See BAUM ET AL., *supra* note 29, at 139-44; GLENN, *supra* note 29, at 167-72; Kessler-Harris, *supra* note 29, at 10-13.

48. See BAUM ET AL., *supra* note 29, at 142-44; Kessler-Harris, *supra* note 29, at 10-12.

49. See BAUM ET AL., *supra* note 29, at 142-43, 152-59; GLENN, *supra* note 29, at 171-72; Kessler-Harris, *supra* note 29, at 5-8.

50. See BAUM ET AL., *supra* note 29, at 144.

51. See *id.* at 144-48; GLENN, *supra* note 29, at 107-17; Hyman, *supra* note 29, at 229-30.

52. See HOWE, *supra* note 28, at 155.

nic groups.⁵³ Many had developed a degree of business skill filling in the interstices of European commerce as small, self-employed merchants, traders, artisans, and craftsmen.⁵⁴ This may account for the social mobility of the Jewish family.⁵⁵

Once a large number of Jewish men had taken over the more desirable semi-skilled and skilled jobs, their wives were expected to forego full-time paid labor.⁵⁶ Acculturated in the American work ethic, Jewish men became concerned they would appear unable to properly fulfill the role of the ideal American husband who supports his family.⁵⁷ Nevertheless, many married women continued the Jewish tradition of sharing in family support by doing piece-work at home, taking in boarders, selling from pushcarts, or "minding" the store.⁵⁸ Practical considerations, the absence of day-nurseries to care for children and the daily demands of housework, also militated against married women remaining in full-time paid employment.⁵⁹

Of course, not all Jewish immigrant women were fortunate enough to have the luxury of leaving the "sweat" system through the avenue of marriage. Many women with children were deserted.⁶⁰ The mothers-aid programs, forerunners of the modern welfare system, were intentionally insufficient and mothers receiving modest stipends still needed to earn a livelihood. Widows were denied pensions if they had children who could work.⁶¹

53. See *id.* at 58–60; Hyman, *supra* note 29, at 225.

54. See BAUM ET AL., *supra* note 29, at 98; SACHAR, *supra* note 35, at 144–45.

55. See Hyman, *supra* note 29, at 225. I would like to add that Jews came to this country voluntarily and because of European anti-Semitism were motivated to remain and succeed in their new environment. Their situation cannot fairly be compared with the experience of African-Americans who arrived unwillingly and were not allowed to gradually integrate into the economy. Jews had an advantage that was a paradoxical outgrowth of European persecution. See Kevin Brown, *African-American Immersion Schools: Paradoxes of Race and Public Education*, in THE CUTTING EDGE, *supra* note 1, at 373, 375 (asserting involuntary minorities differ from voluntary immigrants in their perceptions of their situation and "cannot refer to a native homeland to generate a positive comparative framework for their condition").

56. See Hyman, *supra* note 29, at 225–26; KUZMACK, *supra* note 29, at 121.

57. See GLENN, *supra* note 29, at 77–79; Hyman, *supra* note 29, at 226.

58. See Hyman, *supra* note 29, at 24; BAUM ET AL., *supra* note 29, at 98–110.

59. See GLENN, *supra* note 29, at 70–72.

60. See BAUM ET AL., *supra* note 29, at 116–17; Hyman, *supra* note 29, at 230; SACHAR, *supra* note 35, at 148–49 (discussing the "Bintel Brief," a reader's forum in the Yiddish newspaper, *The Jewish Daily Forward*, in which desertion was a frequent theme).

61. See LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 1890–1935*, at 49–50 (1994).

It was not uncommon for young Jewish women and deserted wives to resort to prostitution.⁶²

Furthermore, many Jewish immigrant parents strived to provide their sons with an education but not their daughters.⁶³ A daughter was routinely removed from school and sent to work to subsidize her brother's matriculation from high school or college.⁶⁴ Most second-generation Jewish American women satisfied their yearning for higher education by turning to adult education courses.⁶⁵

This brief historical survey suggests it is possible to discern various power systems at work in curbing the progress of most Jewish women from the onset of their arrival in this country. Despite their ability to meet standards of merit in the workplace, Jewish women encountered extrinsic and intrinsic barriers to success. Besides incurring anti-Semitism and gender bias in the greater society, patriarchy, and class distinctions in the Jewish culture, reinforced by America's established norms, led to the exploitation of Jewish women, circumscribing their social horizons.

In light of this historical background, it is not surprising to find that in the 1950s only 12% of Jewish women with small children were employed in the labor force.⁶⁶ Notwithstanding the dearth of studies on Jewish women's work patterns (in itself a statement, possibly reflecting androcentrism and perceptions of Jewish women as non productive members of society), some information is available.⁶⁷ One 1975 study reported that 62% of Boston's male Jews matriculated from college compared to 48% of Boston's Jewish females.⁶⁸ In a New Jersey study, Jewish women obtained bachelor's and master's degrees at nearly the same rate as their brethren, but men stood a better chance of complet-

62. See BAUM ET AL., *supra* note 29, at 115-16; Hyman, *supra* note 29, at 230; SACHAR, *supra* note 35, at 148.

63. See Hyman, *supra* note 29, at 231-32; CANTOR, *supra* note 40, at 173-74, 219-20.

64. See Hyman, *supra* note 29, at 231-32; CANTOR, *supra* note 40, at 173-74, 219.

65. See Hyman, *supra* note 29, at 232.

66. See Lynn Davidman et al., *Toward a Feminist Sociology of American Jews*, in FEMINIST PERSPECTIVES ON JEWISH STUDIES, *supra* note 37, at 140, 149.

67. In criticizing Farber and Sherry for their tendency to read statistics on family income as providing proof of the fairness of merit standards, I intend to show there are many ways to find meaning in statistical surveys, depending on what is considered meaningful to the interpreter. Needless to say, my own use of statistics could also be subject to challenge.

68. See Davidman et al., *supra* note 66, at 148.

ing medical, dental, legal, and doctoral programs.⁶⁹ Jewish men were reported to be four times more likely than Jewish women to practice law, medicine, and engineering.⁷⁰ In the Midwest and in smaller cities, Jewish female professionals still clustered in the relatively lowest paid fields of social work and teaching.⁷¹ Middle-aged Jewish women have been diagnosed as depressed and hospitalized for this condition far more often than non-Jewish women.⁷² This statistically high rate of depression has been linked to assuming the traditional feminine role of housewife.⁷³ Another study found that a younger generation of Jewish women with small children participate in the work force at a rate comparable with other women and are more likely than their mothers to pursue full-time careers.⁷⁴

In the early 1990's, close to 40% of wage-earning Jewish women aged forty-four or under were employed as professionals.⁷⁵ The number of Jewish women working in the more lucrative professions (such as physicians, dentists, lawyers, and professors) had increased to 11% of those with children eighteen years of age and under and 15% of those who had not yet had children.⁷⁶ Employment in less lucrative professions (such as social workers, secondary school teachers, nurses, and mid-level engineers) had increased to 28% of Jewish women with children aged eighteen and under.⁷⁷ However, 56% of Jewish women with children aged nineteen or over held clerical or technical positions.⁷⁸

As in the general population, divorce disproportionately shrinks Jewish women's income levels. In one study of Jewish families, more than half of the divorced Jewish women earned less than \$20,000 per year, while none of the divorced men

69. See Sylvia Barack Fishman, *The Impact of Feminism on American Jewish Life*, in AMERICAN JEWISH YEARBOOK 1989, 3, 21 (David Singer & Ruth R. Seldin eds., 1989).

70. See *id.* at 22.

71. See *id.* at 24.

72. Pauline Bart, *Portnoy's Mother's Complaint: Depression in Middle-Aged Women*, in THE JEWISH WOMAN: NEW PERSPECTIVES 72, 79 (Elizabeth Koltun ed., 1976) [hereinafter THE JEWISH WOMAN].

73. *Id.* at 82.

74. See Davidman et al., *supra* note 66, at 149.

75. See SYLVIA BARACK FISHMAN, A BREATH OF LIFE: FEMINISM IN THE AMERICAN JEWISH COMMUNITY 80 (1993) [hereinafter FISHMAN, A BREATH OF LIFE].

76. See *id.*

77. See *id.*

78. See *id.*

earned less than \$30,000.⁷⁹ Nearly 33% of divorced Jewish men in Boston earned over \$50,000 a year while only 15% of divorced Jewish women fell into this income category.⁸⁰ This gender economic imbalance is also reflected in research that shows 33% of Jewish women who relocated did so to accommodate a spouse, in comparison with 12% of Jewish men.⁸¹ One-fifth of the women, as opposed to one-third of the men, relocated for occupational or professional reasons.⁸² Furthermore, poverty is a Jewish woman's issue. In Minneapolis, the median income of Jewish women over sixty-five was \$6,500 in the 1980's.⁸³ The median income of elderly Jewish men was \$16,800.⁸⁴

One possible reading of these statistics implicates aspects of modern American Jewish culture that have discouraged Jewish women from realizing their potential and pursuing successful careers. Post-Holocaust consciousness may well have caused many in the community to become obsessed with the survival of the Jews and to fear that the Jewish people are an endangered species.⁸⁵ The celebration of Jewish success in this country is made

79. See Davidman et al., *supra* note 66, at 160.

80. See FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 34.

81. See Davidman et al., *supra* note 66, at 159.

82. See *id.*

83. See *id.* at 160.

84. See *id.*

85. See, e.g., LUCY S. DAWIDOWICZ, *THE HOLOCAUST AND THE HISTORIANS* 14-15 (1981):

The immensity of the Jewish losses destroyed the biological basis for the continued communal existence of Jews in Europe. Every country and people ravaged by the war and by the German occupation eventually returned to a normal existence. . . . Having mourned their dead . . . , all the peoples of Europe, including the Germans, recovered from their wounds, [and] rebuilt their shattered cities. . . . They restored their factories and marketplaces. They resuscitated their institutions of learning and culture But the annihilation of 6 million European Jews brought an end with irrevocable finality to the thousand-year-old culture and civilization of Ashkenazic Jewry [of German Jewish or Eastern European Jewish descent], destroying the continuity of Jewish history. This is the special Jewish sorrow. This is why the surviving Jews grieve, mourning the loss of their past and the imperilment of their future.

See also ALAIN FINKIELKRAUT, *THE IMAGINARY JEW* 38 (Kevin O'Neil & David Suchoff trans., 1994):

Yiddishkeit was erased as one of the world's unique cultures. That's why I, an Ashkenazi, am a Jew without substance, a *Luftmensch* [an "airman" with no fixed trade or income who improvises to survive] Today's *Luftmensch* is the Jew in a state of zero gravity, relieved of what could have been his symbolic universe, . . . or at least one of his homes. . . .

bittersweet by the very fragility of Jewish existence. To be sure, the metaphorical projection of the Jewish people as an endangered species is, quite possibly, more in line with the way that many Jews see themselves, rather than the greater culture's optimistic model minority visualization.

Although the Jewish preoccupation with group survival is understandable in light of the Holocaust, it is unfortunate that negotiating post-Holocaust psychic trauma has precipitated a survival strategy that exacerbates patriarchy. The endangered species imagery, spawned by experiencing a genocidal antisemitic regime of power, intensifies the tendency to conceptualize Jewish motherhood as the primary vehicle of Jewish survival⁸⁶ and, ironically, engenders the formation of yet another system of power relationships.⁸⁷ While there is no innate set of attributes that de-

With the Jewish community carried off in catastrophe, my homeland is gone. . . . Unquenchable nostalgia for the Jewish life of Central Europe is the entire legacy I have been left. Jewishness is what I miss, not what defines me

86. See SUSAN WEIDMAN SCHNEIDER, *JEWISH AND FEMALE: CHOICES AND CHANGES IN OUR LIVES TODAY* 255-58, 378, 381 (1984); FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 13-14, 47 (quoting Lucy Dawidowicz and Marie Syrkin who warn that the feminist agenda devalues motherhood and conflicts with the Jewish communal need for stability and endurance). Blu Greenberg also cautions Jewish women not to adopt a pro choice position on abortion and suggests Jewish women have an obligation to procreate for their own family's sake and for other Jewish families as well. Procreation is a collective responsibility set on Jewish women to preserve the Jews:

In an era when 6,000,000 Jews were killed — and 1,500,000 of them were children — we have to examine both sides of the abortion issue. . . . Stressing a woman's right to control her own body . . . should go hand in hand with emphasis on the sanctity of life. . . .

The virtual unavailability of Jewish babies for adoption, due to the acceptability of abortion, causes real problems for Jewish couples who wish to adopt.

Blu Greenberg, *Judaism and Feminism*, in *THE JEWISH WOMAN*, *supra* note 72, at 179, 188-89.

Other Jewish women disagree with Syrkin, Dawidowicz and Greenberg. Laura Geller and Elizabeth Koltun argue that although there is "just cause for concern about guaranteeing Jewish future," concentrating that concern on procreation is "narrow and restrictive." See Laura Geller & Elizabeth Koltun, *Single and Jewish: Toward a New Definition of Completeness*, in *THE JEWISH WOMAN*, *supra* note 72, at 43, 45-46. Similarly, founding editor of *Ms. Magazine*, Letty Cottin Pogrebin, has found it necessary to defend feminism from attacks that it is inappropriate for Jewish women because feminist thinking threatens the priority of Jewish motherhood and thereby works against Jewish survival. See LETTY COTTIN POGREBIN, *DEBORAH, GOLDA AND ME: BEING FEMALE AND JEWISH IN AMERICA* 243-45 (1991).

87. I realize that I seem to be indulging in overbroad generalizations about the Jews despite my criticism of the model minority designation, which I termed an oversimplification of the Jewish American people. I do not intend to define Jewish

fine all Jews, the endangered species image could influence many modern Jewish women to consider themselves responsible for the continuation of the community and to believe it is their obligation to rescue the Jews by marrying Jewish men and bearing Jewish children who are aware of their Jewish heritage.⁸⁸

The concept of motherhood need not be emblematic of women's subordination. For many women, mothering is a transformative source of strength denoting their capacity to create and nurture loving relationships.⁸⁹ However, in the Jewish commu-

identity, insist that all Jews are the same or suggest post-Holocaust consciousness affects all Jews in a uniform way. Rather, in claiming the endangered species image tends to influence the concept of Jewish motherhood, I refer to responses to systemic persecution. I draw a distinction between classifying individuals as a group, defined by common identity and a common set of attributes, which tends to be essentializing as well as to ignore differences, and classifying individuals as a part of a serial collective, which calls attention to common institutionalized power structures that restrain autonomy, construct subjecthood and condition behavior in a particular community. Thus, social forces pervading a community's consciousness are felt by all, but elicit similar and dissimilar reactions. For a definition of social groupings in comparison with serial collectives, see IRIS M. YOUNG, *INTERSECTING VOICES: DILEMMAS OF GENDER, POLITICAL PHILOSOPHY, AND POLICY* 12-37 (1997). She points to enforced heterosexuality and the sexual division of labor as conditions that create a serial collective because these conditions affect all women without assuming they are all the same or share identical attributes and interests. See *id.* at 36-37.

88. See Beverly Horsburgh, *Jewish Women, Black Women: Guarding Against the Oppression of Surrogacy*, 8 BERKELEY WOMEN'S L.J. 29, 57, 57 n.106 (1993); Horsburgh, *Lifting the Veil of Secrecy*, *supra* note 30, at 187-88, 207-08, 207 n.181; SCHNEIDER, *supra* note 86, at 255, 336, 378-79, 381. See also FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 1, 47, 85. Fishman found that Jewish women are less likely than any other group of women to prefer to remain childless. See *id.* at 49. Unlike other ethnic groups, more educated Jewish women intend to have more children than less educated Jewish women. See *id.* One religious leader defined Jewish motherhood in the following manner:

The creation of a Jewish home is no small task. It requires much more than the burdens of childbearing, childrearing and menial tasks, for to create a Jewish home is to create a new link in the chain of Jewish existence and tradition. . . . [S]uch a task would not have been primarily assigned to women had they not been especially prepared for it, physically, psychologically, intellectually, and spiritually, by Almighty God Himself.

MOSES MEISELMAN, *JEWISH WOMEN IN JEWISH LAW* 16 (1978).

89. See, e.g., Carol Sanger, "M Is For the Many Things*," 1 S. CAL. REV. L. & WOMEN'S STUDIES 15 (1992) (exploring various meanings of motherhood); Elizabeth M. Iglesias, *Rape, Race, and Representation: The Power of Discourse, Discourses of Power, and the Reconstruction of Heterosexuality*, 49 VAND. L. REV. 869, 915-16, 920-24 (1996) (describing motherhood as a matrifocal kinship relationship in some Latin cultures and suggesting a matrifocal image offers an empowering model for Anglo female identities); Beverly Horsburgh, *Schrödinger's Cat, Eugenics and the Compulsory Sterilization of Welfare Mothers: Deconstructing an Old/New Rhetoric and Constructing the Reproductive Right to Natality for Low-Income Wo-*

nity, survival needs have crept into the meaning of motherhood, rendering it partly a matter of autonomous self-expression and partly a collective necessity. Locating communal interests within the motherhood construct could make it more difficult for many Jewish women to conceive of mothering as an affirmation of their ability to shape their lives. This motherhood construct — tied to maintaining a Jewish lifestyle for the sake of the children⁹⁰ — tends to inscribe the only appropriate family structure as that which is heteropatriarchal.⁹¹ From this point of view, survival needs are predisposed to set boundaries on motherhood's meaning and on interpretations of one's own identity. To transgress traditional motherhood is to disown the Jewish people and a part of one's self.

The endangered species visualization could result in many Jewish women experiencing a conflicted identity structure.⁹² As modern women, some aspects of their sense of self pull them towards self-actualization. As Jewish women, some aspects of their identity reflect a sense of communal embodiment. Burdened with saving the Jews — that their very survival is her special task — a Jewish woman might well experience unique tensions and difficulties in addition to the overall problems women now face in attempting to raise their children and at the same time participate in the workforce.⁹³ Along with systemic gender discrimina-

men of Color, 17 CARDOZO L. REV. 531, 581–82 (1996) (defining the right of natality as women's birthright to participate in creation).

90. See, e.g., FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 38–41; Hyman, *The Jewish Family: Looking for a Useable Past*, in *ON BEING A JEWISH FEMINIST* 19, 22 (Susannah Heschel ed., 1983); SCHNEIDER, *supra* note 86, at 255–58, 376–81.

91. See Geller & Koltun, *supra* note 86, at 45–49; POGREBIN, *supra* note 86, at 245. Because women play a secondary role in Jewish religious practices, incorporating the Jewish tradition into one's lifestyle and observing Jewish rituals are inclined to reinforce gender hierarchy. See Horsburgh, *Lifting The Veil of Secrecy*, *supra* note 30, at 180–91.

92. See FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 1; Judith Plaskow, *The Jewish Feminist: Conflict In Identities*, in *THE JEWISH WOMAN*, *supra* note 72, at 3–5. I do not mean to imply that Jewish women's identities are totally suppressed. The presence of radical Jewish women in academia and in social activist organizations suggests otherwise. See discussion *supra* pp. 173–75. Within the confines of the middle-class Jewish community, more conventional women also find ways to express themselves and combat oppressive practices. I save for another day an in-depth discussion of their responses to their situation. Furthermore, some Jewish women reject secular influences and choose to adhere to traditional norms partly out of deeply felt religious convictions and the desire to belong to a closely knit Orthodox community.

93. See Cynthia Fuchs Epstein et al., *Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession*, 64 *FORDHAM L. REV.* 291 (1995). It is interesting to note that one woman interviewed by Epstein complained that she was pit-

tion, the Jewish culture's linkage of heteropatriarchal motherhood with survival could contribute to a woman's failure to realize her potential and withdrawal from success on the job.

Furthermore, constraints on interpretations of Jewish motherhood are not necessarily just a unique ethnic survival strategy based on specific historical experiences. From a radical perspective, power is "always already there,"⁹⁴ located in all relationships. Feminists claim patriarchal political forces interwoven within the entire social fabric structure the meaning of motherhood in various communities.⁹⁵ Liberalism's idealistic discourse on motherhood ensures power systems are maintained through a process of normalization that tells us patriarchy is natural. The "good" mother is one who is attached to a male and the male/female sexual affiliation exclusively defines what is meant by a family.⁹⁶ As a projection of the liberal ideology, I believe the model minority myth also works to sustain the very same discourse. The discourse comes to life through this myth in which the Jewish family embodies the ideal traditional nuclear construct. As a model minority, Jews instantiate mainstream values; the Jewish middle-class lifestyle constitutes the prototype of the stable family unit in which the Jewish father is held out as a responsible breadwinner and the Jewish mother, a married, non-wage earner who is devoted to her family's needs, is held out as a role model for all women to emulate. To some extent this discourse and the myth that authenticates the discourse are internalized by the Jewish culture as well as by other subcultures. Social practices, influenced by the dominant discourse, indoctrinate various communities to assimilate into the greater culture by adopt-

ied for pursuing a career by the older women at her local synagogue. *See id.* at 428. See generally Symposium: *Institutional Barriers to Women in the Workplace*, 6 UCLA WOMEN'S L.J. 1 (1996) for an overview of systemic problems.

94. *See* FOUCAULT, *POWER/KNOWLEDGE*, *supra* note 2, at 93-98, 107, 131.

95. *See, e.g.*, FINEMAN, *supra* note 30, at 124-25 (contending that motherhood is a "colonized concept . . . experienced by women, but . . . given content and value by the core concepts of patriarchal ideology").

96. *See id.* at 23, 146-48 (arguing that family is defined as requiring the presence of a male and that the sociolegal commitment to the idealized sexual family maintains patriarchy); SUSAN M. OKIN, *JUSTICE, GENDER AND THE FAMILY* 138-59 (1989) (disputing the tradition of sex-differentiated marital roles); YOUNG, *supra* note 87, at 102-06 (contending that the institution of marriage means male sexual rights over women and characterizing marriage as the foundation of patriarchy).

ing the established norm on motherhood,⁹⁷ whereupon they participate in reinforcing patriarchal institutionalized power.

Inasmuch as the normative standard on motherhood, contained in the myth of a model minority, overlaps with fears of extinction, patriarchal rhetoric in the Jewish community might be an especially acute problem for Jewish women. Representations of Jewish motherhood, as a mythic ideal and as a communal responsibility, create meaning and produce self-understandings that can condition behavior. As the object of powerful imprinting, a Jewish woman might very well restrain her expectations, measure her self-worth in terms of the degree to which she complies with her idealization in the model minority myth, and experience guilt when she resists conformity or fails to meet the unrealistic "good" mother standard.⁹⁸ Hence, pressure to conform to the definition of motherhood in the myth of a model minority and in the endangered species metaphor could collaborate in acculturating many Jewish women to accept second-class socioeconomic status and deny their own aspirations.

Also, because of the widely held belief in Jewish affluence conveyed in the model minority mythology, some Jewish women could still be raised to expect they will marry Jewish men who will be able to support them, even though today, most families depend on two incomes. The Jewish success story could foster economic dependence on Jewish men and breed a fantasy figure of the Jewish prince — a prosperous family-oriented husband who complements the Jewish wife as enabler. The two comprise what I have termed the romance of the Jewish family.⁹⁹ Modern Jewish parents probably stress the value of an education as much for their daughters as for their sons,¹⁰⁰ but a woman's career is

97. See FINEMAN, *supra* note 30, at 101 (noting that single motherhood is diagnosed as pathological); YOUNG, *supra* note 87, at 86, 104 (pointing out that drug treatment centers encourage mothers to devalue their own cultural mothering styles and to become "proper" self-sacrificing mothers).

98. The negotiation of this imprinting could be even more difficult for Jewish lesbians who desire to establish a nontraditional family. The issues facing lesbians in the greater society have received some attention in the legal literature. See, e.g., Nancy D. Polikoff, *This Child Does Have Two Mothers: Redefining Parenthood to Meet The Needs of Children in Lesbian-Mother and Other Nontraditional Families*, 78 GEO. L.J. 459 (1990). For a discussion on the failure of the Jewish community to embrace Jewish lesbians as a part of the extended Jewish family, see FISHMAN, *A BREATH OF LIFE*, *supra* note 75, at 112-14.

99. See Horsburgh, *Lifting the Veil of Secrecy*, *supra* note 30, at 206.

100. See SCHNEIDER, *supra* note 86, at 156 (stating that Jewish women attend college at the same rate as Jewish men).

often thought of as an insurance policy, just in case a marriage fails. There can be an ambivalence in the degree to which women are encouraged to become self-sufficient.¹⁰¹ Consequently, some Jewish women are not necessarily instilled with a belief in their own competence and ability to provide for themselves. Certainly, the fact that many Jewish women strive to overcome convention is a testament to their insights and strengths.

In summary, perhaps it is implausible to assume the presence of Jewish women in statistics on family income. In view of the ways in which they are socialized, women may not be on the same economic footing as men. Because Jewish women's economic reality could have been subsumed in the reporting of the Jewish family's income, I question the reliability of family income statistics. Statistics could celebrate what Jewish men have accomplished without counting the costs to many women. Family income levels are unlikely to reflect systemic patriarchy or the potent imprinting of the modern Jewish trauma and the model minority imagery on Jewish women in their daily lives.

And so, the Jewish success story does not necessarily present a paradox to radical multiculturalism's knowledge/power equation. Through myth-making and metaphors, the linguistic devices by which knowledge of the Holocaust and income levels are given meaning, pictures of the Jews emerge that constrain Jewish women's self-imaginings. In this manner, the performative act of communicating knowledge is in itself an instrument of power.

Conversely, the myth also could evoke a negative image of Jewish women¹⁰² by belittling their productive contributions to society in accordance with the liberal ideology's overall devaluation of the caretaker role.¹⁰³ Moreover, since gender intersects with ethnicity when it comes to Jewish women, I see gender specific antisemitic connotations in the Jewish success story.¹⁰⁴ In

101. See *id.* at 152.

102. Obviously, it is not surprising to find inconsistent images of women in a myth that is a presentment of the liberal metanarrative – a discourse on women serving the interests of patriarchy in which motherhood as an abstraction is idealized yet the real work of mothering is denigrated.

103. See FINEMAN, *supra* note 30, at 9, 70–71, 162–66 (claiming liberal legalism has “neutered” motherhood and ignored the significance of women's caretaking); Dorothy E. Roberts, *The Value of Black Mothers' Work*, 26 CONN. L. REV. 871, 872 (1994) [hereinafter Roberts, *The Value of Black Mothers' Work*] (arguing that we fail to reward mothers' important and useful labor in the home).

104. I find it telling that although many ethnic groups in this country are largely middle-class, with, until recently, stay-at-home wives, only Jewish women are singled out as objects of ridicule because they have conformed to normative expectations.

describing the Jews as a model minority, we subscribe to the romantic fairytale of the Jewish prince and princess.¹⁰⁵ Now everyone knows the trouble with fairytales: stories have multiple interpretations, depending on what the reader brings to bear. Some versions of the Jewish fairytale are not a romance. Some accounts take on distinctly sexist overtones and in these stories the princess is really a witch who represents the various negative characterizations of Jewish women in popular culture.¹⁰⁶ More than modern Jewish men, Jewish women have inherited history's degrading stereotype of the Jews as parasites and parvenues.¹⁰⁷ The phrase "Jewish American Princess" reflects a modern version of the belief that Jewish women are nonproductive members of society. Nowadays, anti-Semitism is more likely to be a woman's issue.

The underlying plot of many Jewish stories, which have passed into the popular vernacular, concerns Jewish women who are portrayed as undeserving free riders coasting on the coattails of their hardworking husbands and fathers.¹⁰⁸ In these stories, a Jewish woman is construed as merely the consumer of what is fabricated by others.¹⁰⁹ Accordingly, the model minority image, in which Jews earned their high standard of living on the merits, conforms to popular perceptions that Jewish men are the agents of Jewish success. Largely assimilated into the cultural mainstream, these middle-class white males typify the American work ethic. In contrast, Jewish women's motherhood role coupled with ethnicity at times marks their differences from the majority and could cause them to be seen as occupying an unearned social position in the Jewish success story. In emphasizing that Jews are more successful than others, the model minority myth has the

105. See FINEMAN *supra* note 30, at 32–33 (concerning the romance of the Jewish family).

106. For discussions on the vilification of Jewish women, see CANTOR, *supra* note 40, at 8, 221–22, 229–30, 249–53; POGREBIN, *supra* note 86, at 231–34, 259.

107. See HANNAH ARENDT, ANTISEMITISM: PART ONE OF THE ORIGINS OF TOTALITARIANISM 66 (1968) (outlining the history of European Jewry and noting the typical Euro-Christian view of the Jews as "parasites" and "parvenues").

108. Jewish men are the inventors of the Jewish women jokes that have passed into the popular vernacular. See Riv-Ellen Prell, *Rage and Representation: Jewish Gender Stereotypes in American Culture*, in UNCERTAIN TERMS: NEGOTIATING GENDER IN AMERICAN CULTURE 248, 249, 257–59 (Faye Ginsberg & Anna L. Tsing eds., 1990) (theorizing that the stereotypes of Jewish women signify the coping mechanisms of Jewish men). She observes that in Jewish women parodies a woman is portrayed as a parasite, relentlessly demanding production from a man.

109. See *id.* at 257–59.

potential to become a reinstatement of past prejudice, and to harvest a misogynic/antisemitic backlash against Jewish women. Given that Jewish women tend to be precluded from identification with agency and Jewish achievements, the myth provides anti-Semites and misogynists with ample grounds for justifying their presuppositions and for locating their resentments and hostilities on Jewish women, who are believed to enjoy a prosperity they have not deserved. Thus, because of contradictory cultural understandings of Jewish women, the myth of a model minority both idealizes and demonizes Jewish women. The sexist/antisemitic implications of the myth could underrate Jewish women's positive contributions, undermine their self-esteem, work against their attempts to be seen by others in a positive light, and situate them in roles subordinate to men, who appear to engage in more socially productive activities. Yet again, the knowledge on Jewish demographics becomes power through the myth-making device.

Farber and Sherry focus on the theoretical possibility of anti-Semitism resulting from multiculturalism,¹¹⁰ worry over the fragmenting effect of identity politics,¹¹¹ and emphasize the ambiguities engendered in personal narratives.¹¹² But they neglect the importance of bringing forth the actuality of Jewish women's everyday experiences, as described in multiculturalist accounts. If scholars ought to become more aware of the ways that stories and theories contribute to anti-Jewish attitudes¹¹³ and inhibit meaningful public debate,¹¹⁴ then the model minority mythology should be in the forefront. Although the model minority portrayal appears to be benign and at times is viewed by some as a source of ethnic pride, it could actually harm Jewish women by discounting gender discrimination,¹¹⁵ perpetuating patriarchy,¹¹⁶

110. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 61–71.

111. See *id.* at 78–83.

112. See *id.* at 85–86.

113. See *id.* at 61–71. For references to conspiracy theories and other negative stories about the Jews that Farber and Sherry suggest scholars should be concerned about, see Farber & Sherry, *The Radical Critique of Merit*, *supra* note 2, at 871–72, 874, 876.

114. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 88–90.

115. See *supra* note 30 and accompanying text (questioning Jewish women's economic success and referring to systemic gender bias).

116. See FINEMAN, *supra* note 30, at 29–31 (observing that the patriarchal definition of motherhood is reinforced in the model minority myth).

and fostering a phenomenology of gender specific anti-Semitism.¹¹⁷

Aside from injuring Jewish women, the myth also could impede the progress of the disadvantaged. In part IV, I look at the effect of the myth on other social groups and argue that it causes us to blame the poor for their socioeconomic position and blame the Jews for the prevailing social order.

IV. THE MODEL MINORITY MYTHOLOGY AND OTHER MINORITIES: TRANSFORMING KNOWLEDGE INTO POWER

It is crucial for me, as a white Jewish woman, to emphasize the reasons I think the myth about the Jewish people and their work ethic has come to be a part of the ideological discourse on merit. I believe the myth provides a moral explanation for the inconsistency between an egalitarian rhetoric and a society in which there are significant disparities in wealth. Perhaps many of us are more willing to accept the status quo because we can imagine there really is a principled rationale for existing socioeconomic stratifications. If some minorities have managed to achieve success, we need not acknowledge the benefits we enjoy as privileged members of the white middle-class. In cultivating an illusion that decisionmaking is based on colorblind, gender-neutral criteria, the myth thereby effectively disguises discriminatory practices harming disadvantaged social groups and legitimates policies that stabilize social hierarchies.

For example, radicals have maintained intersecting power systems, pervaded the cultural scene, gauged social groups according to their differences from the dominant, and captured them in various categories of representation.¹¹⁸ All are enfolded in the existing power matrix, including the majority (white Christian middle-class straight men), model minorities, and other less

117. See *id.* at 33–34 (arguing that the celebration of Jewish men's meritorious accomplishments contributes to the stereotype of the undeserving "Jewish American Princess").

118. See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1243–45, 1296–97 (1991) (describing the interacting power systems that marginalize Black women). For further insights on power and the ways it shapes identities, see Lisa C. Ikemoto, *The In/Fertile, the Too Fertile, and the Dysfertile*, 47 HASTINGS L.J. 1007 (1996); CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* 122 (1989); Mahoney, *supra* note 1, at 217, 220–21; MARTHA MINOW, *MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW* 111, 237 (1990) (citing STEVEN LUKES, *POWER: A RADICAL VIEW* (1974)).

privileged minorities. Because groups are tagged by cultural meanings reflecting predetermined power-based social arrangements, naming one minority a model for other minorities to follow inevitably reproduces hierarchy. The designation is co-extensive with the subordination of groups who vary from the model and are less able to match up to the unspoken unicultural assumptions that define normativity. The same political system that confers advantages on the majority then rationalizes these advantages by creating a story in celebration of the meritorious success of more assimilated minorities. It is not a surprise that Jewish men, who are, after all, middle-class white males, represent the quintessential American success story. It is also not a surprise that a minority success story, which is a projection of the liberal ideology, should seem to validate liberalism's meritocratic standards. This is a tautology — liberalism talking to itself. What passes unnoticed is the self-referential reasoning process imposing cultural homogeneity and transforming differences from the mainstream into justifications for inequality.¹¹⁹ By reinforcing the notion that evaluative practices are neutral, as well as purporting to prove that success awaits those who strive to satisfy the objective criterion, the myth casts doubt on the claims of people of color and women who attempt to prove their encounters with systemic prejudice. Because some have succeeded, those who happen to resemble what has been defined as the norm, charges of unfair treatment and the need for affirmative action to remedy the parochialism of existing standards are misconstrued as petitions for favoritism.¹²⁰ Seen from this perspective, the Jewish success story is not antithetical to radical multiculturalism's critique of merit, but is a means to sustain a discriminating taxonomy and to normalize the race and gender-based barriers that have led to socioeconomic disparities.¹²¹ It might well un-

119. See, e.g., Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365, 384–85 (commenting on the firing of Black women who braid their hair because African hairstyles do not fit within the dress code of a white culture's workplace standards).

120. See, e.g., *Hopwood v. Texas*, 78 F.3d 932, 940 (5th Cir. 1996) (finding the affirmative action policy of the University of Texas violates the equal protection clause and arguing that "preferring members of any one group for no reason other than race . . . is discrimination") (quoting *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 307 (1978)) *cert. denied*, 116 S. Ct. 2581 (1996). For an article on the consequences of voter approval of Proposition 209, eliminating affirmative action in California, see Jeffrey Rosen, *Damage Control*, THE NEW YORKER, Mar. 2, 1998, at 58.

121. A similar point is made by Neil Gotanda who argues "the presence of more successful Asian Americans and Latinos . . . proves that . . . barriers can be over-

dermine our best efforts to redress the subtle and more blatant forms of discrimination endemic in our society and influence us to become convinced that certain categories of human beings are intrinsically inferior to others. As such, liberalism's myth about the Jews, which confirms the dominant discourse on merit, tends to reinscribe the very same oppressive myths about other minorities that radical multiculturalists try to overcome.

In addition, conceivably, the model minority myth is intended to be read as a morality tale — an allegory that instructs minorities on how to achieve success. Specifically, in presenting an ethnic group as the very model of individualism that others should follow, the myth inculcates liberalism's core puritanical value of self-reliance. I believe the myth suggests minorities fail to appreciate this value and that it is immoral, as well as down-right irresponsible, to pursue an activist political agenda. I also believe that as a result of the myth, social reform movements that call for funding to benefit the poor are made to appear as the agenda of extremist fringe groups and malcontents. Furthermore, the myth invites moral disapproval of those considered less than virtuous because they are less than self-sufficient, further marginalizing outsiders and separating them from the rest of society. Even worse, the internalization of the myth's message, concerning the importance of independence, could persuade the disadvantaged that their inability to compete in an open society is their own fault, thus reinforcing nagging doubts about self-worth and feelings of incompetence. Again, the knowledge of demographic information on differences in income levels is translated into power through a story about the Jews. This story of one particular minority that has become an exemplary model is used to exclude others from presenting their distinct stories and their differences from the allegory's archetype.

Similarly, to the extent that the married, middle-class Jewish mother has come to be the paragon of ideal motherhood, setting the standard by which disadvantaged mothers are judged, the myth could contribute to the negative characterization of the low-income single mother as the stereotypical "bad" mother,¹²²

come," justifying and legitimating "existing racial disparities." See Neil Gotanda, *Asian American Rights and the "Miss Saigon Syndrome,"* in *ASIAN AMERICANS AND THE SUPREME COURT: A DOCUMENTARY HISTORY* 1087, 1191 (Hyung-Chan Kim ed., 1992).

122. For an analysis on the ways that society condemns single motherhood, see FINEMAN, *supra* note 30, at 101–25; Mahoney, *supra* note 1, at 237 n.110; Roberts, *The Value of Black Mothers' Work*, *supra* note 103, at 873–75.

in contrast with the more positive "good" mother construct that defines Jewish motherhood. The myth's construct of Jewish motherhood (married to the breadwinner of the family) is the complementary counterpart of the construct of Jewish fatherhood (married to the caretaker of the family). Just as the representation of Jewish men as the agents of Jewish success is taken as confirmation that the social system is egalitarian and fair, the representation of Jewish women as married, traditional mothers seems to prove the nuclear family enables a social group to escape from poverty and obtain financial security. The myth quite possibly justifies the belief that departing from the ideal family model leads to poverty and crime.¹²³ It sanctions condemning low-income mothers as pathologically deviant because of their singlehood,¹²⁴ substantiates the notion that the solution to poverty is a male head of household, and reinforces the tendency to ignore the need to redress the inadequacy of economic support for low-income nontraditional families.

Also, the model minority mythology could conceivably encourage those who are frustrated and embittered by centuries of poverty and discrimination to blame the Jews instead of considering the systemic causes of inequality or realizing that the myth itself contributes to the continuation of socially created categories of identity that operate as a means of oppression. A rhetoric drawing attention to the success of just one minority, insensitive to and dismissive of the problems facing other minorities, is bound to incite an attack against the very minority that has been singled out for distinction. In using Jews to legitimate the existing social ordering, the way that anti-Semitism has been traditionally propagated, history is repeating itself through the myth. As in the past, the ones who are harmed the most are the disadvantaged.

Even in a cursory attempt to map the underlying causes of anti-Semitism, it is pertinent to consider the historical and ideological context in which Jews have been made the scapegoats for systemic social ills. Allowed to settle in some regions of Europe only if convenient to the dominant class, but excluded from the

123. See FINEMAN, *supra* note 30, at 106–08; Roberts, *The Value of Black Mothers' Work*, *supra* note 103, at 873–74.

124. See FINEMAN, *supra* note 30, at 106; Roberts, *The Value of Black Mothers' Work*, *supra* note 103, at 873–74.

feudal and postfeudal social structure,¹²⁵ Jews perforce turned to moneylending, overseeing the landed estates, and acting as middlemen, merchants, artisans, and craftsmen.¹²⁶ Although officially apart from the commercial life of the community, out of necessity they found themselves awkwardly positioned; they were enlisted to act as mediators between the ruling classes and the mass of the population.¹²⁷ Vulnerably situated, Jews were seen as allies of disparate interest groups with politically incompatible agendas and blamed for the economic deprivations as well as the sociopolitical upheavals that most of the population (including Jews) endured.¹²⁸ They were a convenient focus for anger and functioned vicariously as a misdirected outlet for social discontent. On an ideological level, diverting attention onto the Jews, furthered the political and economic interests of a class-based society, ensured the continuation of the social system, and suppressed tendencies to critically look at the system's overall social ordering as the source of economic hardships. It follows that scapegoating is integral to hegemony.

The Jewish success story, a projection of our culture's dominant ideology and a vehicle for transporting knowledge into power, could serve a similar hegemonic function and lend itself to the scapegoating of the Jews. Jews are presented as living proof that the form and content of standards governing access to goods and services are objectively formulated and deployed. But this vindication of existing social arrangements through the instrumental usage of the Jews renders them an apologia for the status quo, denominates them as the representatives of conservative forces that block social reforms, and precariously situates them as a buffer between the most affluent classes and those who are the most deprived.¹²⁹ In magnifying the differences between

125. See ARENDT, *supra* note 107, at 11–13; ZYGMUNT BAUMAN, MODERNITY AND THE HOLOCAUST 50–51 (1995); MALAMAT ET AL., *supra* note 29, at 561–64.

126. See ARENDT, *supra* note 107, at 31; BAUMAN, *supra* note 125, at 42; MALAMAT ET AL., *supra* note 29, at 565–68, 738–39.

127. See ARENDT, *supra* note 107, at 13–14, 17–18, 29; BAUMAN, *supra* note 125, at 42–43, 50–51; MALAMAT ET AL., *supra* note 29, at 630, 641–44, 738–39.

128. See ARENDT, *supra* note 107, at 25, 28–29; BAUMAN, *supra* note 125, at 43–47, 49–56; MALAMAT ET AL., *supra* note 29, at 642–43, 740, 821–22, 861, 871, 874, 881–890; SACHAR, *supra* note 35, at 270–71.

129. In a similar vein, Lisa Ikemoto claims liberalism's master narrative pits African American identity against Korean American identity and in so doing, replicates society's negative understanding of both races. See Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles,"* in THE CUTTING EDGE, *supra* note 1, at 305, 306.

the Jews and nearly all other minorities and in positioning them in close proximity to the upperclass, the success story causes the Jewish people to become a target for suspicion and invokes the timeworn accusation that Jews work hand and glove with the powerful.

Moreover, liberalism's concept of the relatively unconstrained agency of subjecthood¹³⁰ includes by extension the assumption that as free agents, social actors are able to grasp and wield power — the conventional approach to agency, and power that is reconceived in postmodern thought.¹³¹ The interrelationship between subjecthood, agency and power becomes problematic in considering the consequences of the model minority mythology. Because the myth tells us that meritocratic standards are evenhanded and that the efforts of social actors determine their share of goods and resources, Jews are held responsible for their achievements. But in refusing to question the standards, along with the overall system from which they originate, and in earmarking the Jews as adept at securing advantages that allow them to control socioeconomic circumstances, the entire metaphorical schema ultimately leads to the conclusion that Jews must be powerful. In aligning Jews with power, liberalism might not be the bulwark safeguarding the Jews from attack that Farber and Sherry suppose. Notwithstanding the theoretical possibility that equating knowledge with power implicates the Jews,¹³² the point is that Jews are already identified with power and have been so described for a very long period of time.¹³³ Viewed in this light, the celebration of Jewish success as having been earned

130. For writings that explore the postmodern loss of faith in liberalism's idealization of subjecthood, see Benhabib, *supra* note 14, at 1435, 1438, 1445 (noting the demise of the "rational self-transparent subject of cognition," replaced by the vision of a "reacting more than [an] acting" autonomous, sovereign self); HEKMAN, *supra* note 14, at 47–60 (discussing the differences between feminist theories and liberal doctrines); Schlag, *supra* note 14, at 1627 (positing that legal theorists ignore the question of subjecthood and employ forms of rhetoric that enable them to avoid the problem).

131. See, e.g., Steven L. Winter, *The "Power" Thing*, 82 VA. L. REV. 721, 744 (1996). He explains "[p]ower connotes potency, capacity, control and, for many, is virtually unthinkable without agency." *Id.* at 725. He also comments that power and politics are "theoretical twins" stemming from "the same liberal concept of agency." *Id.* at 743.

132. See FARBER & SHERRY, *BEYOND ALL REASON*, *supra* note 2, at 65–66 (arguing the critique of merit will lead to accusing Jews of being in league with the dominant).

133. See ARENDT, *supra* note 107, at 28 (remarking Jews were "invariably identified with power" in nineteenth century Europe).

on the merits is like a double-edged sword. The myth exacerbates anti-Semitism and ensures that the existing resource distribution remains intact. This hardly benefits the disadvantaged. Indeed, to the extent that the myth insinuates that attacking the Jews is the means to dissipate the power system, it is a representative example of what Foucault observed: the fruitless attempt to locate the source of power and to resort to a theory, imagined as the overthrow of power, that is embroiled in the original power problem.¹³⁴

There is an irony here: The world Farber and Sherry foresee, in which Jews will be blamed for injustice, is the world that we live in now. Unlike liberalism, however, the postmodern multiculturalist enterprise preclud a search for villains and centers on the sociology of groups who are contained within power structures.¹³⁵ Power is seen as a dynamic process defining social relationships, not the tool of a particular class; the dominant are captured in power systems as much as the subordinate.¹³⁶ Standards on merit reinforce the subjective views of those who determine the criteria because social arrangements preexist the participants who within their pre-assigned roles reproduce hierarchical relationships. And so, writings that are all about the struggle to overcome powerful social forces constraining subjecthood do not inevitably lead to identifying a particular group as powerful. Attributing to subjecthood relatively unfettered agency and power over the social world, liberalism's view of reality, appears to be a more appropriate vehicle for singling out the Jews. Farber and Sherry criticize radical multiculturalism for liberalism's foundational assumptions.

134. See FOUCAULT, *POWER/KNOWLEDGE*, *supra* note 2, at 96-98. He states, "power is not to be taken to be a phenomenon of one individual's . . . domination over others, or that of one group or class over others." *Id.* at 98. See also MICHEL FOUCAULT, *LANGUAGE, COUNTER-MEMORY, PRACTICE: SELECTED ESSAYS AND INTERVIEWS* 230-31 (1st ed. 1977).

I think that to imagine another system is to extend our participation in the present system. This is perhaps what happened in the history of the Soviet Union: apparently, new institutions were in fact based on elements taken from an earlier system. . . . This need for theory is still part of the system we reject.

Id.

135. See Winter, *supra* note 131, at 797-801.

136. See *id.* at 798 (stating "once power is recognized in the very formation of the individual subject, it is no longer possible to skirt the fact that the powerful, too, are subjects produced by the operations of power").

And, aside from the villainization of the Jews, we are disabled from discussing important social issues because of our reliance on idealisms to resolve social problems. In mythologizing agency and power, along with merit and motherhood, liberalism contributes to the ways we are alienated from each other. Ultimately we tend to blame both disadvantaged minorities¹³⁷ as well as more privileged ethnic minorities for the prevailing social order. When it comes to culpability, minorities receive equal treatment. One way for mainstream culture to withstand attack is by co-opting the emergence of multiculturalism into an empty rhetoric of demonization. There is a linkage between denouncing the urban poor for the excessive costs of social services and denouncing the Jews for controlling the economy. The indictment of both provides an outlet for ventilating anger without seriously challenging white supremacy, admitting collective responsibility,¹³⁸ or discussing practical, meaningful solutions to the crisis in our inner cities. The inability of the American democratic system to furnish access to childcare, healthcare, education, and business opportunities is obscured by myth-making in which the disadvantaged are encouraged to condemn themselves as well as other minorities for their desperate circumstances. Both privileged and nonprivileged minorities are also discouraged from building connections. In the end, knowledge of Jewish success is transformed into power through a myth that causes us to fall prey to racism and class bias, as well as anti-Semitism and sexism. It is the radical project to question the myth and why some in our society are not included in any success story. This radical enterprise obviates Farber and Sherry's concern that multiculturalism dooms us to resurrect past prejudices.

V. CONCLUSION

I have attempted to demonstrate that in creating a model minority myth, the liberal ideology facilitates the workings of power-based social relationships. Yet even though my interpretation of radical multiculturalism differs from Farber and Sherry's account, I have discovered, in reading their scholarship, that there is common ground between these scholars and me. I believe that what we share is contextual and rooted in Jewish

137. See discussion *supra* pp. 192-95.

138. See Kenneth Casebeer, *The Empty State, Nobody's Market: Class/Power and the Double Bind for Women*, in CLASS & IDENTITY READINGS 47(1995) (discussing how liberal legalism has led to a lack of social responsibility).

history. Our hermeneutic processes are partly shaped by Jewish tragedies, traditions and traces of otherness. I discern in our writings a similar recurrent theme; a tendency to look backwards in time and recall our European experiences.¹³⁹ They are our memoranda that guide our attempts to gain an understanding of the world. I do not believe that Farber and Sherry are my adversaries. We simply disagree on the difficult topics of merit, ethnicity, and the value of nontraditional jurisprudence. I appreciate Farber and Sherry's sincere convictions and do not insist my approach to the model minority phenomenon is the only truth or that radical multiculturalism is a prescription for ideal justice. Indeed, if modernism accommodated the growth of fascism and anti-Semitism¹⁴⁰ and if there is no choice but to work from within the social fabric in which we find ourselves, how can we be sure that postmodernism is immune from the very same prejudicial tendencies? The "othering" of various minorities in the modernist language also can infect any interpretive community's attempts to present a nonoppressive worldview.¹⁴¹ We have to live with the possibility that the persistence of judgmental linguistic

139. See, e.g., FARBER & SHERRY, BEYOND ALL REASON, *supra* note 2, at 71 (discussing an incident at a Nazi labor camp); *id.* at 102-03 (recalling the Dreyfus affair); *id.* at 108-09 (remembering the Holocaust).

140. Consider that according to many accounts, the Holocaust was the product of modernity's scientific pursuit of truth and ideology of rationalism. See, e.g., BAUMAN, *supra* note 125, at 17.

At no point of its long and tortuous execution did the Holocaust come in conflict with the principles of rationality. The "Final Solution" did not clash . . . with the rational pursuit of efficient, optimal goal-implementation. On the contrary, it arose out of a genuinely rational concern. . . . It was a legitimate resident in the house of modernity; indeed, one who would not be at home in any other house.

Id.

Bauman issues a warning against the modernist tendency to place blind faith in knowledge bases:

The essence of expertise is the assumption that doing things properly requires certain knowledge, that such knowledge is distributed unevenly, . . . that those who possess it ought to be in charge of doing things. . . . [T]he actors serve as mere agents of knowledge, . . . and their personal responsibility rests entirely in representing knowledge properly. . . . In the process, personal responsibility dissolves in the abstract authority of technical know-how.

Id. at 196.

141. Notice how careful we are to avoid using the word "Jew" in that this word comes to us still freighted with negative images and personifications. "Jew" is not a neutral term and, this is the point, *does not become neutral whether we adopt the framework of liberalism or radical multiculturalism.*

classifications could coopt liberatory projects intended to unpack stigmatizing categories of identity.

Despite this risk, I prefer to be open to the potential for a more egalitarian society engendered by epistemological pluralism. Radical multiculturalism is a risk, as is liberalism, but multiculturalism's acknowledgment of many cultural truths expresses the hope we have the capacity to relate to each other unfettered by the trappings of old hatreds, clothed in the garb of either the most traditional or the latest intellectual fashion. For me, it is not morally defensible to allow my fears to be stronger than the need for change or to work against another's struggle to overcome oppression. After all, there is a risk that the feminist movement will ignore racial issues and perpetuate white privileges, but nevertheless, many Black women join forces with white women to combat patriarchy and racism.¹⁴² Black women can only trust that white women will forego their racial privileging and will become, in the words of Richard Delgado, race traitors¹⁴³ in their everyday lives. I believe we have an ethical obligation to be equally courageous.

In light of our shared heritage, I ask Farber and Sherry to be open to many truths, to be open to many possible interpretations of the model minority phenomenon, and to be willing to undergo risks. Surely Jewish history sensitizes us to humanity's frailties, yet at the same time commits us to find ways to avoid repeating the past.

Written in Pencil in the Sealed Railway-Car

**i am eve
with abel my son if you see my other son
cain son of man
tell him that I¹⁴⁴**

142. See, e.g., Dorothy Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, 1 AM. U. J. GENDER & L. 1, 7, 35–36 (1993) (recognizing connections between various forms of oppression and that racism and patriarchy intertwine to shape the meaning of motherhood).

143. See Richard Delgado, *Rodrigo's Eleventh Chronicle: Empathy and False Empathy*, 84 CAL. L. REV. 61, 96–97 (1996) (calling for whites to reject their racial privileges and to take the risk of challenging manifestations of white supremacy encountered in daily social interactions) (quoting *Treason to Whiteness is Loyal to Humanity: An Interview with Noel Ignatiev of Race Traitor Magazine*, UTNE READER, Nov./Dec. 1994, at 82).

144. This poem, written by Don Pagio and translated by Stephan Mitchell can be found in TIKKUN, *supra* note 37, at 282.

For the sake of the Holocaust and all other genocides, to transform our *kaddish* for the dead into a universal value for the living, let each individual, in his or her own way, continue the sentence.