

RESOLVING ETHICAL DILEMMAS IN JEWISH COMMUNAL SERVICE

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It is now self-evident that ethical dilemmas cannot be resolved in a professional manner without a theoretical perspective. It is in the integration of the theory with the practice that professionals in Jewish communal service could be helped to deal with the ethical dilemmas that they frequently encounter.

There is hardly an aspect of daily life that is not affected by the rapid changes that are now occurring throughout the society. Changing values, the pluralization of choices, the threats to the moral authority of traditional institutions, and the culture of narcissism are shaping the morality of the social structure and throwing the ethical basis of human behavior into imbalance.

Whatever the practice of professionals who work in the Jewish community, whether in administrative positions as executives or supervisors or in direct service, they daily are confronted with decisions and actions that rest upon an ethical base and which require an appropriate professional response.

Professional practice is characterized by the demand for immediate response and action. Consciously or unconsciously, practitioners function with some ethical coherence which usually remains unstated and unarticulated. It is timely that an effort be made to put forth a more articulated statement of how practitioners deal with their ethical concerns and the framework they use for seeking to resolve ethical dilemmas.

Ethical dilemmas are complex and do not readily lend themselves to easy resolution. In Jewish communal agencies, some dilemmas involve the Jewish auspice and purpose of the agency; sometimes the

dilemma arises due to the Jewish character and services of the agency which interface with professional values and ethics, and sometimes the dilemma is "purely" a professional one unrelated to sectarian concerns. The dilemmas derive from conflicting interests and loyalties, the needs of the client *vs.* the needs of the agency and community or the Jewish stake *vs.* the professional concern.

The aim of this article is to understand better the nature of ethical dilemmas as they arise in Jewish communal agencies, their theoretical underpinnings and the decision-making process that may lead to their resolution. It attempts an overview of the complex issues involved in ethical decision-making that affect practitioners in Jewish communal service.

THE RESEARCH PROCESS

This is the report of a study. The motivation to conduct this study stemmed from the paucity of published material on ethics in Jewish communal service. Over the years some articles on this subject have been published¹ but none presented and

1. See the following articles in the *Journal of Jewish Communal Service* by Charles S. Levy: "Social Worker and Client as Obstacles to Client Self-determination," Vol. 39, No. 4 (Summer 1963), pp. 416-419; "The Relevance (or Irrelevance) of Consequences to Social Work Ethics," Vol. 51, No. 1 (Fall 1974), pp. 73-81; "Occupational Values and Ethics in Jewish Law and Lore: Premises for Jewish Communal Service," Vol. 53, No. 2 (Winter 1976), pp. 133-140. Also See George Pollak, "Ethical Consideration in the Care of the Dying Elderly Patient," Vol. 43, No. 2 (Winter 1967), pp. 138-142.

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analyzed actual cases of ethical dilemmas that enabled practitioners to understand their nature and the procedures for their resolution.

Interviews in this study were conducted with a variety of practitioners, from administrators to line workers, in most fields of practice. These included representatives from Federations, fundraising organizations, community centers, family and children's agencies, child welfare, services for the aged, Jewish education, and the rabbinate.

In the interview, the term "ethical dilemmas" was defined, and the research question was asked in an open-ended form, with some occasional clarifying comments by the interviewer. Responses were recorded, transcribed and analyzed. Principles derived from the respondent's resolution of the dilemma were identified. The author scrupulously refrained from passing judgment on the decision which, in many cases, could have gone either way. The purpose of the study was to analyze the conflicting sides in the dilemma and the principles involved in its resolution.

CONTEXT OF THE STUDY

The context of this study is Jewish communal service. Charles Levy conceived of Jewish communal service as a "constellation of fields of practice, as well as a broad and inclusive field of practice with constituent fields, functions, and methods of service."² As a whole, Jewish communal service may be said to serve Jews primarily by being sensitive to their particular needs, both individually and collectively as Jews and by being rooted in a pervasive concern about Jews, their general welfare, and their collective aspirations.

While all practitioners share these

aspirations, they do not value them in the same order of priority. Thus, the social worker in Jewish communal service may feel obligated to realize the former requisite before holding himself accountable for the latter. The social worker's primary identification is with individual Jews and Jewish groups. The rabbi and Jewish educator are apt to place highest priority on the clientele's responsibility for the collective aspirations of Jews. Their mission is to pursue the interests of the collectivity of Jews. Their primary identification, in terms of occupational responsibility, is with the Jewish group as a whole.³

These differential identifications affect practitioners' and their agencies' perceptions of ethical conflicts. Agencies are caught between the pressure to obtain curtailed funds and to achieve the purposes for which they were created. Practitioners are caught between the pressure to realize agency aspirations and to deal justly and competently with agency clienteles. A code of ethics for Jewish communal service can serve as a general guide for the ordering of priorities in relation to member/client needs and practitioner obligations, and as a specific guide for specific actions.

The experiences of Jewish communal workers would be useful in identifying a range and variety of ethical issues that they confront in their practice. These experiences could serve as a data base out of which a code could be formulated. The code would serve as a guide to ethical action that is peculiarly applicable to the practitioners' sectarian and occupational identifications.⁴ Though codes have been developed for some constituent groups, an overall code of ethics for the field as a whole has not yet been formulated. Perhaps this study can contribute to that effort.

2. Charles S. Levy, "Toward a Theory of Jewish Communal Service," *Journal of Jewish Communal Service*, Vol. 50, No. 1 (Fall 1973), p. 42.

3. *Ibid.*, pp. 46-47.

4. Charles S. Levy, "A Code of Ethics for Jewish Communal Service?" *Journal of Jewish Communal Service*, Vol. 54, No. 1 (Sept. 1977), pp. 18-25.

DEFINITION OF THE PROBLEM

Since most of the respondents in the study were social workers, it was assumed that social work knowledge and ideology informed their practice. Two essential, if not indispensable, components of social work ideology are its values and ethics. These need to be defined at the outset to provide a clear framework for the presentation and analysis of ethical dilemmas.

Values, according to Levy, are "preferences with respect to which persons, groups or societies feel an affective regard."⁵ They are not merely casual, but carry emotional charges, some more intense than others.

Values in social work may be classified along three dimensions:

1. *As preferred conceptions of people*, e.g., capability for change.
2. *As preferred outcomes for people*, e.g., self-actualization, good health, decent living conditions.
3. *As preferred instrumentalities for dealing with people*, e.g., support, acceptance, self-determination, confidentiality.⁶

Values lead to a direction of choice and a commitment to action. When many choices are available, one's values lead the individual to make a choice among many available; upon choosing, one is led to act upon it. Values are action-oriented. They do not exist in abstraction. If one professes a value, one is expected to act upon it.

According to Levy, to judge whether an action is ethical, one needs to know the value that motivates it.* Values serve as a

major premise against which particular acts may be appraised. They need not be proven because they are preferences, not facts. Ethical concerns derive from values to which the profession has committed itself and which constitute premises for its members' professional conduct.

Ethics are a function of the relationship between parties to any transaction and the responsibilities which inhere in that relationship. Put simply, values are what persons or groups would rather have or hold; they may or may not affect others. Ethics are what they would rather do or have done; they must affect others.

An ethical dilemma represents the need for a choice between two actions affecting others; it has its source in conflicting values. The conflict in values is not between a positive and a negative one, and the ethical choice is not between right and wrong, but between two positive values and two right choices. That is what makes the decision so difficult.

TWO SOURCES OF ETHICAL THEORY

Let us assume that one is aware of one's values, and these values lead to certain actions. What determines whether these actions are ethical? What makes them right or wrong? Is there something inherent in the action which denotes its ethicality, or must the action be evaluated by external standards? Ethical decisions have been justified on two bases:

1. Certain kinds of actions are inherently right or good. Advocates of this school of thought are referred to as deontologists or intuitionists.
2. Certain actions are to be performed not because they are intrinsically good, but they are good by virtue of their consequences. This group is generally referred to as teleologists or utilitarians.⁷

5. ———. *Values and Ethics for Social Work Practice*. Silver Spring, MD: National Association of Social Workers, 1979, p. 1.

6. ———, "The Value Base of Social Work," *Journal of Education for Social Work*, Winter, 1973 pp. 34-42.

*Another point of view, to be discussed below, maintains that an action may be judged as ethical by its positive consequences.

7. Frederick G. Reamer, *Ethical Dilemmas in Social Service*. New York: Columbia University Press,

The utilitarians are represented by G. E. Moore who bases moral judgments on the consequences of an act: i.e., if it will bring a good result. For Moore, only the end justifies the means. An act can justify itself or can be justified only if it will clearly produce more good than any possible alternative. An act is ethical if it will produce the best of all consequences.⁸

W. D. Ross represents the intuitionist/deontological approach. Speaking of promises, he asserts that we ought to keep them because it is the right thing to do. "There is no need to bring results or consequences into the picture at all."⁹ We have an intuitive sense of the rightness of acts and it is a mistake to seek any further justification for them. Yet we tend to recognize some duties to be more binding than others, especially during situations where they conflict.

Ross formulated the concept of *prima facie* duties to help resolve these conflicts. *Prima facie* duties grow out of the relationship to others or to one's self and they are one's proper duty unless some more significant duty intervenes before one acts. They are self-evidently true and there is nothing subjective about them. They include gratitude, justice, beneficence, self-improvement and non-maleficence.¹⁰

As an illustration, "to render service to parents is a *prima facie* obligation which of course may clash with other *prima facie* duties (such as care of one's own children). The obligation to render service to parents must be viewed within the context of one's total ethical responsibilities."¹¹ Service to parents is a *prima facie*

duty of gratitude, whereas care of children is a *prima facie* duty of beneficence.

When two *prima facie* duties clash, the individual is thrown back upon him or herself to decide. However, when there is a conflict between a *prima facie* duty and another duty, the *prima facie* duty takes precedence because it is more self-evident.

Levy seems to support the intuitionist/deontological position. Since principles of professional ethics by definition derive from values, the anticipated consequences of professional acts cannot serve as a valid basis for formulating principles of social work ethics. "The rightness, in ethical terms, of social work acts cannot validly be measured by their practical consequences . . . It is evaluated on the basis that the acts are congruent with specified values."¹²

Reamer feels comfortable applying utilitarian principles to justify the actions of social workers who circumvent the law in cases of suspected child abuse because of the greater good that will ensue for the client.¹³ By being open to both ethical theories—the deontological and the utilitarian—the social worker creates wider options for decision-making and confronts greater conflict in situations that present ethical dilemmas.

Some ethical dilemmas in Jewish communal service touch upon Halakhah—Jewish law. Jewish legal ethics are not governed by utilitarian motives—the promotion of the greatest good and the pursuit of pleasure and happiness—but rather by transcendent values. Ethics based on transcendent values tend to be deontological; they are intrinsically right because they are divinely ordained. It is difficult to argue, therefore, against Jewish ethical positions based on Jewish law

1982. Other books that discuss these ethical theories are Vincent Barry, *Moral Aspects of Health Care*. Belmont, CA: Wadsworth, 1982; Frank Loewenberg and Ralph Dolgoff, *Ethical Decisions for Social Work Practice*. Itasca, Ill.: Peacock, 1982.

8. Luther Binkley, *Contemporary Ethical Theories*. New York: Philosophical Library, 1981.

9. *Ibid.*, p. 28.

10. *Ibid.*, p. 32.

11. Walter S. Wurzbberger, "Obligations Toward Aged Parents," *The Jewish Woman in the Middle*. New York: Hadassah, 1984, p. 14.

12. Charles S. Levy, *Social Work Ethics*. New York: Human Sciences Press, 1976, p. 81. See also "The Relevance (or Irrelevance) of Consequences to Social Work Ethics," *op. cit.*, pp. 73–81.

13. Frederick G. Reamer, "Ethical Dilemmas in Social Work Practice," *Social Work*. Vol. 28, No. 1 (January–February 1983), pp. 31–35.

because they are not based on outcomes. Implicit, however, in Jewish ethics is the idea that ethical norms are not only intrinsically right but they lead to the good life—a coincidence of deontological and utilitarian positions, though not motivated by them. One may argue that though a particular action may be wrong according to Jewish ethical standards, i.e., Halakhah, still it may lead to a greater good. Contrariwise, one can argue that an action in opposition to Jewish ethical norms cannot, *ipso facto*, lead to a greater good.¹⁴

MAKING ETHICAL DECISIONS

Once the ethical dilemma has been framed or intuited, the individual needs to develop an approach to resolving it. How does one go about making an ethical decision? Since each case is unique and not duplicable in its present form, it is necessary to search for the commonness in ethical situations that can be generalized from the specific case. The common elements in ethical decision-making are derived from concepts, propositions, and principles. Finestone defines all three terms.

A concept is "a name for what is considered to be common to a group of things." Some concepts are simple, but others can be increasingly complex, i.e., chair, furniture, household equipment, technological features of a culture. Concepts used in social work are complex,

e.g., delinquency, resistance, social class, service, community.¹⁵

Propositions are sets of interrelated concepts which are descriptive or explanatory in nature. The cases to follow contain many propositions. These describe phenomena in the form of concepts. For example, in cases where the children of senior adults can afford to subsidize fee activities, the respondent's dilemma was phrased in the form of a proposition: "The dilemma here is that scarce communal scholarship funds are being allocated to people who can be helped by their children, when they could be distributed to truly needy seniors." Concepts include communal scholarship funds, children, and needy seniors.

PRINCIPLES AS GUIDES FOR DECISION-MAKING

Principles also deal with the relationship between concepts, but they are action-oriented rather than description or existence oriented. Propositions describe existing relationships (descriptive); principles give rules for action (prescriptive). Principles emerge from propositions, i.e., once the phenomenon has been described, one can derive guides for action. From every proposition at least two principles can emerge. This is because there is more than one way to deal with a problem or situation. The principles reflect the alternative approaches to problem-solving and dilemma resolution.

Principles contain ethical commendations (should, ought, must). Principles are not fixed, but remain in flux because the propositions contained in them represent the current state of practice knowledge which are altered as more becomes known.¹⁶ The derivation of principles from propositions is based on values, i.e.,

14. See, for example, Efreim Nulman's article, "Judaism and Social Work: Time for an Authentic Approach," *The Jewish Social Work Forum*, 20 (Spring 1984), pp. 15-27, for a case presentation and analysis which resulted in an irreconcilable conflict between the social work and Judaic ethical systems. According to the former, the child, currently in the Jewish institution, should be returned to his parents though one is non-Jewish. The greater good is achieved with the resumption of normal family life. According to the latter, the child should not be returned to his family, for the greater good is served by remaining in a total Jewish environment.

15. Samuel Finestone, "Selected Features of Professional Field Instruction," *Journal of Education for Social Work*, Vol. 3, No. 2 (Fall 1967), p. 15.

16. Harold Lewis, *The Intellectual Base of Social Work Practice*. New York: Haworth, 1982, p. 42.

the preferred instrumentality of dealing with a situation. Principles offer the practitioner considerable leeway to find his/her own procedures for enacting the role. "As far as the principle is concerned, the how, when, who, and what of practice are to be individualized to meet the circumstance of each service request . . . (they are) formulated rather so as to allow maximum freedom of choice and innovation in their application."¹⁷

The distinctiveness of ethical decision-making lies in the need to formulate ethical principles. A principle is ethical "if and only if it takes into account the interests and situation of other persons affected by the agent's conduct and treats them impartially along with those of the agent."¹⁸

THE TYRANNY OF PRINCIPLES

Toulmin warns of the danger of a "tyrannical absolutism" in the application of principles to the resolution of ethical dilemmas. He insists that,

moral wisdom is exercised not by those who stick by a single principle come what may, absolutely and without exception, but rather by those who understand that, in the long run, no principle—however absolute—can avoid running up against another equally absolute principle; and by those who have the experience and discrimination needed to balance conflicting considerations in the most humane way.¹⁹

Wurzbarger echoes this sentiment when he insists that all moral dilemmas cannot be resolved by falling back on simple general rules.

Ethically sensitive individuals who are open to these moral complexities may not be able to match the fervent self-righteousness of those who operate with simplistic rules. But dogmatic certainty is an indication of rigidity rather than moral maturity.²⁰

In the application of principles to ethics, Toulmin distinguishes between families and strangers. There are sharp differences in our moral relations with our families, intimates, neighbors and associates, and our moral relations with complete strangers. On dealing with spouses, children, friends and immediate colleagues, we expect to make allowances for their individual personalities and tastes. In dealing with the bus driver, the hotel barber, the sales clerk in the department store, there may be no basis for making these allowances, and no chance for doing so. In transient encounters, our moral obligations are limited and chiefly negative, i.e., to avoid acting offensively or violently. "So, in the ethics of strangers, respect for rules is all, and the opportunities for discretion are few. In the ethics of intimacy, discretion is all, and the relevance of strict rules is minimal."²¹

In which category do clients, board members, agency staff, executive directors fit? Because they interact with each other on various levels, do we apply the ethics of intimacy and use discretion in the application of principles, judging each situation existentially? Or, since some relationships are less intimate, more like strangers than others, would we use less discretion and apply principles more evenly? In which category is the social

17. *Ibid.*, pp. 54-55.

18. Percy H. Hill, *et. al.*, *Making Decisions*. Reading, Mass.: Addison-Wesley Publishing Co., 1980, pp. 36-37.

19. Stephen Toulmin, "The Tyranny of Principles," *The Hastings Center Report*. Vol. 11, No. 6 (December 1981), p. 34.

20. Wurzbarger, *op. cit.*, p. 14. See James M. Gustafson, "Context vs. Principles," *Harvard Theological Review*, Vol. 58, No. 3 (April 1965), pp. 171-202 for a discussion of the debate in the field of Christian ethics between parties representing an allegiance to the use of formal prescriptive principles and those representing the cause of the more existential response to a particular situation.

21. Toulmin, *op. cit.*, p. 35.

worker-client relationship? What degree of intimacy do they share that would warrant designating them as strangers or intimates? These questions need to be considered if we are to use Toulmin's framework for resolving ethical dilemmas.

Lewis offers another framework for making choices in ambiguous situations. Using Aroskar's questions to elicit information regarding the actors, the setting, and the decision to be made in an ethical dilemma, Lewis resorts to the theoretical frameworks posited by Moore and Ross. Designating their approaches as consequentialist (utilitarian) and formalist (deontological) respectively, he offers a variety of options to help the practitioner resolve ethical dilemmas in practice.²²

THE APPROACH OF THIS STUDY

The approach used in this study to analyze the ethical dilemmas of practitioners in Jewish communal service combines Toulmin's conviction concerning the tyranny of principles with Lewis' application of the utilitarian and deontological approaches to ethical problem-solving.

A selected sampling of ethical dilemmas as perceived by practitioners in different fields of practice is presented below. The format is that the respondent poses the dilemma, provides the resolution, and the interviewer's analysis follows. The analysis utilizes Levy's conceptual framework of basing social work ethics on values, Lewis' framework for analyzing ethical dilemmas in light of the two dominant theories of the good and the right, and Toulmin's concern—the formulation of non-absolute principles that can be generically applied.

Three cases have been selected. They deal with a Jewish community center's services to senior adults, the relationship between a Federation and one of its agencies, and a Jewish family service's stand on intermarriage.

#1: Senior Adults

The agency runs a vacation resort for senior citizens. For the past few years there has been a sizeable influx of elderly Jews, principally Russian, in the community. Over several board committee meetings, discussion took place over inviting the Russians to attend the vacation resort. The board committee was of two minds: One group felt that the image of the vacation resort would be adversely affected by the presence of the Russians. The agency was trying to attract younger, American Jewish aged to give the resort an upbeat, resort-type image. The Russians, with their foreign language, appearance and culture, would seriously set back the gains already made in enhancing the image of the resort. The amount of scholarship money to be allocated for the Russians was a consideration, but even if there were unlimited funds, this board faction was concerned with the negative image they would lend.

The other board faction responded in disbelief. They questioned how they could exclude the Russians from this experience, since the facility is available to all Jews, and the Russians are their brothers. "We brought them here; we have a responsibility to provide for their needs—and a vacation is a need almost as important as any other."

Resolution

The issue was resolved by adopting a quota. It was agreed that only a limited number of Russians would be accepted despite the objection of some board members that, ironically, Jews were imposing a quota on their own brethren. The principle invoked was that of compromise.

Discussion

This dilemma touches upon two values that have been espoused by two different groups of lay people within the agency. One group prefers the image of the vacation resort to determine its intake policy. The image of a service is a very important dynamic in attracting or repelling potential members or clients. To achieve its objective of attracting younger, more active senior adults, this faction believes that the

22. Harold Lewis, "Ethical Assessment," *Social Casework*, (April 1984), pp. 203-211.

presence of foreign Jews would tarnish the resort's image as a place bustling with activity, offering opportunities for socializing, fun and learning. The value is the attraction of younger seniors which would not be fulfilled by a negative image.

A value that opposes selectivity in membership policy is universalism. The Center is committed to serving all Jews. This is its *raison d'être* and its fundamental strength. It prefers to serve all Jews because in its own special way, it brings the diverse groups of Jews together in an attempt to foster the unity of the Jewish people. Russians, therefore, ought to be invited to the vacation resort and made to feel as welcome as the others.

Ethically, the first group would seem to subscribe to Moore's concept of the Greater Good. The Center's policy of excluding a small minority of the Jewish population is justified if the resort would attract a wider spectrum of younger, more active and affluent senior adults. In effect, the end justifies the means.

The second group would appear to illustrate Ross' concept of Right. Accepting the Russians is the right thing to do. Its rightness derives from the relationship that was established with them when they were brought here from Russia and the community obligated itself to care for and integrate them. It represents the fulfillment of a promise made to them, which to Ross, takes precedence over other obligations because it antedates them. The promise is one of the *prima facie* commitments that needs to be fulfilled because one's word was given. Therefore, the universal value of service to all Jews and the promise made by the American Jewish community to serve Russian Jews require that the Center serve them at the vacation resort as it serves them in its other facilities.

The dilemma was resolved by a compromise. It was agreed that a specific number of Russian Jews would be accepted to the vacation resort. The compromise probably did not satisfy either

group, but it was perceived as the only way out of the impasse. The principle that it reflects may be stated as follows: When there is conflict between two factions in a board of an agency as to whether an immigrant group in the Jewish community should be served in a special program due to their foreign origins, a compromise should be sought that limits the service to a small number of the group. In addition, there should be continued discussion and evaluation of the service and the responses of participants in order to ultimately determine the inclusion or exclusion of the entire group for service. The principle is not "tyrannical" in Toulmin's²³ sense because it does not seek an absolute, one-sided solution, but compromise. As such, it inclines toward the ethics of intimacy—intimacy with one's fellow Jews.

There are some additional variables with which this analysis does not deal:

1. The board members' attitude toward their own Jewishness that is invariably evoked in the presence of "foreign" Jews.
2. The degree of one's identity with *Klal Yisrael*—the community of Israel—as a factor in the vote.
3. The board members' conception of the role of the Jewish social service agency.
4. Determining the objectives of the service: to provide the Russians with a vacation and/or to integrate them with American seniors.

These issues were undoubtedly discussed during the board's deliberations but they were not cited by the respondent in his presentation. They would have enhanced our appreciation of the complexities of the case.

#2: Federations

There are two kinds of ethical dilemmas that I encounter frequently. An important

23. Toulmin, *op. cit.*, p. 31.

part of what we do is to allocate resources. Implicit in the allocation of resources is value choice. With a limited amount of resources, one is generally saying "A" will get and "B" will not get. That is literally a daily issue.

In Jewish education the decision to allocate resources to established schools or to reach out to the unaffiliated involves an ethical dilemma because, in effect, one is making a judgment whether to help the child who is already in a Jewish educational environment or the child who is not. My first concern is the daily ethical dilemma of whether to fund or not to fund. Many times it's a question of how much to give, but sometimes it's a yes or no decision.

The second area is much more perplexing and not as direct, though it comes up quite a bit. It revolves around individuals. We would get a phone call from a major contributor or an important person in the community saying, "Did you know that agency 'X' hired so and so who is a crook? How can you allow that?" Normally it is more veiled and indirect. Sometimes there are rumors that the agency we fund has a history of being on the verge of federal audit. This occurs with schools and their lunch programs. Here the ethical dilemma revolves around the accountability for communal funds. On the other hand, we are not an investigative organization, and we do not have the capacity or wish to get involved in what can lead to individual character assassination.

If we go along with the caller, it's a witch hunt. We don't know whether he's right or not. If the allegations are true, then we're misusing communal funds. This is a hidden issue in the Jewish community.

Once when we got a call like this, I said to the irate individual, "I don't have any investigatory function; do you want to serve on a committee that would look at the issue of ethical standards?" The man was too busy going after this person to join such a committee.

Resolution

At a very simplistic level, we will verify the facts and the nature of our relationship to the accused. But that is typically as far as we will go. If the allegations concern the

agency, we may have an off-the-record conversation with the agency to the effect that a rumor is bouncing around in the community, we don't want you to get hurt and you'd better make sure that your house is in order. That is an informal unofficial friendly conversation.

In essence, we wouldn't discard the caller's claim; we do a modest amount of follow-up.

Discussion

The value conflict has been enunciated by the respondent. The Federation is accountable for the proper use of communal funds. Their distribution in an ethical, just manner is a value. The other value is agency autonomy and the Federation's trust in the proper expenditure of its communal funds. Each value affects ethical expectations in a particular way.

Accountability for the proper use of communal funds could inform the principle which states: When there are allegations of an agency's misuse of communal funds, the Federation should investigate the matter until its truth or falsity is determined.

The value of agency autonomy could inform the following principle: When there are allegations of an agency's misuse of communal funds, the Federation should not pursue the matter, owing to its respect for agency autonomy and trust in the ethics of its operations.

In this case, a third principle was offered: When there are allegations of an agency's misuse of communal funds, the Federation should express its concern with the executive director and urge an inquiry by the agency.

The third principle represents a compromise of the others. Contact with the agency reflects the Federation's ethical commitment to the proper use of communal funds; the expression of concern with no further detective work reflects the respect for agency autonomy and trust in the ethics of its operations. The action based on this principle, rather than

dismissal of the complaint, also has the practical effect of responding to an influential person's allegations, thus maintaining his/her continuing involvement in the Jewish community.

The third principle conveniently resolves the ethical dilemma for the Federation professional. In Levy's words, "choices of action may not always be simple, but the alternatives are specifiable and, not infrequently, the bases for selection among them are specifiable."²⁴ The three alternative principles, as well as the basis for their selection, were specified, and the third reflects the option chosen by the respondent.

Following Toulmin,²⁵ who cautioned against the tyranny of principles, the third principle occupies the middle compromising position between the other two. Compromise in formulating ethical principles seems to reflect the discretionary approach in the ethics of intimacy. This Federation executive may be suggesting that Federation-agency relationships should be governed by the ethics of intimacy rather than the ethics of strangers where respect for rules is all and the opportunities for discretion are few.

Perhaps the ethics of intimacy and strangers are not as applicable to this situation as are the concepts of credibility and effectiveness. What will be the consequence to the Federation if the community learns that it is giving funds to an agency that steals, that this is known and nothing is being done? Surely the Federation's credibility will be tainted and its effectiveness diminished. Consequently, the executive's decision to inform the agency of this allegation may have been motivated by the need to maintain the Federation's credibility in the eyes of the community.

#3 Jewish Family Service

A good example of an ethical dilemma is the phenomenon of intermarriage. In terms of Jewish values, intermarriage evokes strong feelings and is not to be encouraged.

Nonetheless, there is a striking presence of families who have, in fact, intermarried. There are also numbers of people coming up through the ranks who are vulnerable to future intermarriage.

Therein lies the conflict. A lot of anguish is being experienced by families with an intermarried member or who themselves have intermarried, due to the posture and response of the Jewish community. This ranges from the extreme of broad acceptance and liberal understanding to the other extreme where people talk about sitting *shiva* (mourning) and having no association with the intermarried. Somewhere in the middle are the innocent victims—the parents, the grandparents, children born to the intermarriage, and even the couple who find themselves in a relationship that has far reaching repercussions in the environment, the community and the Jewish communal structure itself.

What happens in the synagogue when you have an intermarriage? Do you wish the couple *mazel tov*? Do you wish the couple's parents *mazel tov*? When a child is born, do you set up a two track system whereby you welcome the child of the Jewish mother into the ranks, but not of the non-Jewish mother?

What is the role of the family agency in responding to some of the pain of the people, ranging from the couple and the extended family to the community and the Jewish communal leadership who have been unable to take a clear position on this issue? We have been approached by all these constituencies, including Jewish schools and synagogues. What should be the response of the Jewish family agency as we move into the community and do Jewish family life education and therapy? In our response to the people who bring this issue to us, are we in some measure supporting the very concept of intermarriage when we attempt to provide relief? Is this viewed as acceptance?

Q: What precisely is the dilemma?

A: How should we respond? How ag-

24. Charles S. Levy, *Values and Ethics for Social Work Practice*, op. cit., p. 2.

25. Toulmin, pp. 31-39.

gressive should we be in moving into the community to develop services to this sizeable and growing population?

Q: Why should this be a dilemma in terms of serving the parents and the grandparents?

A: Do you help them to better accept the intermarriage? In doing so, what message are you transmitting as a representative of some Jewish communal structure in terms of values? On the other hand, in terms of casework, you believe in self-determination and in being non-judgmental. The seemingly neutral course would be to help the people to identify what they're struggling with.

Q: Are you asking whether the agency should take a stand?

A: It's not only should the agency take a stand but it is difficult to move into this kind of issue without taking some kind of position, either implicitly or explicitly. As a Jewish agency, we do take a stand. We do not want to do anything that will encourage intermarriage, but by the same token we have a firm conviction that people who are experiencing conflict and distress deserve to be responded to in a way that will offer them some relief. However, in offering them the relief, do we in fact encourage the perpetuation of intermarriage?

Resolution

We have taken a deep breath, moved into the community, and sponsored workshops and groups. There has been a lot of static from various segments as to whether we should give legitimacy to this issue. We have conducted groups with rabbis who are facing this problem in their congregations, parents of children who have intermarried, and grandparents who are raising a child from the intermarriage who may not be Halakhically Jewish because the parents have split and are not available to raise the child. Here is a non-Jewish child being raised by a Jewish grandparent, who is brought to a religious school. We have not offered

groups to intermarried or about-to-be married couples, but we are exploring this. However, in our counseling services, we very often see intermarried couples.

Discussion

Intermarriage is a problem of major proportions that confronts the Jewish communal structure. It is of concern to parents, families, professionals, synagogues, Jewish schools, Centers and family agencies who care about the erosion of Jewish life and struggle to stem its tide.²⁶

Here is an example, presented forthrightly with a troubled conscience by an agency administrator, of a dilemma that confronts many family agencies. It is larger than the question of whether to serve/counsel intermarried couples for it touches upon agency image and interagency collaboration. It encompasses ethical and practice considerations.

The ethical dilemma is simply the question of whether or not to serve the intermarried. In ethical terms, is it right or wrong not to serve this population? This dilemma is based upon conflicting values which are esteemed by the agency. As a social work agency, it subscribes to the profession's *Code of Ethics* which prohibits social workers from discriminating against clients due to religion and marital status.²⁷ This is a value as well as an ethic. The professional may not make a value judgment regarding a client's choice of marriage partner, despite the professional's personal preferences. In addition, the professional, representing the agency, esteems the individual's right to determine his/her own way of life, and to cope with the prob-

26. See Egon Mayer and Carl Sheingold, *Intermarriage and the Jewish Future*. New York: American Jewish Committee, 1979; also Steven Huberman, "Understanding Synagogue Affiliation," *Journal of Jewish Communal Service*, Vol. 61, No. 4. (Summer 1985), pp. 295-304.

27. *NASW Code of Ethics*. Silver Spring, MD: National Association of Social Workers, 1980, p. 4.

lems of everyday living. Self-determination is a value that stems from a conception of human beings as capable of actualizing themselves. The person who seeks help wants to alleviate suffering and improve life chances. The professional values this determination to help oneself. Based upon these professional values to which the agency subscribes, it is wrong for the agency not to serve the intermarried and their families. This stance is consistent with the deontological position regarding the intrinsic rightness of action.

The conflicting value stems from the agency's role as an instrument for furthering the goals of the Jewish community. The community's most prominent goal is to survive as a viable entity. Inter marriage is perceived as a threat to that survival. As an instrument of the community, the agency values positive Jewish commitment and strong Jewish identity. Group survival is preferred to extinction and the preservation of the Jewish family is preferred to its dissolution. Espousing the value of Jewish survival, the agency could legitimately justify its refusal to serve intermarried clients because such unions, in its judgment, do not contribute to that survival. Ethically speaking, it is not wrong to refuse service to this group based on the utilitarian principle of the greater good. The rightness of an action is determined by its consequences. Serving the intermarried may have a negative effect on Jewish communal life for it may perpetuate marriages that do not statistically contribute to the enhancement of Jewish life and the socialization of children to Jewishness.²⁸ The agency could, therefore, justify its refusal to serve this group on ethical grounds.

In addition to the ethical issues in this case, there are practice considerations. If an intermarried couple comes for counsel-

ing, if their parents seek help to deal with their feelings and conflicts, if Jewish grandparents are ambivalent about caring for their non-Jewish grandchild, the professional staff of the Jewish family agency are equipped to deal with these problems. They raise issues of love and commitment, commonality or divergence of values, the religious identity of children, and ethnic identity issues of the couple.²⁹ The Jewish issue is a central dynamic in their coming to the Jewish agency for service and needs to be explored fully.

Related to the issues involved in direct practice are those which pertain to inter-agency relationships. The administrator wants to know what stance the agency should take on the intermarriage issue which would then be conveyed in Jewish family life education forums in Jewish schools and synagogues. He is concerned with the agency's public image which may determine its effectiveness in serving the Jewish community.

One way of approaching this practice dilemma is to meet with the heads of the other Jewish institutions to discuss the problem which affects all of them. The synagogue has intermarried members, and parents and grandparents of intermarried; the Jewish school has children of intermarried enrolled among its student body. In fact, there is hardly a Jewish organization or family which does not have Gentiles in its midst. The family agency alone should not bear the brunt of the problem, but should seek out the agencies concerned to map a common stance and strategy.

With regard to the resolution of the ethical dilemma—whether serving the intermarried is right or wrong—the agency's stance falls somewhere in-between these two alternatives. The realities and complexities of human needs and Jewish assimilation seem to dictate the moving away from maintaining extreme positions on most social problems affecting Jews.

28. Joel Crohn. *Ethnic Identity and Marital Conflict: Jews, Italians and WASPS*. New York: American Jewish Committee, N.D.

29. *Ibid.*

The tendency is to search out the common ground, a middle position that attempts to synthesize competing values and ethical obligations.

In this case, the agency is still in the process of formulating its position. The principle might state: When a Jewish family agency is confronted with requests to serve the intermarried and their families, it should let it be known that though it does not condone the practice, it offers programs and services to help them deal with their problems. This approach might also serve as the agency's position when it collaborates with other Jewish institutions in the community.

SUMMARY AND CONCLUSION

We have presented an approach for resolving ethical dilemmas in Jewish communal service which encompasses both theoretical and practical considerations. Based on a study of practitioners working in different Jewish agencies, this paper has

offered a theoretical component that considered the role of values in understanding ethics, the two major ethical theories of utilitarianism and intuitionism, and the formulation of principles as a guide for ethical conduct in professional practice. The practice component consisted of a sampling of three cases wherein ethical dilemmas and their resolutions were presented, which were then analyzed according to the theoretical framework.

The report of this study constitutes the beginning of a work in progress. Feedback from readers would be welcome to help shape the future course of its content and analysis which could be utilized as a teaching tool and as an instrument for staff training. It is now self-evident that ethical dilemmas cannot be resolved in a professional manner without a theoretical perspective. It is in the integration of the theory with the practice that professionals in Jewish communal service could be helped to deal with the ethical dilemmas that they frequently encounter.