

ETHICAL DILEMMAS IN THE JEWISH COMMUNITY CENTER

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The Center is, indeed, universal in its acceptance of differences, and while it is integrating and unifying, it does not undermine its philosophy by allowing for separation (an all-Orthodox unit in the day camp) which encourages the continuation and reinforcement of those differences, and this is, by definition, the loftiest level of the concept of "acceptance of difference."

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The Jewish community center has been described as the "House of G-d's Paradoxes." It affirms the validity of all forms of Jewish belief. Some have referred to it as the "Temple of American Jewish Civil Religion." Its commitment to pluralism, with its all-embracing message of acceptance and integration, has attracted large masses of Jewish people in its programs and leadership groups and it is now viewed as a creditable form of "affiliation." In the execution of its services, particularly owing to its universalistic philosophy, it is faced with many ethical and normative dilemmas which must be resolved in the form of policy decisions and professional procedures.

These dilemmas are complex and sometimes bewildering because there are no formulae for their resolution and often they are accompanied by ambivalence. Further, their complexity becomes even more marked as we attempt to remain faithful to our mission, to be non-judgmental and yet have convictions, to be moral and to be practical, to be all accepting and to be discerning, to be legal and to be realistic, to be honest and to be political, and, most importantly, to be ethical and to be successful.

This article represents an effort to develop an educational instrument to

stimulate awareness and reflection on the issues involved in the resolution of these dilemmas. They are but a sample of a wider variety of provocative questions and bedeviling choices faced by center leaders. All the illustrations are real. They are not academic exercises.

The author intends not to pontificate and not to sermonize to center leaders that these are the "right" answers. The responses offered in this paper are "judgment calls" on issues as they emerge. In comparing the responses, inconsistencies may be spotted in terms of judgments that may be expected along either a liberal or conservative line. Each issue evokes its own independent reasoning and subjectivity that prefigure the direction of its resolution. If these responses illuminate the issues, stimulate thoughtfulness, raise consciousness, suggest sensitivity, but also provoke some conclusions that are diametrically opposite, the author will consider this article an unqualified success.

DEVELOPING LEADERSHIP VS. OUR JEWISH PURPOSES

*The Case of the Positive Board Member
Who Is Intermarried;
The Case of the President
Who Is Intermarried*

This ethical dilemma arises in the need to identify Jewish leadership within the Jewish community center. The conflict inheres in that the agency views intermarriage as undesirable and inimical to its Jewish purposes of fostering Jewish continuity and yet places many Jews married to non-Jews in positions of Jewish leadership and at times as official heads of agencies. Does such elevated placement of an intermarried adult subvert or pervert the agency's goal of strengthening Jewish identity and providing role models within its leadership structure? Is it hypocritical for us to separate the person from the principle and look to other forms of positive behavior in making the decision as to the person's leadership potential?

Response

Many believe it is the *program* of an agency that conveys its philosophy and not the personal behavior of its leaders and thus, it is legitimate to promote an intermarried adult into a position of authority in the Jewish community center. But this solution is insufficient because it does not address the role of the leader in a Jewish community center and his impact on the purposes of the Center, nor does it separate the active volunteer on a committee or board from the official head of the agency, the president. In addressing this dilemma, the author quotes as follows from a speech, "What should be the community response to intermarriage?" given on another occasion:

And now they are married and perhaps have children. Do we ostracize them because we are opposed to the concept? Do we excommunicate them because of their betrayal? Do we keep them out of synagogues and Jewish institutions because they have jeopardized our Jewish future? Do we judge the Jewish partner unfit to continue to be a Jew?

This is where I believe we must distinguish between conviction and compassion and between concept and community. We must recognize that Jews have and always

will be splitting off in the expression of their Jewishness. There are always areas where Jews separate themselves from lawful Jewish behavior. We must reject intermarriage, but we cannot reject Jews who intermarry. It is a matter of documented fact that many Jewish individuals who intermarry seek out ways of expressing themselves as Jews: on holidays, in synagogue attendance, giving charity, doing other mitzvahs, and so on. In some cases, often perhaps in compensation, they are scrupulous in raising their children as Jews and in the instances where the woman is a Jew the children are already Jewish halachically. Where the father is Jewish, the children are often converted and sometimes converted halachically.

To acknowledge the authenticity of the Jewishness of an intermarried adult is not to accept intermarriage itself. Jews split off in their Jewishness in many ways. They may be unethical in business practice, violate Jewish laws, engage in adultery, use G-d's name in vain, and commit other violations of the Ten Commandments. Where is it written that the prayers of an intermarried Jew are not heard by G-d but that the prayers of an uncharitable person or Sabbath violator or adulterer are? Who is measuring the degree of our sins? Is this the responsibility of other human beings who are also imperfect?

We should be supportive of the expression of the Jewishness of an intermarried adult, not only because his partner may convert, but because all positive Jewish acts and deeds are not nullified by misdeeds and are deserving of incremental credit on their own. The acceptance of Judaism cannot be conditional based on an "all or nothing ethic." If this were so, there would be no Judaism that is authentic. It is un-Jewish to reject other Jewish people, and the condemnation of Jews who intermarry may be no less sinful than the intermarriage itself.

One final comment and this is a tough one. As indicated, I believe the personal pursuit of Jewishness should be acknowledged, accepted and welcomed no matter who is the marriage partner. But what is our position with regard to an intermarried Jew assuming the position of the official head of a Jewish institution or national Jewish organization. Does the argument of personal pursuit of Jewishness apply here as well or does the

publicness of the position change the rules?

Praying in synagogue, serving on a committee to work in behalf of a Jewish organization, or taking a Jewish adult education class are forms of personal Jewish expression which may even extend to taking moderate leadership positions. But being the official head of an organization goes well beyond personal and private pursuits and the impact of the public role model becomes primary. Here too, however, the argument of inconsistency must be faced. Is intermarriage a greater liability in the presidency than other Jewish deficiencies? Does the position of public influence suggest that intermarriage is not in fact on the same level as other flaws?

Does not the public responsibility of the role model suggest that we should be particularly scrupulous about all Jewish deficiencies including intermarriage in the selection of our top leaders? I believe the answer is self-evident—intermarriage should be a very serious consideration in the selection of a public Jewish leader—and role model—just as other serious deficiencies should be considered in our criteria for official Jewish leaders.

TZEDAKAH VS. FUND-RAISING

The Case of the Sullied Silver Dollar

In Jewish community center practice, *tzedakah* is often accepted when there is suspicion that the money was earned in less than legitimate means or when the tax behavior related to the contribution does not conform fully with current tax laws. At times, charity can be distorted when individual people write off deductions for more than the legitimate amount. The value conflict inheres in the need for support for Jewish services for the Center versus the impairment in the altruism and purity of the gift itself. A further issue is also whether practically the Center would be alienating further contributions of *tzedakah* by legitimate givers if it is known that all monies become screened by the recipient agency.

Response

In most cases, the principle of self-determination is applied, which may be a rationalization, but at the same time it is felt that the agency cannot, without concrete evidence, judge people to be guilty, based on hearsay or suspicion, and cannot investigate the source of all funds before they are accepted as charitable contributions. Ultimately, when individual people make out their taxes, it is their choice as to what to deduct and what not to deduct. The center is not party to the execution of undesirable behavior by individual people. We should, however, systematically notify people what is appropriately deductible in their contributions to the center.

In regard to the money from donors where there is suspicion of the source of their earnings, it may be irresponsible if not criminal to reject gifts earmarked for charitable purposes, thereby depriving others in need of support, when we make judgments based on reputation or suspicions based on the anticipated tax behavior of donors.

We certainly do not probe the ethical behavior of those who are not non-reputable when we accept their gifts even though the sources of their income or tax behavior are unknown to us. When, however, it has been proven that a donor has earned his money from unlawful behavior, then the agency should distance itself from that donor. Were it not to do so, it would subvert and pervert its commitment to its own values and convey the notion that the money is more important than the behavior. An institution, particularly a Jewish one, must remain faithful to the public trust. Its behavior must be morally impeccable, even lofty, transcending the standard for individual behavior. If it is learned after the fact that a contributor earned much or all of his income through unlawful behavior, it is not the obligation of the Center to return the money because

- a. when it was accepted, it was appro-

priate because there was no evidence to suggest otherwise, and

b. monies used for charitable purposes cannot become uncharitable retroactively. To deprive people of support or services would have a punitive impact on the recipient, and the act of receiving charity, unknowing of the source of the gift, cannot be considered immoral. The act of withdrawing money from the recipient would be tantamount to levying punishment on the recipient for the crime of others.

MEMBERSHIP VS. THE JEWISH CONCEPT OF FAMILY

The Case of the Atypical Family

An ethical dilemma arises in applying the family membership concept when it conflicts with the traditional Jewish definition of family. This may involve unmarried couples living together or individual people who have atypical sexual preferences but within their own definition constitute a family. The value conflict is between a belief in acceptance of all people at their own level versus our own Jewish traditional definition. Do we in some way diminish and demean our Jewish identity purposes by the expedience of accepting a broader and more individualized definition of a Jewish family.

Response

The commitment of the center to strengthening Jewish family life is more genuinely and effectively reflected in programs of Jewish education to foster traditional Jewish family values. The decision to accept the family application of two adults, i.e., a homosexual couple sharing the same address, represents a deviation from our traditional definition of family but does not, in my judgment, diminish the center's commitment to Jewish family life.

The reality is that an individual decision

concerning two people, given their own definition of their relationship, does not influence center purposes or program nor member participation, and the center is better served by applying the principle of self-determination rather than become embroiled in challenging what may amount to a variety of deviations from the traditional Jewish family definition. The consequences of such a conflict, as it would become manifest, would do more harm than would allowing the principle of self-determination to apply.

If the Center would reject self-definition, what would its position be with regard to a heterosexual couple, sharing one roof, defining themselves as a family, but not being married? To be consistent, would the Center require them to get a license before accepting them as a legitimate "family" group? Do we assume this judgmental position? If we do not, are we really less Jewish? Further, even with blended families, do we check whether a *get* was included in the divorce from each of the first spouses? If we do not, and we accept the couple, we are implying that our definition of family is not halachic.

Further still, if a couple is married by a judge in a civil ceremony, we certainly would not question the authenticity of this family, yet it clearly does not meet the halachic requirements for a Jewish family.

We don't question an intermarried family couple who might have been married by a priest or a minister. To be truly consistent, we would have to monitor and investigate all family applicants. To be judgmental only in a case which might be embarrassing to some, i.e., the homosexual "couple," would be more than inconsistent, it might even be considered hypocritical and the consequences of challenging that "couple" as a family membership might not be worth it, particularly if we remain genuinely committed to creating Jewish impact where it

does matter and where it means something, in the philosophy and implementation of our program.

COMPETENCE AND MORALITY

The Case of the Competent Teenage Worker with a Live-in Partner

It is difficult to find competent professionals skilled in working with adolescents. An applicant to one Center was known to be a competent professional who would be particularly effective with teenagers. In the interview, she made it clear that she was not married, but had a live-in partner. Does the agency accept the worker because of her skills or does it reject her because, despite her skills, she is to be considered an "undesirable" role model even as we acknowledge contemporary standards of morality? Does the agency deny teenagers the opportunity for a strong and effective professional because of its judgment as to what constitutes moral behavior? Can the definition of competence exclude considerations and even judgments on morality? Can the professional self be separated from the personal self? Does the reality of contemporary social mores necessarily suggest promiscuity or a negative role model image? Can a teenager separate the personal behavior of a role model from the behavior that role model unwittingly may be encouraging in others?

Response

The answer lies in the definition of "competence." In working with teenagers particularly, it is felt that the definition of competence cannot exclude factors of morality in role models because of the undeniable impact of identification that is inherent in the process of role modeling. We do not judge that contemporary standards of sexuality are immoral or that a young adult with a live-in partner is "promiscuous." We may engage such a professional to work with Cultural Arts, Senior Adults, or in Health and Recreation.

With teenagers, however, where the relationship factor is so critical and where the adolescent is so impressionable, the lifestyle consideration is inexplicably bound to the definition of competence. Teenagers tend to be refreshingly honest, less prone to compromise, and they do not differentiate in their perceptions of behavior. They would feel that the agency was presenting them with a role model, which it conveys as acceptable, and with which, it follows, they would be inclined to identify. It would also be difficult for them to separate themselves from the behavior of the worker, who, although older, still represents a model of behavior. It is a model we should preferably not hold up to them.

We acknowledge that this position may be viewed as prudish and unrealistic in relation to what has become almost normative today. Further, agency options may become limited in its evaluation of candidates and practical compromises may have to be made. But what may be considered quite "normative" in society at large does not necessarily apply to optimal standards in a social agency which has always sought to exceed other ethical and moral standards which have also become "normative" in our society.

Further, the sexual revolution which inspired freedom and openness in non-contractual sexual relationships has also become "normative." But these non-contractual normative relationships have suddenly become devastatingly alarming to everyone, particularly parents, when not so normative health factors have become associated with sexual openness. One sees a sudden turn to conservatism among parents, teachers and others who thought themselves to be enlightened. The Center should continue to uphold standards which may exceed the expectations of others and although it may appear unrealistic, there is some evidence now (and anxiety) that offers a vindication of this "conservative" resolution.

KASHRUT

Making Judgments Without Being Judgmental

The *kashrut* policy at a Jewish community center is that the restaurant and all Center-sponsored activities be kosher. There are, however, different standards of *kashrut*. The Center decided to adopt the standards of the Orthodox Rabbinical Council of its community, a standard which is acceptable to all Jews in the county. After making this decision, the local Conservative Rabbinical Council, which also has *kashrut* standards and certifies a number of food facilities in the area, expressed strong disapproval, accompanied with threats of sanctions. Its main argument is that its standards adequately comply with Jewish dietary laws. The Center, it argued, ought to adopt a *kashrut* policy which requires that all food be kosher, but must be open to the different *kashrut* positions within the community. To fail to do so, it claims, is to declare conservative standards as inadequate, and is tantamount to the Center ceasing to be a non-affiliated and truly community-wide agency.

Response

The underlying principle guiding the agency's decision to adopt the Orthodox certification is that of "inclusiveness" rather than exclusiveness. We do not judge the authenticity or superiority of the various *kashrut* certifications of the community. Neither do we accept the judgments of individual lay or professional persons who may consider the Orthodox standard excessive. Similarly the Reform may consider the Conservative *hashgachah* anachronistic. Some certifying body, where rabbinic and expert supervision are needed, must be acknowledged as the official authority.

If standards were left to individuals, there would be none, only anarchy, because of the multiplicity of definitions

based on subjective perspectives.

A significant number of observant Jews belong to the Center. Were the Center to adopt the Conservative certification, the Orthodox Jews would be excluded from participation apart from personal agreement or disagreement with their traditions. With the Orthodox certification, no one is excluded. We select the Orthodox standard to be inclusive, not to make judgments on *kashrut* standards.

In making this decision, the agency may be accused of being hypocritical in claiming its pluralistic character. One rabbi said, "You claim to be a pluralistic agency accepting all brands of Judaism and now you are making a judgment that one brand is not acceptable." The answer is that the principle of pluralism applies to participation by and service to diverse populations and not to the acceptance of all interpretations of *kashrut* standards. We would be distorting our belief in pluralism if we defined it in such narrow terms as to be so all accepting that it would lead to the exclusion of a major segment of the community—and this is the antithesis of pluralism.

AN ORTHODOX UNIT IN DAY CAMP

The Center is approached by members of the Orthodox Jewish community requesting a separate unit in the day camp, with Orthodox counsellors and a program that would reflect traditional Jewish philosophy. The parent delegation, members of the Center, want their children to have an experience in which their commitment to mitzvahs, ritual and learning would be reinforced through creative camping activities within a communal camp setting.

Some Center leaders felt that a camp unit separated physically and philosophically from the other units of camp was antithetical to the pluralistic and integrative character of the agency and might even

signal an espousal of the Orthodox perspective. The Center, they argued, is a unifying instrument, where differences can be acknowledged, accepted, and appreciated through integrative activities guided by non-judgmental staff. A separate unit would rob the Center of the opportunity to exploit the mosaic of cultural and religious differences brought to the camp by diverse populations. Other leaders agreed with the arguments related to purpose and mission, but differed in their conclusions. The Center is, indeed, universal in its acceptance of differences, and while it is integrating and unifying, it does not undermine its philosophy by allowing for separation which encourages the continuation and reinforcement of those differences, and this is, by definition, the loftiest level of the concept of "acceptance of difference".

Response

The solution to this dilemma lies in the definition of pluralism. Pluralism is defined as a social condition in which disparate religious, ethnic, and racial groups are part of a common community. It is the ultimate condition of democracy and religious freedom. Unlike the melting pot theory which sought to deny difference, pluralism defines democracy as the right to be different. How should our Center symbolize this ultimate condition of equality and democracy and how does it embody, in the purest sense possible, the Judaic concept of community?

The concept of "common community" does not imply a blending of difference within the common. Pluralism means an invitation to participate in the common while maintaining and even reinforcing difference. Genuine acceptance of diversity allows for the perpetuation and, if so desired, even separation of difference within the common, if rejection of others does not accompany their difference.

Programmatically and ideally, the Center may prefer an interactive mix, but to demand such places a limit and sets a

judgment on the extent to which we truly embrace pluralism and are prepared to implement it with our program. We may personally disagree with "separation" or even find it distasteful. But we cannot say to various constituencies that you can participate on the common only if you do not separate from the common. In a sense, we accept your difference but you cannot stray too far in the pursuit of your difference.

The intrinsic philosophy of the Jewish community center is to relate its structure flexibly to the needs of diverse constituencies, within the framework of its Jewish purposes and to convey a genuine acceptance of diversity by encouraging the pursuit of difference within its service structure, even if it is at the expense of uniformity in programmatic interaction.

THE JEWISH COMMUNITY CENTER AND NON-JEWISH NEEDS

There have been scenarios in the Jewish community center that animate the issue of the Center's relationship to the non-Jewish community and non-Jewish needs. The Center may be asked to participate in an interfaith support program to confront the problems of the homeless. A Teenage Social Action Club may request the Teenage Committee and/or Board to draft a resolution in opposition to apartheid or they may want to stage a protest condemning apartheid and seek the Board's blessing. The philosophical issue of scholarships for non-Jewish members has surfaced in many Centers irrespective of United Way guidelines. In all these case scenarios, the underlying issue is the Center's relationship to the broader community and its specific responsibility to non-Jewish needs.

Response

In the Sixties and early Seventies, Centers lined up with other social agencies in carving out a role to reach the Promised Land of the "Great Society." The war in Viet-

nam, Civil Rights, campus activity, and the pollination of universalism inspired alliances with other agencies, government funding, and broad community involvement directly related to service to non-Jews as well as Jews. Later the Jewish community moved inward, as the country became more conservative and Jewish identity became prioritized in the support of Jewish agencies. But the challenge of public affairs and social action did not disappear, because the civic identification and social justice commitment of the Center would be challenged sooner or later even during the most conservative phase of the cycle of our social and political existence.

The answer to this question lies in the understanding of our mission. Most Centers include in their statement of purpose items such as "citizenship responsibility," "social concern," "community relatedness" and so on. They are not much different from the words of our prophets who urge that we "seek the welfare of the community in which we live—for in its welfare shall be our peace" or "separate thyself not from the community." For any of these words to have meaning, we must be prepared to go beyond utterances and into action. The character of our leadership is perceived, particularly by youth, by the quality and courage of our actions, not by the sound of our words.

Involvement in the community to address the problems of the homeless and hungry in a meaningful, not tokenistic, way is not only valid but obligatory for a social agency that professes commitment to building community and to the value of social justice. To become meaningfully involved does not signal an abandonment of our core services to membership or to Jewish purposes. A balance can be struck and guidelines can be drawn by agencies to determine the appropriateness of specific social action proposals in relation to the mission of the Center, to other priorities, political implications, operational considerations, etc. Although our agencies are

service oriented and not community relations oriented, we cannot bind ourselves by narrow constraints which would deny the relationship between the education implied in service and its inextricable connection to the values and action that reinforce and buttress the intrinsic rationale of that service.

On the matter of scholarships for non-Jews, the concern for amenity and dignity take precedence. If we allow non-Jews as members, we should not establish a structure that creates two classes of citizenship. We don't invite two families to dinner and offer one family a four-course dinner and another family a three-course dinner because one family shares our heritage and the other doesn't. The fact that the agency is primarily supported by "Jewish money" is partially offset by the support of "non-Jewish money," and, proportionally, in terms of scholarship requests, the argument favoring distinction doesn't wash.

The issue is one of civility, not commerce. If we accept income from a non-Jew to help pay for the operation of our facility or contributions to support programs and buildings, it would seem inequitable and certainly ungracious not to offer in return the same spectrum of services that we offer our Jewish members. To split off the non-Jews in the one area where indigent families may need our help may not be in keeping with the Jewish values that are at the foundation of our mission.

The membership concept as structured in most centers reflects dues rates that do not cover the actual cost of service. The difference is made up in fundraising activity and community support and those that are absorbed through scholarships are taken into account in formulating budgets. To alter the membership concept for non-Jews, as it may be argued, because of our Jewish purposes and because we have been created primarily for and by the Jewish community, means we allow for a deviation of our own basic structure, and scholar-

ships for non-Jews would unfortunately encourage non-Jewish membership and undermine our Jewish purposes.

The problem with this argument is that there is too much evidence indicating that the quality of the Jewish component is not necessarily related to the proportion of non-Jewish members. In fact, agencies have reported that, in a given year, even though non-Jewish membership may have risen, the depth and range of Jewish services increased because other more salient factors were at play, namely a strengthening of staff and lay leadership groups more committed to Jewish purposes.

Finally, the argument is also suspect

Jewishly. One need only cite the countless quotes in our Torah regarding "love and sensitivity towards the strangers amongst us." The spirit of this message does not encourage rules being changed and policies being enacted to separate out families who, conversely, have been invited in with a different set of policies. Irrespective of issues related to purpose and rationale, Jewish leadership needs to be particularly sensitive to policy procedures that have a "steerage syndrome" in which advantages are granted to one group and withheld from another. Our history and our soul are the guiding light in the resolution of this dilemma.