

# SHOULD JEWISH COMMUNAL WORKERS BE HELD TO A HIGHER STANDARD? Moral Dilemmas in the Workplace

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*Jewish communal professionals are confronted both by societal trends of self-gratification and changing definitions of morality and by Jewish values of community and strict morality. When professionals are deeply committed to Jewish values and are also embedded in secular culture, they must live with the contradictions. When the contradictions weigh heavily, the stand to be taken is to reach for the higher standard, the higher level of morality, and the greater commitment to community.*

## **HOLDING JEWISH COMMUNAL WORKERS TO A HIGHER STANDARD**

Theft begins on a small scale. Staff use agency stamps to mail personal letters, agency phones to make personal phone calls, and agency copying machines to duplicate personal papers. Rabbi Yose's dictum is either not known or forgotten: "Let your friend's money be as precious to you as your own" (*Pirke Avot* 2:17). As the impermissible becomes permissible, it soon encompasses larger thefts that require greater efforts to conceal. Eventually one gets caught and the consequences are dire. One's name is besmirched, the agency is shamed, and the Jewish community feels betrayed.

Rabbi Hertz Frankel's admission of taking \$6 million from the Board of Education for his girls' yeshiva in Williamsburg is well known (Steinberg, 1999). He set up bogus jobs for Hasidic women as school crossing guards so they could receive free medical care and turn over their paychecks to the yeshiva. This is the latest in a series of incidents in which government officials have exposed yeshivas and rabbis for laundering drug money and diverting public funds from secular programs to religious programs or to themselves.

The actions were rationalized through supposed utilitarian arguments—they led to greater good. Diversion of public money for religious purposes would help so many Jewish children who need special assistance, would provide health benefits for parents who can ill afford them, would pay teachers' salaries when funds are inadequate, and would maintain the school infrastructure.

How could these actions be explained and defended? Don't the perpetrators know that one cannot perform a *mitzvah* through a transgression? In a classic case recorded in the Talmud, if one steals a lulav, one has not fulfilled the *mitzvah* of lulav. In Judaism, the ends do not justify the means. Heilman (1999, p. 36) opines that the justification of means is based on a "religious compartmentalization that allows them to say that a crime that enables one to perform a *mitzvah* is all right as long as the crime is committed in the world outside their community's cultural and social boundaries." In these cases, the perpetrators do not consider it illegal to divert public funds for the enhancement of religious institutions.

The rabbinic leader of Agudath Israel of America, Rabbi Yaakov Perlow decried the unethical practices and violation of Jewish law committed by religious Jews. Referring to the ultra-Orthodox community, a spokesman said, "It's because we are easily identified and held to a higher standard" (Greenberg,

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1999, p. 8). Perhaps the ultra-Orthodox are held to a higher standard because they behave as if they are holier than other Jews on religious observance. However, one cannot claim ritual superiority and then complain that one is held to a higher standard when violating civil law.

Why should Jews be held to a higher standard? Why can't they be judged like everyone else? And if they should, which Jews should be held to a higher standard—the ultra-Orthodox because they dress differently and possess Torah knowledge, or every Jew because we are all bound by the moral and ethical strictures of the Torah?

The question—why Jews, more than members of other religions, should be held to a higher standard—is based on a dubious premise. Other religions have moral and ethical codes that hold them to high standards. Law-abiding citizens are appalled by acts of cheating and fraud committed by members of any religious group. What is so special about the Jewish reaction? Jews, in particular, feel so embarrassed and betrayed by these acts because they reflect upon the Jewish community as a whole. When the heads of communal institutions are guilty of public fraud and immoral behavior, the entire community is held to blame. How could these people have been chosen to serve the community? We, too, are guilty because we have not held them to the Torah standards that they themselves teach, and they have not shown respect for American law and Jewish law. The concept—*kol yisrael areivim zeh lazeh*, all Israel is responsible for one another—refers not only to assisting Jews in times of distress but preventing immoral acts that desecrate God's name.

Jewish tradition equates a life lived according to Torah principles with *kiddush hashem*—sanctifying the name of God in the world. Violations of Torah principles bring *hillul hashem*—desecration of God's name. These principles encompass not only ritual behavior but also moral and ethical behavior in social contexts. The Torah's ways are *darchei noam*—ways of pleasantness, de-

signed to teach virtue and sensitivity in interpersonal relationships over and above the requirements of the specific mitzvah.

What is *hillul hashem*—profanation of God's name? Isaac, of the school of Rabbi Janai, said: "If one's colleagues are ashamed of his reputation, that constitutes a profanation of the Name."

Abaye explained: "As it was taught: *And you shall love the Lord your God*, that the name of heaven be beloved because of you. If someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business and speaks pleasantly to persons, what do people say concerning him? "Happy is the father who taught him Torah, happy is the teacher who taught him Torah, woe unto the people who have not studied the Torah for this man has studied the Torah—look how fine are his ways, how righteous his deeds!"

But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in relations with people, what do people say about him? "Woe unto him who studied the Torah, woe unto his father who taught him Torah, woe unto his teacher who taught him Torah! This man studied the Torah: look how corrupt are his deeds, how ugly his ways" (Talmud Bavli; Yoma 86a).

People with Torah knowledge must behave in exemplary fashion because they represent the very best of what Judaism has to offer the world. They are to comport themselves in moral and ethical ways so that their behavior is beyond reproach. But one can avoid *hillul hashem* without being Orthodox or learned in Torah. It requires vigilance in the small things in life, such as not cutting ahead in line, not acting arrogantly or cursing in the presence of others, not littering, and not speeding through a red light. It requires self-awareness as to how people perceive your behavior, no matter who you are and no matter how inconsequential it appears. Every individual Jew's behavior must be exemplary. The expression, "It is hard to be a Jew,"

refers precisely to public behavior.

I have always believed that the true test of a pious Jew is not the performance of the ritual laws but rather comportment in interpersonal relationships. It is easier to observe kashruth and Sabbath than to be honest in business and avoid *lashon hara*—slandering other people. Piety is tested in behavior toward others.

### THE CHOSEN PEOPLE CONCEPT

The question whether Jews should be held to higher standards is correlated with the question whether the Jews are the chosen people.

“And if you observe my covenant, you shall be for a peculiar treasure among the nations because all the earth is mine. And you shall be for me a kingdom of priests and a holy nation” (Exodus 19:5,6). Sforino comments: “And with this you will be a treasure among all others that you will be a kingdom of priests to understand and to teach to all humankind to call in the name of God and to serve Him” (Exodus 19:5).

In its original sense, chosenness obliges all Jews to spread belief in God and the practice of morality in society. It does not imply superiority, but rather task. “The idea that there are, therefore, special obligations of decency and kindness and justice is the actual meaning of the chosen people and is still a real motivation even in the life of modern Jews. When we say ‘all Jews should not be doing this sort of thing,’ we are not scorning anybody, but are taking upon ourselves a higher standard” (Freehof, 1969, p. 72).

Some modern Jews question the validity of the chosen people concept because it conveys a message of superiority in a societal ethos of cultural pluralism and egalitarianism. “I find it impossible to believe in the doctrine of chosen people, yet I know of no way in which Jews can be entirely quit of this myth.... The chosen-people doctrine has been the source of millennia of pathetic and unrealistic self-criticism by Jews” (Rubinstein, 1969, pp. 194–195). It has been vindicated by their

suffering (Neusner, 1969).

Although modern Jews may not be sympathetic to the concept of chosenness, sometimes Gentiles remind Jews that, regardless, they are holding them to higher standards of behavior. The classic illustration of this expectation is the international criticism of Israel when it is deemed to have violated the human rights of Palestinians. The human rights violations of other Arab countries receive nowhere as much scrutiny as do Israel’s. The nation that gave morality to the world can be expected to be tested more severely by those standards.

Jews, and particularly rabbis, are expected to maintain higher standards of behavior not only in business ethics but also regarding sexual morality. For example, should unmarried rabbinical students be permitted to live together? The chancellor of the Jewish Theological Seminary recommended that, if they choose to do so, they should drop out of rabbinical school because premarital sex is a violation of Jewish law. He insisted that no unmarried rabbis should be having sexual relationships because this will teach the general Jewish community that such relationships might be legitimate (Survey, February 1999).

Reactions among rabbis varied widely. Arthur Waskow (1999, p. 22) wrote that “it is possible to shape a sexual relationship between two unmarried people that is ethical and sacred. Rabbis who feel called to this path would become wonderful role models for others in the Jewish community.” Alan Yuter (1999) supported the chancellor’s recommendation, criticizing liberal Jews who would sanction males and females living together for accepting secular modernity as their moral baseline. They invoke idioms like “autonomy” and “pluralism” to justify social choices that do not conform to Jewish tradition. These choices reflect not the values of Jewish tradition but “the values that the cultural elite at the moment espouse” (p. 76).

This divergence of views reflects deep divisions in the Jewish community over the definition of morality. Morality is “the as-

assessment of conduct on the basis of general social norms" (Linzer, 1999, p. 36), independent of specific interpersonal relationships. Waskow's view of morality for Jews seems to be conditioned by societal mores, which legitimate premarital living arrangements for all people, including rabbinical students. Yuter's view of morality for Jews, however, is conditioned by *Jewish* social norms.

In sum, whether in business dealings, sexual behavior, or other areas of interpersonal relationships, various segments of the Jewish community justify fraud through the supposed utilitarian means-ends argument and gauge personal morality by current social mores. The attendant publicity has created a *hillul hashem*, desecration of God's name, because Jews are held to a higher standard by themselves and by others. Jews need to withstand the temptations that beckon them to be like everyone else.

#### MORAL DILEMMAS IN AGENCIES

Ideally, Jewish communal workers—an umbrella group that encompasses a variety of professionals working in Jewish communal agencies—are guided in their behavior by three sources of ethics. The first is the Torah. Jewish communal agencies were established in the noblest biblical and rabbinic traditions of *tzedakah* and *hesed*. The primary *raison d'être* of Jewish agencies is to meet the social welfare needs of Jews, although non-Jews are served too. Locating their ideology in Torah values, however, does not place Jewish agencies in a religious framework. In modern times, they are not religious institutions, having become independent of the synagogue long ago. They are, rather, secular Jewish institutions (Sklare, 1971) and, therefore, are not guided by Jewish law. By asserting that Torah values are a foundation for Jewish communal work, we are not suggesting that the Shulchan Aruch (Code of Jewish Law) be used as a daily reference. Rather, Torah values should serve as one of the major references for professional work, specifically for its moral and ethical dimensions.

The second source of ethics for Jewish

communal workers is the professional association's (the Jewish Communal Service Association) Model Code of Ethics. Excerpts follow:

Professional/communal practice in the Jewish community is based upon Jewish values, humanitarian consideration, democratic ideas, and professional knowledge and skill.

I regard as primary my obligation to the continuity, well-being, and survival of the Jewish people and to the welfare of the Jewish community, its organization, and individuals.

I am committed to a concept of Judaism based on Jewish ethics.

I recognize the special relationship between Israel and Jewish Diaspora.

I support the principle that Jewish communal service requires appropriate professional training and continuing education (Model, 1984).

This code stresses the priority of Jewish obligations over social work obligations. "The primacy of ethical responsibility is toward the Jewish people" (Linzer, 1996, p. 118).

Supplementing the Model Code of Ethics with a decidedly "Jewish" bent are the "Ethical Ten Commandments" (Solomon, cited in Linzer, 1996, p. 28). They contain exhortations to study and practice Torah, *avodah* (service), and *gemilut chasadim* (lovingkindness); build community and Israel; respect diversity and colleagues; seek excellence; transmit Jewish values; uphold justice; and educate the community and oneself through continued Jewish learning. In addition to the professional association's code and "commandments," individual professions within Jewish communal service, including social workers, are committed to uphold their respective codes of ethics (*Code of Ethics*, 1996).

Not all professionals are aware of these three codes of ethics—the Torah, the JCSA Model Code, and each profession's code—nor have been trained in them. However, as Jewish communal professionals, we are bound by Jewish and professional values that regu-

late moral and ethical behavior. We are to treat people with dignity, respect, and honesty. We are required to be *yashar*—straight—in our dealings with all people, on and off the job, and to be above reproach and suspicion. While ethical behavior is required of all professionals who subscribe to codes of ethics, it is more incumbent on Jewish communal professionals because we are subject to a higher authority. The origin of *our* ethics is in Torah, which makes our obligations more binding.

A contrary view claims that Jewish communal workers should not be subjected to a higher standard of behavior than other professionals because the helping professions' codes of ethics share common values and expectations. The fact that most of the professionals working in Jewish agencies are Jews does not bind them to uphold Jewish values in their private lives. Some may feel morally obligated to do so but it is not a requirement of the job. The moral authority to which they subject themselves when they become professionals is no different than that of other professionals. They do not feel they should be held to a higher standard.

The following two scenarios focus the discussion over the higher moral standards of Jewish communal professionals.

### Jewish Education

An intermarried couple who wants to register their child visits the principal of the only day school in the community. Though the father is Jewish and the mother is not, they agreed to raise their son as a Jew. After exploring their interests and motives, the principal is convinced that they are serious about Jewish education and prefer day school to afternoon Hebrew school because of its intensity and impact. Should the principal, in consultation with the board of directors, accept the child? Some of the moral and ethical considerations follow.

Is the child Jewish? If the school is under Orthodox or Conservative auspices and does not receive funds from the local federation, it should be guided by its movement's ideology,

which rejects patrilineality in conferring Jewish status. The child is not Jewish and does not belong in a day school. There is no dilemma.

If the federation does allocate funds to the operation of the school, the decision to reject the child may have to be reconsidered. The federation represents the entire Jewish community where there is support for patrilineal descent by Reform and Reconstructionist groups. The principal may not summarily reject the parents' application because, though intermarried, this family is accepted as Jewish by other communal agencies such as the synagogue, Jewish Family Services, and the Jewish Community Center.

The moral dilemma arises when the community is split over conferring status. When a large segment of the community classifies a child as a non-Jew but a significant segment classifies him as a Jew, what should the day school's policy be? Morals involve generalized standards in society. In this case, the moral issue is whether patrilineal descent should also determine the standard of Jewish status in the Jewish community. The conflicting ideologies create a moral dilemma: What is the right way to classify children born to mixed-married parents? The ethical dilemma, located in interpersonal relationships, is whether it is right for the principal to reject the parents' application to the day school.

The parents' values are clear. They want to raise their child as a Jew, even though conversion for the mother and child is not an option for them at this time. They consider him to be Jewish, thus requiring no conversion. They want to provide him with an intensive Jewish education. The father may regret that he never had a Jewish education; the wife's religious upbringing may also have been weak. They feel that a strong single religious identity is what children need today in order to grow up with a clear sense of themselves and their purpose in life.

The principal's values are in conflict. One of the factors that influenced him to take the job in this day school was his identification with its ideology. His professional *raison*

*d'être* is to teach Jewish children the Torah way of life. As an Orthodox or Conservative Jew, he feels strongly that admission standards should not be compromised and that it is wrong to teach Torah to Gentiles. Yet, when he sits with the parents and hears their pleas, he cannot help but be persuaded by their yearning for their child to learn about being Jewish. He is also aware of the federation's policy of inclusion in all their constituent agencies. The principal's ethical dilemma is whether to act on the values of the specific religious auspice, which results in a policy of exclusion, or to act on the values of the broader institutional auspice, which results in a policy of inclusion.

Ross (1930) suggested that one must weigh conflicting *prima facie* duties to determine which one is more incumbent in a particular situation, though he offers no objective guidelines for prioritizing these duties. A *prima facie* duty is the duty incumbent upon one at first glance until another duty contravenes it. We know such *prima facie* duties as fidelity, gratitude, reparation, and justice to be obligatory from intuition and common sense. The *prima facie* duty of fidelity operates on both sides of the dilemma. It expects the principal to be loyal to the philosophy and principles of Orthodox or Conservative Judaism and, at the same time, to be loyal to the philosophy and principles of the federation. In weighing their respective demands, the principal will have to assess which has greater weight and which duty should override the other.

The principal will also have to consider the principle of utility regarding the action taken. What consequences may result if he decides to accept or reject the application? Accepting would provide a Jewish education to this child whose family identifies as Jewish. It could give other intermarried families opportunities to provide their children with an intensive Jewish education. It could tap into community resources from the wider ideological spectrum that would result in enhanced support from federation. The school would change from being ideologically Orthodox or Conservative to becoming a community day school. Rejecting the child will

close the doors to the children of mixed marriages, reaffirm the school's non-compromising ideology and identity, and possibly dry up funds from the wider community.

The dilemma may not exist for a community-sponsored day school. If the board of directors reflects the pluralistic spectrum of the community's values, its policy would be one of inclusion rather than exclusion in matters of personal status. If the principal's personal ideology is opposed to patrilineal descent, his personal values may not be invoked to thwart this family's application. When personal values conflict with professional values, the ethical obligation is to act on professional values. The principal has two choices—either acquiesce to the school's policy or quit his job. Since the board sets policy, it is responsible for clarifying the admission policy regarding children born of Jewish fathers and Gentile mothers.

This dilemma exists for Jewish educators because they work in a day school that is a religious institution, whereas professionals in Jewish Community Centers, Jewish family services, homes for the aged, and federations do not have this dilemma for they work in secular Jewish institutions.

In the course of resolving seemingly intransigent ethical dilemmas, it is preferable to find compromises that defuse the dilemma so that neither side loses. In this case, it is conceivable that the principal and the parents could negotiate a contract. One stipulation could permit the child to enter the school after the family engages in a period of Jewish study and ritual observances. Another could entail accepting the child for a certain period of time, after which the family commits the child to undergo conversion. If it refuses, the child would be asked to leave the school.

#### **Lay-Professional Relationships**

The central issue in lay-professional relationships is power, which the layperson possesses and the professional does not. But professionals possess something far more enduring than wealth-driven power. Professional ethics, based on principles of do no

harm, justice, respect for autonomy, and beneficence, wield more moral influence than the possession of material resources. Though moral suasion may not be victorious against material wealth, it stands for what is right, good, and just in the society.

Situations that illustrate the conflict between power and morality include board members who want to designate their gift to specific agencies and programs, to circumvent the waiting list at the nursing home, and who try to influence allocations when two services are in conflict. These situations represent conflicts of interest for board members and executives.

Recent developments in fund raising reflect shifts in donor giving. Whereas the traditional pattern has been to contribute to the general fund from which distributions were made to the constituent agencies and programs, the shift to designated giving and the establishment of family foundations have created moral dilemmas for federations. Individuals can now control and direct the distribution of funds to their favorite agencies. They can force federations to respond to their requests. These trends portend the undermining of the federated system that is based on the concept of communal giving and responsibility. Acquiescing to donor centeredness bypasses the established system. The donor's stance reflects a weakening communal commitment that is part of a larger cultural norm of philanthropic individualism.

The conflicting values are the organization's commitment to strengthen community and the donor's commitment to individual choice. Federation strengthens community when it involves and respects community representatives to make decisions to apply resources according to the most critical needs of the total population. Donors who choose to designate their pet agencies and projects as recipients of their gifts bypass the communal structure. Federations have options either to incorporate both community and individual values by opening new designated funds to bring these individuals into the fold or refuse to involve them in community

building.

In the case of circumventing the waiting list, the principle of justice requires that fairness to the people on the waiting list who were there first supersede the *prima facie* duty of gratitude to the donor. This may not occur, however, due to the donor's political and monetary clout. Executives who do stand up to donors may lose substantial gifts to their agencies and may even jeopardize their jobs, but they are doing what is right and promoting the moral standards of their agencies and professions (Linzer, 1996).

Ethical issues always arise when requests for service exceed limited resources. How does one decide where to cut and where to increase? For example, do we reduce allocations to resettle immigrants in the United States and in Israel in order to expand programs for the elderly who are living longer and will need more intensive services? Should the resources committed to Birthright Israel (sending teenagers to Israel) be redirected to provide camp scholarships for Russian immigrant youth? "By sending them to camp for two years, you're doing a lot more for their Jewish identity than sending them to Israel for two weeks" (Rapfogel, cited in Spence, 1999, p. 13). Is there a right and a wrong in this dilemma?

What makes these situations ethical dilemmas? An ethical dilemma is a choice between two actions that are based on conflicting values. In designated giving, there is a conflict between the value of community and the value of individualism. In circumventing the waiting list, the value conflict is between the agency's fiscal self-sufficiency and justice for the people on the waiting list. In allocation ethics, the value conflict is between meeting the needs of one group versus the needs of the other group.

The formal approach to resolving ethical dilemmas requires weighing the respective *prima facie* duties and applying an ethical decision-making model (Linzer, 1999). The informal approach requires an in-depth investigation of the variables involved. One of the major variables is the quality of the relationship between the parties. In the cases of

designated giving and circumventing the waiting list, how close are the executive and the lay person? What is the nature of their working relationship? Is the lay person a "stranger" or an "intimate" (Toulmin, 1981)? The difference is fundamental. If a stranger, "in the ethics of strangers, respect for rules is all, and the opportunities for discretion are few" (p. 35). The executive would apply the agency's rules because that is the ethical thing to do, regardless of the consequences. However, if the relationship is one of intimacy, then "in the ethics of intimacy, discretion is all, and the relevance of strict rules is minimal" (p. 35). The executive would look for ways to bend the rules so that the lay person is not offended and the agency is not hurt by the lay person's action.

While the application of rules may, at times, seem arbitrary and could conceivably alienate the lay person, skirting the rules by the use of discretion may lead to unethical behavior. Discretion must be applied discriminately, with sensitivity and anticipation of consequences, so that although neither side wins, neither side loses.

The use of discretion can be as effective in resolving ethical dilemmas as the application of the ethical decision-making model. The latter, however, leaves "moral traces" (Nozick, cited in Beauchamp & Childress, 1994), which refers to guilt feelings at the decision overridden, whereas the former seeks compromises where neither side loses.

### CONCLUSION

Jewish communal professionals face enormous challenges in their work with the laity. They are simultaneously confronted by the insidious societal ethos of self-gratification, changing definitions of morality, and a lowering of boundaries between Jews and other groups, versus the Jewish values of community, strict morality, and the raising of boundaries between Jews and other groups. Where do they stand in these dichotomies, especially when they are deeply committed to Jewish values but also embedded in secular culture? It is in the nature of their personal and profes-

sional lives that Jewish communal workers must live with this contradiction. When the contradiction weighs heavily, the stand to be taken is to reach for the higher standard, the higher level of morality, and the greater commitment to community.

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