

ETHICAL CONSIDERATIONS IN SERVING INTERMARRIED COUPLES

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This article explores the conflict between the values and ethics of social work and the values and ethics of Judaism that arises when serving intermarried clients or prospective mixed-marriage couples. It examines the values of the social worker, Jewish family service agency, and rabbinic community regarding an agency policy on intermarriage and applies the deontological and utilitarian theories to that policy.

A recently completed national Jewish survey found that "a staggering 49% of Jews who married since 1985 wed persons who were 'not born or raised a Jew,' and only 6% of the non-Jewish spouses converted to Judaism" (*Jewish Week*, 1990). The article goes on to elaborate on the alarming increase in intermarriage rates over the last 35 years and its acceptance by segments of the Jewish community as inevitable. It adds that the organized Jewish community has not yet come to terms with the magnitude of the problem, nor with what to do about it. Indeed, institutions in the organized Jewish community— notably synagogues, Jewish Community Centers (JCCs), and Jewish family services—are struggling with policy questions regarding acceptance or rejection of intermarried couples and families as members and clients, and outreach efforts to bring them closer to the Jewish community.

Jewish Family Services (JFS) of Baltimore has confronted the implications of the intermarriage phenomenon for its own mission, policies, and ongoing service to clients as it considers how to operationalize the "J" in Jewish family services. Its stated mission is "to strengthen Jewish individual

and family life and promote Jewish identity." The following JFS policy statement illustrates the interface between the Jewish dimension and professional social work concerns and the potential for conflict between them:

When Jewishly sensitive life cycle or potentially controversial issues arise in a residential service, counseling session, or other JFS-sponsored setting, the professional staff at JFS should be sufficiently trained and expected to:

- identify and present the Jewish dimension and/or conflict in values which the particular dilemma raises (e.g. life-cycle issues of personal status, such as a prospective mixed marriage, divorce, unwanted pregnancy, etc.)
- if appropriate refer the client to a rabbi of his/her choice or to one made available through a JFS roster of rabbinic leaders, according to the individual's preferred branch of Judaism;
- respect the social work process and the client's ultimate decision concerning this dilemma, regardless of what that final decision is;
- (exceptions may be made when this is judged to be clinically contra-indicated) (*Defining the J*, 1991).

The focus of a recent seminar on ethics for the staff at JFS was on intermarriage or, as referred to above, "a prospective

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mixed marriage." Two policies were stated at the outset. Both the Project on Intermarriage (co-sponsored with the Baltimore Board of Rabbis) and the Jewish Information Service, a community information office of JFS, are prohibited by agreement with the Board of Rabbis from furnishing information about rabbis and cantors in the community who are known to officiate at mixed marriages. Individual social workers, however, may use their own discretion in disseminating such information to a prospective couple. There is as yet no agency policy permitting or restricting such information in the counseling situation; the decision lies with the social workers themselves. The question that served as the catalyst for the value and ethical analysis was the following: Is it ethical for the social worker to withhold such information from a couple contemplating intermarriage when the couple asks for it?

This article details the thinking process by which the ethical question was analyzed. Its purpose is not to suggest what the policy should be, but to discuss ethical considerations in withholding information from a client in an intermarriage situation. Since ethics has been conceived of as "values in action" (Levy, 1979), the analysis proceeds from categories of professional values to the application of ethical theory.

CATEGORIES OF PROFESSIONAL VALUES

Values, as used here, may be viewed as preferences invested by individuals or groups with strong emotional meaning. They are not merely abstract constructs, but they commit the individual or group to action. Ethical behavior represents action that is consistent with values.

Professional values have been classified into three groups (Levy, 1973):

1. preferred conceptions of people
2. preferred outcomes for people
3. preferred instrumentalities for working with people

The first category of professional values informs and influences the others. How we prefer to view people is a value that determines the outcomes we want for them and how we work with them to achieve these outcomes. Some examples of preferred conceptions in social work are the worth and dignity of human beings and their capacity for change. In Judaism, a preferred conception is the belief that humans are created in the image of God.

Preferred outcomes for people are influenced by preferred conceptions. If we view people as possessing dignity and worth, we would want them to live in dignity. Valued outcomes include good health, a home, a job, a decent income, stable family life, friendships, and so on.

Preferred instrumentalities refer to "how" social workers work with people. Social workers value being nonjudgmental, non-discriminating, providing acceptance and support, and maintaining confidentiality. These practice values reflect respect for human potential and the aim of helping people achieve a life of dignity. This classification of values was applied by the staff at the seminar to the question whether it is unethical for the social worker to withhold the names of intermarriage officiators (rabbis, cantors) from a prospective intermarried couple (Table 1).

Though there are other parties to the issue, the social worker, the agency, and the rabbinic community were selected because the conflict is highlighted among them. The couple as the client was not included because this classification focuses on values concerning the client. The client is the object of the social worker's and agency's values. It is their preferred conceptions, outcomes, and instrumentalities regarding the client with which we are concerned.

However, it is important to point out the client's perspective. It is the couple's wants and needs and the consumer-driven orientation currently prevalent in social services that obligate the agency to be responsive. Clearly, prospective mixed-married

Table 1
VALUES CLASSIFICATION BY SOCIAL WORKER, AGENCY, AND RABBINIC COMMUNITY
REGARDING THE INTERMARRIAGE POLICY

	Preferred Conceptions of People	Preferred Outcomes for People	Preferred Instrumentalities for Working with People
Social Worker	Dignity Capable of making decisions, responsible for those decisions, capable of leading own way of life	Happiness Lead a Jewish life Lead a life according to their own wishes	Nonjudgmental Self-determination Provide information
Agency	Dignity Capable of making decisions, responsible for those decisions, capable of leading own way of life, Jewish partner capable of creating Jewish family life	Become a Jewish family, affiliate with Jewish community, identify as Jews, prevent intermarriage	Nonjudgmental Self-determination Not provide information
Rabbinic Community	Dignity, right to make own decisions, violating biblical norms, eroding fabric of Jewish life	Prevention of intermarriage, in conflict over conversion of non-Jewish partner and family membership in synagogues	Not provide information

couples who ask for the names of marriage officiators do so with the expectation that the agency will provide such a list. By requesting these names, couples express the value of obtaining Jewish communal sanction of their marriage and perhaps future affiliation and raising their children as Jews. The request for a wedding under Jewish auspices may also reflect their value of satisfying the needs of parents and grandparents. Whatever their motivation, which could be explored in the counseling situation, the couple's request for the list ethically obligates the agency to provide it because the values upon which the request is based meet their needs constructively.

The Social Worker

The social worker, guided by the values of the social work profession, prefers to view this couple as having dignity and as capable of making decisions regarding marriage and taking responsibility for the consequences of those decisions.

It is interesting to note that, during this part of the discussion, no staff member made any mention of the couple being of mixed religious backgrounds. Yet, that fact may have been implicit in their preferred conceptions, i.e., capable of leading their own way of life.

The social workers' preferred outcome for the couple is their personal happiness, but here there was a split in the seminar discussion. Some staff members would like the couple to decide to lead a Jewish life, whereas others are prepared to leave the decision up to them. For some social workers, personal values and agency values coalesce in their desire to see the couple join the Jewish community. Other social workers are able to separate their personal values from their professional values in freeing the couple to decide which way they want to go.

Social workers' preferred instrumentalities are to be nonjudgmental and to support self-determination. This means that they have no professional preference whether

and with whom individuals choose to marry and that their role is to help their clients make a decision that is best for them. Consequently, social workers value providing the information that the couple is seeking. Since one of the social workers' functions is to serve as a community resource, providing this information is part of that service. Yet, some staff resisted the inclusion of providing information as a value because they believe that by doing so, they would be encouraging intermarriage. This may be an example of the intrusion of personal values into professional values and function, but it may also result from their strong identification with agency purpose.

The Agency

As a social work agency, JFS supports all the preferred conceptions of the social workers on its staff. The couple is seen as responsible and capable of making decisions that will affect their future. Yet, the agency is also an instrument of the Jewish community that aims to perpetuate its survival. This affiliation focuses its preferred conception of the religiously mixed couple as capable of leading a Jewish way of life and raising a Jewish family. The agency also wants to view them as potentially belonging to and identifying with the Jewish community.

There is a close relationship between how the agency prefers to view the couple and the outcomes it values for them. One of the preferred outcomes is preventing intermarriage and encouraging the couple to affiliate with the Jewish community.

The agency's conflict between its professional social work identity and its Jewish communal identity comes to the fore in the category of preferred instrumentalities. In rendering a professional service, the agency maintains a nonjudgmental approach to clients and seeks to foster their self-determination. However, it balks when requested to provide information to the couple because it cannot condone an action

that may be construed as supporting intermarriage. It is for this reason that the Jewish Information Service, a program of the agency, is not permitted to divulge the names of cantors and rabbis who officiate at interfaith marriages.

Although the agency has not instituted such a policy but prefers to leave it to the discretion of the professional, the professional knows the preferences of the agency. The social worker is granted the freedom to act according to professional judgment and client need, but the ethos of Jewish communal life pervades the agency and the counseling setting and, in effect, delimits that freedom.

Rabbinic Community

The rabbinic community is not monolithic and consists of rabbis representing a wide spectrum of religious ideologies. However, though they are diverse in their belief systems and religious practices, they tend to agree that intermarriage is forbidden by Jewish law and is a threat to Jewish survival. Intermarriage is to be discouraged and efforts expended to prevent it. This is a primary function of Jewish communal institutions, including federations, synagogues, JCCs, and Jewish family services. Though rabbis were not represented at the seminar, their views were inferred by the group.

In their preferred conceptions of the prospective mixed-married couple, the rabbis value their dignity and their right to make decisions that will affect their life together. Although the couple's self-determination is respected, the rabbis conceive of their decision as a negative value. By marrying, they are violating a biblical norm and eroding the fabric of Jewish life.

The rabbis' preference for the outcome of the counseling situation is the prevention of intermarriage. However, differences among them abound when the marriage is executed and the question of conversion of the non-Jewish spouse is raised. Some

of the more liberal rabbis would support conversion, whereas the more conservative rabbis would not. Similar disagreements would arise regarding the couple's synagogue membership. Some rabbis would accept a mixed-married couple as members, whereas others would not.

The rabbinic community conveys the message to the social worker that its preferred outcome is the dissolution of the pending marriage. If the social worker is not successful in that effort, the rabbis are split on the preferred outcomes regarding conversion and synagogue membership. They cannot give a unanimous message because one does not exist.

To achieve these outcomes, the rabbis value the social worker not providing the information. By not giving the requested information, the social worker, in effect, conveys the agency's and community's negative valuation of intermarriage. The rabbis hope that this action will deter the couple from proceeding with the marriage.

The rabbis view the agency and the federation as part of the Jewish institutional network that also includes the synagogues. All need to pull together to prevent the erosion of Jewish life through intermarriage. Though intermarriage rates are rising, the rabbis still hope that it could be thwarted by what professionals do and say while counseling prospective mixed-married couples. The rabbinic community would be highly incensed and would express its outrage publicly were JFS to adopt a pro-referral stance. Such a stance would inevitably be interpreted as support for intermarriage, which cannot be countenanced by the organized Jewish community.

A QUESTION OF ETHICS

Having presented the respective value classifications of the social worker, the agency, and the rabbinic community, we must now determine whether it is ethical to withhold the information from clients. Two theories that can assist in making that decision are the deontological and the

utilitarian. Deontological theory posits the inherent rightness of an action, for reasons other than their consequences. Some philosophers, such as W. D. Ross, find intuition and common sense sufficient. Ross (1930) maintains that there are several basic moral principles, or *prima facie* duties, such as fidelity, non-maleficence, beneficence, and justice, that justify moral action. We must keep a promise simply because we made it to another person.

Utilitarians maintain that the moral rightness of an action is determined by its consequences. An action is justified if it produces more good than any alternative action. The greatest good for the greatest number is a utilitarian concept. We must keep a promise in order to promote mutual trust in the community (Beauchamp & Childress, 1989).

In applying these theories to the intermarriage situation, social workers taking the deontological approach would urge that the information be provided. This is based on the principle of beneficence, which holds that we have a duty to contribute to clients' welfare. The client is asking for the information, and one of the social workers' functions is to serve as a resource for community services. The social work service situation requires that the professional respond to client needs; in this case, answering the request for assistance in pursuing their life goals is the right thing to do.

Although the deontological position may seem self-evident at first glance, one may argue that the opposite conclusion may be drawn. The fact that the social worker is employed by a Jewish agency that is deeply committed to Jewish continuity may serve as a rationale for not providing information. A Jewish agency should not promote intermarriage by divulging the names of officiators. The principle of non-maleficence—not causing harm—would be operating here.

The principle of non-maleficence appears weaker than the principle of beneficence in this situation. Promoting intermarriage

is actually a utilitarian concern, not a deontological one, as it considers the consequences of providing information. Providing information to a couple considering intermarriage does not inevitably lead to intermarriage nor does withholding the information prevent it, as they could obtain the information elsewhere. It is, therefore, not self-evident that the social worker in a Jewish agency should withhold such information because it promotes intermarriage.

According to Ross, while we intuit moral principles, we do not intuit what is right in the situation; rather, we have to find the greatest balance of right over wrong. In this situation, the greatest balance seems to favor the principle of beneficence over non-maleficence because it meets the clients' need to know and contributes to their welfare.

Social workers taking the utilitarian perspective, which is concerned with the consequences of action, need to investigate the consequences for the various parties to this situation. By withholding the information when couples ask for it, the social worker may alienate them from the agency and the Jewish community. But what if couples say we want a rabbi to marry us in order to be part of the Jewish community? Would this statement of intent facilitate the social worker giving the names? From a utilitarian perspective, giving the names could lead to the greater good and is the ethical thing to do.

The consequences for the agency may be more harmful. As the agency is sensitive to its image in the Jewish community, when the action becomes public knowledge, it could arouse condemnation and public outrage from those factions that are more Jewishly identified. It may threaten its financial support. It may alienate the client from Jewish communal life. Other prospective interfaith couples may not seek service from the agency.

It is also conceivable that positive consequences may ensue. The couple may break up, and the agency can claim that it did not promote the intermarriage. Despite

the agency's refusal to provide the information, the couple may proceed with the wedding after finding a rabbi or cantor on their own and then may decide to affiliate with the Jewish community. The agency's image may be enhanced among the more liberal groups in the Jewish community, which would thereby neutralize the criticisms of the Orthodox and the other groups.

The essential question that the utilitarians need to ask is: How much good will occur if the social worker does tell, and how much good will occur if the social worker does not tell? Which will lead to the greater good or the greater harm? It is always more difficult to anticipate the possible consequences as they are so variable and the future is unknown than to weigh the intuitive balance of right over wrong.

CONCLUSION

Although the issue of providing information on intermarriage officiators to interfaith couples may appear academic, as they could obtain it on their own if they are resourceful, the study of the values and ethics underlying it is a useful and complex exercise. The issue is complicated by the fact that the social worker is employed by a Jewishly committed agency influenced by a rabbinic community, one that sees itself as promoting Jewish values and strengthening Jewish family life. The prospect of intermarriage creates ideological conflict between the values and ethics of social work and the values and ethics of Judaism. When an agency subscribes to both, it is caught in a bind.

The social worker too is caught in a bind. The social worker in this agency subscribes to the values of the profession and the Jewish community, which do not completely coincide in this case. Therefore, when the agency places the onus of the decision to divulge the information upon the social worker, he or she must wrestle with the conflicting values and ethics to illuminate the dilemma. The decision should

not be based on personal values, but on professional values. Basing action on professional values is the hallmark of the professional.

REFERENCES

- Beauchamp, Tom L., & Childress, James F. (1989). *Principles of biomedical ethics*, 3rd ed. New York: Oxford University Press.
- Defining the J in JFS*. (1991). Baltimore: Jewish Family Services.
- Levy, Charles S. (1973). The value base of social work. *Journal of Education for Social Work*, 9(1), 34-42.
- Levy, Charles S. (1979). *Values and ethics for social work practice*. Silver Spring, MD: National Association of Social Workers.
- Ross, W.D. (1930). *The right and the good*. Oxford: Clarendon Press.