

A Code of Ethics for Jewish Communal Service?

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The objective for a code of ethics is not merely to restrict practice, but to illuminate, encourage, enable, and inspire ethical practice. The complications of Jewish communal service, and the stakes in its successful implementation for individual Jews and for the Jewish community, require all the help that can be made humanly available.

Ethical Conflicts in Jewish Communal Service

These are times that try ethical souls. This applies as much to social agencies as to individual practitioners. Agencies are caught between the pressure to obtain funds sufficient for survival, let alone optimal functioning, and the pressure to honor the purposes for which they were created. Practitioners, in turn, are caught between the pressure to realize agency aspirations under challenging circumstances and the pressure to deal justly and competently with agency clientele.

Jewish communal services, like other ethnic and sectarian services, are especially subject to such strains. Since funds for Jewish services are not as readily available as they have sometimes been—certainly not for support of local services—agencies have to contend with

inroads on their purposes and preferences as sectarian institutions, as a precondition of the receipt of public and other non-sectarian resources. Since Jewish agencies are alarmed by realities which threaten the fate and status of the Jewish community and the Jewish group, practitioners in them are inhibited in their service responsibility to individual Jews whose personal needs may not coincide with the collective needs of the Jewish community or group as a whole.

It is in times of crises like these that a code of ethics becomes a critical necessity, if not as a specific guide for specific actions, then as a general guide for the ordering of priorities regarding actions in relation to needs and obligations.¹

their basic function in life, even Jewish life, and the service they are assigned and socially sanctioned to perform? The requisites of the good life, including the good "Jewish" life, transcend even critical momentary reversals.

Another aspect of the concern here is suggested in the response of agencies to crises, which takes on the coloration of panic. In itself, this may not be serious; but the result can be devastatingly overdetermined. As it is put in another connection in *Leviticus*: "And the sound of a driven leaf shall chase them; and they shall flee, as one fleeth from the sword; and they shall fall when none pursueth. And they shall stumble one upon another, as it were before the sword, when none pursueth; and ye shall have no power to stand before your enemies (XXVI: 36-37)." Crises make agencies as well as individuals do peculiar, often destructive, things.

The Problem of Codifying Ethics for Jewish Communal Service

The codification of ethics applicable to the behavior of practitioners and agencies in Jewish communal service is problematic because Jewish communal services include a wide range of functions and disciplines. Ostensibly a common denominator of responsibility is required for the codification of valued practices. Jewish communal service does meet this requirement. Despite the diversity of functions and practices within Jewish communal service, it is guided by general aspirations attributable to Jews wherever they are located and however broad and inclusive the range of their needs and interests. These collective aspirations constitute the "relevant ends of the variety of forms of work represented in Jewish communal service."²

Jewish communal agencies are distinguishable from one another in many ways, but they do share many characteristics and concerns, all of which are substantively related to the ideological premises upon the basis of which they have been created and assigned their function.

Where functions and responsibilities vary, expectations necessarily vary. Similarly, institutional expectations, and the expectations of institutions, necessarily differ from individual expectations and the expectations of individuals. If institutions and individuals do different things, in relation to different needs and purposes, it stands to reason that different expectations must be entertained of them. And codifications of ethics are essentially more or less systematized behavioral expectations, particularly expectations premised on values or behavioral preferences.

Nevertheless, because Jewish communal services are bound by the specifiable obligations of agencies and practitioners, which tie them to aspirations and purposes that transcend their services and relationships to their

² Charles S. Levy. "Toward a Theory of Jewish Communal Service," *Journal of Jewish Communal Service*, 50:1 (Fall, 1973), p. 45.

clienteles, some kind of guide to their choices of action in relation to ethical issues would seem to be indicated, if only to establish the grounds of supererogatory action. Such a guide would be especially necessary and valuable in light of the probability of tension as between institutional purposes and environmental forces, and as between practitioners' devotion to their clientele and their loyalty to their employing agencies. Ambiguity with respect to responsibility and obligation only increases these tensions and aborts problem-solving.

The Ethical Responsibility of Agencies

The primary purpose that might be served by a code of ethics for Jewish communal agencies is the delineation of obligations with respect to the Jewish group as a whole and those with respect to the clientele they serve. The latter deserve and need clarity regarding whether, and the extent to which, they can expect a priority of attention to their own needs and wishes as against the communal purposes served by an agency; whether, and the extent to which, they can expect to be viewed as ends in themselves or as means to communal ends. They also deserve and need clarity regarding the differential functions and purposes of Jewish agencies and institutions, so that they can appreciate why the functions and purposes of some Jewish agencies and institutions coincide more closely with, and stress communal ends more definitively than others. The relative dogmatism and directiveness of synagogues and Jewish schools, for example, would not be then so surprising. On the other hand, the relative permissiveness and non-directiveness of group, family, and vocational services would also represent a standard of client expectation with no implication of any contradiction regarding the role of sectarian services and the values by which they are guided.

Another purpose that might be served by the codification of ethics for Jewish agencies is the communication of mutual expectations, as between agencies and their clientele, re-

garding the significance and relevance of Jewish values to agency policies and procedures. This need not be and, depending on the professional disciplines represented in the agencies, cannot be, an exclusive focus, since other value systems may also be significant and relevant, as shall be suggested shortly. But Jewish agencies owe some clarity—and clients and others require it—about the congruence between what Jews presumably value—certainly by way of institutional and professional conduct—and what clienteles and others can expect to experience in Jewish agencies.

The enunciation of such values hardly serves to rigidify or even simplify ethical choices. Such choices are inevitably difficult, especially when actors experience conflicting loyalties. But codified principles do constitute paradigms, at times for the ultimate reconciliation of conflicting obligations and, at times, for the conscious and substantiated selection of one as against another.

What can be aimed for is a set of "ground rules" which would, on one hand, govern the policies and practices of Jewish agencies and institutions which perform some kind of service function in behalf of Jew and perhaps others, as well; and which would, on the other hand, suggest to clients as well as others what they can expect to find by way of conduct and treatment in those agencies and institutions. Similarly, "ground rules" might be sought governing the relationships among the agencies and institutions in Jewish communal service. These "ground rules" could be but general ones at best, and far from definitive ones at best; for they must be applicable to the myriad types of organizations and media that make up the Jewish communal structure. Nevertheless, they must be serviceable as "bench marks" to guide those who run, and those who use, these organizations. More specific guides would have to be added for the more functionally specific, and hence differentiated, characteristics of the different categories of organizations, like religious, residential treatment, family service, recreational, educational, and other types of agencies and institutions.

I cannot presume to dash off a code of ethics that could serve such broad purposes for Jewish organizations, but one could be formulated by them with a bit of deliberation and effort. However, I can offer one or two of the types of ethical principles that might be contained in such a code, and I dare say that the very process of formulating such a code would undoubtedly afford considerable illumination affecting the ethics of Jewish organizations. For example, persons served by them, or who deal with them, or who practice in them, could be assured by enunciated ethical principles, that their religious preferences and practices will not be offended by what goes on in them; and reminded that neither should those persons feel free to offend the religious preferences and practices which the organizations symbolize. And persons who are served by, or work in, Jewish organizations could be assured, on ethical grounds, that they will be treated fairly and equitably, and with the dignity that is both hallmark and prescription of Jewish tradition.

Despite the greater ideological constraints of religious and partisan organizations as compared with the more secular, and programmatically more broadly-based agencies, they share with them common grounds as Jewish, and as client—or constituent-oriented entities, to make possible and serviceable the formulation of ethical principles which identify general behavioral expectations—beyond those associated with the particular functional competence of the various types of organizations. Perhaps controversial, but worthy of consideration nevertheless, would be the avowal of the ethical principle that, whatever the collective stakes of Jews, in theological as well as social and cultural terms—and this has had much to do with the very growth of Jewish organizations and services—credence and acceptance would be accorded to every person who is served by them, each in his own right. Each person in turn would owe respect for the function that each of the organizations and resources has been designated to perform. This would imply, of course—and this would, therefore represent a corollary ethical princi-

ple—that each of the organizations and services could be held accountable for the adequate performance of its designated function, while remaining open to influence and change through available processes (another corollary ethical principle), and on the basis of responsible, meritorious, and substantiated grounds, and on the basis of clearly understood criteria—like responsiveness to changing needs, imperative priorities, and so on (still another ethical corollary).

Similarly, ethical principles might be identified which could help Jewish organizations avoid the destructive impact of acts perpetrated in predatory competition and strife with other Jewish organizations—acts which sometimes do occur in the organizational struggle for community resources and approval, or institutional self-preservation and aggrandizement.

Attention is not often paid to the ethics of organizations. There is, therefore, not much for Jewish communal organizations to go on by way of precedence and models to help them in the formulation of a code. But it would be an interesting challenge, and it could be a productive one. For Jewish organizations, the ultimate theological foundations of which are so profoundly ethical, it would be an especially appropriate undertaking.

And the need persists. I trust I do not give offense by resorting to a perhaps unfortunate, yet indicative, analogue to suggest that organizations may be held as accountable for their ethics as professions presumably are. I am referring to the ruling by Judge Frank M. Johnson, Jr., of Federal District Court, that the state of Alabama was "not at liberty to afford its citizens only those constitutional rights which fit comfortably within its budget."³ Aside from the constitutional issue posed by the proceeding which prompted this ruling, it has considerable ethical import for Jewish agencies and institutions, since practical and other considerations are constantly adduced by them as a basis for tempering

³ Ray Jenkins. "Alabama Prisons Ruled Unconstitutionally Cruel," *The New York Times*, January 14, 1976.

ethical imperatives. A thoughtfully conceived code of ethics would set proper limits on organizational freedom in this regard.

A perhaps more unfortunate analogue, but nonetheless a dramatic reflection of the emphasis here, is the tragic case of the Vatican and the holocaust. Even so benevolent a cleric as Pope John XXIII, who was indeed helpful to persecuted Jews, suffered "some uncertainties in my spirit." Why? Because his help "contributed to the realization of the messianic dream."⁴ His sense of social justice, in other words, conflicted with his sense of Christian responsibility.

I do not mean to equate this dilemma with dilemmas commonly faced in Jewish communal service, but is it so far afield to suggest that organizational and communal ends sometimes conflict with service and relational obligations and, not infrequently, that the former are accorded disproportionately more priority than the latter? Religion can be one provocation. Vested interests can be another. And misguided judgement can be still another. Remember that even peace and public health and welfare have been discredited as unwarranted intrusions on the "natural" processes of population control. And, in spirit, Malthus and Spencer are alive and well in western civilization. Well, Jewish organizations are just as capable of value distortion, even though they may not be so inclined to perpetrate extreme malice and injustice.

An illustration on a smaller, perhaps more innocuous scale, though nonetheless pertinent, is contained in Gaynor Jacobson's observation about the treatment of Soviet Jewish immigrants—by way of implication at least:

We have often heard that the Soviet Jew is more Soviet than Jew. Singled out for being Jewish in the Soviet Union, often he is aware that he is a disappointment to those helping him now because he is not Jewish enough. Many of our religious institutions have not begun to understand or deal with their own ambivalence in their response to the lack of

⁴ Alvin Shuster. "Vatican Releases 43 Documents on Handling of Jewish Problems," *The New York Times*, January 24, 1976.

Jewish identification of the Soviet Jews in their communities.⁵

However limited these inclinations, the codification of a few ethical principles might conduce to a bit of welcome restraint. As Kant once graphically described this sometimes overriding influence of ethnic, sectarian, or religious zeal which may require the constraints of an effective code of ethics: "The most ungodly of all passions is that of religious fervour, because it makes man think that under the cloak of piety he can do all manner of things."⁶

A Code for Jewish Communal Workers?

Although I have proposed the consideration of a code of ethics for Jewish communal agencies and institutions, I have not done so without recognition of the reality that it's not bricks and mortar that are ethical or unethical but human beings. Considerations must therefore be given to the ethical responsibility of the staffs of Jewish communal services. The problem with that is that Jewish communal services include practitioners of a wide range of identifiable occupations, many of which have their own codes of ethics. Practitioners of these occupations are presumed to subscribe to, and abide by, their own occupational codes. Accordingly, they have their normal quota of conflicts and dilemmas when these codes do not in some detail coincide with the practices and expectations of the agencies and institutions by which the practitioners are employed—which is another story.

More pertinent to this presentation are the

⁵ "Spotlight on Soviet Jewry: Absorption in the USA—Challenge and Prospect," *Journal of Jewish Communal Service*, 52:2 (Winter, 1975), pp. 193-4.

⁶ *Lectures on Ethics*, trans. Louis Infield (New York: Harper Torchbooks, 1963), p. 147. The practical consequences of these inclinations may be suggested by the zeal—subsequently invalidated—with which Jewish communal leaders supported the candidacy of Richard Nixon in 1972, ostensibly because he supported the Israeli cause, thus failing to contend with the tenuousness of such a stance, as well as numerous other prerequisites of political support.

questions: Is there a need for a code of ethics for Jewish communal workers as a group (since some of its sub-groups also have their own codes of ethics—e.g., some of the rabbinical groups, the Association of Jewish Center Workers, etc.)? And is a coherent formulation possible, given the variety of functions and occupational orientations, and the multiplicity of sectarian and occupational identifications represented among them?

I propose affirmative answers to both questions, but not because of an assumption, which is often made, that Jewish communal service is a "profession." This assumption has never been satisfactorily documented, and I doubt that it can be, according to all available criteria of professional status.

Nor do I believe that the assumption of the professional status of Jewish communal service is either necessary or sufficient for the purpose of codifying the ethical principles by which Jewish communal workers may be said to be bound.⁷ Despite the usual inclusion of the adoption of a code of ethics as *one*, and only one, of the criteria of professional status (and even some of these seem rather arbitrary sometimes), a code of ethics does not a profession make, and far too many occupations which have adopted codes of ethics can hardly claim professional status.⁸

At the same time, despite the many differences in responsibility, function, and orientation among Jewish communal workers—and these, too, suggest ethical constraints to which they feel committed—Jewish communal workers share goals, aspirations, and obligations, *as* Jewish communal workers,

⁷ The pursuit of the question of the professional status of Jewish communal service leads irresistibly to a peculiar *reductio*, since it is possible to reach a point in its deliberation at which the professional status of Jewish communal workers as a group is confirmed although the professional status of some of the disciplines represented by them remains in doubt. However, to dwell on this issue is unnecessary digression here.

⁸ Cf. Charles S. Levy, "On the Development of a Code of Ethics," *Social Work*, 19:2 (March, 1974), pp. 207-216.

which are amenable to transposition into a code of ethics. Aside from the ethics attributable to practitioners of particular occupations in Jewish communal service, a code of ethics may be constructed which is specifically applicable to Jewish communal workers as a group in view of the general spiritual and theological, as well as sociological and historical framework within which their collective occupational function is cast.⁹ I believe, moreover, that there is an urgent need for the codification of the mutual expectations between Jewish communal workers and the clientele they serve in Jewish agencies and institutions. We are living in an era of unprecedented tensions between servers and served, and guidelines are necessary if these tensions are to be constructively and productively resolved, for the sake of the clients and constituencies of Jewish organizations, for the sake of improved service, and for the sake of the individual and collective requirements of the Jewish group as a whole. And this purpose a code of ethics for Jewish communal workers can serve. It cannot be a panacea. It cannot purport to define and govern the quality or the quantity of service to clients and constituents. But it can set down, for all the world, practitioners included, to see, the ethical boundaries by which the practices of Jewish communal workers and the relationship between workers and their clienteles are generally constrained and perhaps even inspired. This would seem to be a just and appropriate end for workers in Jewish communal service.

Joel Feinberg offers an apt basis for validating the consideration of a code of ethics for Jewish communal workers when he refers to "the assigned tasks which 'attach' to stations, offices, jobs and roles,"¹⁰ since expectations are specifically associated with

⁹ Cf. Charles S. Levy, "Occupational Values and Ethics in Jewish Law and Lore: Premises of Jewish Communal Service," William A. Rosenthal Memorial Lecture, Presented at the National Conference of Jewish Communal Service, June 1, 1976.

¹⁰ "Supererogation and Rules," *Ethics*, 71:4 (July, 1961), p. 277.

occupational roles. This accentuates the relatedness between the general work responsibilities which are shared by Jewish communal workers, and the ethical responsibilities they connote.

A particularly compelling reason for a code of ethics for Jewish communal workers is the need for a working relationship between the worker's responsibility toward the sectarian purposes of his employing agency or institution, and the worker's responsibility toward the clientele and constituency that he serves. The two are sometimes out of joint. Thoughtfully conceived, ethical principles could serve to remind the Jewish communal worker that he owes an accounting for his share of the sectarian and service purposes of his employing organization, and for the particular service ends which he has been employed to serve in relation to clients and constituents, which may or may not harmonize with his institutional responsibility. Codified ethical principles can serve as a basis for a discriminatory selection of emphasis as between the two when they conflict.

In Rubin's discussion of the Soviet refugee, he suggests the kind of perspective a human service practitioner may need in bridging any gap which may exist between his responsibility to client, on one hand, and to agency and community on the other. Can we expect the refugee, he asks,

... to understand that the social worker in a voluntary Jewish agency is not a municipal service worker, whose allegiance is always to municipal authorities rather [than] to him?¹¹

What difference does it make, in kind if not degree, if any Jew, resorting to any voluntary Jewish agency for help with a need of his own, has reason to doubt that his helper's allegiance to him is accorded less priority than that to a particular ideology, orientation, or communal end, valued by his employing agency, even if the helper can be reasonably expected to give some attention to his agency's function and preferences?

¹¹ Burton S. Rubin, "The Soviet Refugee: Challenge to the American Jewish Community Resettlement System," *Journal of Jewish Communal Service*, 52:2 (Winter, 1975), pp. 196-7.

Relevant to a practitioner's ultimate choice of action would be the occupational code of ethics to which he feels committed, and by which he feels guided. This is especially valid if he has been employed to render the service with which his occupation is associated, and with due regard for the values by which that occupation is constrained. The greater the ambiguity of his multi-faceted obligations, the less clear the basis for his ultimate choice of action. Ethical principles, as they can be ordered in a code of ethics, on the other hand, provide a foundation for action choices. These action choices may not be self-evident and unanimous, but they would be clear to the actor, and communicable to those affected. Is it not this that accountability is all about?

Sources of Ethical Illumination¹²

A number of aids and resources can be tapped in the process of formulating a code of ethics for Jewish communal service should the task be undertaken. First, of course, is the historical and other literature and records pertaining to the development of codes of ethics, and the stimuli and criteria which have influenced their development. In such literature and records may be found not only a rationale for formulating and adopting a code of ethics, but also objectives and concepts relevant to it.

Another source is the experience of Jewish communal workers with ethical incidents, issues, and conflicts which suggest the kinds of provisions which might have to be made in order to afford to Jewish communal workers, serviceable guides to ethical action, peculiarly applicable to their sectarian and occupational identifications. Obviously, existing occupational codes represent a valid resource to the extent that their provisions are applicable to experience, aims, and practice in Jewish communal service. Similarly, ethical principles

¹² This part of the discussion is based, in part, on Charles S. Levy. "Revising the Social Work Code of Ethics," an unpublished paper which served as a basis for a workshop discussion at the Delegates Assembly of the National Association of Social Workers in May of 1975.

contained in the *Tanach* and the *Talmud*, among other places, offer a rich resource, as well as a basis for fruitful discourse and inquiry, in relation to occupational and institutional responsibility.

The Need for a Definition of the Purpose of a Code

An early requirement, once the need for a code of ethics is validated, is the determination of the purpose to be served by the code. For a declaration to the Jewish community of the ethical strictures by which Jewish organizations and Jewish communal workers are bound, the enunciation of shared beliefs and preferences might be quite sufficient. For more explicit guides to institutional and occupational conduct, a more detailed and explicit codification may be required.

The choice or mode of formulation of the provisions of a code of ethics is, or should be, influenced by the uses to which the code is to be put. The form and substance of the code should be amenable to implementation in the manner intended.

If the code is to serve primarily as a basis for adjudicating ethical issues, then explicit rules would seem to be the form of choice. Provisions of the code would then be stated in a form comparable with statutes, to permit a committee on inquiry or a disciplinary board, for example, to test for confirmity or infractions as between the parties to a cause. If the primary intent is to afford associations of Jewish communal workers or a Beth Din a basis for regulation, then provisions might be better framed as expected behaviors or boundaries to institutional and occupational conduct, including the discrimination between occupational and private conduct, in order to insure the application of the test of relevancy to the Jewish communal worker's occupational responsibility.

To encourage ethical practice on the part of workers and organizations, provisions of a code of ethics would seem to be best formulated as bases for action choices, or as affirmative guides to ethical conduct. Similarly, as a basis for preparation for Jewish

communal service, provisions would appear to be best formulated as behavioral preferences to be incorporated by all Jewish communal workers, and as behavioral aspirations for Jewish organizations.

The Ultimate Premise of Ethical Practice

No code of ethics can be regarded as final, and no code can be presumed to be tailored for specific cases. Freedom of occupational movement is essential—certainly for the exercise of occupational judgment in response to emerging circumstances and events. But a code of ethics can provide at least broad outlines for the application of responsible discretion. The objective for a code of ethics is not merely to restrict practice, but to illuminate, encourage, enable, and inspire ethical practice. The complications of Jewish communal service, and the stakes in its successful implementation for individual Jews and for the Jewish community, require all the help that can be made humanly available.

Ethical practice requires awareness, purpose, and intention. Neither an organization nor a practitioner can be ethical by accident. Both must be guided by a framework of institutional and occupational obligations, responsibility, and function, of which both must be acutely aware. Choices of action must

be intended choices, with conscious rationales.

The reason I say this is not that actions may not be accidentally noble, just, and beneficent. But to be ethical they must be intentional.

As Aristotle puts it in relation to bravery in his *Nicomachean Ethics*:

The man . . . who faces and who fears the right things and from the right motive, in the right way and at the right time, and who feels confidence under the corresponding conditions, is brave; for the brave man feels and acts according to the merits of the case and in whatever way the rule directs . . .

Of those who go to excess he who exceeds in fearlessness . . . would be a sort of madman or insensible person if he feared nothing . . . while the man who exceeds in confidence about what is really terrible is rash.¹³

Ethical acts are purposeful acts guided by keen awareness of, and sensitivity to, relevant issues and considerations, serious contemplation of which should generate a modicum of torment and a heightened sense of serious responsibility. A code of ethics can be an aid in the process. Jewish communal service needs one. Jewish communal workers need one. Intuition is not enough. Good will is not enough. "Commitment" is not enough. Ethical practice requires more than that.

¹³ Trans., W.D. Ross.