

A response to Spano and Koenig: Code of Duties or Ideological Club?

Paul Adams, Ph.D.
University of Hawaii

Journal of Social Work Values and Ethics, Volume 6, Number 1 (2009)
Copyright 2009, White Hat Communications

This text may be freely shared among individuals, but it may not be republished in any medium without express written consent from the authors and advance notification of White Hat Communications

Abstract

In rebuttal to Spano and Koenig (2008), the argument for an ideologically broad and inclusive interpretation of the NASW *Code of Ethics* is restated. The *Code of Ethics* defines duties in light of values, principles, and standards, but it is not a device for enforcing uniformity of belief.

Key words: *Code of Ethics*, orthodoxy, ideology, secularism, religion

Introduction

I am grateful to Professors Spano and Koenig (2008) for their recent clarifications in response to my critique of their contribution (2007) to this journal, “What is sacred when personal and professional values collide?” Here I will restrict my focus to the central question of how broadly or narrowly the NASW (1999) *Code of Ethics* should be interpreted and enforced. Should we view the *Code* as a list of duties and responsibilities with general statements of defining values and principles? To what extent does the *Code* go further and define an ideological club—whether in the sense of an ideologically exclusive association or of something with which to clobber those with unorthodox views within or aspiring to membership in the profession?

But I do want to assure Spano and Koenig (2008) that I have neither authority nor inclination to decide who is or is not a Christian. I preferred George’s distinction between the two orthodoxies he defines as secularist and religious to Keith-Lucas’s (1983) typology of Christians for three reasons. First, Keith-Lucas’s typology differentiates among types of Christians, not between the Judeo-Christian tradition and the secularist orthodoxy that prevails in universities and social work.

Secondly the Keith-Lucas typology seemed *more* invidious than the decision to include the non-orthodox or theologically liberal in the same camp as secularists. Trying to apply the Keith-Lucas typology to myself, I wanted to answer “all of the above” rather than pick a type. The George *Journal of Social Work Values and Ethics*, Spring 2009, Volume 6, Number 1 -page 3

(2001) framework passes no judgments on Christians as Christians. (His whole point is that the orthodox position is superior on rational and non-religious grounds, leaving aside how religion may or may not inform the different orthodoxies.) It rests on the empirical observation that in the matters under dispute—those relating to life, death, and sex in the forms of abortion, euthanasia, embryonic stem cell research, same sex marriage, and so on—the theologically liberal routinely take the secularist side and make common cause with secular liberals against their orthodox co-religionists.

Finally, George (2001) makes the key point that the clash in question is not one between reason and faith, enlightenment and medieval darkness, but between two orthodoxies, one of which conceals even from itself its own status as an orthodoxy and presents itself simply as reason or common sense.

What is allowed?

Spano and Koenig (2008) conclude their case for a more restrictive understanding of the NASW *Code of Ethics* with this assertion: “If professionals are allowed to reinterpret the *Code* based on personal worldviews, there is no protection afforded clients, nor are there standards for care that can be expected when seeking services from members of the profession.” Despite that menacing word “allowed,” I concur with their emphasis on the power differentials implicit in the practice of this or any profession and their implications for an ethical code. Among other things, such codes hold professionals accountable for not abusing the rights and privileges of their professional status vis a vis clients (or supervisees, or students).

This is not an all-or-nothing matter. Spano and Koenig (2008) correctly note that “With privileges and the exercise of special rights inherent in professional status come certain responsibilities that govern and restrict behavior” and they give the example of having sex with clients. Of course, different professions allow or mandate behavior that would be forbidden to others, such as cutting open a client’s body; but the prohibition of sex with clients applies generally and, as the authors say, is never acceptable.

Limits of authority

The authority of a profession is always limited by the scope of its professional knowledge and expertise, and different ethical codes reflect these differences. That authority does not extend to pronouncing on all political and social matters at issue in the society at large. This is a special

problem for social work in view of the difficulty we have in defining the scope and limits of our expertise and authority. The temptation, in policy and practice, is always to extend our mandate and claim special knowledge of (and authority to speak as professionals about) what is good for individuals and society. If social work has little to define it but an ideological consensus (aka values) about contested social issues, i.e., to the extent it is a political and social movement, its claims to professional status are correspondingly weak and hard to defend from attack. At the same time, to the extent social work is more movement than profession, to that extent it will tend to extend its authority and control with regard both to its members and its clients beyond any point justified by its specific knowledge, expertise, or legal mandate. The *Code of Ethics* then becomes a political platform rather than a code of duties.

It is precisely the power differential between instructors and students in social work education that has drawn attention to the Code's potential for misuse as a tool of ideological coercion. According to the National Association of Scholars (2007) study of ten major public universities, preemption of inquiry and coercion of conscience are endemic in social work education, not simply a matter of the excesses of a handful of over-enthusiastic secular- liberal professors. However, that may be, there is certainly a marked difference between the NASW *Code* and the codes of other professions in the extent to which ideologically fraught terms are used to emphasize the profession's commitment to advocacy for social change of particular kinds.

Marriage, abortion, and social justice

As I argued in my critique, those terms, like social justice, only become objectionably coercive in a professional code when they are interpreted narrowly. The positions that Spano and Koenig (2007) take to be implicit in a reasonable reading of the *Code*, on abortion or marriage, for example, are not required by the *Code* as published, nor compelling on other grounds. The authors rightly stress the profession's commitment to the weak, oppressed, and vulnerable. But a strong case can be made, on social-scientific as well as orthodox religious grounds, that it is precisely the destruction of the traditional and universal (until yesterday) understanding of marriage that has resulted in increases in child poverty, that leaves millions of poor individuals and families, minorities, women and children at increased risk of deteriorating income, assets, health, mental health, and safety (Amato, 2005; Amato & Keith, 1991; Center for Marriage and Families, 2005; Child Trends, 2006, 2007; Glenn, 2001; Lerman, 1996; National Fatherhood Initiative, 2004;

Sawhill, 2003; Waite & Gallagher, 2000). That near-universal understanding defines marriage, as Blankenhorn (2007) puts it, as “socially approved sexual intercourse between a woman and a man, conceived both as a personal relationship and as an institution, primarily such that any children resulting from the union are—and are understood by the society to be— emotionally, morally, practically, and legally affiliated with both of the parents” (p. 91).

The growing marriage gap between rich and poor, along with the extraordinary increases in out-of-wedlock births, cohabitation, and divorce in the last forty years among those of lower income, is a *class* divide that hurts those it is social work’s self-proclaimed duty to advocate for and protect (Hymowitz, 2006). Indeed, all these developments, including same-sex marriage, that tend toward the destruction or deinstitutionalization of marriage may be seen as representing the subordination of the needs of children to the freedoms of adults (Marquardt, 2006).

To recognize this social reality is not to create exclusions from the benefits of marriage, as Spano and Koenig (2008) suggest. It is to acknowledge marriage as our most pro-child institution, and to see its undermining or hijacking in theory and practice as putting women and children at greater risk of almost all the social problems that social work aims to address. As Blankenhorn (2007) says, “Marriage does not exist in order to address the problem of sexual orientation or to reduce homophobia. Marriage does not exist in order to embody the principle of family diversity or to maximize adult choice in the area of procreation and childrearing” (p. 199). Once we lose the central focus and purpose of marriage in terms of giving children the right to be raised and supported by the two parents who made them, marriage itself is not extended to more people (same-sex couples, polyamorous groups, etc.) but deinstitutionalized. It is dissolved as a key social institution, as opposed to a private and personal arrangement among two or more adults, to the detriment above all of women and children, and those who are already disadvantaged and oppressed.

Similarly, treating abortion as a legal right deprives the most weak and defenseless of legal protection against being killed at the most vulnerable stage of their lives. None of us exists or can be the subject of any other rights except by surviving this life-stage. If social work is committed to the most vulnerable among us, it must surely advocate for solidarity with and legal protection for children prior to birth, as well as of babies who survive attempts to abort or who are in the process of birth. At least—and this is all I claimed—such a view is perfectly arguable within the

values and ethics of social work. The *Code* neither does nor should attempt to pre-empt the question by imposing secular-liberal orthodoxy on its members.

Conclusion

Like those we serve, social workers reflect the deep ideological divide in society captured in the phrase “culture war.” We live in a pluralistic society where there is no consensus on the issues we have discussed in these exchanges. It may be true, as Pellegrino (2008) claims, that a profession by its very nature has the capacity to reach a higher level of agreement about the goods of the profession itself, of the good life, and the good society. But given the lack of consensus within the profession as in society at large, it is reasonable to err on the side of inclusion of minority opinions rather than use the prevailing construal of a professional code of ethics to discipline or exclude those who disagree with that interpretation.

No profession licensed and supported by the state may coerce the consciences of its members, expelling them, or keeping out those potential colleagues who disagree with the majority on the matters discussed here. We may outline, in a deontological code, duties both general (no sex with clients) and specific (matters of competence). What we may not do, in the language of the U.S. Supreme Court (1943), is “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

References

- Amato, P.R. (2005). The impact of family formation changes on the cognitive, social, and emotional well-being of the next generation. *The Future of Children*, 15(2), 75-96.
- Amato, P.R., & Keith, B. (1991). Parental divorce and adult well-being: A meta-analysis. *Journal of Marriage and Family*, 53(1), 43-58.
- Blankenhorn, D. (2007). *The future of marriage*. New York: Encounter Books.
- Center for Marriage and Families. (2005). Family structure and children’s educational outcomes, *Research Brief No.1*. Retrieved May 15, 2007 from <http://center.americanvalues.org/?p=28#about>.
- Child Trends (2006). *Percentage of births to unmarried women*. Child Trends Data Bank. Retrieved Feb 1, 2008 from http://www.childtrendsdatabank.org/pdf/75_PDF.pdf.
- Child Trends (2007). *Family structure*. Child Trends Data Bank. Retrieved Feb 1, 2008 from http://www.childtrendsdatabank.org/pdf/59_PDF.pdf.
- George, R.P. (2001). *The clash of orthodoxies: Law, religion, and morality in crisis*. Wilmington, DE: ISI Books.
- Glenn, N.D. (2001). Social science findings and the ‘family wars.’ *Society*, 38(4), 13-19
- Hymowitz, K.S. (2006). *Marriage and caste in America: Separate and unequal in a post-marital age*. Chicago: Ivan R. Dee.

- Keith-Lucas, A. (1983). The client's religion and your own beliefs in the helping process. *Group Child Care Consultant Services, Monograph #7*. Chapel Hill, NC: Author. Cited by Spano & Koenig (2007).
- Lerman, R.I. (1996). The impact of the changing U.S. family structure on child poverty and income inequality, *Economica*, 63(250, Supplement: Economic Policy and Income Distribution), S119-S139.
- Marquardt, E. (2006). *The revolution in parenthood: The emerging global clash between adult rights and children's needs*. New York: Institute for American Values.
- National Association of Scholars. (2007b). *The scandal of social work education*. Retrieved Feb 1, 2008 from http://www.nas.org/nas-initiatives/CSWE-initiative/soswe_scandal/scandal_soc-work-ed_11sep07.pdf.
- National Association of Social Workers. (1999). *NASW code of ethics*. Washington, D.C.: Author.
- National Fatherhood Initiative, Institute for Marriage and Public Policy, & Institute for American Values. (2004). *Can government strengthen families: Evidence from the social sciences*. New York: Institute for American Values.
- Pellegrino, E.P. (2008). *The philosophy of medicine reborn: A Pellegrino reader*. Notre Dame, IN: University of Notre Dame Press.
- Sawhill, I.V. (2003). The behavioral aspects of poverty. *Public Interest*, 153, 79-93.
- Spano, R. & Koenig, T. (2007). What is sacred when personal and professional values collide? *Journal of Social Work Values and Ethics*, 4(3). Retrieved Jan 2, 2008 from <http://www.socialworker.com/jswve/content/view/69/54/>.
- Spano, R. & Koenig, T. (2008). A response to Paul Adams. The code of ethics and the clash of orthodoxies. *Journal of Social Work Values and Ethics*, 5(2). Retrieved October 8, 2008 from <http://www.socialworker.com/jswve/content/view/93/65/>.
- United States. Supreme Court. (1943). *West Virginia State Board of Education v. Barnette*, 319 U.S. 624. Retrieved March 30, 2008 from <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=319&invol=624>.
- Waite, L.J., & Gallagher, M. (2000). *The case for marriage: Why married people are happier, healthier, and better off financially*. New York: Doubleday.