Social Work, Morally Relevant Properties, and Paternalism: Why Social Workers Need to Know Moral Theory

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Abstract

This paper speaks to the complexity of the social work practice environment that requires social workers to know moral theory. The authors present a rationale for social workers using moral theory and demonstrate how this can inform ethical reasoning in the context of case decision-making.

Key Words: Social Work Code, Ethics, Moral Theory, Paternalism

1. Introduction

Although social work has a Code of Ethics (NASW, 2006) and each state has codes based on the national code, it remains a question as to how codes of ethics can lead to ethical reasoning among social workers in practice settings. It would appear that ethical codes can constrain unethical actions, but they cannot promote ethical reasoning due to their inherent structure as basically non-malignancy statements prohibiting certain actions. However, the complexity of the practice environment inevitably means that codes alone cannot guide all or even most of daily social worker actions with their clients. In addition, the code does not establish a hierarchy of ethical principles leaving the practitioner with unanswered questions such as how one solves a problem when principles collide. For example, the principles of promoting a client's well-being and promoting a client's autonomy often come into conflict. What is needed is a template for ethical reasoning that, while being perhaps reconcilable to formal and deontological codes, arms social workers to deal with the infinite variation in case scenarios and challenges and that provides a way to navigate between key ethical principles in

specific case instances. This paper will present a rationale for social workers using moral theory and will also demonstrate how this can inform ethical reasoning in the context of case decision-making.

Gert, Culver, and Clouser (2006) believe that in professions, codes of ethics serve as a collective recognition by members of a profession's responsibilities; it can help create an environment in which ethical behavior is the norm; it can serve as a guide or reminder in specific situations; can serve as an educational tool, providing a focal point for discussion in classes and professional meetings; and finally, a code can indicate to others that the profession is seriously concerned with responsible, professional conduct. Gert, Culver, and Clouser (2006) maintain that the primary purpose(s) of a professional code of ethics is to help educate and socialize new members into the profession, as well as current members of the profession. It should be of practical use. A Code of Ethics should tell individuals how they ought to act. A Code of Ethics should rest on a public moral system that includes rules and ideals.

Social work's Code of Ethics, although informed by contemporary principlism, is based upon the professional purpose and mission of social work, and as social work's focus and emphases have changed over time, so has the Code. The current Code of Ethics (2006) indicates that the social work profession is "rooted in a set of core values--service, social justice, dignity and worth of the person, importance of human relationships, integrity and competence" (p. 1). Because social work is a moral activity requiring social workers to make and implement difficult decisions about human situations that involve the potential for harm and good, social workers should have a solid knowledge base and theory upon which they can make decisions, especially ethical decisions.

The current NASW Code of Ethics (2006) is built on principlism. The most widely accepted formulation of principlism, put forth by Beauchamp and Childress (2001), includes the following: respect for autonomy (respect for people's values and decisions); beneficence (helping others); nonmaleficence (not harming others); and justice (treating all cases alike; distributing benefits and harms fairly). The four principles are considered role-specific duties and are prima facie (duties considered always to be in effect). The NASW Code of Ethics acknowledges that it does not "specify which values, principles, and standards are most important and ought to outweigh others in instances when they are in conflict" (p. 3) but at the same time it indicates that one of its purposes is to "help social workers identify relevant considerations when professional obligations conflict..." (p. 2). The Code indicates that values and standards should be rank ordered when conflicts arise, but does not specify how to rank order.

2. A Brief History of Social Work Ethics

Literature identifying and specifying the relationship between social work's core ethical values and practice has existed almost as long as the profession itself, although its focus has noticeably shifted over time. At the midpoint of the last century, keen interest in what social work's guiding values should be began to emerge. The first major work pertaining to social work ethics published in 1959, *The Teaching of Social Work Values and Ethics* by Muriel Pumphrey, identified

professional, societal, and cultural values as the desired focal point of ethics education (Reamer, 1998, as cited in Bryan, 2006). This era is often identified as the origin of serious scholarly interest in social work's ethical foundation (Reamer, 1994, 1998; Haynes, 1999). When the political upheaval of the 1960s shifted national focus to civil rights and social justice issues, the social work ethics literature from this era also reflected this renewed emphasis. In 1960, the National Association of Social Workers (NASW) adopted its first Code of Ethics. Efforts to identify what social work's core values were and to unite the profession around these principles continued on throughout the 1960s and 1970s (Reamer, 1998).

Contemporary Social Work Ethics Literature.

The most recent version of NASW's Code of Ethics (2006) continues to reflect the principlist emphasis contained within earlier versions, with its focus upon the profession's values base. It lists the previously identified six "core values" and states that these provide "the foundation of social work's unique purpose and perspective" (NASW, 2006, p. 1).

Social work ethics literature within recent decades discusses the application of these core values across a wide range of practice domains and topical issues, varying from social workers' personal perspectives on human nature and their resultant effects upon practice (Goldstein, 1989; Reamer, 1983) to the identification of values conflicts as encountered across various client settings (Abramson, 1985; Gray, 1996; Albers & Albert, 1998; Dean & Rhodes, 1998). Social work ethics scholars have tended to emphasize and explore the difficulties in managing conflicts between ethical principles as they

emerge from issues including but not limited to client autonomy and paternalism (Abramson, 1985; Albers & Albert, 1998), duty to protect versus client confidentiality (Dickson, 1998), and informed consent within coercive settings (Regehr & Antle, 1997). In a compilation of historical and empirical social work ethics literature, Reamer (1994) specifies the values conflicts that may emerge from efforts to accommodate social work's core values: personal versus professional values, values and beliefs of the worker related to the nature of clients' problems, and disputes over the relative importance of the profession's values.

The question of how one might address these conflicts of principles has directed the development of decision-making models and social work ethics curricula within recent years (c.f. Congress, 2000; Fleck-Henderson, 1991; Haynes, 1999; Pine, 1987). All share a common strategy of asking a series of questions grounded in an exploration of principles that pertain to moral conflicts and applying these investigative questions to ethical problems. However, no two decision models ask exactly the same questions, whereas all require individual interpretation without any form of public justification, which may lead to inconsistent, capricious decision making (Bryan, 2006). All similarly lack a theoretical foundation.

With the shift in attention from values exploration that emerged in the 1950s to moral conflict resolution and strategies to accomplish this in recent years, it is necessary for social work to more carefully evaluate the process through which ethical conflicts should be resolved. Though inconsistent, decision models do tend to elicit the underlying moral quandary preventing a simple

outcome. However, it must be noted that the capability to identify a conflict in values does not necessarily make resolution of the conflict any easier. No matter how explicit the identification of conflicting values may be, one may be no more prepared to decide what to do than if the conflict had not been clarified in the first place. Something beyond the use of atheoretical decision-making models or "decision trees" is clearly needed.

3. The Need for Moral Theory: The Example of Paternalism

Social workers need to know moral theory in order to make the best ethical decisions with regard to clients. Social workers are at risk for making poor decisions, especially when it comes to behaving paternalistically toward their clients. This paper relies on the work of Gert and Culver (1979), which provides a systematic and useful way to deal with the problem of paternalism in social work. The authors assert that sometimes paternalism can be justified and sometimes it cannot be justified. For acts of paternalism to be justified, the authors assert that there must be a procedure of justification. Consequentialism, deontology, casuistry, the theory of virtue, situation ethics, and principlism do not aid in helping to distinguish between cases of justified and unjustified paternalism. Using the example of paternalism, this paper will explicate the key concepts of Gert, Clouser, and Culver's (1997) common morality framework by applying his analytic steps and justification procedure to the case of paternalistic actions.

Given the many people who have written about paternalism, one might wonder why more needs to be said about the topic. The classic work on paternalism

is found in Mill's *On Liberty* (1978). Other, more recent classic articles include Dworkin's (1973) *Paternalism*, Carter's (1977) *Justifying Paternalism*, and Buchanan's (1978) *Medical Paternalism*. These works discuss paternalism in relation to the government and individual liberty or in the medical context, where paternalism is pervasive. Although these are classic works on paternalism, none of them ties paternalism to social work. Reamer (1983) discusses paternalism in the context of social work. In this foundational work, he clearly understands the importance of the topic to social workers and makes some of the same kinds of points that are made in the following paragraphs regarding paternalism and client self-determination. He also offers a brief history of some of the classic works mentioned above. However, Reamer manages to discuss paternalism in social work without ever explicitly mentioning moral theory. This is a gap that the present article bridges. This article ties paternalism to social work and does so in a way that highlights the importance of moral theory for social work practice. It is important to remember that the main point of this article is one about the need for social workers to have an understanding of moral theory. The example of paternalism is intended to facilitate an understanding of this main point, and, given the complexities of social work practice, paternalism is a natural choice. Consequently, a discussion of the history of paternalism is limited to these remarks.

Paternalism is, in simplistic terms, acting on another's behalf without his or her explicit consent. A more scholarly definition is given by Abramson (1985): "Paternalism is a form of beneficence in which the helping person's concepts of benefits and harms differ from those of the

client, and the helper's concepts prevail" (p. 389). It arises out of a wish to help others and can be beneficial to clients in certain cases, particularly when clients have limited decision-making capacity. However, paternalistic actions undermine the value of self-determination and limit autonomy by taking away clients' rights to make their own decisions. Because paternalism limits freedom, this suggests a need for the ability to determine in which cases paternalistic decisions should or should not be made.

Paternalism and Social Work: Clarifying the Problem

Why might one think that social workers are in danger of acting paternalistically in the first place? After all, if social workers rarely act paternalistically, the claim that social workers need to know moral theory to avoid acting paternalistically is not compelling. To assert the claim that social workers are frequently in danger of acting paternalistically, one need only consider the aim of social work and the nature of paternalistic behavior. Since social workers care about helping others, it is important that they not impede their clients in becoming autonomous. To do so would undermine the very value of their efforts. However, it is difficult to discern when the social worker's assistance is helpful and when it serves as an obstacle for client self-determination. This is due to several factors, including the power differential inherent in the social worker/client relationship, the context of the working relationship, namely, the kinds of issues that led to the formation of the relationship, and the vulnerability of the clients. These, of course, are interrelated issues. The social worker is placed in the position of helping a client better her life,

and she must do so without undermining the client's progress toward self-determination. As a result, the social worker is always in danger of making decisions on behalf of the client's well-being. The social worker is in danger of acting paternalistically if she does not make and carry out these decisions with due care.

Paternalism is an inherent component of social work. Social workers' duties to others, including protecting rights, intervening in high risk situations, providing court-mandated services or assistance to involuntary clients, and providing (or not providing) information during the consent process and in other client contacts all involve evaluating decisions about potentially paternalistic acts (Reamer, 1993, as cited in Kaplan & Bryan, 2009). Simultaneously, social workers are mandated to respect individual self-determination and to enhance societal well-being, which may conflict in practice. Albers and Albert (1998) identify the very purpose of social work as embedded within the conflict between the needs of the self and those of society. In many cases, agency policies may indicate that the social worker should act paternalistically, whereas the Code of Ethics would suggest the opposite. Conflicts between social workers and clients commonly occur when they disagree about whether or not workers' paternalistic actions are beneficial to clients from the clients' perspective (Abramson, 1985, as cited in Kaplan & Bryan, 2009). These kinds of decisions call for justification of the professional's actions (Kaplan & Bryan, 2009).

Two distinctions regarding the meaning of paternalism are relevant here. The first distinction is between paternalistic acts and acts that seem

paternalistic but really are not. For example, a mother's actions toward her very young children might count as paternalistic. After all, mothers often act on behalf of their children without their explicit consent. However, to view this as paternalism is clearly absurd. Restricting a two-year old's freedom for the sake of his or her own good is a parental, not paternalistic, action. This is just what parents are supposed to do in order to raise their children. Suggesting that these kinds of parental acts are paternalistic misses the point of what it means to be a parent. The second distinction is between justified acts of paternalism and unjustified acts. A justifiable act of paternalism is one in which an act counts as paternalistic, but it is one most rational persons would excuse. An unjustifiable paternalistic act is one that most rational persons would not excuse, thereby holding the agent as morally culpable for causing a person harm.

If all acts of paternalism are unjustified, then it is likely that social workers commit many acts of unjustified paternalism. This conclusion, if sound, would severely undermine the social utility of the social work profession. It amounts to the claim that the social work profession is based on practices that ultimately perpetuate immorality. The social usefulness of the social work profession is evident in the lives of the many people who have been helped by social workers. Unless social workers want to embrace the idea that acting immorally is a good way to go about helping others, then some acts of paternalism are justified. If social workers cannot properly justify any acts of paternalism, they place their clients in harm's way. The NASW Code of Ethics (2006) speaks to paternalism in Section 1.07b.

We will now turn to Gert, Clouser, and Culver's (1997) concept of the common moral system (also known as common morality) and explore its key features of rules, morally relevant features, rules violations, and justification. It will be shown here that paternalistic acts are like other rules violations in that they require justification to be morally acceptable. In doing so, we will define paternalism in such a way that allows distinguishing between morally prohibited and morally permissible paternalistic acts.

4. Moral Justification, Morally Relevant Features, and Moral Theories
Moral Rules and Rules Violations.
According to Gert, Clouser, & Culver (1997), morality is an informal public system. All informal public systems share two features: (a) all those to whom the system applies understand it, and (b) it is rational to submit oneself to the system. They define rationality in terms of irrationality: "to act irrationally is to act in a way that one knows, or should know, will significantly increase the probability that oneself, or those one cares for, will suffer death, pain disability, loss of freedom or loss of pleasure; and one does not have an adequate reason for so acting" (p. 26). Their system of morality is an explicit formulation of what they take to be implicit in the way most people deal with everyday moral issues. They submit ten moral rules that reflect the emphasis on harm that is evident in their definition of irrationality: do not kill, do not cause pain, do not disable, do not deprive of freedom, do not deprive of pleasure, do not deceive, keep your promise, do not cheat, obey the law, do your duty (Gert, Culver, & Clouser, 2006). According to these

authors' concept of common morality, moral rules are not absolute, but justified violations of those rules must be impartial and must be public (in the sense that all rational persons would allow such violations if they were in a similar situation).

The rules provide the foundation of the common morality framework. Gert, Clouser, and Culver (1997) note that these are general, universal rules that are made specific by context. For example, a specific case of violating "Do not cause pain" may involve spanking a misbehaving child, making cruel comments to a friend, or assisting a patient with physical rehabilitation exercises. He reasons that rational persons agree to abide by the moral rules so that they avoid having these harms committed against them. Although it is asserted that all are equally important, the second five rules tend to increase the likelihood that one of the first five rules will be broken. For instance, deceiving a client (rule 6) by not providing all information about her choices during the informed consent process increases the likelihood that her freedom to make an informed decision will be impaired (rule 4).

Morally Relevant Features

Because the rules are general, they require interpretation to be applicable in particular cases. It is possible for people to disagree about how to correctly apply the rules in particular cases. Consequently, what may at first seem like a gross violation of a moral rule may actually be morally permissible. Because paternalistic acts involve, by definition, the breaking of a moral rule, all acts of paternalism require justification.

Gert, Clouser, & Culver (1997) also make it clear that sometimes there are situations in which there will be disagreement about rules violations, even when the circumstances are the same. In every case of a potential rules violation, the social worker must first determine the morally relevant features and then consider the consequences should everyone know that it is permissible to violate rules under the same circumstances to justify his or her position. Gert (1998) presents a series of questions as a guideline designed to elicit important facts about a moral issue (morally relevant features), which the social worker should ask when considering a violation of a moral rule

1. *What moral rule is being violated?*
2. *What harms are being caused by the violation? What harms are being avoided by violating the rule? What harms are being prevented by the violation?*
3. *What are the relevant desires and beliefs of the person toward whom the rule is being violated?*
4. *Is the relationship between the person violating the rule and the persons toward whom the rule is being violated such that the former has a duty to violate moral rules with regard to the latter independent of their consent?*
5. *What goods are being promoted by the violation?*
6. *Is the rule being violated toward a person in order to prevent her from violating a moral rule when the violation would be unjustified or weakly justified?*
7. *Is the rule being violated toward a person because he has violated a moral rule unjustifiably or with a weak justification?*
8. *Are there any alternative actions or policies that would be preferable?*

9. Is the violation being done intentionally or only knowingly?
10. Is the situation an emergency such that no person is likely to plan to be in that kind of situation?

(Gert, 1999 pp. 17-19).

Not all of the questions apply to every case. Some questions are more important in some contexts than others. There may be, Gert (1998) admits, many morally relevant properties that the questions do not help highlight. It is these kinds of considerations that make the questions "guidelines." The answers to the questions are the morally relevant properties one should consider in deciding whether a particular act is morally permissible.

Justification of Rules Violations.

The analysis hinges upon an important process of justification, arguably the most useful feature of the common moral system of decision-making. Gert (1999) suggests two questions related to the deontological concept of the categorical imperative in order to evaluate if violating the rules is justified in a case: 1) *Could anyone in these kinds of circumstances violate these rules? and 2) Would it still be allowed if everyone knew that these rules could be violated in these circumstances?* These questions answer whether or not rules violations in particular circumstances are impartially and publicly allowed. This analysis requires the practitioner to consider whether the long-term consequences of violating rules do more harm than not violating rules in particular situations (Bryan, 2006).

Paternalism as a Moral Rules Violation

Returning to the previous discussion regarding paternalism, it should be clear that paternalistic acts in some cases are justified violations of moral rules, and in others, are unjustified. However, the definition of paternalism must be made explicit to assist the social worker with analysis of the situation. Gert & Culver (1979) define paternalistic behavior in the following way:

A is acting paternalistically toward S if and only if A's behavior (correctly) indicates that A believes that—

(1) his action is for S's good;
(2) he is qualified to act on S's behalf;
(3) his action involves violating a moral rule (or will require him to do so) with regard to S;
(4) S's good justifies him in acting on S's behalf independently of S's past, present, or immediately forthcoming (free, informed) consent; and
(5) S believes (perhaps falsely) that he (S) generally knows what is for his own good (p.196).

One's actions are paternalistic, then, if they are motivated by certain kinds of beliefs. For example, suppose an adult client admits he intends to harm himself physically but has no desire for his social worker's assistance in helping him work through this issue. The social worker decides that the client should be placed under suicide watch, and the social worker does what is needed to have him hospitalized. (This is a simplified version of a case that Gert, Clouser, & Culver, 1997, formulate.) The social worker's action is motivated by the following

beliefs: The client is better off alive than he is dead (condition 1); the social worker's training provides them with the necessary skills and knowledge to act on the client's behalf (condition 2); the social worker believes that hospitalizing the client restricts his freedom and/or could cause her some other kind of harm (condition 3); the social worker does not think that she needs the client's permission to have him hospitalized (condition 4); and the social worker believes that, as a rational adult, the client generally knows what is in his best interest (condition 5). Considering all of the beliefs that motivate the social worker's behavior, the social worker's choice to involuntarily hospitalize her client is a paternalistic one, as defined by Gert and Culver. To be sure, the social worker's behavior might be excusable. Whether or not it is excusable is discussed below.

A violation of a moral rule involves, according to Gert, Clouser, and Culver (1997), causing harm such as death, pain, disability, loss of freedom, opportunity, or pleasure. In acting without obtaining the consent of her client, a social worker is violating a moral rule — depriving her client of freedom (Gert & Culver, 1979. p. 51). So, in fulfilling condition 4, one is causing harm, thus fulfilling condition 3.

As stated, some paternalistic acts are justifiable and others are not. What is important to recognize is that all cases of paternalism, by their very nature, violate the moral rules, by depriving clients of their right to freely make their own choices. Often, other rules are also violated. Therefore, all potential acts of paternalism should be analyzed as to their moral permissibility. If social workers wish to avoid committing unjustifiable

paternalistic acts toward their clients, they must know moral theory.

This section explains the difference between justified and unjustified paternalistic acts and demonstrates how social workers can avoid acting in an unjustifiably paternalistic toward their clients. Such avoidance depends on social workers knowing moral theory. First, an explanation of the different kinds of paternalism is in order.

To identify cases of justified paternalism, one must be able to identify which acts are morally permissible. A morally permissible act is one that a person is allowed to do but not required to do, as stated by some moral theory. Contrast a morally permissible act with an act that is either morally required or morally forbidden. A morally required act is an act that one is obligated to do. A morally forbidden act is an act that is always wrong to perform.

Exactly which acts are deemed morally required or forbidden depends on the moral theory under consideration. For example, utilitarians think that the moral value of an act is derived from the act's consequences. Deontologists think that the moral value of an act depends on the intention with which a person performs the act. Given their different assessments of what gives moral value to an act, it is clear that utilitarians and deontologists will differ on their lists of morally required and morally forbidden acts. These are just two examples. Other moral theorists, ones who are not deontologists or utilitarians, would say that moral value is derived ultimately from something other than consequences or intentions.

Whatever the case, given a moral theory, most people would agree on which acts are morally forbidden and morally required, and they would likely agree that

many acts do not fall into either category. Justified acts of paternalism are morally permissible. No acts of paternalism are ever morally required. Claiming that some acts of paternalism are justified means that some acts of paternalism are not morally forbidden. For these acts, compelling reasons are needed to convince others that the acts are morally permissible. Offering reasons in these kinds of cases amounts to giving a justification for the moral permissibility of some acts of paternalism.

What counts as a justification for a paternalistic act? Gert and Culver (1979) claim that any justification of a paternalistic act must have the following necessary features: (1) a description of the benefit that would be gained by the person to whom the paternalistic act is directed and (2) the harms prevented by the paternalistic act need to be "much greater" than the harm of committing the act. For a justification to count as sufficient, it must say how the paternalistic act would be acceptable to all rational persons in similar circumstances. So, a justification of paternalism must show that (1) it would be irrational for the person against whom the act of paternalism is committed not to agree to the act, given the chance and (2) all rational persons would agree that if they were in a similar situation paternalism would be acceptable.

Whether or not an act of paternalism is justified depends on the quality of the justification given for the act. There are different kinds of moral justification (Gert, Clouser, & Culver, 1997). The reasons that one gives for breaking a moral rule could be accepted by almost everyone, or there could be disagreement about whether one should accept the justification. According to Gert and Culver (1979), if the justification is accepted by all rational people, it counts as a strong justification. Acts of paternalism that are strongly justified would count as morally permissible acts. This amounts to the claim that all people would agree that universally allowing the act of paternalism in certain circumstances would prevent more harm than it would cause. When there is a disagreement about the rational acceptability of the justification, the justification counts as weak. Acts of paternalism that are weakly justified are acts that might be morally permissible, but there may be consequences for doing them. As noted earlier, the justification of a paternalistic act should have two features: (1) it would be irrational for the person against whom the act of paternalism is committed not to agree to the act, given the chance and (2) all rational persons would agree that if they were in a similar situation, paternalism would be acceptable.

Consider the qualifications in turn. If qualification 1 were false, then it would be rational for persons to act in such a way as to "significantly increase the probability that oneself, or those one cares for, will suffer death, pain disability, loss of freedom or loss of pleasure; and one does not have an adequate reason for so acting." Clearly this defies logic. Consider qualification 2. According to Gert, Clouser, & Culver (1997), specifying the circumstances is a matter of specifying the kinds of paternalistic acts one could publicly advocate. To say that an act is one that could be publicly advocated is to say that it could be explicitly incorporated into the informal, public system of morality without undermining the system. Kant's example of the person who lies to obtain a loan illustrates Gert and Culver's point (Gregor, 1996). If one were to publicly advocate the moral permissibility of lying in order to obtain a loan, the informal public practice of lending money

would be undermined. It would be undermined because the lenders would not have the assurance that debtors would pay back the loans. So, they would cease lending money. Publicly advocating the moral permissibility of an act that is inconsistent with the informal public system of morality would weaken the system's social efficacy.

The forgoing remarks might indicate why specifying the circumstances is important, but it says little about how one is supposed to figure out what situations count as similar, as stated in qualification 2. How does one figure out which situations are similar? To figure out the similarities in two different cases, one needs a way to sift through all the features of both cases, picking out and comparing the salient features of each case. Why is such a method needed? The reason is simple. Suppose it is possible to list everything—every action, thought, background information, for example— that constitutes the context of each case. It is reasonable to suppose the lists would be too long to practically compare one with the other. Even if it were not practically impossible, given the complexity of language, there are infinitely many ways to describe each case. Without a method to pick out certain features of each case, there would be no possible way to (1) decide which descriptions should be compared and (2) decide which features of those lists would count as comparable features. Any method that could be used for sifting through the various aspects of a situation and picking out the relevant features of each case would need to give an explanation of (a) why it picks certain features over others, (b) why these features are relevant, and (c) how (a) and (b) relate to paternalism. Otherwise, there would be no way to choose a method. The

philosophical work that these explanations do is just what theories are supposed to do. Theories are just explanations that systematically tie together various phenomena in a certain domain.

Because one needs some sort of method for deciding which features of the situations are similar, the question arises: can one choose a method for deciding on such features that does not presuppose some kind of moral theory? If this is a possibility, then it would count against our main claim that it would be possible to avoid acting in an unjustifiably paternalistic manner without knowing moral theory. Perhaps one might want to advocate using intuitions to figure out the matter. Even granting that this kind of method does not presuppose some kind of moral theory, there are obvious problems with this method. Different people have different intuitions in different cases. So, there would be no way to justify any act of paternalism. Why? Recall that to justify an act of paternalism, reasons must be marshaled that would persuade others. If people do not share the same ethical intuitions, people needing to be convinced will not respond to arguments based upon unshared intuitions. But, there is good reason to think that some acts of paternalism are justified. So, using intuitions to decide the similarity of different cases does not work.

Because the justification of paternalism is a moral matter, the relevant, comparable features of each case are moral properties. Gert (1999) defines the morally relevant properties in the following manner: "A morally relevant feature of a moral rule violation is a feature that if changed could change whether some impartial rational person would publicly allow that violation" (p. 16). If intuitions can't be used, then one must rely on

something else. Whatever method one adopts, it must be conceptually related to the moral properties under consideration. This restriction automatically discounts pure descriptive methods. A pure descriptive method is value free. To use a pure descriptive method to explain which moral properties one should consider salient would be violating the "is/ought" distinction. Many people think that this fallacy is a genuine logical fallacy that should be avoided; deriving an "ought" statement from premises that only contain "is" statements confuses the difference between description and prescription.

But suppose a descriptive method is not completely value free. A descriptive method that is not value free and explains the relevant moral properties is a kind of normative theory. A normative theory is one that explains the action-guiding nature of values. All moral theories are normative ones, but not all normative theories are moral ones. For example, a theory that explains etiquette is a normative theory that is not a moral one, because matters of etiquette are not matters of moral significance. Because paternalism is a moral issue, any normative theory that explains paternalism would have to be a moral theory. So, we have the following results. Either a theory explains what counts as similarities, or intuitions do, and we have established that intuitions cannot. A theory is either purely descriptive or it is normative. A purely descriptive theory cannot do the work. So, a normative theory must do the work. A normative theory that is sufficiently strong to explain paternalism is a moral theory. So, deciding the similarities of different cases means utilizing a moral theory. Of course, one cannot utilize a moral theory if one does not know moral theories.

Whereas knowing at least one moral theory is sufficient for the argument presented above, it is better, at least from a practical standpoint, if social workers know many moral theories. Again, different moral theories accord different moral value to particular acts. It stands to reason that different moral theories also consider as morally relevant different features of similar situations. For example, because utilitarians are ultimately concerned with the consequences of an act, they will place little or no value on the intentions of the person acting, except insofar as those intentions actually bring about certain consequences. Because deontologists ultimately care about a person's intentions for acting, they will place little importance on the actual consequences of the act. Other moral theorists will determine what counts as morally relevant according to the theories they prefer. So, each kind of moral theorist is ultimately concerned with different aspects of any particular case. Consequently, there is no common ground from which to decide which description of a case is to be utilized. If a social worker, then, wants to justify an act of paternalism, she needs to know enough about moral theories to offer reasons to someone who may adopt a different moral perspective than she has.

To make the application of paternalism, reconsider the case outlined in the first section of this paper. Recall the case: suppose an adult client admits he intends to harm himself physically but has no desire for the social worker's counsel in helping him/her work through this issue. The social worker decides that the client should be placed under suicide watch, and the social worker does what is needed to have him hospitalized. The social worker's action is motivated by the

following beliefs: the social worker believes that the client is better off alive than he is dead; the social worker believes that his/her training as a social worker provides him/her with the necessary skills and knowledge to act on the client's behalf; the social worker believes that hospitalizing the client restricts his freedom and/or could cause him some other kind of harm; the social worker does not think that he/she needs the client's permission to have him/her hospitalized; and the social worker believes that, as a rational adult, the client generally knows what is in his/her best interest. Considering all of the beliefs that motivate the social worker's behavior, the act of having the client hospitalized is a paternalistic one. But, is it an unjustifiably paternalistic act?

Although this paper has only described the case in outline, satisfying Gert and Culver's two conditions for justification is easy to do. Considering the first point, the greatest benefit that the client receives from the act of paternalism is that he is prevented from ending his life or significantly causing damage to it. Living a life, it is assumed, is better than prematurely ending it. Living a life with less significant physical damage is better than living a life with more significant physical damage. One could disagree with the first benefit and still agree with the second. The second benefit is a sufficiently strong benefit that there is no need to list more benefits. Without a reason that would outweigh the benefits gained from not acting paternalistically in this case, the client is acting irrationally.

Regarding the second point, to show that all rational persons would agree that if they were in a similar situation paternalism would be acceptable, amounts to showing what the morally relevant

properties of the case are and determining whether one would publicly allow this kind of violation. As argued, determining the morally relevant properties of a case depend on knowing moral theory. Using the moral theory developed by Gert (1999), one can figure out the morally relevant properties of the case. Again, nothing hinges on this particular moral theory. One could use another moral theory to the same end. However, given the general nature of their method of highlighting morally relevant properties, it is probably the case that their method is consistent with other moral theories.

Obviously, the more information about a case one knows, the easier it will be to answer the questions listed above. The case we are considering lacks much information that one might want. Nevertheless, one can see how the questions help even in cases in which the information is lacking. Consider questions 1, 2, 4, and 5. Acts of paternalism, by definition, involve breaking the moral rule against deceiving others. By acting paternalistically in this case, certain harms are being prevented, such as significant physical damage, possibly leading to death. The relationship between the social worker and the client is such that the social worker has a duty to act in the manner she does. The client will receive certain benefits, as explained above, from her act of paternalism. With more information, it would be possible to answer all ten of the questions. From the answers given so far, there is enough information for deciding whether this kind of act would be publicly advocated, that is, whether it would be morally permissible. If all rational persons would agree that allowing paternalism in this kind of case is justified, then the act is morally permissible. If there is disagreement allowing paternalism in

similar circumstances, the act might be morally permissible. It is plausible, based only on the information given above, that the social worker's act is most likely morally permissible. Even if it is not, the example makes clear how a social worker might go about justifying an act of paternalism based on her knowledge of moral theory.

5. Conclusion

The argument developed so far in this paper may be summarized in the following manner:
(1) To avoid acting in a paternalistic manner that is problematic in a case, social workers need to justify the acts of paternalism they commit.
(2) To justify the acts of paternalism they commit, social workers need to know the morally relevant features of the cases of paternalism they commit.
(3) To know the morally relevant properties of the cases of paternalism social workers commit, they need to know moral theory.
(4) To avoid unjustified paternalistic actions in a case, social workers need to know moral theory.

If social workers are in danger of frequently committing unjustified paternalistic acts toward their clients and the argument above is sound, the implications for social work education are clear.   The most obvious implication is that social work educators need to take seriously their charge to teach social workers moral theory. Currently, most social work programs teach ethical theory through one of two models. The first model is the diffused model. In this model, social work students do not take a course in moral theory. Rather, students

are taught moral theory as a part of every class they take. The second model requires students to take a discrete class on moral theory. There is some evidence that the second model helps social work students develop their moral reasoning skills better than the first model. The research suggests that by making moral theory a part of every class, it is eventually neglected (see Sanders, 2006).   Social work educators, then, need to take more seriously the idea that requiring social work students to take a discrete ethics course is more useful for the moral burdens of social work practice than requiring them to learn moral theory through a process of diffusion. Whatever method schools choose to teach moral theory to social work students, they need to take ethical theory more seriously than it appears they do.

Another implication of the argument is that social workers need to hone their moral reasoning skills as professionals. It is not enough to take one ethics course as an undergraduate social work major or as a graduate master's student. Incorporating moral theory into the continuing education programs that professional social workers must complete would not only serve professionals well; more importantly, it could prevent clients from being unnecessarily harmed by their social workers. If social workers are as concerned with the well being of their clients as they claim to be, taking the education of ethics seriously is a moral imperative that social workers cannot afford to neglect.

References

Abramson, M. (1985). The autonomy-paternalism dilemma in social work practice.*Social Casework: The Journal of*

Contemporary Social Work, September, 387-393.

Albers, D., & Albert, R. (1998). Introduction to special edition. *Journal of Law and Social Work 8*(1 and 2), 3-10.

Beauchamp T.L., & Childress J.F. (2001) Principles of Biomedical Ethics. Oxford University Press, Oxford.

Bryan, V.L. (2006). Moving from professionally specific ideals to the common morality: Essential content in social work ethics education. *Journal of Teaching in Social Work, 26*(3/4), 1-17.

Buchanan, A. (1978). Medical paternalism. *Philosophy and Public Affairs,* 7 (4), 370-390.

Carter, R. (1977) Justifying paternalism. *Canadian Journal of Philosophy,* 7 (1), 133-145.

Congress, E.P. (2000). What social workers should know about ethics: Understanding and resolving practice dilemmas. *Advances in Social Work, 1*(1), 1-25.

Dean, R., & Rhodes, M. (1998). Social constructionism and ethics: What makes a "better" story? *Families in Society: The Journal of Contemporary Human Services, 79*(3), 254-263.

Dickson, D. (1998). The duty to protect: Limitations on confidential communications to social workers. *Journal of Law and Social Work, 8*(1 and 2), 41-62.

Dworkin, G. (1973). Paternalism. *The Monist,* 56 (1), 64-84.

Fleck-Henderson, A. (1991). Moral reasoning in social work practice. *Social Service Review*, *65*, 185-202.

Gert, B (1999). Morally relevant features. *Metaphilosophy*, *30* (1/3),13-24.

Gert, B. (1998) *Morality: It's nature and justification.* New York, NY: Oxford University Press.

Gert, B., & Culver, C. (1976). Paternalistic behavior. *Philosophy and Public Affairs*, 6, (1), 45-57.

Gert, B., & Culver, C. (1979). The justification of paternalism. *Ethics*, *89,* (2), 199-210.

Gert, B., Culver, C., & Clouser, K. (2006). *Bioethics: A Systematic Approach (2nd ed.*). New York: Oxford University Press.

Gert, B., Clouser, K.D., & Culver, C. (1997). *Bioethics: A return to fundamentals.* New York: Oxford University Press.

Goldstein, H. (1989). The neglected moral link in social work practice. *Social Work, 32*, 181-186.

Gray, M. (1996). Moral theory for social work. *Social Work/Maatskaplike Werk, 32*(4), retrieved from: http://www.und.ac.za/und/socialw/moral.html

Gregor, M. (1996). Immanuel Kant. (M. Gregor, Trans). In Kant's Practical Philosophy: The Cambridge Edition of the works of Immanuel Kant. Cambridge: Cambridge Press.

Haynes, D. (1999). A theoretical integrative framework for teaching professional social work values. *Journal of Social Work Education, 35*(1), 39-51.

Kaplan, L., & Bryan, V. (2009). A conceptual framework for considering informed consent. *The Journal of Social Work Values and Ethics, 6* (3). Retrieved from: http://www.socialworker.com/jswve/ Mill, J. S. (1978). *On Liberty*. Indianapolis, IN: Hackett Publishing Company.

National Association of Social Workers. (2006). *Code of Ethics of the National Association of Social Workers.* Washington, DC: Author.

Pine, B. (1987). Strategies for more ethical decision making in child welfare practice. *Child Welfare, 66*(4), 315-326.

Reamer, F. (1983). The concept of paternalism in social work. *Social Service Review*, 57 (2), 254.

Reamer, F. (1983). The free will-determinism debate and social work. *Social Service Review, 57*(4), 626-643.

Reamer, F. (1994). Social work values and ethics. In *The foundations of social work knowledge,* ed. F. Reamer, 195-230. New York: Columbia University Press.

Reamer, F. (1998). The evolution of social work ethics. *Social Work, 43*(6), 488-501.

Regehr, C., & Antle, B. (1997). Coercive influences: Informed consent in court-mandated social work practice. *Social Work, 42*(3), 300-307.

Sanders, S. (2006). *Ethics education in social work: Comparing outcomes of graduate social work students from discrete and infused programs,* Doctoral dissertation, University of Kentucky, Lexington.