

Chapter 5

Agencies

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Introduction

Social work agencies are organizations -- like General Motors, or the Red Cross -- and they are subject to all the difficulties and ills all such organizations are subject to. They differ from most such organizations in that they should have an ethical vision of their role in society and thus an ethical mission to further that vision. They are thus more like the Red Cross than like General Motors. But having an ethical vision and thus an ethical mission does not immunize a social work agency from having all the problems such corporations have, from not being nimble enough to respond well to changing social conditions, to having to downsize in times of financial stress, from being plagued with internal disorders when its practitioners disagree about how to proceed, to having its practitioners badly treated by the director or others in power.

Just as ethical problems arise for those in business when corporations are buffeted by external forces and internal tensions, in other words, ethical problems arise for social work practitioners within agencies for the same reasons. An agency may not have enough funding to support its mission, or those within the agency may disagree about how best to support its mission even when there is enough money, or the agency may be ill-equipped to handle new programs it has come to have, or the director may be unable to work well with the employees, or competing agencies may be tapping the same community resources to support their programs, and so on. The problems that may arise, that is, are numerous.

We have already examined some cases that raise some of the issues of this chapter. Social workers generally work for an agency or in group practices. We examined at length

one case of a group practice when we looked at 4.5 Value judgments. Though we did not make much of how its being a group practice made a difference to the problem, the case illustrates well how complicated things can become between peers, trying to work together. 4.7 *Lying about salaries* involved the director of an agency hiring workers of similar skills and experience at different salaries, and though our primary concern there was with the relations between the participants as social workers in those settings, those cases flirted with our primary concern in this chapter, namely, to examine the kinds of ethical problems that arise for social workers because of difficulties in the relations between social workers and the agencies for which they work. The field is so broad, and the issues raised so diverse and complicated, that we can, at best, examine only some representative samples of the kinds of problems that can arise.

One feature of social work agencies that distinguishes them from many other organizations is that social workers are not just employees, but also professionals. Professionals are supposed to have self-determination to make professional decisions. But employees have obligations, and when professionals are employees, conflicts can arise between what they are supposed to do as professionals and what they are obligated to do, or empowered to do, as employees (see the Code of Ethics 3.09(a) & (d)). In Sections 1 and 2, we examine some of the ethical issues that arise because of these competing obligations within agencies. As we shall see, this conflict gives rise to issues about social workers' self-determination and integrity.

In Sections 3 and 4, we consider some other ethical issues that arise because agencies are organizations. In Section 3, we consider some of the issues that can arise when an agency's aims are at odds with its capacities. In Section 4, we consider conflicts that can occur between agencies. Just as corporations may vie for the same customers, agencies may vie for the limited resources a community may offer.

As in previous chapters, we shall make use of the method of tracking harms, with the discussion organized around the method, but two cautions are necessary. First, using the method ought to become second nature, with the steps of the method clicking in when faced with an ethical problem. For instance, we should habitually ask what the goals are before proceeding to determine what harms will result from various courses of action. We have thus begun in this Chapter to use the method as though it were a habit, not always explicitly drawing attention to what step is at issue. Second, as we have indicated, each step in the method has its own complications. What it means to harm someone, for example, is the subject of many a book and article. We will focus on this chapter on some of the kinds of issues that arise around goals -- the subject of the second step in the method.

1. Maintaining autonomy

In Chapter 4.1 *Peers?*, we emphasized how important it is that social work practitioners treat each other professionally, with the courtesy and respect due to one another. Such mutual respect can be difficult enough to attain when the practitioners are peers, but when one is an employee and one the administrator, complications seem almost inevitable.

a. Professional autonomy

Any professional working with other professionals must sometimes face the problem of compromising his or her autonomy, or self-determination. Even where all are peers, all

professionals working together on a team to further a common end, compromises may have to be made that run counter to what one of the team members might think ought to be done. But this difficulty of compromising autonomy arises most acutely when the professional is ordered to do something by a supervisor that is directly contrary to what would be done if the professional were acting on his or her own. Consider the following case:

5.1 *Skimming*

Linda had been working at an agency for four years when she wrote a grant proposal which was approved and funded. It was one of four given out in the country.

After the grant money began to come in, the director of the agency, her boss, changed his salary in the grant, taking more, took part of the money from the grant to pay his secretary, who was not doing work on the grant, put Linda to work on other projects even though, by the grant, she was to work full time on the grant, and skimmed off, or was about to skim off, part of the money to run the main office.

When she complained, she was put on probation and told, 'If you do not do what I want here, you will be fired.' When she complained to the federal representative for the project, her boss told her not to talk to that person, even though she had to in order to administer the grant and report on it.

The grant had an 8% leeway built in so that some of what her boss had done could be hidden and perhaps even justified. She was not sure. At any rate, apparently as a consequence of her complaint, some governmental officials came and met with her director and local 'heavies,' as she called them. When they came out, they told her not to worry, that this happens all the time.

She and the grant were moved to another agency.

One issue raised by this case concerns who is responsible for the funds. If Linda were incompetent, or had failed to follow the granting agency rules, or had herself skimmed off money for her own purposes, the director of the agency would presumably be legally responsible, as director of the agency to which the grant had been given. In any event, he would be ethically responsible. The money is to help those the agency is charged with helping, and he has an obligation to ensure that the money is used for the purposes for which it was granted. If Linda had skimmed off money for herself, and the director had done nothing about it, even though he knew about it, we would think he would have failed his ethical duties -- to the agency's clients, who are supposed to be served by the money, and to the government, who granted the money in the expectation that it would be properly spent. It is wrong to make someone responsible for something without any control over it, and so Linda's director must have some say over the use of the grant money.

In addition, without further details, we do not know what reasons the director had for diverting money or whether features of the grant proposal might have made that acceptable. Grants usually pay for overhead, and perhaps some of the money was to be used for that purpose. For all the information we have about the case, Linda may think she is entitled to determine all the details of how the grant money is spent, and her director may simply be fulfilling his obligation to ensure that the conditions of the grant are fulfilled.

That seems unlikely, but concentrating upon that aspect of the case will make us miss the more immediate problem, namely, that he has told her not to talk to the federal representative responsible for the grant. Because Linda has a legal obligation in administering the grant to report to that official, the director's order creates a dilemma for her. Linda

cannot both follow the order not to speak to the representative and do what federal law requires her to do in administering the grant. So she has to either talk to the representative, thus not following a direct order of her director, or follow the direct order of her director, thus not fulfilling her legal obligation as the person in charge of the grant.

It is easy enough to track what harms will occur from whichever choice she makes. If she talks to the federal representative, she could be fired, but given that she wrote the grant and presumably best knows how to administer it, the representative is unlikely to let the agency have the grant in her absence. In addition, the director is unlikely to follow through on his threat to fire her. The order he is giving her is an order she cannot follow under federal law. To fire her on such grounds would thus subject him to a lawsuit and perhaps to federal penalties.

Of course, he is likely to make her life unhappy in a variety of ways if she talks to the representative for the grant, but not talking to the representative is not a real option for her. She has a legal obligation to report to the representative and will subject herself to legal penalties if she refuses to communicate. She also has an ethical obligation. She has at least some responsibility to make sure that the money she is primarily charged with administering is spent as the grant requires, and so if it were not spent to help the agency's clients, as it is supposed to be spent, she would fail in her ethical obligation if she failed to report that to those providing the funding.

But she not only has legal and ethical obligations to report. She has no practical way not to talk to the federal administrator. The federal representative is bound to ask about the progress of the grant and to ask for a final report, if not intermediate ones, and if Linda fails to respond, the representative will seek her out. Failing to return telephone calls, or saying, 'My supervisor says I cannot talk with you,' will force the situation out into the open, making it clear to the representative what the director has done. So not talking to the representative is not a real option, and in such a situation, she has to refuse to obey her director's order. Her dilemma is not a difficult one to resolve.

The case raises other issues -- about, for instance, whether the federal officials who came to visit properly handled the situation by simply allowing Linda and the grant to move elsewhere, or whether they should have done something more regarding the director -- but our concern in this case is that though one can face even the loss of one's position by refusing to do what one's director demands, one is sometimes obligated to do that. Linda is thus obligated to disobey her director's direct order because, among other reasons, she has an obligation to the clients for whom she wrote the grant (see the Code of Ethics 3.09(d))

This case illustrates how, in an agency setting, social workers are sometimes obligated to do something other than what they may be ordered to do. When one is a professional, being an employee does not mean doing whatever one is told. For one may be told to do something unprofessional, and though one then always has a dilemma, and so, depending upon the circumstances, may have a difficult decision to make, the dilemma is created just because one is a professional and an employee and therefore may have conflicting obligations.

We have considered cases already where such conflicts arise. In 1.2 Dancing a legal dance, it was suggested to Mary that she drop the case of the two abused children. She was told, 'You're spending a great deal of time and getting nowhere. We've got other people to serve.' In our discussion of the case, we did not pursue what Mary ought to do if that suggestion were to turn into an order, but it is clear that if it did, she would have a dilemma, one complicated by her seeming to be 'getting nowhere.'

It should not be a surprise that hovering in the background of one of the first cases we considered is this issue of a conflict between what social workers are required to do as

employees and what they ought to do as professionals (see the Code of Ethics 309(c)). An agency's interests are not always best served by allowing its employees to do what they feel they are professionally obligated to do. As the spokesperson for the agency in Dancing the legal dance made clear, the agency has an obligation to serve a number of individuals, even if serving others means giving up on serving those Mary is currently trying to serve.

b. Wearing different hats

Skimming looks at the difficulties that may arise for an employee of an agency because he or she is a professional. But ethical problems can also arise for those who are in supervisory or management positions in an agency, and these problems may not be as obvious as those which occur when a supervisor or administrator tells you to do something that you think you ought not to do as a professional.

Consider the following case in which the director of an agency has ethical problems. These do not arise because her director is telling her to do something she thinks professionally wrong. She is the person in charge.

5.2 Buying friendship

June is the Director of a local agency and was called by a man, Don, who volunteered to give the agency money to help the needy. She arranged to meet him at a local cafeteria, where they met and had a long conversation about what the agency did, what more money could do, and what he was willing to provide.

June was struck by the man's appearance when he came up to her and, later, by his conversation. He did not look like someone who could afford to give money. 'He looked like one of the people we try to help.' In conversation, he seemed somewhat confused so that she thought he might be somehow mentally impaired, though in a minor way.

After the conversation, she received a check for several hundred dollars in the mail from a local bank, with a note that the contribution was from Don and that a like amount would be provided every month, 'in perpetuity.'

She was concerned that Don could not afford such a gift and called the bank to check. She was told that the information she requested about his financial status was private and that she would have to ask Don.

He called her several days later and asked to meet her for lunch. She went to explain to him her concerns. She did, and he brushed them off, saying that he had enough money and that he wanted her to have it.

That lunch was followed by more invitations to lunch and by phone calls, in which he called her his girlfriend. June went to several lunches with him, explaining that she felt that she owed that to him, but got more and more uncomfortable with going to lunch and with what he apparently expected from the relationship. At the same time, she felt that he, like one of their clients, seemed to need help and that she might be able to help him.

June is wearing three different hats. She is the head of the agency, collecting money for its operations when she can; she is a social work practitioner, wanting to help Don; and she is being asked to be his friend. She seems not free just to act as the head of the agency, thank him, and leave. Her training and her obligations as a social worker prevent

her from doing that, and, besides, it looks as though Don is trying to attach strings to his gift. This last feature of the case would complicate matters for June even if she were not concerned about whether Don was competent to make decisions about giving money for the agency and about whether he could afford as much as he has committed himself to give.

June thus has a complex set of ethical problems. As head of the agency, she is concerned to ensure that it has sufficient funding to fulfil its mission, and any gift is presumably welcome (see the Code of Ethics 3.07(a)). So she has an interest in obtaining the funding Don has promised. But Don looks 'like one of the people we try to help,' and he wants more than a donor/recipient relation with June. Each of these concerns raises the issue of whether Don is competent, and so let us begin by exploring how June can explore that issue.

How Don looks is irrelevant except insofar as it raises issues about whether he is competent to make decisions about how to spend whatever money he has and whether he has enough money to be able to afford to give away as much as he has promised. The first issue raises a question about whether June should accept any money from him; the second issue raises a question about whether she should accept as much from him as he has promised. These are distinct questions. Even if June should accept some money from Don, it may be that she should not accept as much as he wants to give or accept that amount 'in perpetuity.' But even though this second question is distinct from the first, it cannot be answered without first determining whether Don is competent to make any decision about money.

Should June be asking this question? If she had not met Don, there would be no difficulty. Those collecting donations for an agency usually have no obligation to check on whether the person giving money is competent. First, it would be too expensive and time-consuming to do that for everyone who gives money. Second, having a practice of checking would not presume competence, and so would insult some potential donors, who would then be less likely to give money. So such a practice would be counterproductive. It would also be ineffective because those concerned about having their competence checked would soon learn to send in money anonymously. Indeed, if Don had sent a check for the total amount he was going to give, and not made any other contact, June would have had no reason not to cash it. So getting the money is not the cause of any problems for her.

The problem about competence arises because Don appears to be as needy as those he is giving money to help. But he may be giving precisely for that reason. Knowing what it is like to be in need, he is willing to give what he has to help others who do not have as much. Or he may be wealthy and prefers dressing the way he does. June cannot know without further checking, and what checking she has done indicates that Don has enough money to give away what he has committed to the agency and that the decision to give it away was competently made.

First, although the bank said it could not tell her Don's financial status, it did do as Don had directed it to do, indicating that he had enough money to give the agency a hundred dollars a month in perpetuity. Second, he made a commitment, and he made sure that it would be kept, whatever his mental state may be or may come to be, for he authorized his bank to handle the transaction. So everything he has done regarding the gift indicates competence.

Knowing all that, June may still wonder whether, in giving that amount away, he has left himself enough. Has he made the right judgment in determining how much he can afford? One reason she asks that question is that he wants to be more than a donor. He has made the wrong judgment about having a relationship with her, calling her his girlfriend, without any encouragement on June's part. That is some sign that he does not understand fully what it is he is doing.

Of course, nothing is wrong with being friends with those you get money from. If a

fundraiser were unable to raise money from friends, that would make it hard to raise money for charitable causes. But just as it would be wrong to become friends with people in order to obtain money from them, so it would be wrong to give money to become friends. In the former case, you would be using friendship to gain money, and in the latter case, you would be using money to gain friendship. Both are equally wrong. Friendship is not the kind of relationship that can be bought or sold.

So what is June to do? If we apply the second step in our model and ask about her goals, we find that she seems to have two different goals -- the short-term goal of setting boundaries for Don that make it clear to him that she is not his girlfriend and the long-term goal of obtaining funding for her agency. It is helpful here to apply the third step in our model:

- (3) Determine what the harms are of various courses of action: to whom would they occur, what kinds are they, and what are their magnitudes?

What are her options, and what are the harms that are likely to flow from each option? It appears that her options are to pursue the former goal or the latter, but perhaps not both. For one issue she seems to face is that pursuing the former goal may set back the latter. If she sets boundaries for Don, he may rescind his gift. He may have no interest in the agency, just an interest in June.

Putting matters that way makes it clearer what she ought to do. It would be ethically wrong for her to maintain a relationship with Don that encourages him to think she is his girlfriend so that he will continue to give the agency money. That would be using Don, treating him as an intelligent instrument for our own ends, to use the phrase we used in Chapter 2 when we examined deontology, not as a person with the capacity for self-determination.

As a social worker, she ought to want to encourage self-determination in general, even among those who are not her clients. In addition, she has no interest in being his girlfriend. She thus has good ethical reasons for making it clear to him that she is not his girlfriend. So the first thing she ought to do is to sit down with him and lay out what are to be the boundaries of their relationship.

This may not be as easy as it sounds, of course. Besides the problem that Don may not respond well to whatever she may say, June has the problem of determining what the boundaries ought to be between the agency and a donor. Whatever she tells Don ought to be a general policy, the general way in which relationships are maintained, not a position tailored specifically for Don. The latter would be unfair. But June may not have ever thought through the issue before, and thinking it through may raise some issues that may cause particular problems because of this case. For instance, should it be general policy to keep donors informed of how the agency is doing and how donations are spent? June might hesitate to have such a policy because that would mean she must continue to have contact with Don, but such a policy might encourage additional donations, and she should not design a policy for the agency which is responsive to the problems she is having with Don, but which is harmful to the agency's long-term goals. She has to be careful not to let her short-term goals undermine her long-term goals for the agency.

In sitting down with Don and talking through the boundaries of the donor/recipient relationship, June not only risks losing the money he has promised to give the agency. She risks losing contact with Don, and because she is concerned about him, she may hesitate in trying to clarify their relationship. But June is the wrong person to be helping him. She cannot both take his money and treat him as a client the agency is helping. She cannot wear

both those hats at the same time because doing that creates just the sort of problem she now has.

Because she is concerned about him, she might arrange some way to help him that does not involve her. She might suggest that he do volunteer work with the elderly, for instance, perhaps with some other agency (in which case she should inform the head of that agency what problems she is having). She might tell him that one way he might give would be to give of himself, and she could then direct him to a number of different voluntary activities.

If she sets boundaries for Don and encourages him to make contact with someone else (who would presumably help him if it turns out he needs help), June risks losing the funding, but will have done all she can do ethically.

Buying friendship illustrates how complicated even taking money can be from someone willing to give it. Just as employees readily have ethical problems because they are professionals who may have competing obligations, so managers and agency directors readily have ethical problems because they often wear more than one hat. What it seems they ought to do as the director of an agency may conflict with what they ought to do as social work practitioners. It is not easy being the head of an agency.

We saw that at the end of the last chapter when we examined 4.7, Lying about salaries. Both that case and Buying friendship raise issues about the appropriate roles directors and others in supervisory positions ought to play in agencies. What Buying friendship adds is that a source of ethical problems is that the professional obligations one has as a social work practitioner may conflict with the obligations of one's role as a director within an agency.

2. Integrity and agency policies

a. Internal ethical problems

Along with most of the cases we have considered so far, Skimming and Buying friendship illustrate that it is not easy being a social work practitioner. The very nature of the position guarantees conflicts which it may not be possible to resolve. June's problems are what we may call internal to the profession (see the Code of Ethics 1.06(a) & (b)). She has these problems because, given the position she holds, some cases will create conflicts of interest, and she will have such conflicts as long as she remains in that position. They are built into it. Such conflicts can sometimes be intractable, incapable, that is, of being resolved in any satisfactory way.

A comparison may help. Physicians are obligated to care for their patients, but also must learn to look at bodies without becoming embarrassed or giggling. They must look at them as objects. The last thing we would want is that we disrobe for an examination and have our physician giggle at the sight of us. We want what we call a professional demeanor in our physician, and that means that our physician is to view us as a mechanism, like a bicycle that seems not to be working properly. But caring for us requires not looking at us as objects, but as persons who suffer and need sympathy and care. These two requirements -- that we be looked upon as objects and that we be treated as persons who suffer -- are both imposed on physicians, and so are internal to the profession, but are in tension with each other. It is not easy, and perhaps not possible, to look at people as objects while also being sympathetic to their plight as suffering individuals.

Just so, the very nature of the position social workers are in can create ethical ten-

sions, seeming to require that the practitioner act in incompatible ways at the same time. Linda's problem in Skimming is that she is both an employee of the agency and a recipient of a grant, and that position creates the possibility of ethical problems because, as we saw, her director may order her to do something she cannot do as a grant recipient (see the Code of Ethics 3.09(a), (c) & (d) & 4.04).

Many of the cases we have examined raise ethical issues that are internal in this way to the profession. In 1.1 The death of a baby, Deborah had an obligation to report what she knew about the causes of the baby's death because she was obligated, as a social work practitioner, to report suspected child abuse. But she also had an obligation, as a social work practitioner, to provide care and support for the family of the baby. They were her clients, had suffered greatly already, and would suffer even more were she to report what she knew.

b. External ethical problems

Such internal ethical issues are difficult enough, but, unfortunately, professionals have other kinds of ethical problems as well. They are persons, with beliefs and commitments, and they may find that what they are sometimes obligated to do as social workers is in conflict with what they believe, as individuals, they ought to do. We call these external ethical problems because they are not dependent upon what it is to be a social worker, but upon a conflict between what being a social worker requires and what the particular individual who is a social worker believes.

Another comparison may help. If physicians who work with pregnant women were obligated to provide all legally permissible medical procedures, then those who believe that abortion is wrong would have external ethical problems. For they would be obligated to provide abortions because abortions are permissible medical procedures. They would thus be obligated to do what they believe ethically wrong. This is not an ethical problem internal to medicine because nothing about being a physician requires that one believe abortion ethically wrong. A physician who came to believe abortions ethically permissible would cease to have this ethical problem and yet not be any less a physician. This sort of ethical problem is thus what we call external to the profession.

As this example makes clear, some external ethical problems may be extremely difficult for practitioners. We need only imagine a physician deeply opposed to abortion who is required to provide them. Such a problem can be especially difficult because it seems that practitioners are forced to choose between their careers and their integrity as ethical persons. Consider the following case:

5.3 A pacifist

Helen works for an agency that has a contract with a company with significant defense contracts. She is a pacifist, but she was asked to coordinate the agency's work with the company. When she told her supervisor she did not want to have anything to do with this company, her supervisor told her that if she were serious in this, there was a real possibility she would be out of work. Besides, the supervisor added, it is not the company she is helping, but its employees.

The agency's general mission is to help workers who are too poor to afford purchasing help on their own, but the workers of this company are very well paid. So the contract departs from the agency's mission. On the other hand, the contract is

lucrative, and, Helen tells herself, the profits allow the agency to further its mission. It is 'taking from the rich to give to the poor.' Besides, she thinks, if anyone needs help, those working in the military-industrial complex do.

Yet, Helen realizes, if she is successful in counselling them, she may make them more productive and thus herself be supporting the military-industrial complex. On the other hand, she thinks she may be counselling those who are having difficulty with the system at the company to leave the company. In addition, though the agency is taking from this particular corporation to help the poor, she thinks that in general the support we give the military-industrial complex takes away from what we could do for the poor.

She and her supervisor worked out a compromise that she work with the employees, but not be the coordinator for the agency and the company.

The issues in this case could be raised in a variety of ways. The agency you work for might have a contract with a waste management firm not known for its commitment to the environment when you are deeply committed to cleaning it up, or with a governmental agency with policies you disagree with, or with a private non-profit public interest group that is pushing for regulatory changes that you judge would harm those your agency is committed to helping. We need to sort out two different issues such cases raise.

First, ought you to help those who may harm your interests as a social worker? Working for a public interest group opposed to any form of welfare would seem to raise this issue most sharply because it seems part of what it is to be a social worker that one is committed to advocating for a social safety net and to assisting the poor and oppressed to have their basic needs meet (see the Code of Ethics 6.01).

Second, ought you to help those whose policies you oppose, not as a social worker, but as an individual? Some social workers may think it essential that we have a strong defense and others may oppose war. It is not necessary, however, in order to be a social worker, that one be a pacifist any more than it is necessary, to be a physician, that one think abortions wrong.

Neither of these two questions is easy, but they are different questions. The first raises an issue about what it is to be a social worker. To determine what one ought to do, one would have to determine, among other things, whether it is an essential commitment of social work, and thus of social workers, that they support the social welfare system and serve the poor and oppressed. And then one would have to determine whether it is essential, to be a social worker, that one help others -- such as those opposed to any form of welfare -- irrespective of what you may believe about what you are doing. This first question is about something internal to the profession, that is.

The second question concerns a personal belief of the social worker, one a person need not hold to be a social worker. So that question is about something external to the profession. Ought one to do something as a professional that one would not do as an individual?

We shall concentrate upon this second question here, but it is no easier than the first, and neither is made easier for someone, such as Helen, who risks being fired if she does not answer it the way her agency wants her to. Unlike Linda in *Skimming*, who had no good reason to fear she would be fired despite being told she would be fired if she disobeyed orders, Helen may be fired if she does not work with the company. So she has a good practical reason to work with the company. But that does not settle the ethical issue of whether she ought to work with the company, despite her personal beliefs.

As she recognizes, that issue is not simply one of good versus evil. There are bene-

fits of working with the company. She is helping the employees, and she is earning money for the agency that can be spent on others the agencies is charged to help and would have difficulty helping without the lucrative contract with the company. Whatever her personal beliefs, these benefits would occur.

On the other hand, she is not sure, as she admits, that she would be completely unbiased in the way she would help those employees who are having trouble in the company (see the Code of Ethics 1.06(a)). She says she is inclined to counsel them to get out of the system. Her ethical belief may make her less effective as a social work practitioner, that is, being less objective about what those she is counselling really need. So that is a reason for not helping, even if she became convinced she ought to.

So what ought she to do? She chose to compromise, agreeing to work with the company's employees without serving as the agency's coordinator with the company. Presumably she thought that being the official representative of the agency to the company would compromise her commitment to pacifism too much, and her agency agreed that she need not be the coordinator. So the dilemma she faced was not as stark as it could have been. She was not faced with either working with the company or being fired. She and her director found a way for her to work with the company in working with the employees.

But this choice is not without its downside. She is working with the company, and so to some degree she is supporting the military-industrial complex she opposes. She may help the workers become more productive, and by helping the workers, she may help the company make a better showing and justify even more governmental spending on the military rather than for the poor. So, someone might object, she cannot be a real pacifist and still work with employees of the military-industrial complex. She has rather compromised her moral integrity, it might be claimed.

A second problem arises because it is difficult for any institution, even if it is a social work agency, to let its employees pick and choose which contracts to work on and which ones not. Besides the complications of monitoring such a policy to ensure that the objections to working on a contract are based on conscience, and not convenience, the agency would be giving its employees a veto over what those in charge of the agency have judged is in its best interests. Organizing an agency to allow for this sort of conscientious objection on the part of employees may work, but as in all structures that require consultation and agreement, it would take more time and energy than the usual hierarchical arrangements in which workers are assigned responsibilities. Helen was able to reach a compromise, that is, because her agency permitted it, but such a compromise is not always possible.

It is clear that Helen is herself torn about what to do, recognizing, on the one hand, that if she works at all with the company or its employees she will harm the ethical purity of her position, and, on the other, that the agency has good reasons for its contract with the company and that some of its employees do need help she is able to give. The compromise she chose is one way through these conflicts.

Such compromises tend to be the norm when we are faced with competing ethical demands that are so evenly matched, with the harms and benefits so balanced, that no one option seems obviously better than the other. We choose a way to satisfy as many of the demands as we can, without undue harm.

Were Helen's problem internal to the profession, we could say more about whether she did the right thing. We could ask whether the competing ethical demands are both essential to social work, whether one or the other better realizes social work ideals, and so on. But because Helen's problem is an external ethical problem, arising because of a belief she has about pacifism that need not be shared by other social workers, the ultimate decision must be hers. This is not the trivial claim that those who face ethical problems must make

the moral choice, but the claim that the person affected is best positioned to put the proper ethical weight on personal moral beliefs.

It is Helen's ethical integrity that may be denied, or compromised, or upheld -- depending upon whether she decides to act as the agency's coordinator with the company, decides to work with the employees without being coordinator, or refuses to have anything to do with the company or its employees. It is not her ethical integrity as a social worker that is at issue, but her ethical integrity as a person who happens to be a social worker. Determining what she ought to do does not mean, as with a problem internal to social work, balancing competing social work demands, but rather balancing what a social worker ought to do with what Helen ought to do. And so, even with more understanding of the case, an outsider may not be able to assess well her choice. Though we may be able to determine what a social worker ought to do, if we had an ethical problem internal to social work, we may not be able to determine what Helen ought to do. The best we can do is to try to do what the first step of our method tells us we ought to do, namely, reconstruct what would justify one of her choices rather than another. It may turn out, as we do that, that we can see that some choices are not good choices, but it also may turn out, as it seems to have turned out in this case, that we cannot be sure whether the right choice was made or not.

So one difference we can discover between the sorts of ethical problems we have looked at so far and the external ethical problems we are examining in this section is that in regard to the latter sort of cases, we cannot as readily assess the decisions practitioners make. This is a significant difference if only because some believe that no one can ever tell what someone else ought to do. What they say is truer of A Pacifist and other such cases than it is of the sorts of cases that raise internal ethical problems.

To take the simplest such cases, the ones that cause no problems, social workers ought not to lie to their clients, for instance, or cheat their colleagues, or steal from their agencies. That is, they ought not to do these things without an overwhelming ethical reason, something that could ethically justify doing what is *prima facie* so wrong. Thus, to take a clear case, a practitioner might justify lying to a client to protect the client's life. The harm caused by the lie would be offset by the greater good caused by it.

Even in harder cases, where there is an ethical dilemma, or where the case is problematic in some way, we can often determine what a social worker ought or ought not to do. We have seen this in case after case. Thus, in *Doing what the judge orders*, whatever else John ought to have done, he ought to have talked with Al about the risks of unprotected sex when one may be HIV-positive. Even in cases where it is not clear what the social worker ought to do, we can go a long way towards getting clarity -- laying out what being a social worker ethically requires, getting clear on what the options really are, and understanding more clearly why a decision is not clear.

What we discover in *A Pacifist*, however, is that we cannot be sure what Helen ought to do. The reason for that is that we cannot put an ethical weight on the moral values she holds. We cannot be sure how deeply she is committed to pacifism or what sorts of compromises she can make and still maintain her integrity. For they are compromises she must make not as a social worker, but as a person.

Such external ethical problems are shared by all the professions, as the example from medicine with which we began this section makes clear. For it is always the case that the demands of our profession or our employer may run counter to what we believe we ought to do as individuals. A lawyer may feel sympathetic to a client's plight, but good legal practice requires hard questioning, the sort of unsympathetic querying that an opposing lawyer is likely to dish out when the client is on the witness stand. A lawyer's job requires knowing a client's answers to such queries, the better to defend against them, and being

sympathetic may harm the client rather than help because the lawyer, and the client, may be less prepared to respond to unsympathetic questions of the opposing lawyer. So what is required of lawyers in preparing for a case may run directly counter to what they feel they ought to do as individuals.

Thus, to summarize, this sort of conflict raises two different ethical problems for a professional. The first problem is that the professional may be obligated to do something he or she would not do as an individual. This obligation may arise either from what it is that social workers, as social workers, are required to do or from what a social worker, as an employee, is required to do. The latter is Helen's problem in *A Pacifist*. The other problem is that being a professional may require a character and an attitude that run counter, or are at least in tension with, what one thinks one ought to be as an ethical individual.

c. Having an ethical character

The character we display, the attitude we have, and the emotions we feel are as important as what it is we do. Indeed, to be accurate, they are part and parcel of what we do. If a person were to run down a child, by accident, as the child darted between parked cars, we would be aghast if all he or she did was say to the family, 'Oh, I'm sorry.' What is ethically required in such a situation is that one be sorry and so evince all the emotions, and the appropriate attitude, of someone who is truly sorry. Sometimes, indeed, the emotional response one gives is far more important ethically than whatever it is one says. Someone in deep pain may not hear you well, but can feel the sympathetic hug.

This concern about how we ought to do what we have determined we ought to do runs throughout the cases we have examined. The guide to ethical decision-making is divided into two parts, (1) through (4) telling us how we are to determine what to do while (5) says,

- (5) Determine how to do what you have determined ought to be done and do it in a way that will itself produce more good than harm.

The point of (5) is that it is not enough to determine what to do. We also need to determine how to do what we have decided we ought to do.

But how we act is reflective of our character, and in *A pacifist*, Helen has an ethical problem because her agency is asking her to act against her character. It is, as we said, her ethical integrity that may be denied, or compromised, or upheld -- depending upon what she decides to do and how she decides to do it. She must not only decide what to do, but both go about deciding what to do and then do it in ways that reflect her sense of herself. For instance, threatening her manager for putting her in such a situation would seem not the right response for someone committed to pacifism.

We have seen this sort of issue before. In *Peers?*, for example, what Margaret ought to do is to talk with Henry, the social worker for the boy who sexually abused his sister. Henry wants to put the boy back into the family; Margaret thinks that a mistake. In describing how she would meet Henry, Margaret said she would have to 'confront' him, but if she were to confront him, then she and he are not likely to be able to talk through the problem they have of determining what is in the best interests of her client and his. What turns out to be crucial in that case is not just Margaret's deciding what to do, but determining how to do what she ought to do. Going about talking to Henry in the wrong way is likely to set back the interests of her client, not advance them. One of the disturbing aspects of the case is

that Margaret thinks she must confront Henry. That she thinks that is her only choice tells us more about her than anything about the situation. It looks to be a character flaw that she seems unable to see other less harmful alternatives.

In both Peers? and A pacifist, as well as in the other cases we have examined, it is essential to have the right emotional response and the right attitude. We do not mean to suggest that one ought to fake these aspects, as though one could take on one character or another, as the situation warrants, or that one ought to work to tailor one's emotional response and attitude to the situation at hand. The point is rather that one ought to strive to be an ethical person and that being an ethical person requires more than deciding what is right. It requires doing what is right, and doing what is right requires having the right emotional response and the right attitude, both of which come from having the appropriate character. We ought to strive to have an ethical character, that is, and then doing what is right will come from our character, with the appropriate emotions and the right attitude.

d. Professional character traits

But striving to become ethical is a lifelong pursuit, and one feature we need to attend to if we are fully to appreciate how difficult it can be to be an ethical professional is that the sort of character one has to develop, or comes to develop, as a professional may be at odds with the sort of character one ought to develop as an ethical person. The alternatives in that statement -- has to develop, or comes to develop -- are important. The problems may arise because of some character traits the profession itself either requires or encourages. Let us briefly consider each of these in turn.

(a) As we saw, empathy may get in a lawyer's way of seeing the kinds of problems with the case that an opposing lawyer would exploit. A lawyer has a professional obligation not to be too empathic or kind-hearted. But a lawyer's manner, honed in an office and in court, ill serves the lawyer with family and friends. A person may find it difficult to integrate the professional attitude necessary to be successful as a lawyer with the sorts of attitudes appropriate for friendship and intimacy. The traits one has to develop to be successful in a particular profession, in other words, may be just the traits one does not want in other, non-professional relations.

Social work practitioners might seem not to have this problem. After all, the traits we most value in our personal lives are just the traits social workers must hone in their professional lives into skills -- the ability to listen well to what others are saying, the capacity to empathize with the problems others have, the ability to understand individuals in their social contexts, and so on. As the Code of Ethics says, social workers' 'primary goal is to help people in need and to address social problems,' and they are obligated to 'increase their professional knowledge and skills and to apply them in practice' (Code, Ethical Principles). But, as it turns out, social workers are not immune from this common professional problem of integrating their professional and personal lives. It is just that they generally seem to have the opposite sort of problem that lawyers, for instance, seem to have.

In 5.2 *Buying friendship*, June felt that she could not just take the money that Don offered and leave. Her difficulties arose in part because she seemed unable to act only as the director of an agency concerned to raise money. She wanted to help Don, and it was her wanting to help him, along with wanting to obtain his donation, that caused her problems. Of course, helping Don may have been the right thing to do. But June would not have had such an obvious problem if she had not been committed to helping others. Similarly, in *Relapsing*, we will fail to understand Corliss's problems in trying to help Cynthia if we do not

see that Corliss thought Cynthia needed tough love to help her overcome her problems with alcohol and that being tough in that way, even for a good end, can be difficult for someone whose natural response may be to be empathetic and caring. Being empathetic and caring while setting clear limits is a real skill that can be difficult to achieve.

(b) Professionals may also come to develop character traits in their profession which make it difficult for them to be as fully professional as they ought to be. It is a common problem some nurses have who must care for those who are terminally ill. It is difficult to lose patients, and giving a full commitment of love and caring for patient after patient, all of whom die, can carry a heavy toll. A nurse quite predictably may become less willing to give so much when so much is lost, and yet that response, however natural it may be, makes the nurse less able as a nurse. Terminally ill patients certainly need as least as much as those who are going to recover and perhaps more, and the hundredth terminally-ill patient is in much of need as the first. It sounds paradoxical, but it is true that the very practice of the traits that most mark a professional may, in certain circumstances, make the professional less able to practice those traits.

Social workers may become as burnt out as nurses as they try to maneuver through the bureaucracy or as they listen to more complaints from clients. They may find it difficult to maintain the capacity for optimism in the face of what often appear to be intractable bureaucratic hurdles over which they have little control, and they may find it hard to listen empathetically to the same client who has failed, yet again, to do what they were told they had to do in order to continue to get support. The very nature of the position social workers find themselves in will often complicate, and may well compromise, their capacity to realize the ideals of the profession. We see, once again, that it is not easy being a social worker.

3. Agency goals

Unfortunately, though we have illustrated this truth about how difficult it is to be a social worker in many different ways, we have not exhausted the possibilities. In the third step of our method, we are to:

- (3) Determine what goals the participants had and what means they thought would achieve those goals; then determine what goals ought to be achieved and determine what means are best for achieving those goals.

This admonition turns out to be far more complicated than it may appear. When we examined 1.4 *Doing what the judge orders*, we were concerned with whether what the social worker, John, did made sense given what his goals were. We decided that John's convincing a judge to have AI tested for HIV made no sense if John was concerned to ensure the safety of the family AI was living with and AI's alleged girlfriend. We were looking in that case only at the goals of one person, but limiting ourselves to determining the consistency and sense of the goals of one person can become even more complicated when, as we saw in 5.2 *Buying friendship*, that person has one set of goals wearing one hat and another set wearing another.

We can readily see the progression up the ladder of complications. When we examine the goals of all the participants to an ethical problem, we then not only have to examine the consistency and sense of each participant's goals, but also the consistency and sense of the set of goals of all the participants. And when one of the participants to an ethical problem is the agency for which one works, or an external agency or company whose policies and goals

directly affect one's work, so that we are not just weighing against one another the competing goals of relatively equally situated participants, things get even more complicated. We shall consider some of those complications in this section.

a. Discretion and benign neglect

As we have seen, an agency's need for funding can cause problems for its director, but it can also cause problems for its employees. Consider in this regard the following case:

5.4 Money or care?

The state permits up to six children per foster home. The agency that places the children gets administrative money for each child placed -- over \$50,000 per foster home if the home takes in as many children as the state permits.

Ralph is head of an agency charged, among other things, with placing children in foster homes. The money the agency makes from the placement that is not used for the placement itself or for training the foster parents is used to support other agency activities. Because the agency places a great many children, it makes a great deal of money that way and is able to support a wide variety of other programs for the poor.

The problems that the foster parents face with the children can be remedied if they are the result of lack of proper training, and in the worst of cases, children are taken from the home. But there are always going to be marginal cases, 'gray areas,' Ralph says, and the agency has a new problem because the kinds of kids it is now getting have more serious problems and are more difficult to care for.

The agency has solved the problem of what to do with cases that fall into the 'gray areas' through 'benign neglect,' preferring to assume that the problems are not serious enough for the child to be taken out of the home. But this has caused problems for the social work practitioners who must work with the families. These problems cannot be resolved through training, and the practitioner can only tell the families that they must deal with them somehow.

The difficulty that some kids have more problems now is more serious, and the agency has responded by cutting the number of children it places in a foster home from six to four. That is better for the children, and better for the foster family too -- except that the family is getting less funding and so is the agency. Indeed, the agency's program is now losing money because of the way it feels it must handle this new difficulty.

Ralph certainly has a problem because he is director of the agency and the agency should at least break even in the program. But those who work for the agency in the homes have problems too. They are to judge whether the situation is clear or gray, and so the agency's policy gives them discretion. And when they judge that extra training of the parents will be helpful in alleviating the problem, they are permitted to give that. But when the problem is in a gray area, where it is not clear quite what would work, if anything, they are to do nothing, neglecting it, with the hope that the neglect will cause no harm. They are not permitted to explore alternative ways of solving the problem such as changing the mix of children, or working more with the children, or providing therapy for the family, the children and the parents together. Such exploration can be expensive, as can such potential reme-

dies, and the agency has decided, as a matter of policy, not to spend the money for that. Presumably if a practitioner were always to judge that situations need correcting, he or she would be told to intervene less or would be put into some other program. The clear intent of the policy is to save money, consistent with the agency's mission of helping those children it can clearly determine need help.

Such situations are typical for any agency. An agency must choose to maximize funding while providing the best service it can to those it is supposed to help. It would be as inappropriate for an agency to provide the best service it can without regard to any funding problems as it would be for it to try to maximize its funding without any regard to the service it provides (see the Code of Ethics 3.07(a) & (b)). Making either choice would cause harm to the agency's mission of helping those in need.

Because there are always going to be problems in placing children in foster homes, there will always be occasions for spending more money. The agency is likely to run out of money if it responds to every minor problem, and, in any event, it will be spending money for marginal gains in that program when it could be spending those funds for clearer victories in other programs. Yet if the agency decides to maximize its funding by not responding to any such problems, even clear ones, it will countenance and encourage situations where real harm will occur to those in its charge (see the Code of Ethics 3.07(b)). The agency's policy in Money or care? of 'benign neglect' in gray areas is presumably meant to be a middle ground, one that minimizes the harms while maximizing the benefits to those the agency is supposed to help (see the Code of Ethics 6.04(a)).

But this policy will cause difficulties for the agency's practitioners working with the foster homes. It gives them discretion without guidance about how to respond to some hard cases. They may thus be unsure what to do in some cases, and make the wrong judgment, and the entire program may end up running in an inconsistent manner because the individual practitioners respond in different ways to the same sort of unclear problem.

For instance, what is a practitioner to do in a gray area if the likelihood of any harm's occurring seems small, but the kind of harm, or the amount of harm, that could occur is great? We had such a situation in *Doing what the judge orders*. Al's foster family was potentially at risk of getting AIDS since Al may have been HIV-positive. The likelihood of getting AIDS in such a situation is small, but the harm caused is immense, especially when it is multiplied by the number of people in the foster family. Since the likelihood of such harm occurring may be small, a practitioner may presume that nothing need be done, but because the magnitude of the harm that could occur is great, another practitioner may presume that something should be done. A policy giving discretion in such a gray area gives no guidance.

Someone may respond to the problem in Money or care? by arguing that given its charge to provide care for the children, the agency has an obligation to ensure that they are not harmed in any serious way and so has an obligation to intervene when the potential harm is great or the kind of harm is serious, even if the likelihood of such harm occurring is small. For the same reason, the argument would continue, it has an obligation to try to ensure that the families not be harmed in the same sort of situation. Minimizing the potential harm to the children and families is presumably one consideration in the agency's reducing the number of children it places in a home to four, but it should also be a stated consideration in its policy of benign neglect.

Of course, that would cost more money. Indeed, whatever policy is adopted will reflect a tradeoff between financial considerations and the potential benefits and harms to the agency's clients. Put another way, the agency's mission requires that it maximize both its financial resources and the help it gives to those in need, and these two goals are always in

tension, given the limited resources any social work agency has.

b. Clarity of goals and professional discretion

If the agency comes to have a clearer policy, that may not solve a social worker's problems. It may even be the source of problems. Consider the following case in which the relevant institution -- a hospital in this case -- has adopted a clear policy, but one which provides for no discretion on the part of its social work practitioners and also may cause great harm:

5.5 Limited number of visits

Pat is a social work practitioner in a hospital and helps clients with alcohol and drug problems. Most of her clients are covered by health insurance, but the insurance companies are demanding full records -- partly in order to be sure that its clients are being served by properly accredited professionals and partly because, Pat thinks, 'if they can find any little thing that doesn't look right to them, they can disallow the claim. So they are going to try to get as much information as possible.'

But it is not in her client's best interests to have information that they are being treated for drug dependency or alcoholism getting back to their employers or even to the insurance companies. She had a client who gave permission for his insurance company to look at his files, but was later denied life insurance by the company because, it said, alcoholics die younger. They found out from the records he gave them that he was in treatment for alcoholism. In addition, employers can make life difficult for those of its employees it knows have been in treatment for drug dependency or alcoholism.

So one of Pat's problems is that she is caught in the middle, especially if the client refuses to give permission for her to reveal the complete record. She also thinks it a mistake for clients to give her permission to reveal their records. She thinks that information ought to remain confidential. But if clients do ask her to send their records on to their health insurance companies and a company then refuses payment, the hospital will have to pick up the cost for those clients who cannot pay for the therapy themselves.

One consequence of this problem is that the hospital has dropped its out-patient program. Too many of the clients in that program were being supported by the hospital. It also limited the number of sessions for those in therapy in the hospital to ten unless the hospital can determine ahead-of-time that they will be covered by insurance or are able to pay their own way.

If Pat's analysis is correct that the insurance companies are seeking as much information as they can so as to find something that allows them to disallow an otherwise acceptable claim, they are acting unethically -- though we may understand, and lament, the economic imperatives that are driving their attempts to disallow claims. Insurance companies are for-profit organizations, and with nothing to constrain their seeking profits wherever profits can be found, increasing the bottom line is the primary aim, driving everything the company does. Managed care is under the same economic imperative, and we are witnessing the same driving force and its consequences for the sick and poor.

The hospital's response to the problem seems driven in part by that aim as well. Af-

ter all, it closed the out-patient program, and it has put a limit on the number of visits a client is permitted when the hospital must pick up the bill. But that the hospital is willing to pay for ten visits means that it is also not acting just to increase its profits. It is giving away up to ten visits and so, to that extent, acting as a charitable organization, a not-for-profit institution that is willing to take a loss to provide a needed service. It has chosen ten presumably as a compromise to provide a service while keeping its losses down.

Both the insurance company's activities and the hospital's policy cause Pat problems, and they are connected in at least one way. Were she to encourage her clients not to give the insurance companies what they want, then (a) those who were unable to afford to pay for the sessions themselves would cost the hospital, and (b) they would only be entitled to ten sessions. Each of these consequences causes problems.

(a) Pat works for the hospital, and so, if she were to suggest that her clients not have their insurance companies pay, she is costing her employer money -- putting at risk, among other things, its ability to serve other clients she is committed to serve, as the hospital's dropping its out-patient program makes clear. So the advice she thinks she ought to give her clients about how to handle the insurance companies is not cost-free. Either the clients will be asked to pay, or the hospital will pay for some sessions if the clients cannot, or, as she discovered, she will not be able to serve any of those who could only use the out-patient service. Besides harming her professional concerns, advising her clients not to give the information requested by the insurance companies also may harm her personal interests because the hospital is not likely to be pleased with her advising clients not to have their bills paid. Even her own position may be at risk because as the hospital's costs mount, it will need to cut back, perhaps by cutting staff.

(b) The hospital's limiting the number of visits to ten when there is no funding, however charitable that may be, constrains what Pat may judge to be the right treatment for particular clients. Some clients may need fewer than ten sessions, but others may need significantly more. Setting a limit of ten may seem a compromise between the hospital's imperatives of obtaining sufficient funding to provide services and providing free services when the need is great, but it draws a line that appears relatively arbitrary -- why not twelve? or eight? -- and, more importantly, prevents Pat and other social work practitioners in the hospital from providing for particular clients what they may judge is in the clients' best interests. Drawing a line limits Pat's autonomy as a social work professional (see the Code of Ethics 1.01 & 6.04). The hospital is saying that given its overarching need to cut costs, it wants to ensure that her judgments about what is in the best interests of her clients are also consistent with the hospital's interests.

So the insurance's companies' insistence on complete information from her clients creates a complex set of difficult ethical dilemmas for Pat. On the one hand, if she counsels her clients not to provide that information, they will be harmed, she may be harmed, the hospital will be harmed, and unclear numbers of other needy individuals will be harmed because they will not be served. On the other hand, if she counsels her clients to provide the information, they may be harmed. She could provide no advice, letting her clients do as they wish, but her choice is not ethically neutral. It is a choice between competing ethical demands. She knows what harm can come from either choice, and not giving advice means not informing her clients (see Code 107(d)). She would then be responsible for their making decisions that may vitally affect their interests without full information, without, that is, informed consent.

Of course, part of Pat's problem arises because of the hospital's response to the situation. In the interests of economy, it has decided on a clear policy -- a limit of ten visits per client -- that both constrains her professional judgment as a social work practitioner and

may cause harm to some of her clients because ten visits may not be sufficient to help them with their problems. That such a policy is the usual way in which hospitals, for example, handle these sorts of situations does not make Pat's problem any less difficult.

An additional source of problems for her is that she is the one in the middle, acting as a go-between for the insurance companies. She is to ask the clients for permission to release the information, and she is then to send it on to the insurance companies.

Her options to try to resolve these problems are relatively limited. She can try to change the policy of the insurance companies (see the Code of Ethics 6.04(a)). That would presumably mean working at the state level to change the relevant legislation. She can try to change the hospital's policy. The Code of Ethics obligates social workers not to 'allow an employing organization's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work' (3.09(d)). Pat thus has an obligation to work within her organization to convince it either that it is not going to cost any more to give the social work practitioners the power to make judgments about how many visits are needed for each client or that, if it is going to cost more, the cost is worth it to serve clients well. Obviously, what ought to matter in setting a policy is not just cost, but what is ethical.

Or she might try to change her position between the insurance companies and the clients. In acting as a go-between, she is effectively working for the insurance companies. She could set up a process whereby she routinely sends on to insurance companies the information she thinks is appropriate and sufficient to justify payment, having obtained the clients' informed consent to do that, and she could deflect all further inquiries by telling the companies they will have to contact the clients directly to get their permission. Obtaining that permission from the clients, without her help, may cost the insurance companies enough that they will be deterred from seeking more information, at least in every case. But she would still be sharing private information with the insurance companies, and she would still be caught in the middle with the additional problem of having no clear way to determine what information to send and what to keep and how private what information she sends will remain.

Another option might be to provide the hospital administration and the insurance companies any research that provides evidence for the number of sessions needed for particular problems (see the Code of Ethics 5.02(c)). Or, if she thinks the policy cannot be changed, she might advocate on a case-by-case basis for each client -- a time-consuming task.

How successful any of these initiatives may be is unclear. But there seem no other ways out of the complex ethical dilemmas Pat faces, and yet, as we have just seen, those solutions are as constrained by external forces, not within her control, as her professional judgment is constrained by the hospital's rule of limiting visits to no more than ten. Unlike Skimming, where Linda could do something to salvage her autonomy, it seems that unless Pat works to change the external factors causing her difficulties, she can do little to change the complex ethical dilemmas she finds herself in and, in particular, little to regain control over what ought to be professional judgments about how long particular individuals need care. What Limited number of visits shows, that is, is that social workers sometimes must work for change in the system that creates the ethical problems they face (see the Code of Ethics 6.04(a) & (b)).

c. Lack of clarity about goals

This case and Money or Care? both concern the problems created for social work

practitioners by the institutions they work for needing funding to sustain or further their missions. But such institutions may act altruistically, and such an institution's acting in this way may cause as many ethical problems for its practitioners as its striving to maintain or increase its bottom line. In the following case, an agency considers whether to expand its mission to meet a new need and it becomes unclear what its goals are:

5.6 Taking on more than it can chew

When crack cocaine hit the streets, its quick spread wrought social havoc, and, except for the police, human service agencies were the only institutions with any kind of experience in dealing with drug use and the harm it causes families and other social institutions. The crack epidemic spread so quickly, and so overwhelmed the agencies that traditionally dealt with drug dependency, that Jeffrey's agency was asked to take on a new role to help with the problem.

The agency had no serious financial difficulties, and it was successful in its other programs. That was one reason it had been asked to take on this new problem. But it also had no experience in drug dependency programs, and taking on a new program would stretch its resources. There was no promise yet of any new money, and so the main problem, as Jeffrey put it, was that he and the Board 'had to balance the long-term financial stability of the agency with the mission of responding to emerging social problems.'

Jeffrey was extremely reluctant to have the agency take on the new cause, but some members of the board argued that the problem was so overwhelming they had no ethical choice but to help, despite the problems that might cause. They felt they could not just sit back and hope that the crack epidemic would run its course without significant harm to the community it was their mission to serve. They were also concerned that the problem might harm some of the activities the agency was currently engaged in and that they would end up having to take on the new mission in any event. 'We might as well do it at the beginning,' they said.

Jeffrey agreed that taking on the new cause would further the agency's mission, but, he worried, unlike practitioners in other agencies whose mission had included working with drug dependency, the agency's employees had no special training or particular experience in working with drug dependency. They would need to be trained, and the new program and the need for training would take them away from the agency's regular programs and leave those programs underfunded as well as understaffed. Jeffrey was thus concerned that the agency's practitioners were not the best ones for the job and that the agency's other programs would be jeopardized by the transfer of money and personnel to the new program.

No agency can do everything. However important an agency's mission, and however deeply committed to it the agency may be, no mission can be so powerful as to overwhelm all other considerations such as whether an agency is competent to take on a new program, even one that furthers the agency's mission. Even deep ethical commitment should not preclude practical questions. But, then again, some agencies must respond to new social problems that arise. Agencies cannot rest content to till the same field over and over. Otherwise, no one would respond to the new social problems that strike us all too frequently.

In considering such problems, therefore, the questions to ask are whether a new program is a good fit, a natural extension of programs an agency is already involved in, or whether, if it is not, the problem is so important that the agency must take it on in any

event and train its workers to handle the problem. The crack cocaine problem is not a natural fit for Jeffrey's agency.

One consideration in deciding what to do is, as Jeffrey put it, whether taking on the new social problem is consistent with 'the long-term financial stability of the agency.' Clearly the answer to that question is contentious, given the different responses of Jeffrey and the Board, and without more information, we cannot take one side or the other. The answer is not obvious, that is, given what we know.

What is obvious is that any answer ought to consider the impact on the agency's practitioners, for when an agency takes on a problem it is ill-equipped to handle, its practitioners will face special problems they would not face otherwise, and both the old programs and the new program will face special problems. Any arguments for or against taking on the new problem must thus have as premises claims about the following:

(a) With money and personnel going from the old programs into new ones, and the old programs thus being short-handed and not as well funded as they have been, what harms will occur? This question in turn has two parts. First, if the old programs become short-handed and underfunded, will either of those shortages cause harms for those the programs are designed to help? Second, will those working in the programs face any kind of special problems because they do not have enough personnel to help them or enough money? There is likely to be an impact for the worse both on the beneficiaries of the existing programs and on those administering the program.

(b) With money short and with practitioners who are inexperienced in the new field the agency is to take on, what harms will occur? Just as there will be an impact on the old programs and on those working in the programs, so there will be an impact on the new program and on those working in it.

First, the new program is likely to be as underfunded as the old programs. With enough money to cover its existing programs, and not enough to cover an expansion of services, the agency will need to take money from all its programs to fund the expansion. It is not likely to fund the new program to its fullest. Or, more accurately, any judgment to do that must be weighed against the greater harm that would then occur to its existing programs. So one question that must be considered and answered in order to decide whether to take on the new program is how to distribute the harms that will occur to the old and the new programs by the subsequent shortfall of money.

Second, Jeffrey would no doubt check among the agency's employees to see if any happened to have had any training or experience in drug dependency, and those employees would presumably be first in line for the new program if they can be spared from the other programs. But if there are not enough of them, or not enough can be spared, employees will have to be trained, which will cost the agency funds, and then they will need to be put to work in the new program with no experience. Just as the new program is as likely to be as underfunded as the old programs, given the shortfall of money, so the new program is as likely to be understaffed as the old programs. The harms that occur from understaffing are many -- from the staff being overworked to their being overwhelmed -- and so one question that must be answered to decide whether the agency should take on the new program is how best to distribute the harms that will occur from understaffing. Would it be better to put a lot to work in the new program, to get a jump on the problem, even though that decision will leave the other programs more severely understaffed, or would be it best to spread the harms more evenly (see the Code of Ethics 3.07(b))?

Again, we cannot know the answer to this question, or the other questions we have raised, without more information. We cannot be sure what kinds of problems the practitioners will face in this new area. In Money or care?, those working in the foster homes were

not given adequate guidance about what to do, and in limited number of visits, Pat was given a guideline that was clear, but seemed arbitrary and unresponsive to the real problems she faced in tailoring therapy to particular clients. In those cases, the institutions in question were operating well-established programs. But if there can be those kinds of problems for the practitioners in those sorts of programs, it is unreasonable to assume that the practitioners in Jeffrey's agency will not have any serious problems in taking on a wholly new project, in an area in which they have little or no experience.

Some might argue that no one could be prepared to tackle the problems created by the crack epidemic, especially given its magnitude and the persistence of the dependency, but at least those practitioners with previous work in substance abuse programs would have some idea how to proceed with this new variety of addiction. In deciding whether the agency ought to respond to the new cause, Jeffrey and the Board will thus certainly need to consider not only how well taking on the new problems fits with its existing mission and with its existing programs, but also what new problems the practitioners of the agency may have. They have a large stake in the answer Jeffrey and the Board give. It is, of course, as difficult to anticipate what kinds of problems those in the new program will face as it is to anticipate what kinds of problems those in the existing programs will face because of fewer resources. But these are problems that will matter in making the right choice.

What is missing so far in this discussion of the various harms that may occur given one choice rather than another is what ought to be guiding the discussion. As the third step of our model tells us, we need always to be clear why we are doing whatever it is we decide to do: what do we intend to accomplish? We cannot begin to determine which sets of harms and benefits the agency ought to choose without first understanding what goal or goals the agency is committed to achieving. For instance, one issue the case raises is why this agency was asked to take on this problem. Why was not an agency with experience in substance abuse approached? It might be that this agency has some special goals that fit well with handling the new social problem, or it may be that the agencies that handle substance abuse have special problems that make them inappropriate choices to handle this problem. We do not have enough information to know one way or the other, but we will need to know what the agency's goals are before we can determine what the agency ought to do.

We may find, were we to investigate this issue, that other agencies in the community are better prepared than this one, but that discovery leads into the questions we shall examine in the next section.

4. Conflicts between agencies

In any community with two or more social work agencies, overlapping services may exist, and the agencies involved may cooperate or compete. Cooperation can raise as many ethical issues as competition, and the issues can become very complicated when other ethical issues are involved as well.

a. Agencies in competition

Consider the following case where a director misrepresents her agency and misleads both the community and the agency's clients, causing difficulties for the agency's social work practitioners and for other agencies and their practitioners:

5.7 Agency misrepresentation

An agency advertises itself as taking care of the homeless. Its big promotion under its new popular director, Delores, who is a minister, is that it provides 'A Home for the Homeless.' Because of this campaign, and the way it has advertised itself, the agency under Delores has been able to raise significant funds in the community from foundations and from private citizens, and it now receives support from the county government.

But the agency provides only drop-in support for the homeless, and only in the daytime. Delores went to the local motels and hotels asking for donations of small pieces of soap because, she said, 'the homeless need to travel light on the street.' There is no intent on the part of the agency to provide homes for the homeless.

In addition, the agency prides itself on providing help 'no questions asked,' and so is unable to direct those who need housing to other agencies which could help. It refuses to question those who drop in because, it argues, that would be an invasion of privacy, but that policy is also part of a campaign to attract those who need help. The agency tells them, 'We don't ask; we just give.'

Janet is the director of an agency that does provide homes for the homeless. She coordinated the original agreement among the various agencies in the area about how best to help the homeless, but Delores's aggressive advertising and fund-raising has caused funds that would have gone to provide housing for the homeless to go instead to the agency. In fact, county money that is earmarked for the county shelter to provide housing for the homeless is being sent to this agency on the mistaken assumption that it provides housing. The checks are made out to the agency, and Delores is using the money for the agency's programs. The agency's advertising has clearly caused confusion about what the agency does. The agency's accountant also works part-time for Janet, has told her of the misdirected funds, and is unsure what to do.

Janet's agency has not only lost funding, but it has had to spend additional money for 'outreach therapy' at the agency. 'We have to go in there,' Janet says, to assess the needs of the clients so it can try to provide homes for those who need them. The agency was unwilling initially to provide office space for that, and, though it now does that, it charges them 8 cents for each phone call and makes it difficult in other ways for Janet's agency to do its job.

This is a complex case, raising many different problems, not the least of which is that the agency Delores is in charge of is taking public money that does not rightfully belong to it and using it for purposes other than what it is supposed to be used for. It may be using that money for some good purposes, but it is not spending it for the purpose it was given. It is not a difficult ethical judgment that this situation is wrong.

The accountant has a professional obligation to inform the county that it is making a mistake, but now, because Janet knows about the problem, she has an obligation as well. How Janet can best fulfil that obligation is another issue (see the Code of Ethics 2.11(a)-(d)). If she cannot convince the accountant to act, she may need to write the county authority informing them that, somehow, the money is mistakenly not being sent to the agencies that provide housing for the homeless.

The source of the accountant's professional obligation is that the money is being misappropriated and the accountant knows it. Janet's obligations are more complicated. She

has an obligation to allow the accountant to act before she acts because, if she acts first, the accountant will be in difficulty. But she also has an obligation to act -- either by allowing the accountant to act or, if the accountant will not act, by acting herself. The source of that obligation is that she knows that the homeless are being harmed and she now knows how they are being harmed. She has the obligation any of us would have to help those who are being harmed, through no fault of their own, when we can help them. She has an additional reason for acting because she and her agency are trying to help provide housing for the homeless and are having a more difficult time of it because of the misallocated funds.

How she should act is another question. It is always important to try to talk through the issues with those involved, and so her first obligation is to talk with Delores, explain what she thinks the problem is and then listen to what Delores has to say (see the Code of Ethics 2.11(c)). She will then be far better positioned to determine whether she needs to do anything else or whether, somehow, she may have misunderstood something about the situation.

It is a situation that, as Janet now understands it, clearly needs to be turned around. Among the other problems are these:

(a) The agency is misrepresenting what it does. That is itself a harm because it is taking money from the public under false pretenses, but Janet's worry ought to be that harm will come to the other social work agencies in town when the truth comes out. People who have given to that agency and then discover that they have been taken may be less likely to give in the future to any such agency, not knowing which are misrepresenting what they do. After all, if one cannot trust a minister in charge of an agency, why should one trust others who claim their agencies will help?

(b) The agency is giving the homeless a band-aid when major surgery is needed. What the homeless need, it may be argued, is a long-term solution that provides them with housing, not just small bars of soap so they can 'travel light.' That Janet's agency has had to create an 'outreach' program to go into the community to reach the homeless to determine what their needs are and try to meet them is a rather obvious sign that the homeless need more help than the agency is giving them -- help with filling out forms, for instance, so that they can get other aid they are entitled to from other agencies.

(c) Because the homeless are not being housed, they are presumably still in the neighborhood at night, sleeping in lobbies of businesses and on the streets, causing resentment among business owners and the public in general who are then less willing to give since the dollars they think they have been giving for the homeless are not solving the problem.

(d) The agency has turned what ought to be a cooperative endeavor among the various agencies in the community into a competitive enterprise, harming the interests of the homeless in the process, obviously, but also making it significantly harder for the other agencies to provide the aid the homeless need.

If Janet, or the accountant, do what they are obligated to do regarding the county checks, that may in itself set in motion a train of changes sufficient to turn the situation around. Taking on Delores may be difficult, given her popularity, but her popularity is bound to fall once it is known that she has been using money for one purpose that was allocated for another.

But a long-term solution requires a concerted community effort, one in which various agencies do not find themselves in competition for the limited funds that are going to be available. Since Janet coordinated the original agreement among the agencies about how to help the homeless, she has a special obligation now to try to reinvigorate that agreement, perhaps bringing in the county or other governmental agencies not only to ensure that any

public funding goes to solve the long-term problems, but also to provide a check against the Lone Ranger mentality of the agency in question. What is needed is oversight as well as a long-range solution, and only through a coordinated effort with the other social work agencies and with governmental bodies can Janet hope to deal with the various problems this agency has created.

b. Cooperative endeavors

Agency Misrepresentation presents a particularly complicated set of ethical issues. These are caused in part because of the agency's misrepresentation, but, rather obviously, conflicts may occur between agencies even where there is no misrepresentation and where the agencies involved are both committed to the same ethical goal. The free-market system encourages that, and when a not-for-profit agency has the same goal as a for-profit company, the conflicts may be particularly difficult to resolve. Consider the following case:

5.8 An adoption agency

Adoption agencies are licensed by the state, and the state restrictions are all designed to ensure that the best homes are found for adoptive children. One agency, which we shall call 'Homes for Babies,' is advertising that 'it will get you a baby,' according to Joan, the director of another adoption agency. The advertisement also says that Homes for Babies does not always get 'the cream of the crop,' or, as Joan puts it, 'a baby of Caucasian parents, with excellent medical backgrounds, no mental illness, prenatal care, a healthy attitude towards adoption, a willing father.' So they are 'tagging babies,' Joan thinks, making distinctions between them that are inappropriate.

Joan has had several cases where she or one of her social work practitioners has been working with a client for several months, only to go to the hospital to discover a representative of the other agency there. In most cases the birth mother has said that she wants to work with the other agency.

Joan is concerned that such agencies are being licensed. They charge a great deal of money for an adoption, and the adoptive families pay the medical and other expenses. Her agency and the other non-profit adoptive agencies charge their expenses and do not let the adoptive families pay any of the medical or other expenses. One former client told Joan that the Homes for Babies would allow her to meet with the adoptive parents when Joan's agency would not allow that, and Joan is concerned that the agency may be paying the birth mother, which is illegal.

She is even more concerned that the agency is not doing right by the children. One concern is that the home studies are not as thorough as they should be. The agency has an incentive to keep its costs as low as it can and so may not pay enough to provide a sufficient check on the adopting families. But the main problem for Joan is that while her agency starts with the children and tries to find the right home for them, Homes for Babies starts with those who want to adopt and makes a profit only if it finds a baby for them. It thus has a financial incentive to place children in homes that may not be best for them.

We have some problems in this case similar to those we had with the agency in

Agency Misrepresentation. For one thing, the relation between the two adoption agencies is more uncooperative than Joan's agency thinks relations ought to be between agencies providing the same sort of service. If she thought the other agency's primary concern were for the welfare of the children, Joan might call this new agency if her agency had a child it could not place well. Yet her concerns about what Homes for Babies is doing means that she must hold back in order to ensure that the child's best interests are met. And Homes for Babies is not likely to call her should it run across a baby it cannot place right away. To maintain its profits, it is more likely to keep that knowledge to itself until it can find a set of adoptive parents for the child.

This non-cooperative attitude extends to the services the two agencies provide for the birth mother too because, as Joan's experience in several cases made clear, Homes for Babies is aggressively recruiting birth mothers whom Joan's agency had worked with right up to the birth date.

Homes for Babies is apparently not misrepresenting what it does. Indeed, its advertising that it does not always get 'the cream of the crop' may be thought to be like a product warning label: 'Look before you buy!' But, of course, that warning may also be a defense against potential lawsuits from any parents who end up being dissatisfied with the adoption. The agency can always say, 'We told you so.'

But the agency's concentration upon finding babies for adoptive parents rather than finding homes for children may cause harm in at least the following ways:

(a) Rather obviously, that concern to find babies rather than homes for babies may mean, at a minimum, that it will not provide the best home environment for the babies that is possible and, at the worst, that it will provide a bad home environment for them. If its primary incentive is to increase its bottom line, it is more likely to overlook potential problems than to proceed as cautiously as it should were its concern only the baby's well-being.

(b) A second area of concern is that it will not do the best that can be done for the birth mothers. They need prenatal care, but they also need extensive support. It is not easy giving up one's baby, and the sort of counseling needed both before and after the birth is time consuming and so expensive. Homes for Babies has some incentive to ensure that a birth mother obtains good prenatal care because it presumably wants to ensure that the adoptive parents have a baby which is healthy enough to satisfy them, and it has some incentive to provide counseling before the birth because it does not want a prospective mother to change her mind. But counseling that encourages a prospective mother to give up her baby is not neutral and, rather obviously, may not be in the prospective mother's best interests -- or the baby's, for that matter (see the Code of Ethics 1.06(b)).

In addition, the agency has little incentive to ensure the extensive support a birth mother needs after giving up a baby. The agency will want to keep its expenses low so that it can be competitive with other for-profit agencies and so that it can earn more without charging so much as to discourage potential adoptive parents. So the agency has an incentive that the woman not change her mind, and so an incentive to counsel her after the birth, but again not with a neutral frame of mind.

(c) Another source of harm is that non-profit agencies will have fewer babies to offer adoptive parents. Indeed, Joan may object that, as its name suggests, Homes for Babies does get the cream of the crop since its aim is to find adoptive homes for babies, not all children who need them. Since most adoptive parents prefer babies to older children, they are more likely to work with that agency than agencies like Joan's, which will come to have fewer babies and more older children, the more successful Homes for Babies is. Potential adoptive parents will become more and more likely to work with for-profit agencies than with non-profit agencies, who will have fewer and fewer babies to offer, and potential par-

ents who might have come to consider adopting older children may not come to the agencies that would have given them that opportunity.

(d) In addition, the agency's primary concern to increase its profits may cause it to overstep the bounds for placement. For instance, it may have paid the expenses of the birth mother, getting the money from the prospective adoptive parents and providing a real incentive for her to give her child up and to give it up to that agency rather than to Joan's. Joan suspects Homes for Babies of providing funding for the birth mothers because that seems the most reasonable explanation for why that agency is able to take over birth mothers Joan's agency has been working with. But that financial inducement makes it seem to Joan as though the agency were buying babies.

(e) Another source of harms is that if the agency is failing to match well the needs of the babies it places with the families who adopt them, not only will the babies be harmed, but the families and society at large may have to pay heavy prices for the consequences.

(f) Any failures of such agencies as Homes for Babies will harm the reputation of all adoption agencies among those who fail to distinguish, or are unable to distinguish, between the ones that operate for profit and those that do not. So, just as in Agency misrepresentation, the long-term consequences of one agency's failures may harm innocent agencies engaged in the same sort of activity and so harm their fund-raising capacity and thus the services they are trying to provide.

Of course, all these harms, real, likely, and possible, must be balanced, as our method tells us, against the good that such agencies as Homes for Babies do. In advertising that it does not always get 'the cream of the crop,' it is saying that it is willing to place infants whom other agencies may have trouble placing. So some babies who would not get homes, or who would not get homes until they were older, will get homes. And that is a benefit. In addition, some couples who would like to adopt children will no doubt get them through such agencies when they might have had a long wait with non-profit agencies, and that is a benefit -- provided, of course, that they ought to be parents and that they ought to be parents to the particular baby they have adopted.

So what ought Joan to do, if anything, to mitigate the harms she thinks are occurring, or are likely to occur, given the entry of for-profit adoption agencies like Homes for Babies into the adoption market? She faces the same sort of problem Janet faced. There is little she can do within the system to mitigate the harms.

In fact, it is striking what potential remedies will not work in either case. The sort of consultative process that ought to be the norm for how social work practitioners work out problems is likely to be ineffective in either case. Homes for Babies has no incentive to change its way of operating, except perhaps in regard to some features it might be called to account for legally, and though Janet has an obligation to talk with Delores about the problems her agency is causing, the problem is that there is a need for a long-term community-wide program for the homeless. Whatever Delores may agree to do, what is required to achieve the needed end is a broader consensus among the interested parties than Janet can achieve just by talking with Delores. For one thing, other agencies will have to be brought into the process. What they will need to do, to achieve their ends, is to change the structure of the systems which are producing the problems they have.

In other words, as we work through the harms in the existing system and ask ourselves what Janet or Joan might do to mitigate those harms, we find ourselves turning, once again, to ask what goals are in question. If Janet's goal is to ensure that the county spends its money properly, she could go to the county to complain about Delores's misrepresentation. There may be no other way of getting the county to reconsider what it is doing with that money, but if Janet's goal is to find long-term housing for the homeless, the problems

Delores is causing are minor irritants -- an occasion for remedial action to change the system. Of course, Janet has an obligation, in any event, to hold Delores accountable to the Code of Ethics and if Delores is not willing to stop the misrepresentation, to file a complaint with NASW or with the state licensing bureau.

The same is true of Joan. Ticking off the harms Home for Babies causes could initiate an inquiry which would consume a great deal of the for-profit's time and thus a great deal of its profits. But the most likely way to prevent the multitude of harms she thinks such agencies cause would seem to be for the state to make such agencies illegal or so to regulate them that they operate for the benefit of the babies being placed. To achieve either of those ends, Joan would undoubtedly have to work together with other non-profit agencies to lobby the state legislature to change the existing laws and licensing requirements.

The problems Janet and Joan face are no different in kind from those faced by other organizations. We expect sometimes fierce competition between corporations like General Motors and Chrysler, but even non-profit organizations can clash. The Red Cross might seem a paragon of disinterested benevolence, but it controls the nation's blood supply, and when it increased prices to its customers and a variety of competitors sprung up in response, it played economic hardball to retain its customer base. One lesson of the cases we have examined is thus that governmental or non-profit social work agencies are as subject as for-profit organizations to the collision of competing interests.

We may think it should make some difference when the clash is between social work agencies when they have a common mission, for that ought to make it easier to set up cooperative arrangements to settle the sorts of jurisdictional disputes raised by Agency misrepresentation. And when organizations are working for the same end, as in An adoption agency, it might seem easier to create the kind of collaborative programs that Joan would like. But as those two cases illustrate, agencies can come into conflict with one another or with other organizations, like Homes for Babies, for a variety of reasons, and one or both of those organizations having an ethical mission neither prevents such conflicts nor allows for easy resolutions.

Questions

- (1) How can not-for-profit human service agencies profit from adopting features of corporations like General Motors?
- (2) Expand on the following statement: 'What's good for social welfare agencies is good for the country.'
- (3) How do social welfare agencies differ from such groups as the Red Cross? What would it help or hurt for social welfare agencies to be more like the Red Cross? Remember that we are examining the 'corporate' structure, as it were, of social welfare agencies and such groups as the Red Cross. Even GM employs social workers, but it does not make it like a social welfare agency.
- (4) In an age of increasing privatization, ought governmental social welfare agencies be privatized? What would be the gains? What would be the losses?
- (5) Law firms and accounting firms are like human service agencies in that their members are professionals. What similarities and differences are there between human service agencies and other such groups of professionals? It will help in pursuing this question to ask what changes would need to be made in law firms and in lawyers' conceptions of their role in society for them to operate like not-for-profit human service agencies.
- (6) Would social work be better or worse off moving towards a model of organization more like that of law firms? In responding to this question, discuss the goals of social work practice as they differ from those of legal practice.
- (7) Define autonomy. What makes autonomy professional? What is the difference, if any, that is, between the autonomy of clients and the autonomy of social workers?
- (8) Assess the truth of the claim that a social work practitioner has autonomy about everything except what makes a difference to his or her supervisor.
- (9) A social work practitioner working in an agency is an employee, and the goals of an agency may differ from those of a social work professional. We saw that difference in *1.2 Dancing the legal dance* where the agency suggested that Mary was putting too much effort into the case while she thought she needed to spend more time on the case. Is there some procedure agencies could introduce, besides appealing to a supervisor, to handle these sorts of problems where one thing should happen in the professional judgment of the caseworker while the agency's decision is that something else could happen? Explore the advantages and disadvantages of alternative ways of handling such conflicts.
- (10) The problems that can arise from wearing different hats can happen to any of us in almost any situation. A vote on school taxes requires that we consider ourselves both as parents and as citizens concerned about the educational well-being of children.

There need be no incompatibility between what we do under one hat and what we do under another, but when there is, we have ethical problems. Give three examples from your experience or from the cases of ethical problems that arise from wearing two hats.

- (11) One analysis of what went wrong during the discussion about the launch of the Challenger space shuttle is that the chief engineer at Morton Thiokol was asked at a crucial junction to wear his 'management hat.' As an engineer, he was risk averse, arguing that it was too risky to launch the Challenger when the temperature was to be so low at launch. But as a manager, he was to do a risk/benefit analysis in which the chance of a disaster was a risk, but one that had to be balanced against the risks to the shuttle program of another delay and other such matters. That is, wearing two hats sometimes means that we change the very way in which we make decisions. In managed-care, one complaint of professionals is that decisions are being determined by economic factors that ought not to make a difference in assessing what, professionally, ought to be done. Discuss how we as a society ought to resolve such problems as the conflicts that occur when professional judgments are beholden to other considerations such as cost.
- (12) What is an internal ethical problem? What makes such a problem internal?
- (13) Different professions can be distinguished from one another by examining the differing internal ethical problems that mark out their boundaries. For instance, we expect a nurse, as a nurse, to care for the well-being of his or her patients. A sales clerk who cared for his customers' well-being rather than, say, the profits to the store would not last long. Distinguish the internal ethical problems of social work practitioners from those of sales clerks. From lawyers. From physicians.
- (14) What is an external ethical problem? What makes such a problem external?
- (15) The Catholic Council of Bishops has voted that those in political office are to support life in all ways. That means, they say, that a politician cannot be a good Catholic and support abortion rights. So a Catholic politician who supports abortion rights -- Senator Kennedy, for instance -- has an external ethical problem. What is that problem? Find a similar sort of problem for social work practitioners.
- (16) An employer cannot easily let employees pick and choose what they want to do and not do. But it seems wrong to require employees to do something they think ethically wrong. Suppose yourself the head of a human service agency faced with the kind of problem examined in 5.3 A pacifist. What principles should the agency adopt to handle such problems -- given that the agency cannot always let its employees decide for themselves what to do and not to do?
- (17) Deontological theory seems to require that each time we are faced with a decision about what we ought to do, we are to consider the maxim of our action and determine whether it is ethical. But if we have an ethical character -- are honest, for instance -- we do not take time to decide to answer honestly. Being honest is just part of who we are, and we just do it. Indeed, mulling the matter over seems itself unethical: if being honest is the right thing to do, why would you need to think about

it for any period of time? So if we ought to develop an ethical character, then, it seems, deontological theory is a mistake. Discuss.

- (18) Aristotle has said that there is only one way to do what is right, but many ways to do what is wrong. We can say we are sorry in the wrong way, at the wrong time, for too long a time (saying it over and over, in many different ways), for too short a time ('Sorry. '), and so on. We display a character trait in a variety of different ways, that is, by the tilt of our head, by our concerned expression, by whether we lean forward or back when expressing sympathy, and so on. Lay out in detail the various ways in which we can express our character when, for instance, we want to express sympathy. How can an expression of sympathy go wrong? Consider how it can go wrong regarding each way in which we are to express sympathy.
- (19) Some of us have irritating little habits that indicate a lack of character in certain ways -- looking off in the distance while talking to people so that we are not looking at them and it looks as though we are not concerned about talking to them, looking at our watch constantly while talking with someone, and so on. List a set of five 'little habits' some professionals you know have and explain why they are character defects. What harms do they cause?
- (20) What is a professional character trait?
- (21) What are several of the character traits that social workers need if they are to be successful?
- (22) What are several of the character traits that social work students are trained into during their social work education?
- (23) In your lists in the previous two questions, which characteristics are good for social workers to have and which are not? Explain for each.
- (24) What are the goals of the agency for which you work or the kind of agency you would like to work for? Are they consistent with one another? Would achieving them produce a good agency? Are they consistent with the self-determination of its employees? Are they in any way harmful to clients? The public good? Be specific.
- (25) We often talk of 'gray areas.' What does that phrase mean? Give an example from among the cases we have had and explain why it is an example. How ought we to decide what to do in a gray area?
- (26) We will sometimes have ethical dilemmas in which the reasons for doing any of a number of things are equally weighty so that it is difficult to know how to determine what to do. How is that kind of situation different from our being in a gray area?
- (27) What is discretion? Do police have discretion about whether to issue tickets? What does that mean? Do medical practitioners have discretion about whether to report someone with an infectious disease to the authorities? Do social work practitioners ever have discretion? When? What are the pros and cons of a social work practitioner's having discretion? Should Mary have had discretion in *1.2 Dancing the*

legal dance about whether to report that Martha's father had sexually abused Martha?

- (28) With the increasing privatization of various social and medical services, it has been claimed, the discretion of professionals is being eroded. A physician no longer has discretion to require certain medical procedures, for instance, but must obtain permission first. How would or could the privatization of social services affect the discretion of social work practitioners?
- (29) Assess the advantages and disadvantages of privatizing social work services in regard to professionalism.
- (30) When the court system took on the burden of regulating desegregation, and some courts ended up running the school systems, as in Boston, one objection was that the courts are institutionally ill-designed for such a task. They lack the administrative oversight necessary for running a large bureaucracy, for instance. Similarly, some may argue that human service agencies are well-designed for some tasks and ill-designed for others. Examine the general form of human service agencies and lay out, in regard to two or three activities, what they are well-designed and ill-designed to do. Show in regard to at least one of those activities how the design of the agency can have ethical implications because of its ability to perform one sort of task well and badly.
- (31) One way to resolve the problems introduced when agencies compete would be to have an overarching centralized agency of agencies, as it were, to ensure that agencies help rather than harm each other. Another solution would be to allow competition full rein so that those agencies that are inefficient do not survive. Discuss the merits and demerits of both proposals. Determine which is the best solution, if either is, and justify on ethical grounds the determination you make.