

# The Relevance (or Irrelevance) of Consequences to Social Work Ethics

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## Ethics as Behavior and Behavior Expectations

Ethics may be regarded as the behavioral dimension of values which are associated with certain relationships, roles, and occupational responsibility. In given social, cultural, and occupational settings, persons who are related to other persons in specific ways, or carry roles in relation to those persons, or under-take particular occupational assignments with them, are expected to behave with them and toward them in ways which are normatively or occupationally preferred. The preferences which guide these behavioral expectations, and upon the basis of which behavior may be evaluated, are not instrumental in nature - which is to say that they are preferences not to the extent that they have *proven* worthy, but preferences because they are *deemed* worthy.

These preferences operate - and hence influence behavior or evaluations of behavior - independently of the competence required for the implementation of a relationship, the execution of a role, and the fulfillment of occupational responsibility. They fit, therefore, under the rubric of duties and obligations, for they constitute ways in which persons feel a duty or an obligation to act in certain connections, relationships, and situations.

Joel Feinberg has summarized into three classes actions which may be associated with duties and obligations:

First, there are actions required by laws and by

authoritative command. These can be called "duties of obedience." Second, there are the assigned tasks which "attach" to stations, offices, jobs, and roles, which for some reason seem better named by the word "duty" than by the word "obligation." Third, there are those actions to which we voluntarily commit ourselves by making promises, borrowing money, making appointments, and so on. When we commit ourselves we put ourselves "under an obligation" ... to some assignable person or persons to behave in the agreed-upon way.... All duties and obligations, whether imposed by authoritative injunctions and prohibitions, acquired through accepting or inheriting an office, job or role, or voluntarily incurred through promises and other contractual agreements, share the common character of being *required*....<sup>1</sup> To be assigned a task or a job in some organization is to be made responsible (answerable, accountable) for its performance.<sup>2</sup>

Whether or not one is born, or biologically inducted, into a relationship - as in the relationship between parent and child; or catapulted into a role - as in the election of a government official; or inaugurated into occupational responsibility - as in the accrediting or licensing of a social worker - the capacity for living up to the practice requisites of each of these positions is separate from the values

<sup>1</sup> The social work volunteer who undertakes direct service or policy-making and policy-implementing responsibility, though he does so "voluntarily," makes a commitment to meet "requirements" and incurs duties associated with the "office, job or role" he has assumed. This, at least, would have to be the response to the question of what it is reasonable to expect of an unpaid and sometimes "put-upon" volunteer who agrees to undertake a social agency task.

<sup>2</sup> Joel Feinberg. "Supererogation and Rules." *Ethics*, Vol. LXXI, No. 4, (July, 1961), pp. 277-78.

which circumscribe them. The first requires answers to the query: can one do what one is required to do in these positions? Does he have the talent and temperament for doing it? Does he know how to do it? Does he have aptitudinal and attitudinal access to means most suitable for doing it? Is he aware of, and can he employ, the most effective approaches for doing the job well in each case? The answers to each of these questions are factually founded. The individual either has or has not what is required to fulfill the mission of his position in the light of the best data and techniques available.

The value dimension of the behavior expectations poses different issues, like: Can or does the individual do what is *right* under the circumstances even if it may not be what is *best* for the purposes to be served by his position? Not, is he effective in what he does in his position - whether derived by nature, by adoption, or by societal sanction - but is he responsive to all of the obligations implicit in the position, normative to it, and held dear by all concerned with it, including the affected parties and others who share a concern for them? As Rogers put it so long ago:

...ethically "better" is equivalent to that which we "ought to do;"... The moral "ought" is, in the first place, a restraining force, in terms of feeling, exerted upon impulse or desire .... since the failure to act in one manner is commonly set over against the choice of an alternative action, we are in a secondary way led to speak of that which we "ought to do," in distinction from that which we "ought not".... In strictness ... *we are not under obligation to do a thing because it is better...* It is ethically better because we ought to do it....<sup>3</sup>

Parents are expected to care for the children that they have borne, but not inevitably to know the best available ways of doing so. Officials are expected to be

<sup>3</sup> Arthur Kenyon Rogers. *Theory of Ethics* (New York: The MacMillan Company, 1922) p. 85. Emphasis supplied.

honest and otherwise to live up to the trust and confidence implicit in their election; if their capacity for skilled leadership is not demonstrated, that is concluded to be an error of judgment on the part of the electorate, not a betrayal by the official. Social workers are assumed by virtue of their office to "know their job" but they are expected to act in it with a decorum that transcends the requisites of competence.

### Professional Ethics

Principles of professional ethics derive from values which are simply declarations of or consensus about preferences which may or may not coincide with approaches to the successful fulfillment of professional responsibility. They need not contradict such approaches, but they are not required to coincide with them. They are different orders of things even though, in professional dicta, goals and prescriptions may each be infused by the other. Professional principles in fact have been sometimes defined as facts infused with values. Social work certainly has been generally defined in such terms, to make its value and scientific foundations inseparable.

Nevertheless, as Begelman has argued in another context:

There is no necessary relationship between ethics and effectiveness in any treatment procedure. Effectiveness cannot be the sole criterion of whether the procedure is ethical. Neither do I believe that unethical procedures must inevitably be ineffective in alleviating behavioral problems.<sup>4</sup>

### Consequences as Irrelevant to Social Work Ethics

Principles of professional ethics by definition derive from values. The anticipated consequences of professional acts

<sup>4</sup> D.A. Begelman. "The Ethics of Behavioral Control and a New Mythology," *Psychotherapy: Theory, Research and Practice*, Vol. 8, No. 2 (Summer, 1971), p. 165.

therefore cannot validly serve as a basis for the formulation of principles of professional ethics. The rightness, in ethical terms, of professional acts cannot validly be measured by their practical consequences. The ethics of professional acts must therefore be evaluated separately and differently from the effectiveness of the professional acts themselves. The ethics of professional acts is not evaluated on the basis of whether they "work", that is whether they contribute to the achievement of a practical, measurable, service end. Rather, it is evaluated on the basis of the congruence of the acts with specified values. The acts may indeed "work", they may be instrumentally effective, but that is not why they are valued, or why they may be regarded as ethical.

...[The] straightforward method of answering the questions, "Is this the right thing to do?" and "Why ought you to do that?" can apply only to situations to which a rule of action is unambiguously appropriate. The most interesting practical questions, however, always arise in those situations in which one set of facts drives us one way, and another pulls us in the opposite direction....

Given two conflicting claims ... one has to weigh up, as well as one can, the risks involved in ignoring either, and choose "the lesser of two evils." Appeal to a single current principle, though the primary test of the rightness of an action, cannot therefore be relied on as a universal test; where this fails, we are driven back upon our estimate of the probable consequences. And this is the case, not only where there is a conflict of duties, but also, for instance, in circumstances in which, although no matter of principle is involved, some action of ours can nevertheless meet another's need.... We here appeal to *consequences in the absence of a relevant principle, or "duty."*<sup>5</sup>

Whether or not acts in a professional capacity, or in fulfillment of professional responsibility, are ethical may be deter-

<sup>5</sup> Stephen Edelston Toulmin. *An Examination of the Place of Reason in Ethics* (Cambridge: The University Press, 1950), pp. 146-148. Emphasis supplied.

mined only by the degree of their compatibility with normative or consensual preferences. The relevant preferences are primarily those of the profession, although the profession does incorporate values of the community or society which apply to professional conduct and which condition the community's or society's sanctioning of the profession.

The social work profession does concern itself with issues affecting the competence of its members to practice, and the proficiency and economy with which they practice. But its ethical concerns, as reflected in its code of ethics and its procedures for approving or censuring professional acts, derive from values to which it has committed itself and which constitute premises for its members' professional conduct. These values tend to group themselves as preferred conceptions of people, preferred outcomes for people, and preferred instrumentalities for dealing with people.<sup>6</sup>

Within such categories are included such values as represent the consensual preferences of the social work profession. They will vary in their emotional charge, their influence, and their enforceability, depending on the extent of consensus with which they are accepted, the intensity with which they are accepted, and the significance and scope of their subject matter. As with any other values of any group or society, reactions to professional behavior which disregards or offends social work values will range from mild disappointment to vigorous censure, and, in some cases to which the law or some form of excommunication applies, deprivation of the right to practice.

Social work as an organized profession has not developed to the point enjoyed by some professions in which the critical

<sup>6</sup> Charles S. Levy. "The Value Base of Social Work," *Journal of Education for Social Work*, Vol. 9, No. 1 (Winter, 1973), pp. 34-42.

reaction of the community of professional peers represents an awesome threat and intimidation. Nevertheless, the norms and preferences of the social work profession, even those about which unanimity has not been attained among social workers, have often been so profoundly incorporated by social workers, especially those socialized by professional education, that they serve as an influential collective superego.<sup>7</sup>

There may be sadness among social workers and despair in the social work profession but no collective sanctions when a particular social work job is not done well or effectively, even when there is agreement about what would have made it effective - witness the agony and the futile debate over the studies of the so-called effectiveness of social work methods - but if social workers could agree that a professional act is unethical, its perpetrator would also be held to account for it. In short, unethical acts are more readily judged than unskilled or incompetent ones, since, presumably, judgments about them are arbitrarily founded. Values are simply enunciated or declared. They are one man's or one profession's preferences as against another's. As such they serve as a major premise against which particular acts may be almost syllogistically appraised.

Although unduly subjective or individualistic for the purposes of this discussion, Haefner's analysis of the ethical syllogism is essentially in point here and applicable to the ethics of the social work profession:

By "Ethical Syllogism" we shall understand an arrangement of propositions such that their very structure is a demonstration of how I ar-

<sup>7</sup> "An ethical statement is no longer a report or expression of mores: it is custom transformed into rule, an explicit formalization of the prescriptive customs of the group, deliberately advanced and wielded as a regulative principle." C. Douglas McGee, "Explicit Definitions and Ethical Rules," *Ethics*, Vol. LXXIII, No. 3 (April, 1963), p. 202.

rive at, or justify, a judgment of obligation - the feeling, if you please, that "I ought" to do so-and-so, or that "I ought" to act in such-and-such a manner. . . . In the major premise of an ethical syllogism I express *my perception of the social norm* obtaining in such-and-such a situation. In the first minor premise I state *my intention* of accepting the social norm for myself. The conclusion is a judgment of *obligation*. "Then I ought to do so-and-so" or "I ought to behave in such-and-such a manner." This leads to decision and action, or, eventually, to justification of an act already done.<sup>8</sup>

To make the point perhaps a bit clearer one can resort, with minor adaptation, to Murphy's analysis of "law logic." If we start with social work values and ethics instead of legal precedents and decisions as Murphy does, his concept of "law logic" applies to professional ethics.

...The connection between evidence and verdicts, precedents and decisions, is neither inductive nor deductive ... the connection between reasons and decisions in the law rests upon the presence of certain conventional rules uniting them. However ... there is no legal reason to regard these rules as, in any sense, logical.... Legal argument employs no special logic<sup>9</sup> and manifests no special pattern of ar-

<sup>8</sup> Alfred E. Haefner, "The Ethical Syllogism," *Ethics*, Vol. LXXI, No. 4 (July, 1961), p. 289. As some of Haefner's italics and the rest of his discussion suggest, he is addressing himself to individual acts in a general ethical context. Contrary to his intention, the application here is to professional ethics in the context of professional norms and preferences and applicable to social workers in general. The acceptance of "the social norm" therefore is not a matter of individual negotiation and resolution but an assumed commitment on the part of all social workers. Its application to an individual case, however, is a more individual matter.

<sup>9</sup> Since Murphy is discussing "law logic," it really is a particular logic which is not logical according to the conventions of logic. Similarly, the ethical syllogism is not a conventional syllogism and conclusions do not follow automatically from the premises. The premises simply provoke judgments which lead to conclusions about justifiable actions or the actions themselves. Analogously, professional ethics represents a special logic of its own, logic *sui generis*, in which what is accepted is not truths and their interrelationship but duties and obligations as practitioners may apply them to given situations.

tionality. A legally justified decision is not of necessity a rationally justified decision at all ... the rules rendering the conclusion of a legal argument binding are not, like logical rules, rules connecting premises and conclusions at all. Rather they are rules connecting conclusions with *authorities*.<sup>10</sup> The legal rules define, not valid arguments, but valid judicial [professional (?) C.S.L.] behavior.<sup>11</sup>

### The Relevance of Consequences to Social Work Ethics

Unethical professional acts, we have said, are more *readily* judged than unskilled or incompetent ones. They are not more *easily* judged, not so much because of the ambiguity of values, which does characterize values sometimes, but because of the likelihood of myriad minor premises which represent the specific application of values in specific cases. (Practice issues are complex and difficult to judge largely because of the multiplicity of causes, variables, and potential instrumentalities for coping with highly variable cases.)

Even when values are unequivocally clear, their applicability to specific cases is subject to scrutiny because of the nature of those cases. Although Begelman is concerned primarily with the ethics of behavior therapy, critiques of which he takes to task on what he considers to be logical grounds, he does provide a lucid illustration of the issue dealt with here. This illustration is quite pertinent for social work, for it deals with the right of a patient to consent to treatment:

... the law does not grant this protection because the patient's wishes are invariably in accord with an independent professional criterion. A patient has a right to decide not because his decision is *informed*, but because his decision is *his* [citing D.B. Dobbs].

<sup>10</sup> In the context of social work ethics, the connection would be between conclusions or actions and the "authority" of social work values.

<sup>11</sup> Jeffrie G. Murphy, "Law Logic," *Ethics*, Vol. LXXVII, No. 3 (April, 1967) pp. 193-98.

The dignitary right of general medical patients to determine what shall be done with their own bodies was enunciated by Justice Cardozo in 1914.<sup>12</sup> Correspondingly, issues concerning the right of the "mental patient" to refuse treatment based on forms of biological or behavioral therapies may emanate from similar extensions of the same legal philosophy. The possibility of the wider applicability of these legal principles implies that the documented efficacy of a treatment approach does not define all the ethical requirements germane to administering it in particular cases.

In spite of this, there are inherent limitations on the extent to which the patient's free consent to treatment may be an ethical requirement. We do not obtain such consent from children, autistic or otherwise. Here we confer upon the parent jurisdictional rights. When the child has no parents or is a ward of the state, the jurisdiction may be assumed by the therapist himself, with upper administrative clearance. Similarly, we may not require consent to treatment on the part of self-destructive, self-mutilating or non-verbal adult patients. But these exceptions cannot form the basis of generalized repudiation of the required of free consent...<sup>13</sup>

<sup>12</sup> The pervasiveness and the reaches of the value upon which this right of patients is based were dramatically underscored by Dietrich Bonhoeffer who was of course responding to the extreme case of fascistic treatment of human beings: "We speak of exploitation of the human body in cases where a man's bodily forces are made the unrestricted property of another man or of an institution. We call this state of affairs slavery. But this does not refer simply to the system of slavery in antiquity. There have been historical forms of slavery which have preserved the essential liberty of man more effectively than do certain social systems in which the concept of slavery is itself rejected but the men who are said to be free are in fact totally enslaved.... This fact [of slavery] exists wherever a man has become exclusively a means to another man's end." *Ethics*, ed. Eberhard Bethge, trans. Neville Horton Smith (London: The Fontana Library, 1964), p. 184. The subjection of patients or clients to procedures against their will or without even testing for it, even "for their own good," would offend this value, especially if some institutional, educational, or professional interest is given precedence over the patient's or client's jurisdiction over his body or being. This is often an issue in social work practice.

<sup>13</sup> *Loc. cit.*, p. 167.

The consequences of particular professional actions in particular cases do not make for ethical principles. That is, the anticipated or experienced consequences of an act are not the reason for the formulation of an ethical principle, nor for the nature of its formulation. The variability that may occur in relation to the ethical principle more independently formulated on the basis of values held by the members of a profession, occurs in its application or in the decision not to apply it.

Nevertheless ethical principles do have consequences which can hardly be ignored even in an ethical framework. A proposition may be enunciated which is consistent with the idea that anticipated or experienced consequences are not a valid basis for the formulation of ethical principles,<sup>14</sup> and the yet realistically cognizant of the impact of consequences. The proposition is the following: The relevance of consequences to the ethics of social work is that when the professional action choice is made on the basis of duty or obligation rather than its efficacy, it is an important part of ethical responsibility to contemplate the consequences of the action, including those which affect values.

The purpose of this proposition is not to establish the ethical principle applicable to a case, but to consider the operational effects of a principle applied. In other words, although consequences do not shape ethical principles - values do that - the anticipation of consequences is a component of ethical responsibility. Before a social worker acts, whether in response to his professional judgment regarding the needs of a case, or in response to professional values, he owes

<sup>14</sup> For empirical confirmation of this position, one need only reverse the order of analysis and derive a value from the consequences of professional acts by considering the choices of professional acts in varying case circumstances.

his clientele the obligation to contemplate the consequences of his professional acts. The reason for this is that the social worker has the ethical responsibility to make provision for the consequences his own professional acts may generate, and to determine a priority ordering of the alternatives at his disposal and of the values affecting them which may be in conflict with one another. As Wolf has put it in relation to psychoanalysis, "The analytic position is that it is immoral to be unconscious of the implications and consequences of one's behavior."<sup>15</sup>

A social worker can hardly feel ethical in the line of practice if he persists, even in accordance with an unequivocal value, to engage in professional acts which devastate or deprive a client or group of an option if not of an opportunity.

#### An Example in Social Work Practice

On the other hand, a social worker bent on ethical as well as proficient practice, can hardly resort to anticipated consequences as a means for formulating an ethical principle by which his professional conduct will be guided. An illustration in social work practice with groups will suggest the implications of this proposition. At the risk of complication, a case will be cited the substance of which joins the issue of consequences of the group's actions, as well as the issue of the consequences of the social worker's interventions in the light of the value involved.

The case in point has to do with the role of the social worker in relation to a group which engages in unethical behavior. Thus, an ethical issue is posed for a social worker who confronts an ethical

<sup>15</sup> Alexander Wolf. "Morality and the Population Explosion," in Seymour C. Post, ed., *Moral Values and the Superego Concept in Psychoanalysis* (New York: International Universities Press, inc., 1972), p. 487.

issue. The situation is that of a group which steals in the presence of the group's social worker. Aside from the principles of efficacious practice by which the social worker may be guided, the social worker has before him a problem of ethics in the substance of the case, and a problem of ethics with respect to the choices of action at his disposal. The consequences of concern to him as a social worker relate to the acts both of the group and of himself. If he does nothing, he appears to acquiesce in the offense of stealing, and the group experiences the practical results of the theft.

The worker may approach this issue from the point of view of simply coping with the group in order to affect its behavior, or dealing with the group in a manner which impresses it with its social obligations. He must also approach the issue from the point of view of the consequences of his action or inaction. Whatever the implications of his actions in skill and competence, they carry ethical connotations to the extent that they respond to or represent certain values. He is either for or against stealing, he either does or does not feel that the group should steal, at least in this instance if not in general — that being the nature of values — and he either does or does not do or say something to inform the group that he does or does not think that what they are doing is "right." He is thus concerned with two sets of consequences, and why he does or does not do what he does or does not do about them represents his ethical stance, or his activation of ethical principles.

If the social worker is working with a street gang or other group whose values differ from those he represents, and he fears their alienation if he upholds values different from theirs, his choice of action may be designed only to forestall such alienation. That is a practice choice, but not one addressed to his own ethical

responsibility or to a value-based end for the group. That confuses the ethical issues, even if it clarifies issues related to his relationship to the group. On the other hand, his attention to his relationship with the group may be at the expense of his ethical obligations. He is not contemplating sufficiently the consequences of his acts if he concentrates on his relationship with the group to the exclusion of the values he is supposed to represent as a social worker, and to the exclusion of the ethical obligation he owes to the group to intervene in their anti-social acts. This is to say that, in selecting his professional course of action, he is not reckoning with the possible consequence that he will neither be representing a social attitude nor attempting an influence upon an anti-social one. However, this does not mean that he is relying on consequences to shape the ethical principles which guide him; only that he considers the consequences in selecting his mode of professional intervention.

The following chart suggests the range of choices at the social worker's disposal with respect both to his own professional acts and the act of the group.

The social worker who contemplates the consequences of his professional acts in determining an ethical course of action for himself, rather than determining the ethical principle for his professional action in light of anticipated consequences, considers both the meaning to the group of its action and the meaning of his action in relation to the group's action. As for the first, the group may be afforded opportunity to consider its act as a wrong in itself and on that ground worthy of avoidance. Or it may be influenced to avoid it only because it has the effect of depriving another of property that belongs to him. Or the group may be permitted its inclination to disregard the wrongness of the act, as long as the

Degree of Reliance on Consequences of Worker's Action  
As a Premise for the Definition of Ethical Responsibility

Characterization of the Group's Act	Degree of Reliance on Consequences of Worker's Action			
	None	As Consideration For Others	As a Personal Effect on Perpetrator	As a Matter of Perpetrator's Negotiation
Wrong In Itself				
Wrong Because it Deprives Another				
Not Wrong, Only Risky Because One Might Be Caught				
Not Wrong, Quite Justifiable in View of Society's Wrongs				

group does not get caught in it. Or it may be encouraged in its tendency to regard the act as entirely justifiable in view of the wrongs and deprivations perceived by the group to have been heaped upon it.

From the social worker's point of view, he may be guided in his course of action by the inherent "wrongness" of the act of stealing without regard to the practical effects of his course of action. Or he may importune the group to consider the effects of its acts upon its victim, without reference to the morality of the act. Or he may caution the group against the act, not because of its wrongness but because of practical considerations since the group may find itself paying a penalty for it. Or, finally, and perhaps extremely, as once occurred in this writer's experience with a paraprofessional student worker, the worker may identify completely with the group in its inclination to steal and in its feeling of justification for it, and simply instruct the group in methods of avoiding, or dealing with, confrontations with the law.

Without implying an abrupt or arbitrary

practice approach, one could account for consequences in a case like this by anticipating the group's inferences about the worker's values from the worker's choice of intervention, and hence arrive at a preferred mode of intervention. The worker can also intervene with reference to the group's existing value orientation, in the attempt either to reinforce or modify it depending upon its nature and its proponents. But this again is a matter of ethics and not efficacy, related to what it is right for the worker to do, not better or more effective.

As Begelman puts it (with the caution that sight should not be lost of the context within which he writes):

... the effectiveness of a technique is not a sufficient condition for whether its application is ethical. Alternatively, the unethical application of any technique may not make it any less effective in bringing about desirable behavior change.<sup>16</sup>

It would be reckless disregard of a client or group for a worker, in his zeal to

<sup>16</sup> *Loc. cit.*, p. 168.

conform to professional values, to ignore negative or destructive consequences for the client or group. It might be unethical practice, on the other hand, for him to ignore professional values entirely, only because of anticipated consequences. The ultimate choice of professional intervention must be more discriminately made in either case. If a priority ordering must be made between the two, however, it would appear to be on the side of ethical principles based on values. When the ethics of a case is clear - although it sometimes is not - the reason for deviating from ethical principles must be clearly compelling. At least then the ultimate choice of intervention may be acknowledged to be based on the

consideration of valid exceptions rather than substitute principles. The latter is too likely to dilute ethical principles and make them unduly ambiguous.

Undiluted and less ambiguous, on the other hand, ethical principles serve as general guides to ethical social work practice. These being established and crystallized, social workers can either apply them to cases as they arise and as appropriate to them, or seek proper validation for exceptions. Then, perhaps, these ethical principles will occasion for social workers in general the kind of introspection and soul-searching which is so imperative to ethical social work practice.