Guest Editorial: The Code of Ethics and the Clash of Orthodoxies: A Response to Spano and Koenig

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Abstract

This article argues for restraint in interpreting the *NASW Code of Ethics* in ways that assume and enforce an ideological orthodoxy, whether secularist or religious. Orthodox secularism is neither compelling in itself nor required by the *Code.* It is inappropriate for a professional code of ethics to impose a narrow ideological orthodoxy or party line.
Key Words: code of ethics, social work, secularism, orthodoxy, religion

Introduction

Both critics and some defenders of the *NASW Code of Ethics* (1996, 1999) see the *Code* as requiring members of the profession to uphold orthodoxy in matters that are highly contested in the larger society. Some writers deplore the alleged ideological narrowness of the *Code* and its coercive use against social workers whose views conform to the Judeo- Christian social ethic once assumed by the profession. Others approve of the *Code* precisely because they see it as marking a definite break with traditional positions that they deplore.

In their recent contribution to this journal, Spano and Koenig (2007) ask, "What is sacred when personal and professional values collide?" and offer a surprising answer--the *NASW Code of Ethics*. The authors note the clash of personal worldviews "between Evangelical Christians and progressive writers." They refer to "radical" positions, but seem to mean here those of the evangelicals, not those of social workers who have traditionally called themselves radicals and in some cases sought to develop a radical social work (Bailey & Brake, 1976; Galper, 1980; Longres, 1996; Reisch & Andrews, 2002). In any case, they propose the *Code of Ethics* as a "screen through which competing worldviews must be drawn to create constraints on professionals' behavior." The *Code* is thus elevated to a position outside and above competing worldviews. The latter are

contingent and individual, the former absolute and binding. To further their proposal and its application to evangelicals within the profession, the authors offer a six-stage model for practitioners to examine—and be held accountable for—the relation between their worldview and the *Code.*

The *Code* is intentionally broad in its language and, like other "sacred texts," is subject to a range of interpretation. If the authors' solution is to work as a way to bring evangelicals into line, therefore, they must narrow the range of acceptable interpretation to exclude or at least challenge the evangelical reading of the *Code.* Here, not from an evangelical perspective but from within the orthodox Judeo-Christian tradition, I want to raise some preliminary questions about this approach to the Code as sacred text or ideological enforcer, or even as screen in the way Spano and Koenig (2007) propose.

On Truth

I want first to note and then sidestep the difficulties raised by the authors' use of "Truth" in quotes. The point here seems to be that people who hold radical positions (evangelical or progressive or both?) believe they have the Truth and draw from this belief the conclusions that (i) the *Code* should be reinterpreted to be consistent with this Truth, and (ii) therefore [*sic*] there is "little need for self-reflection related to the consequences for clients when we impose our 'Truth' on them." Since neither conclusion follows from the premise, I take the authors to be describing a mindset rather than an argument. Certainly, there has been no shortage of social workers' imposing their views of a situation on clients, whether their perspective was Freudian, Marxist, or Christian. Galper (1975), for example, proposed a rigorous client selection process in which radical social workers would see clients as political allies and select them on the basis of what could be achieved politically with them. One, perhaps cynical, way of thinking of therapy is as an effort to get clients to abandon their own view of their world and accept that of the therapist. The *Code* rightly warns against the temptations involved and the threat to self-determination.

Truth, of course, is currently a contentious concept. By using the term as they do, the reader may ask, do the authors have in mind its religious use referring to the ultimate meaning, purpose, and direction of life, as in "I am the Way, the Truth, and the Life" (Jn 14:6)? Or are they communicating a belief that there is no objective truth, that all truth is relative (except, presumably, the assertion that that is the case)? Or do they simply mean that some people are dogmatic and

closed-minded, lacking in the virtues of critical thinking? I will assume the authors want to suggest the last of these, which is in any case, the least controversial. Again it is true of certain militant atheists and radicals and revolutionaries of all kinds, and of complacent liberals, too. It is a useful reminder that social workers of all persuasions need to improve their critical thinking skills, to be more tentative and less dogmatic.

The Context

As Spano and Koenig (2007) observe, the *Code of Ethics* is not a fixed text but has evolved through several iterations in the direction of greater complexity and specificity. As a guide for practitioners, it offers both enforceable guidelines and standards to which social workers are exhorted to aspire (Reamer, 2006). "However," argue Spano and Koenig (2007), "the values, principles, and guidelines in the Code are sufficiently broad to allow reasonable people to understand and apply principles in different ways." There is good reason for this. A professional code of ethics is meant to be authoritative for members of the profession—it is necessarily broader than the policy statements that NASW or similar organizations issue from time to time on controversial issues. These latter reflect the dominant view within the organization but bind no one. In contrast, the more specific a code of ethics becomes, and the more it seems to require adherence to a particular ideological orthodoxy, the more it lays itself open to precisely the charges that have been made against the NASW *Code.*

In 2007, the National Association of Scholars (NAS) released a report about the enforcement of NASW's code of ethics in schools of social work. It was called *The Scandal of Social Work Education,* and the scandal alleged was one of ideological coercion, discouragement of open discussion, and suppression of dissenting views. The study cites several cases in which students allegedly were coerced into advocating to their state legislature for such causes as homosexual foster homes and adoption, and abortion—and penalized when they refused or advocated for a different position. As Will (2007) sees it, NASW "adopted a surreptitious political agenda in the form of a new code of ethics...." NAS president Stephen H. Balch summarizes it like this:

> "What we've uncovered," observed Dr. Balch, "reveals a field that has supplanted open minded inquiry with left-wing, morally relativist, and occasionally paranoid dogma. There is certainly room for vigorous debate about the extent to which responsibility for life's problems derives from individual choices as opposed to social structures, discrimination, or even, as the CSWE would have it, 'the global

interconnections of oppression.' But there is little in the doctrinaire, activist stance of contemporary social work education to encourage such colloquy. Instead, academic freedom has been replaced by ideological lockstep" (NAS, 2007a).

I quote this passage not to endorse it, nor to address the extent to which the abuses cited by the report are typical, but because it illuminates the context in which Spano and Koenig (2007) argue for a stricter, narrower interpretation of the *Code of Ethics* than that suggested by evangelicals in social work. In the wider context of voluntary social services, their position appears to be of a piece with current efforts, successful in Massachusetts, to drive agencies that have an orthodox religious identity, like Catholic Charities, out of the adoption business; to prevent such agencies hiring leadership employees of like faith to carry out their mission if they also provide services utilizing state funds, as in Colorado (Chaput, 2008); or to refuse to allow a religious exemption when a physician or hospital otherwise would be expected to perform an abortion, or a pharmacist to provide an abortifacient drug, as in New Jersey (National Conference of State Legislatures, 2007). All aim at restricting religious freedom in the delivery of social welfare services. Looked at in this way, we can see that the divide is not between "Truth" (in quotes) and dogma on one side and on the other, Reason and reasonableness as embodied in the *Code.* Each side in this ideological divide or "culture war" sees the other as (i) imposing its ideology or worldview on those over whom it has power, (ii) blinded by its own conviction that it has Truth on its side, and (iii) intolerant of different views. It is a clash of orthodoxies.

Clash of Orthodoxies

In characterizing these opposing orthodoxies, I follow Princeton legal philosopher Robert George (2001), because he offers a clear way of differentiating the division between traditional/religious and secularist orthodoxies without a theologically tendentious typology of Christians such as that of Keith-Lucas (1983, cited by Spano & Koenig, 2007), in a way that clearly delineates the divisions and alliances among Christians and between them and those of other faiths. In this clash of orthodoxies, George (2001) explains, "Orthodox Jews, conservative and evangelical Protestants, faithful Catholics, and eastern Orthodox Christians today find themselves allied with one another in defending, say, the sanctity of human life or the traditional conception of marriage against their liberal co-religionists who have joined forces with secularists of various stripes to support such things as legal and publicly funded abortion, physician-assisted suicide, no-fault divorce, and the social acceptance of homosexual and other forms of nonmarital sexual

conduct" (p. xiii). For the purposes of his discussion, therefore, George (2001) treats theologically liberal Christians and Jews who share these positions with their non-religious allies as part of the secularist camp. The same practice is followed here on the grounds that these theologically liberal groups do in fact consistently side with secularists on the issues cited by George (2001). Note that the concept of religiously orthodox as used here denotes a larger set than evangelical Protestants, the group targeted by Spano and Koenig (2007). It embraces also faithful or theologically orthodox Roman Catholic and eastern Orthodox Christians, Jews, and Muslims.

Secularist orthodoxy goes far beyond the common and traditional understanding of the First Amendment, which protects religious freedom from state restriction or subsidy. It aims at the complete separation of faith and public life, keeping "the public square naked of religious symbol and substance," as Neuhaus (1984, p. 21) puts it. "Secularism," in George's (2001) description, "aims to privatize religion altogether, to render religiously informed moral judgment irrelevant to public affairs and public life, and to establish itself, secularist ideology, as the nation's public philosophy" (p. 6). In the most extreme version, as expounded by Dawkins (2006), raising your children in your own faith becomes a form of child abuse. Religion is to be practiced, if at all, only between consenting adults in private. Against this effort to push it to the margins of society, political scientist Hugh Heclo (2003) says, "[A]uthentic religion refuses to stay something private and confined inside people's heads and hearts. It demands to be engaged in the public choices that lie in government hands. It invites others to see that the United States has much more to offer the rest of the world than secular materialism" (p.18).

The issues at stake "have mainly, though not exclusively, to do with sexuality, the transmitting and taking of human life, and the place of religion and religiously informed moral judgment in public life" (George, 2001, p. 4). George sets out to demonstrate without appeal to revelation that Christian morality is *rationally* superior to the secularist worldview that has established itself "in the academy and other elite sectors of Western culture" (p. 4), not least, I might add, in that historically most Christian of fields, social work.

George (2001) recognizes that for an orthodox Christian or Jew to justify a position on the basis of revelation—that homosexual conduct (i.e., acts rather than disposition) or euthanasia is wrong, for example—carries no weight with someone who does not accept the revelation in question. Nor, I would add, is it persuasive to argue that my opposition, say, to same-sex marriage

or abortion, is rooted in my faith, and that you should accept my position in the interest of religious diversity. If Spano and Koenig (2007) are right to claim that the orthodox Judeo-Christian—and virtually universal, until yesterday—view of marriage is discriminatory and oppressive, it is a poor response to say, so to speak, God made me do it and you should respect my religious beliefs and right to oppress and discriminate. This is a kind of multiculturalist argument, and as such is open to the very problem with moral and cultural relativism pointed to by critics of multiculturalism— it leads ineluctably to the denial of universal human rights for women, children, and dissidents (Barry, 2001; Kelly, 2002; Jones, 2006; Okin, 1999; Sandall, 2001).

George's book on *The Clash of Orthodoxies* (2001), therefore, relies on reason unaided by revelation or special pleading. It appeals to public reasons that are accessible to anyone with or without a particular religious belief. Indeed, there are some secular writers who support the positions George (2001) defends with respect to abortion and euthanasia: see, for example, the compelling work of author and journalist Nat Hentoff, who describes himself as "a Jewish, atheist, civil libertarian pro-lifer" (2005, p. 6). George (2001) aims to engage secularists on the ground they appeal to, that of reason and reasonableness, arguing that the Judeo-Christian ethic is rationally superior to the secularist alternative. One of the rhetorical challenges to this approach is the tendency of secularists to dismiss all arguments against certain practices, like abortion, as deriving from religion, which they claim to be a private matter that should be kept to oneself and not introduced into the realm of public policy or professional practice. Even secular, non-religious arguments against abortion or same-sex marriage are thus conveniently dismissed without a hearing.

Arguing the rational superiority of the Judeo-Christian orthodoxy over its secularist rival goes beyond the scope of this paper. My aim is more modest, namely, to show that the NASW *Code* does not work well as an ideological club with which to beat Christian colleagues into either compliance or leaving the profession. Unlike NAS (2007b), I hold that the *Code's* (and CSWE's) commitment to social and economic justice, for example, is not unreasonable in itself (although its interpretation may be narrow, partisan, and coercive). Justice, after all, is an apparently universal virtue across widely differing cultures and religions (Peterson & Seligman, 2004). In our own place and time, theorists like Rawls (1971), Nozick (1974), and MacIntyre (1984, 1999) have differed substantially on what is fair and just in society; but they all agree that (social) justice is a

public good and a virtue. At the same time, the NAS initiative—like Spano and Koenig (2007), but from an entirely different perspective—reminds us of the dangers of imposing our views on others, failing to reflect properly on our professional use of self, and the challenge of serving, in policy and practice, the needs of those who are most vulnerable and disadvantaged in society. I will argue that in all these respects, the secularist orthodoxy is neither compelling in itself nor required by the *Code of Ethics.*

Christianity and Social Work

In the context of evangelicals' complaints that they have been subject to discrimination and lack of collegial respect within the profession, Spano and Koenig (2007) say ominously, "Not all perspectives can find a home within the social work profession." This is literally true, no doubt, as one can see by thinking of Nazi ideology, to take an extreme case. But remarkable in the hostility Christians perceive from their professional colleagues toward themselves or their religion is how that intolerant stance ignores the central role that Christians have played in social work and social welfare. This blindness to Christianity's centrality in the development and current provision of social services is general in the social science literature, as the exceptions to this rule have complained (Boddie & Cnaan, 2007; Brandsen & Vliem, 2007; Cnaan, 2002; Scales & Hugen, 2002; Unruh & Sider, 2005; Wuthnow, 2004).

Yet Christianity identified love (*caritas*, charity) toward those outside the tribe or community as well as inside as central to the faith and to their understanding of God. In this vein, Pope Benedict XVI's (2005) first encyclical letter, *Deus Caritas Est*, links love as a theological virtue and definition of God to the current charitable activities and obligations of the Church and its social services in a secular age. Stark (1996) helps us understand how new and distinctive the Judeo-Christian thought was that developed in the Roman Empire linking a highly *social* ethical code with religion. The notion that because God loves humanity, humans cannot please God unless they love one another was completely alien to contemporary paganism. The famous passage in Matthew 25:35-40 that begins "For I was hungry, and you fed me," expressed a morality that was new and different in the early Christian centuries. This difference between Christian and pagan morality showed itself dramatically in the differential responses to the great plagues that swept the Roman Empire with devastating results in the second and third centuries. In a nutshell, the pagans, including the great physician Galen, abandoned the sick and dying and fled the cities for the hills

and country, while the Christians stayed and nursed the sick, both Christian and pagan (Stark, 1996).

Charity in subsequent centuries had its roots in this ethic of self-sacrificing service and love of neighbor, and monasteries and religious orders, as well as bishops, priests, and deacons, were central to the provision and development of social services in Christian countries and beyond. The systematic ignoring of this rich tradition in the social work literature is itself a kind of scandal, a "secular bowdlerizing of the history of social work" that Wolterstorff (2006, p. 139) describes as "academically irresponsible and morally reprehensible" (p. 139). It is true, of course, that Christians came to face the persistent problem of poor relief that vexes secular policymakers to this day—how to provide adequately for those who are poor and hungry while not giving incentives to idleness and dissolute behavior. But it was the secular authorities and policy experts who developed that first great triumph of modern liberal social policy, the great Poor Law Reform of 1834 in England and parallel efforts at "deterring pauperism" through the workhouse in the United States.

The challenge for social work in this respect, from the Charity Organization Societies to evidence-based practice, has always been to combine, on the one hand, professionalism, science, efficiency, effectiveness, and accountability with, on the other hand, the disinterested charitable, caring impulse that first linked a highly social ethic with religion. Without going further into the history of social welfare and the key role of the early and medieval Church, it is not hard to see that Christianity in recent times—from the Christian socialists of Oxford who started the settlement house movement, the Social Gospel advocates, the urban missionaries of the Salvation Army, the Christian providers of healthy alternatives to the saloon through the YMCA and YWCA, to the vast social service network of Catholic Charities today—has played a central role in the development of both social welfare and the profession of social work (Leiby, 1978). This role includes active involvement of Christians, including evangelicals, in social reform movements, such as the abolition of slavery, emancipation of women, against the eugenics movement (then and now), for civil rights, and in defense of the dignity and worth of the individual from conception until natural death.

What NAS (2007b) found in its study confirms what many Christians in social work schools today report—that those who adhere to the Judeo-Christian orthodoxy on which their

chosen profession is founded feel intimidated into silence by the force of secularist orthodoxy, not in society at large or in working with clients, but among their student peers and especially their professors. This is the abuse of power that gains license and credibility from statements like that of Spano and Koenig (2007), which in context raises the suggestion that orthodox, observant Christians do not belong in social work.

Broadly but Reasonably

Spano and Koenig (2007) rely heavily on an unpublished (but Internet-accessible) commentary on the *NASW Code of Ethics* by Ressler (1997) to show how orthodox Christians, or at least evangelicals, willfully distort the *Code's* clear meaning for their own ideological purposes. The Spano and Koenig (2007) critique inadvertently raises the question of whether the NAS is right in claiming that the *Code* enforces a narrow, doctrinaire stance that brooks no dissent. It also invites us to ask whether what is clear from the standpoint of the secular orthodoxy is as True and obvious as the authors suggest.

For example, the authors use a quote from Ressler (1997) about the "Commitment to Clients" standard. They say that the National Association of Christian Social Workers (NACSW) "equates 'abortion, sexual behavior, gambling, and control of pornographic material' with child abuse." The quote from Ressler does not mention child abuse, and the word "equates" is not his. Spano and Koenig (2007) presumably have in mind the example provided in the *Code* under Standard 1.01 of the obligation to report child abuse or threats of harm to self or others. The Ressler commentary here is indeed confusing, since the standard seems to be referring to the kind of situation in which a social worker learns something from a client who does not want it revealed, but must decide whether (or is required by law) to report it to a third party, even if not required by law to do so. Reamer (2006), for example, gives three further examples that all follow this pattern. Ressler's (1997) comment may appear under the wrong standard as well as suffering from non-parallel construction (I assume he means gambling is bad but control of pornography is good, and "sexual behavior" is good but only within marriage, though he lists them side by side as if all were bad). Nevertheless, it raises an important question about the potential conflict between a client's behavior or intended behavior and the well-being of society.

Child abuse is clearly harmful to the child and to society, which has a legitimate interest in the protection of children. But if—as traditional orthodoxy asserts— the child in the womb has an

intrinsic dignity and worth, it is reasonable to argue that abortion, which kills the unborn child, is certainly no less harmful. It violates at least one core social work value, the dignity and worth of the person. The concept of "person" is, of course, highly contentious in this context.

In the implicit view of some defenders of abortion, the human body is extrinsic to the consciousness that inhabits it, so that "your human organism came to be at one time but that *you* came to be at another time (say, with the emergence of your self-consciousness)" (Lee & George, 2005, p. 5). In this "dualistic delusion," as Lee and George (2005) call it, the person inhabits the body, like a ghost in a machine. But if this body-self dualism is a mistake—"since we are not consciousnesses inhabiting bodies but are physical organisms possessing from the beginning a human (i.e., rational) nature—it follows that we came to be when these physical organisms came to be" (Lee & George, 2005). The contrary position, that there is something intrinsically valuable in human beings only when certain mental functions or states are present, allows for the intentional killing of innocent human beings at either end of the life span and those with serious disabilities..

This is, of course, no more than a hint at the kind of discussion of the personal and social implications of abortion that could be had without appeal to revelation or religious belief as such. The *Code of Ethics* (as distinct from NASW) is silent on all this, and rightly so, but it commits the profession to social justice, to the dignity and worth of the person, and to the defense of the most vulnerable and disadvantaged in the society (and who is more vulnerable in these terms than a person at the embryonic stage of life, unless a comatose person in the last stages?). The *Code* holds to client self-determination as an ethical standard, but whether this includes a professional obligation to assist a client in obtaining an abortion must be tied to the question of whether we see her "choice" as exercising a right to control her own body or as cutting short a separate human life with its own DNA and principle of development in the body she temporarily shares with it. No one (unless the philosopher Peter Singer, who admits the lack of moral distinction between abortion and infanticide but justifies both) argues that a "right to choose" as a matter of self-determination extends to killing another innocent human being (Singer, 1999). The question is whether that is what is involved (Horne, 2007).

My point is not to try to settle the matter here, but to suggest that our values and code of ethics require us to take these issues seriously and not treat them as settled by resort to a sacred text, even our own. No professional code could in any case make facilitating the intentional killing

of an innocent human being right or just. Spano and Koenig (2007) assert that "when personal values conflict with professional values, the *Code of Ethics* as understood within the knowledge base of the profession, should take precedence." But if a professional code did endorse or permit the intentional killing of innocents—as one can imagine in a state like Nazi Germany that made such killing official policy or in contemporary European countries where legal guidelines are being developed for baby euthanasia or killing babies with disabilities (Smith, 2006)—such a code could not bind the conscience of a helping professional, secular or religious. Such a code would need to be challenged and resisted.

Fortunately, the NASW *Code* does not require participation or collusion in any such action. There is, then, no ethical justification for treating issues like abortion or euthanasia as settled and beyond discussion for social workers—with the suggestion that those who adhere to the orthodox Christian view of the sanctity of life do not belong in the profession.

In their discussion of professional ethical action, which is Stage 6 in the authors' six-stage model, Spano and Koenig (2007) return to the question of abortion. They offer a scenario in which a social worker who believes abortion is wrong is working with a single pregnant woman who at first decides to have her baby but then is faced with changed circumstances and is rethinking her decision. Citing the *Code of Ethics* on termination of services (Section 1.16), the authors comment:

Even though the client made an initial decision that is consistent with the social worker's worldview, it is imperative for the social worker to remain involved with the client (and not abruptly terminate services) to help her address difficult decisions about whether or not she can keep and provide for her baby because she must return to work. As consistent with the *Code of Ethics* (Section 1.16), social workers should not terminate services abruptly but continue to monitor the client's situation even if clients are considering decisions that are not consistent with the social workers' personal worldviews.

Well, of course. There is nothing about Judeo-Christian orthodoxy that would suggest a social worker should abruptly terminate services in these circumstances. The client has not even made a decision yet in this scenario, and if she decides not to keep her baby, there are obvious alternatives to abortion that do not involve the death of her child. If she does have an abortion, a social worker who believed that she had acted wickedly would still not be obliged by virtue of that belief to terminate services abruptly, or at all. Do not all social workers work with clients who

make what they consider to be bad choices, whether these involve crime and delinquency, adultery, child maltreatment, abortion, promiscuity, substance abuse, or self-mutilation? Some of these practices are illegal, some not, but all may reasonably be considered harmful to oneself, others, or society at large. The counsel against abrupt termination has nothing specifically to do with the orthodoxy to which the practitioner subscribes, whether it is Judeo-Christian or secularist.

On the question of abortion itself, as well as in terms of religious or denominational affiliation, it should be noted that it is the social work secularists who are out of line with their clients' values and worldviews. In Hodge's (2003) analysis, the graduate social workers supported the view that a woman should be able to obtain an abortion for any reason by 77% to 24%, whereas members of the working class answered negatively by 64% to 36%. This analysis of General Social Survey data from 1972 to 1998 suggests that issues of self-determination and managing personal and professional value conflicts are likely to be at least as challenging for liberal secularist social workers, since there is a much wider discrepancy between their values and worldview and those of their clients.

Marriage, Sex, and Children

Another area of contention between the two orthodoxies lies in the domain of marriage and sex. Here Spano and Koenig (2007) again treat the orthodox secularist view as self-evident and I will argue that it is neither persuasive nor required by the *Code.* This is a difficult area for at least two reasons. First, the institution of marriage, essentially universal and understood everywhere to be about sex and children, has become dramatically weakened in the West in conception as well as practice, both reflecting and reinforcing class and ethnic inequalities. Second, it has become enmeshed in what Blankenhorn (2007) argues is an entirely different issue, namely the rights of homosexuals to equal respect and dignity. Because this mixing up of gay rights with the fate of marriage is readily accepted or taken for granted by Spano and Koenig (2007), and by some courts and legal scholars, too, it is necessary to deal with the social ethics of marriage at some length. We need to do this in order to examine whether this confidence in a position previously unknown in the history of social work is justified.

Marriage and family structure are matters central to the concerns of social welfare policy and social work practice, and indeed to the well-being of children, adults, and society as a whole. We have seen in recent decades a dramatic decline in marriage as a social institution that provides

a stable, long-term, socially recognized and supported context for sexual intercourse and the rearing by their own parents of any children that result from it (Blankenhorn, 2007; Child Trends, 2006, 2007; Hymowitz, 2006; Waite & Gallagher, 2000).

The weakening of marriage is evident in the very definition of the institution, as well as in high rates of divorce, co-habitation, births, and childrearing outside wedlock. The causal links and interactions among these developments may not be universally agreed, but the effects on children and adults are increasingly clear and recognized across the political spectrum. Marriage is a very powerful protective factor in all sorts of ways—greater emotional and financial stability, support from the families of both parents, increased earnings, and so forth. Even at the same level of poverty, marriage protects children from all the familiar forms of child *ill-fare* (Hymowitz, 2006; Waite & Gallagher, 2000). Put the other way around, as the report, *Can government strengthen marriage?* (National Fatherhood Initiative, Institute for Marriage and Public Policy, & Institute for American Values, 2004) summarizes the scientific evidence:

A growing consensus confirms that children raised outside of intact marriages are at higher risk for experiencing a variety of negative outcomes including higher rates of poverty, welfare dependency, crime, school failure, substance abuse, juvenile delinquency and adult criminality, Medicaid costs, mental illness and emotional distress, domestic violence, unwed teen pregnancy, sexually transmitted diseases, poor quality family relationships, and child abuse (p. 6).

Whether parents get and stay married has an enormous impact on their children. Even controlling for important family characteristics like parents' race, income, and socioeconomic status, children of married parents are physically and mentally healthier, better educated, and later in life enjoy more career success than children in other family settings-- advantages that disappear if the parents divorce (Amato, 2005; Blankenhorn, 2007; Center for Marriage and Families, 2005; Glenn, 2001; Marquardt, 2006; Waite & Gallagher, 2000). For children as well as for women in relationships, marriage is the safest place to be, with much less child maltreatment and partner violence. Having a live-in boyfriend, on the other hand, is itself a risk factor for the woman's children (Waite & Gallagher, 2000). As more recent and sophisticated studies have shown, these links cannot be explained simply as a selection effect (i.e., those who are healthier and richer are more likely to get and stay married in the first place). Marriage itself has an important and independent protective effect for children, women, and men (Waite & Gallagher, 2000). It is our

major pro-child institution, and its breakdown merits the concern of social workers and all those concerned with the disastrous social consequences, above all for minorities and those in poverty.

"In all observed societies," Scruton (2006) observes, "some form of marriage exists, as the means whereby the work of one generation is dedicated to the well-being of the next" (pp. 82-83). The research shows clearly how changes in family structure explain most or all the increase in child poverty in recent decades (Sawhill, 2003). A study by the Urban Institute scholar, Robert I. Lerman (1996), found that the trend away from marriage in the 1970s and 1980s "accounted for almost half the increase in child income inequality and for more than the entire rise in child poverty rates" (p. S119).

The weakening of the links among marriage, sex, and parenthood (Marquardt, 2006) has affected even the way we define and conceptualize marriage. This is apparent in the widespread tendency to reduce our concept of marriage to a kind of Hallmark card sentiment, having to do with the feelings of love and commitment between two adults, but nothing intrinsically to do with sex or children. Thus, when Spano and Koenig (2007) describe marriage as "one of the central elements of our human existence," they seem to have this adult-centered meaning in mind. Contrast the definition offered by Blankenhorn (2007) on the basis of his lifetime's research on marriage and the family in the United States, across the world, and throughout history:

> In all or nearly all human societies, marriage is socially approved sexual intercourse between a woman and a man, conceived both as a personal relationship and as an institution, primarily such that any children resulting from the union are—and are understood by the society to be—emotionally, morally, practically, and legally affiliated with both of the parents (p. 91).

This understanding of marriage is reflected in the U.N.'s Universal Declaration of Human Rights, as spelled out in the Convention on the Rights of the Child adopted by the U.N. in 1987 in this passage from Article 7:

> The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents (quoted by Blankenhorn, 2007, p. 188).

Or as Blankenhorn (2007) puts it: "*I have a right as a child to the mother and father who made me*" (p. 189, italics in original).

Looked at in this way, it is incorrect to say that homosexuals are denied the right to marriage as Blankenhorn (2007) defines it and as it has been generally and universally understood, at least until very recent years. Marriage as an institution is mute and formally indifferent on the question of sexual orientation or disposition or desire. Sexual desire or orientation is not a criterion for admission to or exclusion from marriage. And for good reason. As Blankenhorn (2007) says, "But if we as a society cross that Rubicon—if sexual desire becomes a valid legal principle for structuring a marriage—it is hard to imagine the moral metric by which bisexual spousal groups would be excluded from this newly orientation-sensitive institution" (p. 259). Indeed, something "very close to a socially recognized group marriage" (Blankenhorn, 2007, p. 258) took place in the Netherlands in 2005, involving a man self-identified as heterosexual and two women who called themselves bisexual.

Yet Spano and Koenig (2007), who are not alone in this, see the denial of marriage (to each other) to homosexual couples as discriminatory, oppressive, and by inference, incompatible with the *Code of Ethics* (despite the latter's silence on the point). But what could marriage mean in this context? If it is, say, a legally recognized relationship between two (for the moment, anyway) interdependent adults who love each other, why would it exclude the two elderly English sisters, 88 and 81 years old, who had cared for their parents until their deaths and now cared for each other? The Burden sisters brought their case to the European Court of Human Rights in 2006 and at the time of writing it is under appeal. The case raises the question of what combination of two— or more? — people living together in a household should be eligible for tax and other advantages if marriage and its legal benefits are extended beyond heterosexual couples and the state's interest is extended beyond its traditional primary focus, that of supporting and protecting children. The Civil Partnership Act of 2005 in the U.K. extended tax exemptions and benefits formerly reserved for married couples to same-sex couples. If such an extension becomes law, here as it has in the U.K., should eligibility for benefits require (a) that the couple not be related by blood and/or (b) that they are in a sexual relationship? The two sisters demanded, in effect, to be treated like lesbians (Rozenberg, 2006).

If sex is seen as essential to the definition of marriage, as it always has been, we have to ask, when sex gets detached from parenting, what is the state's interest in whether or not a couple is having sex? And if marital sex is no longer understood as intercourse between a woman and a

man whose one-flesh union becomes in principle a single reproductive unit, then why should marriage be limited to two people, as polyamorists reasonably ask?

Some same-sex marriage advocates, like Spano and Koenig (2007), see marriage as a good that should be open to same-sex couples. Others (e.g., Coontz, 2005; Stacey, 1996) see marriage as a bad institution that needs to be undermined and deconstructed by extending its definition to include same-sex couples (and some would add polyamorous groups of any number and combination of sexes). In either case, the effect is to hijack marriage as that institution the most important purpose of which, from the earliest legal codes on, has been to "give to the child the mother and father who made the child." Blankenhorn (2007) continues, "Marriage does not exist in order to address the problem of sexual orientation or to reduce homophobia. Marriage does not exist in order to embody the principle of family diversity or to maximize adult choice in the area of procreation and childrearing" (p. 199). Whether the aim is to deinstitutionalize marriage completely, as Coontz (2007) would have us do, turning it from a structured social institution into a private relationship, or simply to extend the institution to a new population, as Spano and Koenig (2007) want, the effect is to take our most pro-child institution and transform it in ways that subordinate the rights and needs of children to the freedoms of adults.

In this discussion, I have sought to show that the views of sex and marriage that Spano and Koenig (2007) take as the default position implied by the *Code of Ethics* and against which the religiously orthodox need to assess their own "personal world view," are very far from settled or compelling. The position of the secularist orthodoxy is not a requirement for social workers or anyone else concerned with the social problems that beset their clients, not even remotely. Nor does the *Code* take, require, or imply the Spano and Koenig position on these questions.

Spano and Koenig (2007) are also concerned with a different question—that of how and whether social workers who consider homoerotic or other sexual conduct outside marriage to be immoral can work professionally with those who engage in it. This can be addressed more briefly. As I noted earlier, it is not different in principle from other cases in which clients engage in practices that their social worker considers wrong or harmful. Indeed, that is typically the case, surely. Now as to assisting clients who *want* to try to change their sexual orientation through conversion therapy or some related treatment, is that not a matter of client self-determination? No, the authors seem to say, because it does not work and is therefore unethical and harmful. One too

flippant response would be to point out that if using ineffective treatments were a crime, we would all be in jail.

But what if the treatment were improved to the point where it demonstrably did work? Would the objection disappear, and how would a secularist social worker, in self-reflective mode, deal with a client who wanted to change his or her sexual orientation? Would it depend on the client's wishes and goals, or the practitioner's views of the sexual behavior in question? For example, would it be yes for treating necrophilia or pedophilia (a field where ineffective treatments continue to be used with sexual predators for lack of anything better), but no for homoerotic desires? Would the worker's refusal to help the client meet their goals in this case be based on nothing more than the worker's personal worldview which rejects the traditional Judeo-Christian and natural law-based view of homosexual desire as intrinsically disordered (e.g., Budziszewski, 1997; Finnis, 1997; George, 2001)? In that case, it would be the secularist practitioner's view of the disposition or act that prevailed, not the client's view or wishes.

On the question of professional decision making, Stage 5 in the authors' scheme, Spano and Koenig (2007) cite the *Code of Ethics* to the effect that social workers "assist clients in their efforts to identify and clarify their goals" (Section 1.02). They then offer a remarkable example: "a gay couple may meet with the social worker to strengthen their emotional, spiritual, and physical connections. If the social worker refuses to assist the couple in meeting their goal based on a personal worldview that defines homosexual relationships as immoral, this represents a lack of professional integrity, runs contrary to the *Code*, and is an outright rejection or denial of the clients' expressed goals." This surely is a wildly irresponsible application of what the *Code* actually says. The section cited speaks of assisting clients in their efforts to identify and clarify their goals, not of a requirement to endorse or help them meet those goals, which may or may not be appropriate depending on what they are. The authors fudge the distinction they themselves quote the religiously orthodox as making, between homosexual conduct and sexual orientation or desire, by using the term relationships. If anything, one could argue that it is the practitioner who agrees to help these clients to work toward their stated goals who lacks professional integrity, since her professional competence and license probably do not extend to helping people make physical connections with each other.

Conclusion

In all the issues raised by Spano and Koenig (2007), there is a need to open up discussion within the profession, not to close it down. The aim here has not been to settle these questions definitively, but to show that the positions held by social workers who orthodox Christians or Jews are are no less rationally defensible than the positions Spano and Koenig (2007) take for granted or assume to be required by the *Code* of all professional social workers. The authors' case against a permissive approach to interpreting and utilizing the *Code,* of the kind suggested by Ressler (1997), is unpersuasive both because the authors' position on the issues in contention is weak and because it is in any case not required by the code on which they rely. Appealing to the *Code* as arbiter and at the same time interpreting it as they do, these authors hold evangelicals' feet to the fire, but keep their own at a comfortable distance.

This is to use the *Code* in a way that may be appropriate for a church or political party, but not for a profession. It is to replace the virtues needed for professional excellence, such as practical judgment and self-regulation, with an appeal to authority—an authority that, in any case, neither requires the positions they take nor excludes those they attack.

In its 1943 ruling in favor of the Jehovah's Witnesses in a First Amendment flag-saluting case, the U.S. Supreme Court (1943) said, "If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." A key question inherent in Spano's and Koenig's (2007) helpfully provocative paper is the extent to which this principle applies to a profession the title and practice of which are subject to state licensing laws. As a profession, licensed and supported by the state and its revenues, are we in the position of a political party or church, which surely legitimately can prescribe what shall be orthodox for its members, or that of officials, high or petty, who cannot? If we as a profession embrace those principles of American liberal democracy that prohibit the state from supporting or requiring adherence to political parties or churches, should we ourselves as a state-supported profession not observe restraint—at least in terms of our code of ethics—in seeming to act like a disciplined, collective adherent of a political party, ideology, or agenda?

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