

The Concept of Control in Selected Codes of Ethics in Social Work

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Abstract

Social work is referred to as an ambivalent profession which includes both assistance and control. This leads to a number of dilemmas. As support when seeking for the solution to those dilemmas one could use the Code of Ethics for social workers of the Czech Republic. Due to the fact that its current form does not focus on the topic of control and that there are not many guides in the Czech language for its processing, the aim of this text is to find out how control work with clients is processed by selected codes of ethics. In order to achieve the goal, we chose a qualitative analysis of eight selected codes of ethics. We have found that the codes examined can be distinguished according to logic – explicit use of the term control, legitimate/illegitimate control, contraindication of control, the situation of legitimate control, the form of control, and ethics of control work. This text is devoted to the first four categories. It is this scope that could be used in the eventual consensus of experts about the new necessity to incorporate parts dealing with control into the Czech Code.

Key words: social work, control, legitimacy, code of ethics, neoliberalism

Introduction

The theoretical objective of the text is to find out how selected codes of ethics work on the topic of control work with clients. We were wondering how explicit the term control is and what the logical approach is for working with control. The intentional choice of codes of ethics has led us to the partial question of whether we can find a connection between the political ideology of a given country and the concept of control in the code. The purpose of the article is to develop the topic of control for the purpose of possible future innovations of the Code of Ethics for social workers of the Czech Republic. The findings of the article could serve as a possible inspiration. The text is written from the critical perspective of social work which is logically reflected in the theoretical anchoring of key concepts as well as in the interpretation of the findings.

The key concepts, such as control in social work, legitimacy of control, and the purpose of codes of ethics, will be explained first. The research methodology will then be briefly characterised, and later the research findings together with the recommendations will be presented.

Theoretical Anchor

Control in Social Work

The Oxford Dictionary defines the noun 'control' as the power to influence or direct people's behaviour or the course of events and the verb 'to control' as to determine behaviour or oversee the course of something.¹ According to the Cambridge Dictionary, the verb 'to control' means to order, limit, or rule something, or someone's actions or behaviour.² In Czech, this term is explained as supervision, examination, management, or influence.³ Using these definitions, control in social work can be defined as the power of social workers to direct or restrict some client behaviour, to control or influence certain events, and to oversee the behaviour or actions required.

Control can be understood as a method, activity, or even the goal of social work. In this text, it will be understood as an activity through which the above power is realised. It is more appropriate to deal with activities in the plural given the fact that this can be a continuum of different actions. The differentiation of this continuum of control methods is surprisingly not dealt with in the literature much. In the Czech context, perhaps the most well-known differentiation is Ivan Úlehla's four ways of controlling⁴ which (in terms of directivity) determines the types of unsolicited communication from the perspective of the client (clarification, persuasion, supervision, custody). Similarly, from a client perspective, three ways of controlling were identified by Janebová and Truhlářová.⁵ They studied control and its concept in English written literature in the area of social work. Although they looked at control from a client perspective, we believe that the three categories of control found by them can be seen as general categories of control. The notional range of control actions was distinguished inclusively from the broadest to the narrowest and, at the same time, to the most directive distinction (the broader are a superset of the narrower ones). The broadest distinction includes all social work activities that involve any behaviour unsolicited by the client in the sense of words of Ivan Úlehla.⁶ Such behaviour is represented even by a subtle form of control such as the giving of unsolicited information. A higher degree of directivity can be found in the case of restricting the self-determination of the client when a social worker decides on certain more or less important matters by himself (for example, Behroozi, Burman, Akademikerförbundet).⁷ And as the most directive, they point out the situation where the client is forced to use a service that he does not want (for example, Willshire, Brodsky, Trotter, AASW, Trotter, Ward).⁸ We were, among other things, also interested, in our analysis of whether and how control is understood in selected codes of ethics.

1 Cf. © English Oxford Living Dictionaries, Control (online), available at: <https://en.oxforddictionaries.com/definition/control>, cited 3rd April 2018.

2 Cf. © Cambridge Dictionary, Control (online), available at: <https://dictionary.cambridge.org/dictionary/english/control>, cited 3rd April 2018.

3 Cf. Various authors, *Ilustrovaný encyklopedický slovník*, Prague: Academia, 1981, p. 197.

4 Cf. Ivan ÚLEHLA, *Umění pomáhat*, Prague: SLON, 1999.

5 Cf. Radka JANEBOVÁ and Zuzana TRUHLÁŘOVÁ, Pojetí kontroly z perspektivy klienta sociální práce, *Kontakt* 1/2018, pp. 65–73.

6 Cf. ÚLEHLA, *Umění...*, p. 35.

7 Cf. Cyrus S. BEHROOZI, A Model for Social Work with Involuntary Applicants in Groups, *Social Work with Groups* 2–3/1993, pp. 223–238; Sonda BURMAN, Revisiting the Agent of Social Control Role: Implications for Substance Abuse Treatment, *Journal of Social Work Practice: Psychotherapeutic Approaches in Health, Welfare and the Community* 2/2004, pp. 197–209; © AKADEMIKERFÖRBUNDET SSR, Ethics in Social Work – A Code of Conduct and Ethical Behaviour for Social Workers (online), available at: https://akademssr.se/sites/default/files/files/ethics_in_social_work_0.pdf, last update 2015, cited 8th December 2016.

8 Cf. David WILLISHIRE and Stanley L. BRODSKY, Toward a Taxonomy of Unwillingness: Initial Steps in Engaging the Unwilling Client, *Psychiatry, Psychology and Law* 8/2001, pp. 154–160; Chris TROTTER, *Working with Involuntary Clients. A Guide to Practice*, Los Angeles, London, New Delhi Singapore, Washington DC: SAGE, 2006; © AASW, Code of Ethics (online), available at: <https://www.aasw.asn.au/document/item/1201>, last update 2010, cited 8th December 2016; Cf. Chris TROTTER and Tony WARD, Involuntary Clients, Pro-social Modelling and Ethics, *Ethics and Social Welfare* 1/2012, pp. 74–90.

Legitimacy of Control in Social Work

Social work sometimes tends to perceive itself as a helping profession and forget about its controlling role. By doing so it idealises and uncritically sublimates its controlling role in society. If we perceive any unsolicited behaviour as control, it is even possible that the control activities will proportionally exceed the aid activities (client-requested). For example, unsolicited information (according to Úlehla,⁹ it is clarification) or unsolicited client motivation (according to Úlehla,¹⁰ it is persuasion) are legitimate and relatively frequent ways of working with clients. Certainly, control is a very important part of social work and, as such, should be given the deserved attention.

The legitimacy of control in social work stems from its commitment to society. Assistance boundaries are limited by the values and standards of a given country. A relationship with a client cannot be reduced to the personal level.¹¹ It is rather a tripartite contract between social work, the state, and the client, including the rights and obligations of all the participants.¹² The relationship between the client and the social worker is strongly determined by the country or state in which the social work is paid for and by its policy.

A good understanding of social work presupposes an understanding of its functions within the framework of the state's functioning. Although the motivation of social work is undoubtedly to help others, its function also leads to the need of control. On the one hand, it wants to contribute to social altruism, while on the other hand it leads people to adhere to social norms.¹³ It wants to help clients find ways to live a satisfying and socially acceptable life but, at the same time, it expects them to meet certain conditions and it has the power to enforce those conditions through the law.¹⁴ That is why social work is often referred to as an ambivalent profession (for example, Senior, Laan, Noble, Smith),¹⁵ ambiguous (for example, Laan, Day, Hyslop),¹⁶ dual (for example, Banks, Trotter),¹⁷ double or Janus-like (for example, Hyslop, Janebová, Truhlářová),¹⁸ with a twin (for example, Hyslop),¹⁹ or with a double task (for example, Salamon).²⁰ Dealing with this duality is one of the greatest challenges in social work.²¹

According to Peter Leonard,²² the function of social work (in relation to the state) can be understood in two different ways. From the consensual, respectively the structurally functionalist viewpoint, the mission of social work is not only to help people meet their expected needs but also

9 Cf. ÚLEHLA, *Umění...*, p. 35.

10 Cf. ÚLEHLA, *Umění...*, p. 34.

11 Cf. SARAH BANKS, *Ethics and Values in Social Work*, Houndmills, Basingstoke, Hampshire and New York: Palgrave Macmillan, 2001, p. 15.

12 Cf. CHRIS CLARK, *Social Work Ethics. Politics, Principles and Practice*, Houndmills, Basingstoke, Hampshire and New York: Palgrave Macmillan, 2000, pp. 106–107.

13 Cf. BANKS, *Ethics...*, p. 15.

14 Cf. TROTTER, WARD, *Involuntary...*

15 Cf. PAUL SENIOR, The Probation Order: Vehicle of Social Work or Social Control?, *Probation Journal* 2/1984, pp. 64–70; Geert van der LAAN, *Otázky legitimacy sociální práce*, Boskovice: Albert, Ostrava: Zdravotně sociální fakulta Ostravské univerzity, 1998; Carolyn NOBLE, Postmodern Thinking Where is it Taking Social Work?, *Journal of Social Work* 3/2004, pp. 289–304; Roger SMITH, *Social Work and Power*, Houndmills, Basingstoke, Hampshire: PALGRAVE MACMILLAN, 2008.

16 Cf. LAAN, *Otázky...*; Phyllis J. DAY, Social Welfare: Context for Social Control, *The Journal of Sociology & Social Welfare* 1/1981, pp. 29–44; Ian HYSLOP, Social Work as a Practice of Freedom, *Journal of Social Work* 4/2011, pp. 404–422.

17 Cf. BANKS, *Ethics...*, p. 17; TROTTER, *Working...*

18 Cf. HYSLOP, *Social...*, pp. 218–419; Radka JANEBOVÁ and Zuzana TRUHLÁŘOVÁ, Janusova tvář sociální práce: Tři pohledy na pojetí kontroly v sociální práci, *Sociální práce / Sociálna práca* 6/2017, pp. 116–130.

19 Cf. HYSLOP, *Social...*, p. 418–419.

20 Cf. Ernst SALAMON, Kdo je zákazníkem sociálních služeb?, *Sociální politika* 2/2001, pp. 6–9.

21 Cf. TROTTER, *Working...*

22 Cf. Peter LEONARD, The Function of Social Work in Society, in: *Talking about Welfare: Readings in Philosophy and Social Policy*, ed. Noel W. TIMMS and David WATSON, Boston: Routledge and Kegan Paul, 1976, pp. 252–266.

to solve conflicts and tensions, to socialise people marked as deviant, and to create consistency between people and their social environment through their mutual adaptation. The task of social work is to control non-compliant citizens and to reform non-functioning social structures. In this view, control is seen as a legitimate tool to maintain the social order of society. On the other hand, if one sees it through the lens of the conflict paradigm, social work is in the service of dominant elites and it serves to maintain their political and economic power over groups that are considered to be a threat to the existing power structure. Social work in terms of this concept does not work in the interests of those with whom it works but in the interest of the oppressive structures of the neoliberal state.²³ This view is typical for critical social work which may include both more traditional structuralist criticism and criticism from various post-movements.²⁴ They have enriched it in particular with Foucault's concept of governmentality which explores governance strategies combining specific power technologies aimed at shaping the mentality of subjects in their day-to-day functioning.²⁵

When analysing codes of ethics, we draw on both points of view. In spite of our critical position, we strongly believe that even control can be a legitimate part of social work in some situations. This is particularly true in situations where, due to the incompetence or irresponsibility of a person or of contextual causes, people are seriously threatened, that is, if the person is fundamentally threatened by the behaviour of other people, or if the person fundamentally threatens himself, or other people.²⁶ At the same time, we accept critical social work arguments that social work is being exploited and abused by neoliberal ideology in order to discipline people in favour of the interest of elites. In practice, Loïc Wacquant²⁷ describes the gradual transformation of the originally protective function of social policy (and thus of social work) into a remedial function where more and more disciplinary principles penetrate into it. The help of the neoliberal state for people is increasingly conditioned by the fulfilment of duties and the function of social work is then the supervision and control of the fulfilment of these duties. This supervision is commonly referred to as *welfare surveillance* and identifies specific forms of monitoring, controlling, and disciplining people who ask for help due to a poor living situation or other social problems.²⁸ Social work, in the context of *welfare surveillance* policy, changes into a control tool and its goal is to assess people's previous income in order to give them access to social assistance from the state – it becomes a *gatekeeper* of help (for example, Rodger, Kam),²⁹ serves as a tool for the depoliticisation of social problems (for example, Day, Rogowski)³⁰ forcing people to address structural problems individually, and it is also a tool for the politicising of non-adaptive behaviour (for example, Donzelot, Donaghue)³¹ where it is entrusted with the creation or implementation of repressive measures and

23 Leonard's distinction dates back to 1976 so that, at the time of its creation, it did not include the lenses of poststructuralism and postmodernism.

24 Cf. Radka JANEBOVÁ, Vybrané principy kritické sociální práce v kontextu kontroly nedobrovolných klientů, *Sociální práce / Sociálna práca* 3/2018, pp. 5–21.

25 Cf. Michel FOUCAULT, *Security, Territory, Population*, New York: Palgrave MacMillan, 2007.

26 Cf. Radka JANEBOVÁ, Kdy je legitimní vykonávat v sociální práci kontrolu, *Fórum sociální práce* 2/2017.

27 Cf. Loïc WACQUANT, Three Steps to a Historical Anthropology of Actually Existing Neoliberalism, *Social Anthropology/Anthropologie Sociale* 1/2012, pp. 66–79.

28 Cf. Jiří MERTL, *Přerozdělování welfare. Nátroj pomoci, nebo kontroly?*, Brno: Doplněk, 2017, p. 104.

29 Cf. John J. RODGER, Social Work as Social Control Re-examined Beyond the Dispersal of Discipline Thesis, *Sociology* 4/1988, pp. 563–581; Ping Kwong KAM, Back to the 'Social' of Social Work: Reviving the Social Work Profession's Contribution to the Promotion of Social Justice, *International Social Work* 6/2012, pp. 723–740.

30 Cf. DAY, Social...; Steve ROGOWSKI, Radical/Critical Social Work with Young Offenders: Challenges and Possibilities, *Journal of Social Work Practice: Psychotherapeutic Approaches in Health Welfare and the Community* 1/2014, pp. 7–21.

31 Cf. Jacques DONZELOT, *The Policing of Families: Welfare Versus the State*, London: Hutchinson University Library, 1979; Jane DONAGHUE, Antisocial Behaviour Orders (ASBOs) in Britain Contextualizing Risk and Reflexive Modernization, *Sociology* 2/2008,

programmes against 'asocial behaviour' instead of the activities which support the marginalised, it becomes a tool for observing, evaluating, and sanctioning the socially weakest – especially the homeless and the poor for example, Gengler, Smith, Monahan),³² it becomes an instrument of the visibility for the 'others' (for example, Janebová, Monahan),³³ and it participates on managing the *workfare* policy that, in order to provide financial help, demands that people participate in precarious forms of work (for example, Keller, Dee, Mertl)³⁴.

In connection with the analysis of codes of ethics, we will ask how the process of legitimate control was managed in those texts while, at the same time, how to prevent the misuse of social work by neoliberal ideology.

Purpose of Codes of Ethics

The presence of a code of ethics, according to Greenwood,³⁵ is one of the conditions for recognising some work as a profession. However, this outward motivation is not the only reason why professions – or their professional associations – are creating codes of ethics. The purpose of a code of ethics is generally to define acceptable/unacceptable behaviour, to promote good practice, to provide criteria for the self-evaluation of members of the profession, to create a framework for professional conduct and professional accountability, to serve as support for professional identity, and as a sign of professional maturity.³⁶ In the context of social work, the creation of a code of ethics comes from the need to provide social workers with support and regulation of practice, to protect clients against the misuse of official authority and against neglect of care, to have criteria for assessing the ethics of current practice and for assessing complaints, and also to create the identity and status of the profession in society.³⁷

The codes of ethics of social work in individual countries can vary considerably in terms of scope, structure, and defined relationship to other social work subjects. Olson³⁸ distinguishes three models of codes of ethics according to these criteria. The first, *brief model*, is characterised by the basic principles of practice, which, however, lack a clear structure. The *principles model* uses a logical form: preamble/purpose, fundamental principles and values, and interpretation for principles. This form focuses on each principle separately and modifies them in terms of a range of relationships that members of the profession may encounter. The *relationship model* that Olson considers to be the best developed is the only one that highlights relationships between a group or group members and other groups in society, such as the public, clients, or employers. This model often divides the code into sections starting with provisions such as 'relationships/commitments to...' followed by a list of standards and policies for that relationship.

pp. 337–355.

32 Cf. Amanda M. GENGLER, Mothering under the Gaze: Policing Motherhood in a Battered Women's Shelter, *International Journal of Sociology of the Family* 1/2011, pp. 131–152; Andrea SMITH, Not-seeing: State Surveillance, Settler Colonialism, and Gender Violence. in: *Feminist Surveillance Studies*, ed. Rachel DUBROFSKY and Shoshana A. MAGNET, Durham: Duke University Press, 2015, pp. 21–38; Torin MONAHAN, Regulating Belonging: Surveillance, Inequality, and the Cultural Production of Abjection, *Journal of Cultural Economy* 2/2017, pp. 191–206.

33 Cf. © Radka JANEBOVÁ, Sociální pracovníci: Obecní uklízeči lidského odpadu? (online), available at: <https://blisty.cz/art/75198-socialni-pracovnici-obecni-uklizeci-lidskeho-odpadu.html>, last update 2014, cited 26th March 2018; MONAHAN, Regulating...

34 Cf. Jan KELLER, *Tři sociální světy. Sociální struktura postindustriální společnosti*, Prague: SLON, 2010; Mike DEE, Welfare Surveillance, Income Management and New Paternalism in Australia, *Surveillance & Society* 3/2013, pp. 272–286; MERTL, *Přerozdělování...*

35 Cf. Mirka NEČASOVÁ, Profesní etika, in: *Metody a řízení sociální práce*, ed. Oldřich MATOUŠEK et al., Prague: Portál, 2003, pp. 37–39.

36 Cf. Catherine McDONALD, *Challenging Social Work. The Institutional Context of Practice*, Houndmills, Basingstoke, Hampshire, New York: Palgrave Macmillan, 2006, pp. 97–115.

37 Cf. NEČASOVÁ, Profesní..., pp. 37–39.

38 Cf. © Andrew OLSON, Authoring a Code of Ethics: Observations on Process and Organization (online), available at: <http://ethics.iit.edu/ecodes/authoring-code>, update 1998, cited 6th April 2018.

Of course, the question is to what extent more extensive and detailed codes are a guarantee of good moral and ethical decision-making. In the literature, one can find above all two criticisms of codes of ethics. The first is based on the formal existence of codes of ethics where their origin is motivated by the desire of a profession to meet Greenwood's criteria of the profession and to strengthen its position³⁹ while, in practice, the professional group does not work with them very much. The second criticism, of which the advocates are mainly postmodernists in social work, is based on the detachment of codes of ethics from everyday practice.⁴⁰ The postmodernist perspective of social work points out, through a series of research findings, that social workers practically do not know or do not follow the code of ethics, preferring the principle of personal responsibility in decision making (cf. Felkenes, Dolgoff, Skolnik, Landau, Christians).⁴¹

For a possible innovation of the Czech Code of Ethics, there are, at least, two questions which could be relevant from the point of view of the overall concept. First of all, which of the three of Olson's models⁴² should be followed and, secondly, how to ensure the deformalisation of the practical use of the Code of Ethics for social workers of the Czech Republic.

Methodological Anchor

The codes of ethics examined were originally chosen by deliberate selection, with an emphasis on the national⁴³ codes of countries that are considered to be the most affected by neoliberal ideology. That is why Australia, Canada, and the United Kingdom⁴⁴ were chosen, that is, the countries marked by Esping-Andersen terminology as liberal and, as noted by Titmuss, as residual social states. With regard to the application aim (that is, to offer the basis for the innovation of the Czech Code of Ethics), the existing Czech Code of Ethics and the culturally-close Slovak Code were included in the selection. This was not the only reason for their choice. The statistical comparison of the Czech Republic's social protection expenditure with other European countries shows that while the Czech share of social protection expenditures in GDP in 2015 was 19.1%, the EU average was 29% in the same year.⁴⁵ Interestingly, the United Kingdom, which is otherwise referred to as a residual welfare state, was also within this average. The Czech Republic can be described, in this sense, as an ultra-residual welfare state (just like Slovakia, where the ratio was only 18.3%). Both Central European countries are possibly not perceived as prototypes of neo-liberal states. It might be due to the fact that the effects of neo-liberalism are not particularly discussed there rather than due to the fact that they would not bear the signs of neoliberal ideology (for example, emphasis on social cuts in the social area, efforts to privatise

39 Cf. Paul WILDING, *Professional Power and Social Welfare*, London: Routledge & Kegan Paul, 1982.

40 Cf. Merrylyn ASQUITH, *Ideals, Myths and Realities... A Postmodern Analysis of Moral-ethical Decision-making and Professional Ethics in Social Work Practice*, University of South Australia, 2002.

41 Cf. Sandra W. FELKENES, *The Social Work Professional and his Ethics: A Philosophical Analysis*, PhD Thesis, University of Alabama, 1980; Ralph DOLGOFF and Louise R. SKOLNIK, Ethical Decision-making in Social Work with Groups: An Empirical Study, *Social Work with Groups* 2/1996, pp. 49–64; Ruth LANDAU, Professional Socialization, Ethical Judgement and Decision Making Orientation in Social Work, *Journal of Social Service Research* 4/1999, pp. 57–75; Clifford G. CHRISTIANS, Ethics and politics in qualitative research, in *Handbook of Qualitative Research*, eds. Norman DENZIN and Yvonna S. LINCOLN, Thousand Oaks: Sage, pp. 133–155.

42 Cf. © OLSON, Authoring...

43 Intentionally, only those codes were selected which apply to all areas of social work. Therefore, codes for specific segments of social work, such as social services and social work in public administration, have not been analysed.

44 Of course, the codex from the US, which is a bastion of neo-liberalism, would be the most appropriate for analysis but we have not succeeded in obtaining this code.

45 Cf. © ČESKÝ STATISTICKÝ ÚŘAD, Vybrané údaje o sociálním zabezpečení za rok 2016 (online), available at: <https://www.czso.cz/documents/10180/46002380/19002917.pdf/30a86875-3361-44c4-ae3c-d3ad502f68fa?version=1.0>; last update 2017, cited 22nd February 2018.

potentially profitable services in social work, fascination with individual responsibility and the assessment of people based on their previous income to the detriment of the structural causes of problems, the intermingling of criminal principles into social policy, and the transfer of resources from the social to the criminal system⁴⁶).

In view of our critical position, we have also examined the code created by the International Federation of Social Workers, the *Statement of Ethical Principles* (often referred to in the Czech context as the international code of ethics), which we perceive to a large extent as anchored in critical practice. During the review process, the international code of ethics was updated to a global one on 2nd July 2018 (*Global Social Work Statement of Ethical Principles*). Due to this fact, both versions of the code were included in the analysis. We also decided to examine the Swedish Code, which was interesting for us in terms of a different type of welfare state (social democratic, respectively institutional). Although Esping-Andersen's distinction between the liberal, conservative, and social democratic models of the welfare state has started, as a consequence of the global expansion of neo-liberal values, losing validity (which the author of this concept has acknowledged),⁴⁷ we were wondering whether one can find the effects of neoliberal ideology on the concept of control in a Scandinavian country, such as Sweden. The chosen deliberate selection method became somewhat blurred by the addition of new codes. Nor does it fulfil the requirement of representativeness due to the low number of objects surveyed. We reflect the risks stemming from the chosen research sample selection strategy and understand our analysis rather as a research probe.

From the perspective of Olson-defined⁴⁸ models, both versions of the international code of ethics can be considered as a *brief model*. The British and Canadian Codes are based on the *principles model*. The others are closest to the *relationship model* (there are some reservations in the case of the Czech Code due to the non-systemic nature of the liability adjustment in relation to the client).

Within the selected codes, we searched for passages that could be considered relevant to the definition of control above. We have used qualitative analysis techniques for the documents. We examined the thematic consensus among the located parts of the text which led us to the recognition of categories – explicit use of the term control, legitimate/illegitimate control, contraindication of control, situation of legitimate control, form of control, and ethics of control work. Given that the last category of 'ethics of control work' is very extensive and contains enough material even to publish a separate article, this text will only be devoted to the first four categories of the concept of control.

Presentation of the Findings

The selected codes of ethics approach the work with control with the following logic.⁴⁹ They admit that control may be legitimate under certain circumstances but in some cases they also state its contraindications. Then they define the circumstances in which such legitimacy may arise, what aspects of life can be associated with control (what can be controlled/restricted), and how to control ethically.

46 Cf. WACQUANT, Three...

47 Cf. Gøsta ESPING-ANDERSEN, After the Golden Age? Welfare State Dilemmas in a Global Economy, in: *Welfare States in Transition: National Adaptations in Global Economies*, ed. Gøsta ESPING-ANDERSEN, London: SAGE Publications, 1996, pp. 1–31.

48 Cf. © OLSON, Authoring...

49 The interpretation logic does not necessarily correspond to the order in which the individual aspects of the individual codes are presented.

Explicit Use of the Term Control

Interestingly, those codes that have more elaborated control principles do not explicitly use the term control. On the other hand, the codes that do not contain processed control principles use the term control (in the unspecified sense) in connection with the ethical dilemmas of social work at the very end. An example may be the *Etický kodex sociálních pracovníků*⁵⁰ (the Czech Code of Ethics for Social Workers, further referred to as ČEK), which states in Part C that ‘The Social Worker has the role of a worker who helps and controls clients at the same time’, or the *Etický kódex sociálneho pracovníka a asistenta sociálnej práce Slovenskej republiky*⁵¹ (Code of Ethics of the Social Worker and Social Work Assistant of the Slovak Republic, further referred to as SEK), which includes (in section 3) among ethical problems and dilemmas the fact that the role of social workers is at the same time to help and control, or the penultimate version of the international code of ethics⁵² (IFSWa), which in the *Preface* includes help and control into functions of social work. In the current 2018 version of this code, the notion of control is no longer explicitly used but the power position that social workers have over clients is mentioned (the possibility of control is therefore assumed implicitly). An exception to the more elaborated codes is the *Canadian Guidelines for Ethical Practice*⁵³ (further referred to as CASW⁵⁴), which explicitly states in Article 1.4.2 the principle of minimising the use of controls. It states that any decision restricting the civil or legal rights of clients must be taken after a prudent assessment of the situation. Also, the Swedish code *Ethics in Social work – A code of conduct and ethical behaviour for social workers*⁵⁵ (further referred to as Akademikerförbundet) works with the notion of control. It perceives control in a specific connotation of risk control and damage prevention. Other developed codes replace the concept of control, for example, by terms of constraint, supervision, coercion, measure, or use of power.

Legitimate/Illegitimate Control

Those codes which do not express information about control explicitly assume (by conditions given) its inevitability and hence legitimacy rather implicitly. For example, the British Code does not contain an explicit wording about the legitimacy of control but control legitimacy under certain circumstances can be deduced from the fact that the code develops it in terms of its conditions and the way of its implementation. For example, the 2018 international code of ethics *Global Social Work Statement of Ethical Principles* (further referred to as IFSWb⁵⁶) is even briefer, which implicitly derives this legitimacy from defined situations. According to this code, the use of

50 Cf. © SPOLEČNOST SOCIÁLNÍCH PRACOVNÍKŮ, *Etický kodex sociálních pracovníků České republiky* (online), available at: http://socialnipracovnici.cz/public/upload/image/eticky_kodex_sspcr.pdf, last update 2006, cited 14th June 2017.

51 Cf. © SLOVENSKÁ KOMORA SOCIÁLNÍCH PRACOVNÍKŮ, *Etický kódex sociálneho pracovníka a asistenta sociálnej práce Slovenskej republiky* (online), available at: https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialna-praca/eticky-kodex_final-3.pdf, last update 2015, cited 14th June 2017.

52 Cf. © IFSWa, *Statement of Ethical Principles* (online), available at: <http://ifsw.org/policies/statement-of-ethical-principles/>, last update 2012, cited 6th December 2016.

53 Cf. © CASW, *Guidelines for Ethical Practice* (online), available at: http://www.casw-acts.ca/sites/default/files/attachements/CASW_Guidelines%20for%20Ethical%20Practice.pdf, last update 2005, cited 8th December 2016.

54 Under this abbreviation, both types of ethical guidelines will be mentioned. In addition to the abovementioned *Guidelines for Ethical Practice*, this shortcut will also be used for the brief code © CASW, *Code of Ethics* (online), available at: https://casw-acts.ca/sites/casw-acts.ca/files/attachements/casw_code_of_ethics.pdf, last update 2005, cited 8th December 2016.

55 Cf. © AKADEMIKERFÖRBUNDET SSR, *Ethics in Social Work – A Code of Conduct and Ethical Behaviour for Social Workers* (online), available at: https://akademssr.se/sites/default/files/files/ethics_in_social_work_0.pdf, update 2015, cited 8th December 2016.

56 Cf. © IFSWb, *Global Social Work Statement of Ethical Principles* (online), available at: <https://www.ifsw.org/statement-of-ethical-principles/>, update 2nd June 2018, cited 30th December 2018.

control is appropriate (usually when there is a threat to the client or to others).

The legitimacy of control and its illegitimacy are perceived as complementary phenomena within the framework of codes of ethics. In terms of the order of the topics, the rights of the clients are first presented, and only then the circumstances under which it is legitimate to restrict those rights are specified. Among the rights of clients that may be considered essential in the context of the control performance (in the relevant passages of the codes) is the right to take risks (the British *The Code of Ethics for Social Work Statement of Principles* – further referred to as BASW),⁵⁷ the right to an informed decision (CASW, AASW,⁵⁸ BASW, IFSWb), the right to autonomy and independence (AASW, BASW), the right to participate in the decision-making process (BASW, Akademikerförbundet) – some codes more particularly emphasise this right for children (BASW, CASW), the right to self-determination (CASW, AASW, IFSWb, BASW, Akademikerförbundet), the right to personal dignity (Akademikerförbundet), the right to privacy (AASW, IFSWb), the right to liberty (Akademikerförbundet), and the right to information confidentiality (AASW, BASW, IFSWa, IFSWb, Akademikerförbundet).

Contraindications to Control

Some codes may, before defining circumstances where control is legitimate, still emphasise situations where control is not legitimate – that is, its contraindication (BASW, CASW, Akademikerförbundet). This contraindication is tied to the right to risk. For example, the British Code (BASW) states in Principle 2 that social workers are aware of the fact that people using social work services have the right to take risks. The Swedish Code, in which first two parts are more of a discussion on the values of the Swedish state, addresses the contradiction of control in the form of rhetorical questions. In those, for some of the key values, there is considered the possibility of disregarding the value. There is no such provision in the Czech Code of Ethics, but a similar principle is traceable, for example, in *Výkladový sborník pro poskytovatele sociálních služeb*⁵⁹ (the Interpretative Proceedings for Social Service Providers), where the right to reasonable risk is defined. It is stressed that given the fact that ‘risk is an integral part of our lives and an indispensable condition for adolescence, providers should not seek to eliminate it completely from the lives of their clients but instead allow them to undertake some reasonable risk’. Similar efforts to balance between adequate and inadequate risks were in the area of the social and legal protection of children but after criticism of the guardians for children and youth, the methodologies were withdrawn. Other segments of social work outwith the social services area do not have such guidance.

Situation of Legitimate Control

The definition of the circumstances in which it is inevitable to restrict the rights of clients is, in selected codes of ethics, linked to the consequences of situations where the rights, safety, and interests of people are threatened, where people need to be protected, or where people are threatened with suffering serious harm. In other words, to act in order to restrict civil or legitimate

57 Cf. © BASW, *The Code of Ethics for Social Work Statement of Principles* (online), available at: http://cdn.basw.co.uk/upload/basw_112315-7.pdf, last update 2012, cited 8th December 2016.

58 Cf. © AASW, *Code of Ethics* (online), available at: <https://www.aasw.asn.au/document/item/1201>, last update 2010, cited 8th December 2016 (further, AASW).

59 Cf. *Standardy kvality sociálních služeb. Výkladový sborník pro poskytovatele*, Prague: MPSV, 2008, p. 32.

human rights is possible only if lawfully justified (AASW, BASW, SEK, Akademikerförbundet) or in the interests of higher ethical requirements such as a life-saving situation (IFSWa, SEK). The rights of the client may be limited due to other fundamental responsibilities of the social worker in the given situation – based on the professional liability of social workers, the responsibility to ensure care, the responsibility to respect the law, or liability to other service providers or other parties (AASW). The Swedish Code extends the situation of the momentary threat when it adds future threats. Thus, it legitimises preventive control. These situations can be divided into those when (1) the client is threatening other people, or when (2) the safety of the client's own self is at risk (see Table 1). In this, ethical codes are consistent with theories of social work.⁶⁰

Table 1: Situation of legitimate control

Situation of legitimate control	Situation variant a)	Situation variant b)
1. Client threatens or could threaten other people	1a) Threats to specific people	1b) Threats or harm to society
2. Security endangerment of the client's own self (current or future)	2a) Client threatens own self because of limited decision-making capacity	2b) Client is unable to protect own self because of limited decision-making capacity

In the first case, the control (1a) is either used over those who seriously endanger or damage other (concrete) people, or (1b) those who threaten or damage society.

The use of control over those who seriously threaten or harm other (concrete) people (1a) results from the commitment of social work to protect the rights (CASW, SEK, AASW, IFSWa, IFSWb, Akademikerförbundet), interests (AASW, IFSWa, IFSWb), freedom, well-being, dignity, equal value of all people, democracy (Akademikerförbundet), and safety (AASW) of other people, or to prevent the threatening of those values (Akademikerförbundet). The Swedish Code, however, points out that the content of the above concepts needs to be very clearly defined. The term 'rights' is included in almost all of the codes examined which may indicate that it is a concept that covers all others. The Czech Code also functions in this regard. It is characterised in paragraph 1.3 (by John Stuart Mill's paraphrase) as respect for the right of 'each individual to self-realisation to such an extent that there is no restriction of the same right of others'. Furthermore, section 2.1.4 deals with the possibility of limiting the client's privacy rights and the confidentiality of his or her communications when other persons are at risk.

Control of those who seriously threaten or injure society (1b) results from statutory requirements and conditions (AASW) or such control is applied when their rights and freedoms conflict with collective interests (CASW). Specifically, the legitimacy of the Swedish Code is described as a legitimate characteristic of 'corrective' devices. Implicitly, it derives from a cultural consensus in Swedish society where control or 'public power' can be exercised over others in the interests of others (this probably means the control of practices of minority cultures that may jeopardise the rights of some of their members – such as women and children). The Swedish Code also addresses the question of the legitimacy of *surveillance* in the form of surveillance systems used in the social protection system where control is applied to certain groups preventively in order to minimise the risks (the response relates to the need to preserve human dignity).

In the second case (2) it is advisable to apply control in (2a) the interest of the client's own self

⁶⁰ Cf. JANEBOVÁ, Kdy., p. 36.

– that is, of those who seriously endanger or harm themselves due to limited or worsened decision-making capacity (CASW), or (2b) of those who, for similar causes, are not able to protect themselves (CASW). Most codes do not distinguish these two situations (BASW, Akademikerförbundet, IFSWa, IFSWb, AASW, SEK, ČEK). In both cases, the aim of control is to prevent even more damage to them (CASW). The Canadian Code is more specific in this case when it defines a situation where the client intends to harm his or her own self (2a) or the adult client is abused by another person (2b).

According to the Canadian Code, capacity can be understood as the ability to understand information relevant to the decision and as the ability to reasonably judge the foreseeable consequences of choosing, that is, whether to act or not to act (it always applies specifically to each situational decision, which means that one and the same person may be able to decide on a place of residence but not on the mode of treatment, and this ability may vary over time). The Australian Code even exhaustively defines the possible causes of such reduced capacity due to vulnerability, disability, age, dependence, language, religion, or culture of the client. The purpose is to protect the client – especially his or her rights (AASW), interests (AASW, Akademikerförbundet), and safety (AASW, BASW). The Czech Code, in section 2.1.4, deals with the possibility of limiting the client's right to privacy and the confidentiality of his or her statement. It refers to the situation of persons who do not have full legal capacity (especially minors). It therefore works with concepts that no longer exist legally as a result of the amendment to the Civil Code.

Forms of Control

Controlling actions (to which social workers may be entitled) may be defined in general terms – such as *the client is subject to oversight and limitation* (Akademikerförbundet), *limitation of legal and civil rights* (BASW, CASW, AASW), *legal or other coercion* (AASW), *legal measures, standards of practice and workplace policy* (CASW, SEK) – without specification of what kind of rights, restrictions, supervision, or coercion it is. The Australian Code mentions the concept of control as ‘the use of informal power or coercive power’ which indicates that control does not necessarily have to derive from legitimate authorisations (but what is meant by informal power is not clarified). As a rule, the definition of control is given in the introduction of passages dedicated to control. Later, restrictions on specific rights, which can be limited in defined cases, are more specifically formulated.

From the point of view of the above defined three categories of control (given by Janebová and Truhlářová),⁶¹ control was understood in the sense of the least directive concept – as a speech act not wanted by a client. It was implicitly discussed only in the Swedish and Slovak Codes in two senses. In the Swedish Code, this was done in relation to the value of sincerity. It is written there that not all things which one can say has to be said. The need to say some things must always be judged according the situation. Thus, control may take the form of a speech act (in the form of questions or comments) which draws the attention of the client to the values and standards of the Swedish state. As control in terms of providing unsolicited information, it is sometimes possible to understand situations where it is necessary to familiarise the client with the conditions and obligations that must be met in order to obtain available resources (SEK, Akademikerförbundet). Clients are not always interested in such information, so it can be understood in Úlehla's⁶² sense as clarification.

61 Cf. JANEBOVÁ and TRUHLÁŘOVÁ, Pojetí...

62 Cf. ÚLEHLA, *Umění...*, p. 35

Most codes allow, in defined situations, the restriction of the right to self-determination (CASW, Akademikerförbundet, IFSWa, IFSWb, AASW). Self-determination can be seen as the key value of social work. It concerns the right of the client to self-determination and freedom of choice without the intervention of others (CASW). The limited right of self-determination can be described in various ways. For example, through negotiation without the client's consent – in the case of self-harm (AASW) or in the case of a risk of greater harm to the client (BASW), or as 'acting in the name of the client', that is, in his or her interest (AASW). It can be related to a hearing without closed informed consent or against the agreement. The term 'informed consent' has a wider meaning in English than in Czech, where it is understood as a form of consent to perform a particular act, to provide a service,⁶³ and to process personal data in accordance with Act No. 101/2000 Coll., On the protection of personal data. It rather corresponds to the Czech expressions used for an agreement or contract. The Canadian Code defines it as a voluntary agreement that has been reached with a competent client and it is based on information about the foreseeable risks and benefits associated with this agreement. Restrictions on self-determination are also understood as limited participation (Akademikerförbundet, AASW), limited autonomy (AASW), or limited decision-making (CASW). The notion of participation is more about the decision-making process as seen in an earlier version of the IFSWa Code, which defines it as the 'full involvement and participation of people using social work services which lead to their empowerment in all aspects of decision-making and activities influencing their lives'. On the other hand, the term autonomy is not explained in the codes but, with the use of theory, it can be defined as the ability of the client to function independently and as independence from inadmissible influence or control by others.⁶⁴ Consequently, this concept refers to the target state – specifically to the behaviour of the client and it is therefore appropriate to distinguish limited self-determination in relation to participation and in relation to autonomy.

The third control approach is expressed through an 'involuntary client' (CASW, AASW). Involuntary clients are considered to be people who have not voluntarily decided to use the service or who are actively refusing to use a service ordered by the court which results in some other legal punishment (AASW). This point is also addressed by the Slovak Code, which mentions possible restrictions resulting from the denial of service.

Certain forms of control were more difficult to classify into the three categories created by Janebová and Truhlářová.⁶⁵ For example, the Swedish Code permits the possibility of limiting the freedom of the client but does not specify this option. This right overlaps, to a certain extent, with the right to self-determination but while the value of self-determination is more related to the right to decide, freedom restrictions can apply not only to freedom of decision but also to measures restricting the movement of the client. As the Swedish Code deals with the question of control in correctional facilities, it may refer to the second meaning. Similarly, the Australian and Czech codes assume the possibility of privacy restrictions but none of them further specifies this area. Privacy can thus be perceived as a specific limitation of the client's self-determination in this one area. The situation where it is necessary to break confidentiality can also be understood as control (ČEK, CASW, IFSWa, IFSWb, SEK). For example, the Canadian Code accepts such behaviour when there is a risk of delay in the case of self-harm, or current mental or health conditions.

63 Act No. 108/2006 Coll. On social services and Decree 505/2006 Coll., which implements certain provisions of the Act on Social Services, do not use this term.

64 Cf. Karla Krogsrud MILEY, Michael O'MELIA and Brenda DUBOIS, *Generalist Social Work Practice: An Empowering Approach*. Boston: Pearson, 2011, p. 193.

65 Cf. JANEBOVÁ and TRUHLÁŘOVÁ, Pojetí...

However, this kind of control can also be related to a limited self-determination when it is acted without consent or against an arrangement with the client in a specific area of confidentiality. The forms of control found in the codes of ethics examined are shown in Table 2. It compares them to the categories found by Janebová and Truhlářová.⁶⁶

Table 2: Comparison of forms of legitimate control in the Janebová and Truhlářová view and in the codes of ethics.

Janebová, Truhlářová	Resulting from the analysis of codes of ethics
<i>The relationship of individual categories is inclusive (control as unsolicited behaviour is a superset of restricted choice and ordered co-operation, and control as unsolicited action is a superset of ordered co-operation).</i>	<i>The concept of control is understood as partial options of control, that is, how it can look (without a logical link or a hierarchy of directivity). The last three types of control are shown in italics because their inclusion in previous control concepts is questionable.</i>
Control as an unwanted act of a social worker.	Control as an unsolicited speech act: In relation to the norms and values of society; In relation to the conditions, obligations, and rights related to the use of social work services.
Control as a limited choice of the client.	Control as a restriction of the client's choice: Restriction of client participation in the decision-making process, Restriction of the client's autonomy as a result of decision making, Acting without the client's consent, Acting in contradiction to an agreement with the client.
Control as ordered cooperation.	Control as ordered cooperation: Regulation requiring one to use the social work service, Sanctions linked to the refusal of cooperation.
-	<i>Control as a restriction on freedom of movement.</i>
-	<i>Control as a privacy limitation.</i>
-	<i>Control as a breach of confidentiality.</i>

The table does not seem to identify exhaustively all forms of control, and other similar analyses are likely to find other types of control not recognised here. The individual forms of control cannot be perceived as distinctly separate. On the contrary, it can be assumed that one controlling action can, in many cases, belong to several of the forms mentioned here.

Conclusion and Discussion

The analysis has shown that the codes of ethics under review deal with control, mostly in terms of situations where control becomes legitimate, and in terms of possible forms of control. Much

⁶⁶ Cf. JANEBOVÁ and TRUHLÁŘOVÁ, Pojetí...

more attention is paid to control in countries where the tradition of social work has not been interrupted. The Czech and, to a large extent, Slovak Codes of Ethics do not deal with control in detail, which, in our opinion, also means that they may not fully fulfil the purpose of the code of ethics – to be a support for social workers in ethically controversial situations. Given that the control area is significantly riskier in terms of the consequences of ethical mistakes, we perceive the state of the Czech Code of Ethics as largely unsuitable.

The formulation of the links between the type of the country and the access to the code of ethics requires caution. The following hypothesis should be considered somewhat loosely but it seems as if the explicit use of the term control was less acceptable in countries where social workers more reflect the effects of neoliberal ideology on social work (Australia, Britain), and most acceptable in countries with an interrupted tradition of social work (Czech Republic, Slovakia). It could mean that social workers in Australia and Canada, who are renowned for their *welfare surveillance* policy, are aware of the influence of neoliberal ideology on their profession and designed the code as support against this ideology. On the contrary, in the Czech Republic and in Slovakia, where the reflection of the influence of neoliberalism is minimal, the use of such a controversial term as control is not considered problematic.

The outcome which says that neo-liberal countries such as Australia and Canada consider control to be legitimate if the client seriously threatens or damages society or collective interests may lead to a completely contradictory hypothesis. However, these legitimate control terms are quite vague and ambiguous (in legal terminology they are referred to as ‘vague legal terms’) so they can be misused in the interest of those who have power. At the same time, however, due to their flexibility, they are the only possible way of describing complex interpersonal relationships and their precise definition could be even riskier in terms of the impact of those codes. Similar to legal terminology, the terminology of codes of ethics will probably have to rely on the fact that ethical interpretation requires a certain degree of freedom.⁶⁷ In the case of the Australian Code, it is also very questionable if it includes the client’s culture among the possible causes of the reduced capacity of clients which legitimise control. This controversy is increasing, for example, in connection with the controversial *income management* programme (controlled consumption of benefits),⁶⁸ which includes the Australian native population, based on its cultural diversity.⁶⁹ On the other hand, control legitimised by collective interests and collective *welfare* is also a strong issue in the Swedish Code, which still strongly reflects the character of the Swedish welfare state. It appears to be affected by the integration of people from other cultures into Swedish society more than by the effects of neoliberalism.

In the codes, relatively low explicit attention was paid to the risk of the misuse of control in Foucault’s sense of control – in the sense of the control of normality and unsolicited moralising which aims to manipulate clients into the role of the investigator and potentially the cause of the problem. It is precisely the question of the delicate mechanisms of disciplinary power through which social workers distinguish between, for a neo-liberal state, the deserving and the undeserving people. In the end, the latter must either obey or be punished by exclusion from their entitlement. This question, in our view, should be reflected in the codes more strongly.

The question of whether the higher pressure of neoliberal ideology leads social workers (when

67 The recommendation of extensive linguistic significance in Czech law was given, for example, by the Constitutional Court of the Czech Republic in 2002 under file number IV.ÚS 92/02.

68 Cf. © INCOME MANAGEMENT, Income management – Overview (online), available at: <https://www.dss.gov.au/node/33895>, last update 2016, cited 23rd March 2018.

69 Cf. DEE, Welfare..., pp. 272–286.

dealing with control activities) towards resistance towards their code of ethics or, conversely, towards adaptation to their 'meal ticket', we are not able to respond (due to the small size of our probe). In the control passages, it was not possible to find demonstrable differences between the codes of ethics from different ideological contexts. However, we can use it if we want to urge Czech social workers to think about the pressures they are increasingly exposed to when they innovate their Code of Ethics, and about the commitment of social work to clients. At the same time, perhaps the panic regarding the neoliberal revolution in social work should not paralyse them so much as to submit to the control in the Czech Code of Ethics completely. Control will always be a legitimate part of social work even from a critical perspective of social work. Therefore, it should be dealt with in such a way that social workers can receive their guidance and support, and, at the same time, that social work can defend itself against exploitation and abuse in the interest of capital.

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