Social Work Ethics and Regulation in British Columbia:

A Feminist Discourse Analysis

by

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Abstract

Social work is a profession historically and currently concerned with both public and private dimensions of morality and ethics, yet its own ethical foundation and practices are rarely studied. This study analyzed the discourse of social work ethics and discipline as it is embodied in the regulatory procedures of The British Columbia Board of Registration for Social Workers. The documents and experiences of two social workers, one of them the researcher, were examined through a hermeneutically-influenced discourse analysis.

This study suggests that social work ethics and discipline reproduce the existing ruling relations of heteropatriarchal capitalism, questions the use of juridical discourse in social work ethics and regulation, and creates an oppositional discourse which shows where and how the prevailing discourse might be resisted.

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CHAPTER I

INTRODUCTION

This chapter is intended to orient the reader by providing a brief overview of the thesis and briefly describing the context of the research, the context of the methodology, and the location of the researcher.

The Thesis

This thesis will analyse social work ethical discourse as it is embodied and operationalised in the regulatory procedures of the BC Board of Registration for Social Workers [BRSW]. It is my contention, which I will illustrate, that social work ethics and regulation, though ostensibly concerned with the 'protection of the public', are actually concerned with producing 'acceptable' social work identity and practice. The question of 'acceptable to whom' will be taken up through contextualizing social work ethical discourse and regulation, and through a discourse analysis of some documents and experiences involved in BRSW disciplinary proceedings.

In BC, social work registration is currently voluntary, though both BRSW and the BC Association of Social Workers [BCASW] are actively engaged, at the moment, in campaigning for legislation that would enforce mandatory registration. Registration as it now exists confers some privileges of access and compensation: registration is increasingly a condition of employment, and private practice social workers who are registered and approved are paid more by third-party payers than those who are not. Social workers who choose to

register do so with BRSW, which is governed by the Social Workers Act and its attendant 'Schedule of Rules'. Social workers in private practice are essentially required to simultaneously register with BRSW and join BCASW. BRSW requires private practice social workers to hold membership in BCASW; BCASW requires private practice social workers to be registered with BRSW as a condition of membership. By registering, social workers agree to adhere to the Canadian Association of Social Workers 1983 Code of Ethics, and become subject to investigation and disciplinary action by BRSW if an allegation is made that they have violated the code of ethics or otherwise engaged in misconduct. The Board of Registration itself may also initiate an allegation against a social worker.

Once a complaint of misconduct or unethical behaviour has been made against a registered social worker, a regulatory process unfolds. The operation of BRSW regulatory procedures involves the production of a number of documents, and the creation of experiences for a social worker who is the subject of an allegation. This thesis involves a critical examination of the discourse embodied in the texts and experiences produced by such regulatory proceedings. Through a hermeneutically-influenced feminist discourse analysis I will explore the particular ways in which the ethical discourse constructs 'proper' social work practice, and instructs social workers and those they work with in how to engage 'properly' with one another.

In producing a detailed analysis of how language use in regulatory texts and documents creates, advances, and legitimises a certain account of acceptable

social work behaviour, my purpose is to be disruptive. I intend to disturb the taken-for-granted, 'common sense' reading of the social work ethics and regulation that govern our practice as social workers, *whether we are registered or not*. "Discourse circumscribes what we can know and speak about, and how we can know and speak about it; it enables us to say and think some things rather than others, thus shaping our sense of social reality" (Jackson, 1998, p.47). I hope to disinter the discourse's embedded assumptions, to unmask the unnaturalness of what appears as a natural discourse, through offering alternative readings of both discourse and process. In considering the consequences and effects of social work ethical discourse in the construction of social work identity and practice, I offer an alternative understanding of the functions of discipline and surveillance, one which notices which subject positions are made available by the discourse, and how discipline and discourse shape not just our practice but our very selves.

I do not in this process incline towards a dichotomy, that there is a lie or lies that I will uncover and a truth that I will discover. Truth, as Rich said long before the anti-essentialism of poststructuralism, "...is not one thing, or even a system. It is an increasing complexity. The pattern of the carpet is a surface. When we look closely, or when we become weavers, we learn of the tiny multiple threads unseen in the overall pattern, the knots on the underside of the carpet" (Rich, 1979, p.187). I hope through this thesis to survey this complexity, to offer a deeper understanding of the function of discipline as something which

operates internally as well as externally, and shapes us often without our noticing.

The Research Context

While social work ethics and regulation are frequently the subject of polemical writing, they are rarely the subjects of research; this is especially true in Canada. Cossom's 1992 literature review found not a single piece of published Canadian research about ethics; none has been published in the intervening seven years. He noted that of the eight examples of American ethics research extant at that time, half were unpublished doctoral dissertations and two of the remainder included but were not devoted to social workers (Cossom 1992). Jannson and Dodd (1998) noted the paucity of social work research about ethics in health care as compared to other health care professions; they advocated the pursuit of specifically empirical research.

Since 1991 three American research pieces about social work ethics have been published. Holland and Kirkpatrick (1991) used grounded theory methodology to determine how social workers resolve ethical dilemmas; they noted that not one cited the Code of Ethics as useful in this process but did not explore why. Kugelman (1992) used qualitative methodology to study social workers' ethical decision making with a fictional case study involving advocacy. Half of her participants abandoned the advocate role out of fear of job loss; those who maintained an advocacy position cited the Code of Ethics as a factor in their decision. Jayratne, Croxton and Mattison (1997) used quantitative methods to

study how social workers behave ethically, and what they believe about ethical behaviour, in six domains: intimate relationships, dual relationships, mixed modalities, advice giving, boundary behaviours and financial transactions. They found "dissension among social workers as to what constitutes professional conduct" (Jayratne et. al. 1997, p.195) and suggested the introduction of new and more specific practice guidelines.

Kinderknecht's unpublished 1995 doctoral dissertation used quantitative methods to explore the experience of the Kansas State Social Work Regulatory Board in dealing with complaints. To my knowledge, Kinderknecht's dissertation is the only extant research concerned with the regulation of social work. Kinderknecht measured whether variables such as specific education in ethics, educational level attained, gender and age were factors in which social workers were complained about; she also studied the gender, age and situation of those who complained about social workers. Complaints generated by custody battles comprised the largest single category (40%) of complaint received; the majority of these involved a male complainant and a female social worker (Kinderknecht 1995).

There have also been four US surveys related to malpractice and complaints. McCann and Cutler (1979) surveyed 22 years of complaint adjudication by the National Association of Social Workers. Berliner (1989) surveyed data on the type and disposition of allegations made to social work regulatory boards. Watkins and Watkins (1989) reviewed malpractice claims

against social workers, with a view to identifying trends in litigation. Reamer (1995) surveyed the incidence of malpractice claims made against social workers. All of these surveys emphasized a greater need for social workers to engage in 'risk management'.

What is common to all of these pieces of research, from the most qualitative to the most quantitative, is how they 'take for granted' the social work code of ethics and the necessity of regulating the profession. When their research implies that there might be problems with either the code or social work regulation, the researchers either fail to pursue questions or suggest more rules and tougher enforcement. For example, Holland and Kirkpatrick (1991) do not ask why the social workers in their study did not find the code of ethics useful in resolving ethical dilemmas. Jayratne et al. (1997) promote the introduction of more specific practice guidelines without establishing that it is the lack of guidelines that causes social workers to practice in contravention of the code. The willingness of researchers to take a position in the absence of data is consistent with the fact that, while research about ethics is rather scarce, the literature abounds with opinion pieces.

The Methodological Context

I begin my research with the question of location, my own and that of social work ethics and regulation. The genealogical task, which involves historically, socially, and culturally situating current social work ethical discourse and regulatory procedures, is taken up in the chapter devoted to the

history of social work ethics. I trace the evolution of social work ethics as part of the development of social work as a 'profession', and the development of its disciplinary procedures as they relate to shifting cultural notions of appropriate social work identity and practice. In describing this, I make particular note of social work history and practices and the current state of social work regulation in British Columbia.

In this thesis, I am particularly curious about social work ethical discourse, and its operation in the regulatory procedures of the Board of Registration for Social Workers (BRSW). I believe that the everyday organisation of social work practise is formulated in the discourse of the regulatory procedures of the BRSW, and that these disciplinary techniques exemplify the discourse of social work ethics in action. I want to know what and how power relations are embedded in these disciplinary procedures because, as McHoul and Grace have noted, "power is intelligible in terms of the *techniques* through which it is exercised" (1993, p.65, italics in original). Part of this task involves making explicit the underlying assumptions and foundational claims of the Code of Ethics and its associated disciplinary procedures. As Foucault points out, "[r]elations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation, and functioning of a discourse" (1980a, cited in McHoul and Grace, 1993, p.59).

Through 'pulling apart' the discourse, I examine how the ordering of experience/creation of subjectivity is built into disciplinary discourse. I want to

know what and how 'subjects' are created through the Code of Ethics and its attendant regulatory processes, how social work ethical discourse and its instrumentation in the BRSW regulatory processes describe and circumscribe 'who we can be' as social workers. "'Subjectivity' is used to refer to the conscious and unconscious thought and emotions of the individual, her sense of herself and her ways of understanding her relation to the world" (Weedon, 1997, p.32).

Although I am curious about how experience is organised/ordered through/by the discourse, I am less concerned with examining control of the self by the 'other' than I am with examining the control of the self by the self: how I/we [social workers] internalise the ethical discourse and thus comply in the creation of our own subjectivity. Although the discourse is always in operation, it is perhaps easier to observe when it is acting upon a specific object/subject. Is someone who becomes the object of/subject to disciplinary processes someone who has failed to satisfactorily co-operate in the creation of her own subjectivity? I attempt to answer these questions in my analysis and discussion of the texts and experiences that I have examined.

The second question of location, which is ongoing throughout the thesis, involves situating myself. I believe, along with Alcoff, that "[a] speaker's location is epistemically salient" (1991/92, p.7), and so I have chosen to notice, and to note, where I am in relation to what I am writing. The next section is devoted to taking up this task.

The Location of the Researcher

Approaching the Text

The Latin term *texere*, meaning 'to weave', is the origin and root both for *textile* and for *text*. This 'split at the root' is more than ironic or incidental. "'Texts' are the kingdom of males; they are the realm of the reified word, of condensed spirit. In patriarchal tradition, sewing and spinning are for girls; books are for boys" (Daly, 1978, p.5). So I understand from the very beginning, from the origin, that as a woman, a lesbian daring to weave a text I am transgressive, I am traversing a crevasse I am not meant to cross. I understand also that if I am to write within the canon I am not to name this, not to allude to how it is 'different for me', that in a world in which of the Modern Library's one hundred greatest novels in the world, nine are written by women and none of those is a woman of colour, that in a university in which there are two openly lesbian professors, I am to pretend that my problems approaching the text are a writer's problems only. "The *I* makes the speaker/writer deceptively feel at home in a male-controlled language...[t]he fact is that the female saying "I" is alien at every moment to her own speaking and writing. She is broken by the fact that she must enter this language in order to speak or to write" (Daly, 1978, p.19).

In this context of the academy which I must not contextualize, or which the conventions of academic writing adjure me to contextualize in such a way it is de-contextualized, I believe it is necessary for me to write something before

'the text'. This pre-text/pretext [from the Latin *praetexere*: extend in front, screen] is the screen through which I write the text, the text I am not to write but which always, even if invisible, extends in front of the text. By writing this usually unwritten introduction, I am refusing the peacefulness of 'passing' and risking much. "Women's access to discourse involves submission to phallocentricity, to the masculine and the symbolic: refusal, on the other hand, risks inscribing the feminine as a yet more marginal madness or nonsense" (Jacobus, cited in Rosenberg, 1999, p.3).

The Self and the Text/the Textual Self

I have been interested in ethics before I knew to name them. As a child I lived quite literally on the 'wrong side of the tracks', the side without electricity or running water. I went to church camp as a charity case, and could not understand how my fellow campers could both pledge allegiance to the word of g-d and spit upon those of us whose parents had not paid for us to be there. I read 'To Kill a Mockingbird' and believed that the truth would set us all free without understanding the necessity of asking, 'whose truth?' and 'whose definition of freedom?'.

I am interested in ethics because I have also for most of my life understood that definitions of 'doing the right thing' are constructed in the service of those who have "the power to name and to socially construct reality"(Rich, 1986, p.199). Within such a construction, it was possible for my father to assault his daughters and batter his wife, and also to accept a

testimonial award to his integrity from the diocese that he served as Sunday school superintendent. Within such a construction, it is possible for Foucault to be a homosexual pederast (Penelope, 1992, p.26) and for feminist academics to debate his writings on ethics without referencing that information. Within such a construction, it is possible for social workers to decry racism, classism and sexism while continually, disproportionately, and largely unquestioningly apprehending the children of poor Aboriginal women.

I have been an advocate of a code of social work ethics, and its enforcement, since I was an undergraduate social worker 25 years ago. Yet during that time I have also been sceptical of the use of laws or codes to advance various causes to which I have been wedded: feminism, the rights of lesbians, the end of violence against women. Such scepticism is shared widely within feminism (Fegan, 1996; Dworkin 1993; MacKinnon, 1987). Living in the shadow of *Malleus Maleficarum* and Anna Maes Aquash, of Sharon Kowalski and Sharon Bottoms[1], we have little reason to believe in the 'rule of law'. Audre Lorde suggested, early on in the second wave of feminism, that it was not possible to use the master's tools to destroy the master's house. Noddings substantiates Lorde's assertion:

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[1]Malleus Maleficarum, 'The Witch's Hammer' (1486) contains the rules for identifying witches. Anna Mae Aquash was a M'ikmaq Indian killed on the Wounded Knee reservation; although she was found with her hands cut off and a bullet in her brain, the FBI and coroner's report state that she died of exposure. Sharon Kowalski lived in a lesbian relationship for ten years; when she became disabled in a car accident her lover was denied contact with her. Sharon Bottoms lost custody of her children because as a lesbian she was judged to be an 'unfit mother'.

> Despite legislation ensuring equal pay, women still earn far less than men doing the same jobs. Changes in rape laws have been made, but the rape rate is up, and the conviction rate is not. In part because of the reforms feminists wanted, more women are now losing custody of their children (1990, p.401).

Kitzinger and Thomas have recently exposed the futility of using sexual harassment codes to reduce women's experiences of harassment (1995). Yet, despite this knowledge, despite my access to 'alternative discourses', I am, like most feminist social workers, still a 'good girl'. I/we belong to our professional associations and subscribe to their codes of ethics. I/we are diligent in judging one another's ethical failings. I/we follow the rules.

I have chosen a methodology concerned with language because I have come to question the wisdom of following these rules. I have come to understand, as I suspect most marginalised people do without reading Saussure[1], that language, rather than being a transparent and expressive medium within our control, able to accurately convey meaning by the 'correct' choice of words and the 'correct' application of grammatical rules, is an ideological practice that creates rather than describes reality. You as reader and I as writer are both at this moment engaged in this ideological practice, because if we do not engage in it, the text will not 'make sense', will not be coherent. The ideological

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[1] Frederic de Saussure, a French linguist, is credited with the insight that the relationship between the 'sign' [the meaning of a word] and its 'signifier' [the word itself], is arbitrary and constructed rather than natural.

work of the text "pertains to how the reader is cued to interpret the text, and in particular to the inferences they are asked to make in order to produce a reading which coheres or makes sense" (Hastings, 1998, p.203).

Coherence, like meaning, does not result from a correct application of rules, but rather is constructed through the making of two kinds of connection: text-text and text-world connections. To move from sentence to sentence and paragraph to paragraph, or from speaker to speaker, we infer text-text connections; we supply the missing links; we are complicit in the construction of certain relations within the text; we understand the texture of the text. If we apply alternative formulations of sentences, clauses, or paragraphs, we can sometimes reveal the ideology of a text. For example, in the transformation from 'women who are beaten by men' to 'battered women', we have successfully transformed the battering of women from something done to them by men to something that is characteristic of certain women.

But our most important means of constructing coherence is connecting the text and the world. We draw from "resources beyond the text" (Gough and Talbot, 1995, p.218), from our knowledge and understanding of the world, often unreflectively, to construct a coherent text. For example, to 'make sense' of what I have written so far it is necessary to have prior knowledge of the existence of professional bodies and their rights of surveillance and discipline, to know that lesbians and the poor exist at the margins rather at the centre of our culture, and so on. These knowledges that we draw upon are themselves socially and

discursively constituted, are not "simple 'common sense'" (Gough and Talbot, 1995, p.218) but are the discourses by which our lives are ruled/by which we rule our lives. For in the act of constructing coherence, we are also participating in the construction of our/selves, our subjectivity, as we become a person/the kind of person to whom a text 'makes sense'.

Location, Location, Location: the Problem of the 'Self'

Writing a thesis concerned with the construction of social reality and the creation of subjectivity, I come inevitably to the problem of the self. Who is this 'self' that is to be present in my work? Where is the location from which I can speak? What will be the effects of my speaking? "[T]he consequences of our speaking are various and often severe since our words may be reinterpreted for us within those frames inscribed by the masculine that give our words meanings other than, short of, or beyond those which we intended for them" (Lewis, 1993, p.30). My 'self' as I first constructed it for the graduate program was not an acceptable self, not accepted for admission to the academy; such is the consequence of resisting the discipline of the discourse. That I was accepted on my next application perhaps speaks less to the academy's willingness to welcome me than it does to my ability to successfully produce the necessary reconstruction.

I am circumscribing here 'the problem', the impossibility of putting myself on the page, when there is no *my self* outside the discourse. I "fear naming [myself] lest name be twisted into label" (Rich, 1986, p.142). Alongside this

dilemma lies that of constructing a text concerned with deconstructing text. While there is no resolving these predicaments, their existence has required that I make my methodological choices carefully. When there is no 'outside the discourse' from which to speak, when I have refused the illusory objectivity of positivism, the essentialism of [white, western] feminism, the poststructuralist 'view from everywhere', when every space is circumscribed by another who has sought and still seeks to destroy me, what space shall I occupy? Within the "unstable trio" of hermeneutics, feminism, and poststructuralism lies the "contradictory borderland between feminist emancipatory and poststructuralist positions" (Lather, 1993, p.679). It is here that I am attempting to stand.

CHAPTER II

HISTORY

Introduction

In this chapter I examine the genealogy of social work ethical discourse and regulation. To locate the reader, I start with a brief description of social work's ethical foundation and how this relates to its external and internal functioning as a disciplinary/disciplined profession. In order to describe how social work has arrived at this place, I then briefly trace the development of the profession, and the collateral development of the ethical code. Three themes that are integral to social work ethics are examined in relation to the code of ethics: social work's existence as a 'uniquely moral profession'; the struggle in social work between social justice and social control; and the current dominance of the 'social worker as therapist' paradigm. Finally, I discuss social work regulation, with special reference to ethics and regulation as they now exist in BC.

The Philosophical Foundation of a Discipline

The question "What ends does this discourse serve?" (Hartman, 1991, p.276) has yet to be applied to social work ethics or regulation. The social work code of ethics, and its history, continues to be read as reflecting the 'natural' evolution of the social work profession as it matures and, lately, adapts itself to an increasingly diverse and multi-disciplined practice arena. The increasingly regulated nature of social work practice, in which ethics and practice standards are enforced through the disciplining of those who err, is touted as proof of

social work's entitlement to professional power and status. This kind of reading of social work's ethical history is 'modernist', based on the notions that language is transparent and expressive, and history is linear and progressive. The embedded assumptions implicit in such readings remain largely unquestioned. Only two of the many articles and books I have read about social work ethics suggest that there may be exceptions to a universally shared understanding of the code's ethical foundation, and only one of these (Abramson, 1996) makes note of the code's cultural, gender and ethnic biases. The other is concerned with the code's domination by the 'social worker as therapist' paradigm and the effect of this on social work regulation (Delaney, Brownlee, Sellick, and Tranter, 1997).

Based on the moral principles of autonomy, beneficence, non-maleficence, and justice, the Kantian approach to ethics embodied in the social work code of ethics has been assumed to be "timeless and universally applicable" (Abramson, 1996, p.2). Rendered invisible in such a reading is the genealogy of social work ethical discourse. Born out of the thought of white male european philosophers such as Hobbes, Kant, and Mill, social work ethics are 'motherless children', uncontaminated by the ethical philosophies of women or the ethical traditions of non-european cultures. The primary 'debate' in the development of ethical codes, including that of social work, has been between Kant's deontology and Mill's utilitarianism; both have their foundation in Hobbes' conception of man as a rational being, capable of 'rational morality'.

Mill's ethical philosophy was most concerned with 'justice' and conformity to law. He believed that through the application of rationality, men would see that their self-interest ultimately coincided with social utility: "the greatest good for the greatest number" (Hoagland, 1988, p.258). Kant relied more heavily on the idea of 'duty', and saw man's primary duty as applying logic, will and reason to rise above his natural inclinations. His ethical formula was the 'categorical imperative': "Act only on that maxim through which you can at the same time will that it should become a universal law" (Kant, 1785, cited in Hoagland, 1988, p.257).

Women have only recently entered into the ethical debate at the level of philosophy. Nel Noddings ideas have centred on women's 'caring' work (Noddings, 1984), while Carol Gilligan has argued for the existence of a specific women's morality (Gilligan, 1982); both propound what has come to be known as 'the ethic of care'. It is interesting to note women gained access to mainstream ethical discourse with ideas that ascribe to a theory of biological determinism that posits 'essential' differences between men and women, and valorises allegedly 'feminine' qualities, such as self-sacrifice and concern with relationship. The ethical ideas of radical feminists such as Adrienne Rich, Audre Lorde and Mary Daly, which take the position that for women to behave ethically they must be 'disloyal to civilization', have been pushed to the furthest reaches of the margins. The history of ethical discourse illustrates Hartman's observation that "[t]he words, interpretations, languages and social discourses of people in power

tend to become privileged and accepted as truth or knowledge, whereas the discourses of disempowered people tend to become marginalized" (1991, p.275).

The rational philosophies of Hobbes, Kant, and Mill are coincident with several other changes in the power/knowledge nexus in western societies. Science came to be understood as an essential component of knowledge, and people themselves were considered proper objects of study through the new human or social sciences. Morality was linked to these new sciences, giving rise to what Foucault describes as the 'scientifico-legal complex', and spawning a number of new 'disciplines', including medicine, law and education. Later, social work would take its place among these practitioners of the 'technology of the social' who enforce the 'technologies of the self' (Foucault, 1988).

Webb and McBeath, in their Foucauldian critique of Kantian ethics in social work, suggest that the regulatory and normalizing techniques embodied in these technologies derive from two historically related strategies (1989, p.500):

> (a) 'pastoral power' which through a form of Christian ethics operated upon the souls and minds of the poor, the marginal and the deviant (Foucault, 1982) and
>
> (b) 'bio-political' techniques which aimed to scientifically regulate, manage and administer various sections of the population (Foucault, 1979).

In their analysis, they propose that these procedures together "form a particular type of discipline and policing practice which monitors certain behaviours,

beliefs and conduct" (Webb and McBeath, 1989, p.500). Professional disciplines lay claim to their particular area of expertise by inscribing a 'regime of truth' for which they are the authority; their right to enforce it comes through "a concomitant institutional licensing of specialists and experts, who are able to promote and prescribe knowledge-claims and extract information as a means of surveillance" (Webb and McBeath, 1989, p.500). The requirement that professionals be 'licensed', whether formally or informally, makes clear that professionals themselves are subject to disciplinary and policing practices; they must themselves be inspected, even as they are surveying others. Social work's history as a profession, accorded hegemony[1] over certain disciplinary and policing practices, is thus inextricably linked with its internal development of such practices.

A Moral Profession

From its earliest days to the present, social work has been continuously preoccupied with two interrelated functions, the enforcement of norms and the allocation of resources, which it performs at both the direct service and policy levels. As is fitting for a profession that has tied itself "to the most fundamental of society's functions, the control of those who are identified as deviant"(Reid, 1992, p.40), and whose "principle claim to specialization has been...*the regulation of dependence*" (Reid and Popple, 1992, p.35, italics in original), social work has

[1] I am using here Alison Jaggar's definition. "Hegemony is how a dominant class maintains control by projecting its own particular way of seeing social reality so successfully that its view is accepted as common sense and as part of the natural order by those who are in fact subordinated by it" (cited in Lewis, 1993, p.159).

justified its existence as a profession founded on a moral purpose, a *mission*. As Kinderknecht notes, "no other profession with the possible exception of philosophy concerns itself as deeply with the matter of values as does the profession of social work" (1995, p.91).

Social work's emergence in the late 19th century is a product of several social and historical factors. The industrial revolution and modern capitalism's creation of 'wage slavery' spawned a new kind of dependence on the state, concurrent with the declining role of religion as sole moral arbiter and distributor of succor to the poor and ill. Industry became centralized in urban centers where it could avail itself of the immigrant workers flooding onto North American shores. The emergence of a 'middle' class, composed of entrepreneurs and professionals, was fostered through public access to education and the need for a class who could 'manage' the effects of industrialization. But the management class was understood to be gendered. While the suffragist movement and the first wave of feminism had created access to education and the professions for [middle class, white] women, the high-status professions of medicine and law were formally or informally closed to all but the most persistent. Women who wanted or had to work were encouraged to 'express their natures' by working in the caring occupations of nursing, social work and teaching.

Social work was a profession that initially concerned itself with disciplining the poor, beginning with the 'friendly visiting' provided by the

religious and charitable organizations of the late 19th century. The mission of these volunteers was to "establish the division between the worthy and unworthy poor" (Carniol, 1987, p.22), whose poverty was said to be directly caused by their moral deficiencies. Trattner notes that "[t]he visitor's job was to discern the moral lapse responsible for the problem and then supply the appropriate guidance" (1979, cited in Reamer, 1992, p.13). From about 1910 to the beginning of the Depression, charity workers, primarily middle and upper middle class women employed by both private and government agencies, dispensed this necessary guidance to the morally inferior. Although they expressed some embryonic concern for the 'morality of society' and the need for social reform, early Canadian social workers saw their clients as the cause of their own problems, and frequently recommended the withholding of financial or practical assistance as a means of decreasing dependence. At the policy level, they opposed such measures as family allowances "out of a fear that the result would be an increase in the family size of an "undesirable" class of people" (Carniol, 1987, p.25). Although social work ostensibly supplanted charities affiliated with religion, Foucault's description of the goals of religious bodies could also be taken as a description of the disciplinary functions of social work at this time. "[T]heir aims were religious (conversion and moralization), economic (aid and encouragement to work) or political (the struggle against discontent or agitation)" (1995, p.211). A discourse that linked indigence to individual moral failure inveighed against alternative and potentially revolutionary explanations,

and directed attention away from considering who was benefiting from the poverty spawned by industrial capitalism. "Society had a need to place outside of itself those who were not economically successful, and employed social case workers to see that it was not troubled by these individuals and their families" (Reynolds, 1938, p.5).

Some feminist social workers (Adams 1971; Callahan 1994; Gordon 1986) have suggested a less essentialist explanation of early social work history, one that emphasizes the constant negotiation of power relations rather than social work as unremitting social control. Callahan suggests that women's establishment of charity organisations and early involvement in child welfare can be read as "moving into power vacuums...by this action they grasped opportunities for themselves and their clients" (1994, p.27). Gordon points out that social work gave women an opportunity to get out of poverty, migrate economic classes, or advance their careers. Both Gordon and feminist theorist Sheila Jeffreys (1985) note that women formed alliances across classes to address men's violence against women and children; in the case of social work, home visiting was not just investigation, but also a way for [middle class] women to offer moral support to [poor] women. Adams suggests that rather than having been duped into being agents of social control, women social workers have long recognized that "social work [was] just another sophisticated housekeeping chore" (1971, p.564). Canadian social work pioneer Charlotte Whitton, who opposed family allowances for low-income families, is also the originator of the

aphorism 'Women have to work twice as hard and be twice as smart as men to get any recognition...fortunately that isn't too difficult'.

Nonetheless, social work is historically and presently implicated in enforcing a dominant discourse. Social work pioneer Bertha Reynolds pointd out that social workers "were interpreters between rich and poor, but their biggest stake was in learning the language of the rich" (1938, p.7). Social work's historical dependency on a combination of government support and private philanthropy "made social workers especially vulnerable to expectations for ideological and behavioral conformity from financial and political sponsors" (Reisch, 1998, p.177). As scientific methodology and the disease model replaced religious and moral interpretations of behaviour, the 'conformity' that was expected of social work was to scientifically, rather than morally, pathologise their clients. Most social workers complied. In 1918, with the publication of American social worker Mary Richmond's *Social Diagnosis* [later followed by *What is Social Casework?*], social work's disciplinary and policing functions expanded from the social and moral to the psychological. The expansion also conferred some rewards. Embracing "[m]edical-psychiatric knowledge gave social workers entry into new client 'markets' and higher status" (Reisch, 1998, p.171). It also gave social work an important boost in its efforts to be designated as a 'profession'. An essential next step was the development and adoption of a code of ethics.

A Brief History of the Social Work Code of Ethics

The major social work ethical theorists (Imre, 1989; Reamer, 1990; Siporin, 1989) describe a relationship between social work's value base and its code of ethics that they contend is unique among the professions. Skolnik and Papell propose that what distinguishes social work from other professions is "its broad concern with both the individual and society, human behavior and the social environment, and private troubles and public concerns" (1994, cited in Kinderknecht, 1995, p.81). Banks, who studied social work ethical codes from fifteen different countries, delineated four core values: "respect for persons, user self-determination, the promotion of social justice, and professional integrity" (1998, p.217).

The impetus behind early efforts to develop a code of ethics lay in social work's desire for the prestige and stature that would accompany recognition as a profession, and society's concomitant recognition of the complexity of managing the poor. Walsh notes that "[o]ne of the primary motives for the social work profession's early pursuit of regulation was the desire to shed its strictly 'charity worker' or 'philanthropic' roots and image for recognition of its development into a profession" (1990, p.14). Because "the handling of dependency is too complex and non-routine to be dealt with bureaucratically ...the management of it was defined as 'professional'" (Atherton, 1969, cited in Popple, 1992). A collateral restructuring of the identity of the recipients of service occurred, as they became 'clients' rather than 'the poor', and the scientific and technical

disciplines were enlisted in attempts to explain their plight. Rose offers this analysis of social work's role in the new regime:

> Social workers became case-workers, with a new role in linking up the home, the school, the court and the clinic, the playground and the street around the focus of the individual case; the person with his or her biography and family was now to be the object of documentation and professional supervision (1996, p.11).

As those who had historically worked most directly with the poor at both the policy and the individual level, social workers saw an opportunity to exert hegemony over their management, and expand their profession into new areas of expertise.

The first extant draft of a code of ethics, by Mary Richmond, was created in 1920 out of her concern for social work's "low social standing" without it (Kinderknecht, 1995, p.115). The Canadian Association of Social Workers (CASW), which held its initial meeting in 1928, was worried about the public's pejorative images of social workers as "charity givers and meddlesome female snoops" (Cross, 1985, p.29), and saw a code of ethics as a critical component of the drive to professional status. The first CASW Code of Ethics, proclaimed in 1938, focused on knowledge and competence, and promulgated the "assumption" that a social worker would be "a person of integrity, motivated by an interest in humanity...[and] unprejudiced as to race, color, or creed"(CASW 1938, cited in Cross, 1985, p.31). This code survived, with minor revisions, until

the mid-1970s, when a new code was devised using the Code of Professional Conduct of the Canadian Bar Association as a model (Gowanlock, 1984, p.19). Social workers of the time were concerned with developing an *enforceable* ethical code in an effort to increase "client confidence and societal respect for the profession" (Yelaja, 1982, cited in Gowanlock, 1990, p.7), while at the same time ensuring "adequate protection of the social work profession" (Gowanlock, 1990, p.7). Since they looked to the male-dominated professions of law and medicine, particularly psychiatry, as models they sought to emulate, the legal code seemed a suitable prototype. Concurrent with the quest for a code of ethics, both public and private agencies were actively pursuing male administrators, and schools of social work were recruiting male students and faculty in the belief that "the presence of more highly educated male educators in social work would enhance the status of the schools" (Turner, 1983, cited in Carniol, 1987, p.33).

Although it is rarely described as such, social work's struggle for recognition as a profession is intimately related to the preponderance of women within its ranks. While women were understood to be 'suited' to social work's direct service roles, it was no longer fitting, in the post-World War 2 world, for them to dominate in policy, administration, or the development of the profession. The moral commitments of early [female] social workers, whether they advocated social reform [Jane Addams, Bertha Reynolds] or individual moral failure [Whitton] were caricatured in cruel stereotypes such as the long-nosed 'Old Maid' snoop and the emotion-wracked 'Bleeding Heart' (Callahan

1994). Determined to distance itself from the image of the social worker as "a female, dressed in mannish suits, with a straight-brimmed hat, flat-heeled shoes and a very long nose for 'snooping'" (Maines, n.d., cited in Cross, 1985, p.30), the alternative was clear. If social work was to advance as a profession, it would need to renounce its emotional, subjective and moral mission for a scientific, objective and rational role. Men must be not only welcomed but recruited into the profession. In such a context, the social work code of ethics would necessarily follow the models of the established professions of medicine and law in order to clearly establish social work's allegiance to the hegemony of white upper class men.

It is therefore not surprising that although social work's *willingness* to define itself in terms of its "moral purposes or moral philosophy" (Reid and Popple 1992, p.4) may set it apart from other professions, social work values as reflected in its code of ethics are remarkably similar to those of all other professions, and are virtually indistinguishable from those of other 'helping professions'. Though Banks notes that two primary functions of a code of ethics are "establishing the professional status of an occupational group...[and] creating and maintaining professional identity" (1998, p.218), a detailed review of eight professional ethical codes by the *Journal of Independent Social Work* led to the assertion that "[w]e could not find a single "rule" or element in a social worker's code of ethics that did not also appear (in spirit and often even in similar language) in the other codes" (Barker, 1988, p.3). Rather than being

reflective of a unique relationship between moral principles and ethical practice, the development of the social work code of ethics instead reflects social work's more abiding concern for designation as a profession, and the status that therefore accrues to it.

Kultgen suggests that codes of ethics are "promulgated to win superior position over competing occupations; hence, they have had to give lip service to ideals which the group does not pursue and attribute to it characteristics which it does not possess" (1982, p.55). The history of the social work code of ethics would appear to substantiate Kultgen's idea. As Greenwood noted in his 1957 discussion, *Attributes of a Profession,* "[t]he preoccupation of social workers with professionalization has been a characteristic feature of the social work scene for years" (p.54). G.B. Clarke, past president of the CASW, encouraged the association to abandon social reform concerns in favour of "[cultivating] public opinion which will recognize the professional and technical nature of social work" (1934, cited in Cross, 1985, p.30). Greenwood encouraged a utilitarian approach to the social work code of ethics by his explicit acknowledgment that attaining the "maximum prestige, authority, and monopoly which presently belong to a few top professions...will compel social workers to rethink and redefine the societal role of their profession" (1957, pp. 54-55).

Social Justice and the Code

Most prominent social work ethicists propose that the essential tension in the code of ethics is between concern for the individual and concern for social

justice; this has alternatively been described as balancing the dual core values of justice and care (Joseph, 1989, p.9). Perhaps the more fundamental conflict is between social work's function as the enforcer of norms, and its aspiration to "maintain the best interest of the client as the primary professional obligation" (CASW, 1994, p.9). Reid and Popple delineate this conflict in their definition of social work as "a profession with a conservative social function but a liberal moral purpose" (1992, p.9).

Both in its code of ethics and in much of its literature, social work obscures the fact that most of its clients are involuntary, and that most social worker-client relationships are structured by a complex web of statutory obligations and provincial and federal regulation. At the same time, social work's disciplinary and policing functions have not gone unnoticed by critics within social work. Sixty years ago, Reynolds pointed out that "[s]kill in casework was for a long time largely the achievement of adequately tactful ways of getting people to fall in with what the caseworker thought best for them" (1938, p.6). As allocators and distributors of goods and money, social workers in policy and managerial positions "...manag[e] dependency to ensure the smooth functioning of society" (Reid and Popple, 1992, p.9). The feminist social worker Margaret Adams points to the role of discourse with her assertion that "social work has been essential for interpreting the intangible effects of the dominant culture by which the overall functioning pattern of society is governed" (1971, p.558).

In statutory settings such as child protection and mental health, the social worker's action as an agent of social control is increasingly controlled by mandated assessments linked to mandated interventions, such as the use of 'risk assessment tools' in child welfare. Even in the private practice of clinical social work, social workers enforce societal norms for individual, parental, and family behaviour, and are bound by legal 'duty' to report certain client behaviors. Carniol notes that although social work professional associations pay 'lip service' to social justice ideals, "the profession's role seems inevitably confined to adjusting clients to prevailing social conditions" (1987, p.109).

All recent Canadian versions of the code of ethics start with an injunction about the worker's obligation to place the well-being of the client above all else; in the 1994 Code, this reads as "A social worker shall maintain the best interest of the client as the primary professional obligation" (CASW, 1994, p.9). But as Woodsworth points out in his discussion of the 1983 CASW Code, "[b]y presenting the 'client'...as self-evident, the present Code simply sweeps under the rug all the difficult and uncomfortable questions found in most social work practice around the question of 'whose interest?'" (1984, p.64). While they may have shed their image as charity workers, social workers are still continuously engaged in making distinctions between deserving/undeserving, deviant/normal, functional/dysfunctional, rarely examining the source and purposes of the knowledges that inform these dichotomies.

In reviewing studies of ethical decision-making by salaried social workers, Cossom notes one study's suggestion that "the formal organization exerts a dominant influence on the practitioner", and the finding of another study that "awareness of the ethical principles in the code gave no assurance of their use in practice" (1992, p.168). The current (1994) Code continues to foster a consumer conception of 'client' that ignores the statutory basis of most worker-client relationships, where client choice is limited to accepting the service as offered, or getting no service at all. While the Code is both prescriptive and proscriptive about certain aspects of the professional-client relationship, it presents the relationship itself as 'normal'. As Woodsworth said in reaction to the 1983 code, "if we as a profession think we *should* support bureaucratic control of a dependent population, let's say so and call it ethical. If not, we owe it to clients and to our own professional self-respect to know what alternative *is* ethical" (1984, p.65). Woodsworth's criticism is ironic in view of the fact that the 1983 Code contained explicit recognition, in the section on social worker-client relationship, that social work clients are both involuntary and voluntary (CASW, 1983, p.6). The 1994 Code contains no such reference, fostering an impression that all social work clients are voluntary.

Although the 1994 Code continues to depict social justice as a social worker's ethical concern, advocating social change is now designated as a 'responsibility' rather than a 'duty' or 'obligation', and is listed last of the ten items in the code. The "special concern for disadvantaged and oppressed

groups" (CASW, 1983, p.13) mentioned in the 1983 Code has disappeared from the 1994 version. Each action suggested in the 'social change' section is prefaced with the word "reasonable", a repetitive description that led Woodsworth to suggest about them that "[t]hese are so cautiously worded that no one could be accused of a breach of the code for failing to observe them" (1984, p.65).

These changes need to be understood in the context of social work's quest for status. Partly by defining itself as a 'moral profession', a profession with a 'moral purpose', concerned with the 'public good', social work has from its inception suggested that increasing its professional stature somehow advances this 'public good'. Carniol links the relationship in a different way, suggesting that through the emergence of social work as a profession "the middle class assured a measure of gainful employment to some of its members...[and] offer[ed] indisputable proof that we do live in a caring and just society" (1987, p.30). An alternative account of social work's emergence as a profession might more closely examine its progress as coincident with the development of a disciplinary society. "It is a mistake to assume that professionalism is simply an exercise in the 'service of power'...or one of altruism in respect of a client population... professionalization is understood as one of the constituent elements of the process of bureaucratization or the growth of bureaucratic surveillance" (Dandeker, 1997, p.197). Woodsworth suggests that a truly ethical social work code of ethics would "recognize the truth about the relationships that exist among clients, the profession, and the state" (1984, p.64).

The Rise of Private Practice

It is a curious fact that, despite the involuntary and statutory nature of most social work, the profession, and the code of ethics, have come to be "dominated by the 'social worker as therapist' paradigm" (Galaway, 1996, cited in Delaney, Brownlee, Sellick, and Tranter, 1997, p.59). The individual treatment model, which has been variously known as 'casework', 'psychiatric social work', and 'clinical social work', has always been a part of social work; as early as 1917, Richmond described social work as "the profession of applied philanthropy" (cited in Carniol, 1987, p.35). As is suggested by Reamer's description of "the enduring tension between 'case' and 'cause' in social work" (1995, p.14), social work's situation has usually been formulated as a struggle between two opposing factions, one advocating an individual pathology/ individual treatment model, the other espousing a social cause/social action position.

This 'split' in social work is historically rooted in the Depression, when many American social workers became increasingly enamored of psychoanalysis, heralding the advent of what Woodroofe described as the "psychiatric deluge in social work" (1962, cited in Reamer, 1992, p.15). As psychiatry, a profession numerically dominated by men, began to address itself "to a new range of problems that were offered to it – not of madness but of social inefficiency and unhappiness" (Rose, 1996, p.10), social work faced a critical choice. An alliance with psychiatry, as well as the recruitment of more men into social work itself, were promoted by many as essential steps for moving social

work 'forward'. Social workers were well aware that "from this point on, almost every violation of institutional and social norms of conduct would be accorded a psychological meaning" (Rose, 1996, p.11). If social work refused to get on board, if it remained insistent that individual problems resulted from social and even political conditions, it would be left behind, a 'semi-profession'.

Continuing to espouse the belief that social work betrayed itself by studying the individual rather than "the ways in which societies behave" (Reynolds, 1938, p.31), as some social workers did, contradicted the dominant discourse. Adopting such a counter-discursive, explicitly political position had its consequences: the story of Bertha Reynolds, once one of the most powerful individuals in social work, is salient here. As the Associate Director of the prestigious Smith College School of Social Work, Reynolds continued throughout the Depression to promote the idea that social work must form coalitions with the poor. If psychoanalysis was to be adopted as the new social work mode of practice, she wanted it blended with a healthy portion of Marxism. Reynolds was briskly disciplined; eased out of her position at Smith in 1938, she quickly lost the power to influence social work's future direction.

The shift from a social and political focus to remedial work with individuals and certain designated groups has been a continuing site of struggle within social work. Social work activist Saul Alinsky reacted to the abandonment of a political agenda with his observation that social workers "come to the people of the slums...not to organize the people, not to help them

rebel and fight their way out of the muck - NO! They come to get these people 'adjusted'; adjusted so they will live in hell and like it too" (1946, cited in Carniol, 1987, p.29). Fifty years later, Armstrong noted a similar phenomenon take place with childhood sexual assault: "[by] removing it from the political sphere to that of individual pathology, it is an excellent vehicle for problem management rather than for social change" (1994, p.183). Many other accounts reflecting similar concerns have been published over the years; the most recent are Specht and Courtney's *Unfaithful Angels* (1994) and Margolin's *Under the Cover of Kindness* (1997). Despite this, and despite the continuing attempts in some schools of social work to teach structural and feminist analysis, social work in practice continually devolves into the individual pathology model.

An alternative reading, from the perspective of social work's role in a disciplinary society, might suggest that social work's shift in orientation is related to the development of different disciplinary 'techniques'. In *Discipline and Punish*, Foucault traces the historical movement from judging 'crimes' and exacting punishment on the body of the criminal to assessing not only what individuals do but "what they are, will be, may be" (1995, p.18) and exacting the reform or rehabilitation of the 'soul', the personality, of those who err. As psychiatry and psychoanalysis rose in prominence, "[t]he new imperatives were: investigate, assess, prescribe, treat" (Rose, 1996, p.11). Every snag in the social fabric can ostensibly be smoothed out through such a program, and social work is a profession that wishes to play an important role in such mending. It is not

accidental that social work's swing toward private practice coincided with the depoliticization of social problems.

Keith-Lucas directly connects social work's increasing concern with professional ethical standards to its abandonment of the poor and oppressed; he suggests that "social work may have gained a profession by forfeiting a mission" (1992, p.51). Reamer has also linked the two, noting that social work's decreasing "audible and visible involvement in public discourse about social problems" is concurrent with a more clinical orientation towards the place of ethics in social work that reflects an increasingly "narrow view of the public good" (1992, p.25). A textual reflection of these shifts is evident in the changes made between 1983 and 1994 in the CASW code. What is described in the 1983 Code under "Social Worker-Client Relationship" (CASW, 1983, p.6) is a complex and nuanced relationship, recognizing the involuntary status of many social work clients, and allowing for the possibility of personal relationship that is distinct from professional relationship. In the 1994 code, this has transformed into "Limit on Professional Relationship" (CASW, 1994, p.13), a list of proscriptive injunctions virtually identical to that in every other helping profession's code, with no mention whatsoever of the statutory nature of many client-worker relationships.

The increased anxiety about dual relationships reflected in the 1994 Code, while certainly in step with psychotherapeutic concerns, fails to reflect the reality of much Canadian social work practice. As Delaney et.al. point out, "In the north, not participating in multiple roles and relationships with community

members creates a problem; it shows a lack of understanding and respect for the people being served" (1997, p.59). The question also arises as to whether it is possible, within the strictures of the psychotherapeutic paradigm coming to exist in the code, to assume an activist or advocate role, given that any 'out of the office' contact with clients is believed to contaminate the therapeutic relationship. The 1994 Code also has a new section not included in the 1983 Code, "Limit on Private Practice", exclusively devoted to prescriptions for the conduct of private practice social work (CASW, 1994, p.21). It is notable that this section is longer and more detailed than the segment apportioned to "Ethical Responsibilities for Social Change", which is the final section in the 1994 Code.

Perhaps because these changes to social work's code of ethics are occurring in concert with similar changes made in other professions, they have assumed a 'naturalness' that leaves little room for them to be questioned. The psychotherapeutic framing of the social worker-client relationship presents the relationship as benign, "ignor[ing] the reality that the existence of the relationship itself is the historical embodiment of power-knowledge relations that act as disciplinary forms of modern power" (Rossiter et al. 1998, p.20). The special training of the disciplines is understood to allow them to function as arbiters of 'acceptable' behaviour; that it is necessary for such disciplines, social work among them, to exist stands without question. Although McKenzie pointed out almost twenty years ago that "[a]ccountability structures which examine our commitment to social action and the justification for any failures to act may be

our most critical need" (1980, p.155), the recent history of the social work code of ethics and regulation instead reflects a progressive severing of the connection between the personal and the political.

Regulating the Profession

Social work regulation in Canada is a provincial responsibility, and although the CASW has since the mid-1950s favoured self-regulation, a patchwork of certification, voluntary registration, mandatory registration, and licensing approaches currently exists across the country. Mandatory regulation of social work, whether through registration, certification, or licensure, has been a subject of debate within social work in Canada and the US for more than fifty years. The spread of the debate parallels the increasing involvement of social workers in what Land calls "psychotherapy for profit" (1988, p.88); in the United Kingdom, where social workers are involved almost exclusively in the provision of statutory services, there is no mandatory registration or licensure of social workers. This contrast, and a review of the literature on regulation (Alcock, 1990; Gifford, 1978; Gowanlock, 1984, 1990; McEachern, 1990; Mulvale, 1994; Schwartz, 1962; Walsh, 1990), suggests the pursuit of regulation has been primarily fueled by a desire for increased professional status, and that concerns with client protection and competency have always been secondary to that goal.

Gifford indicates that social workers are concerned with accountability because they are concerned with "their status as a profession. One of the attributes of a profession is that it is self-regulating"(1978, p.17). This statement

is echoed in Gowanlock's acknowledgment that "self-regulation confers a special authority and status"(1990, p.6); Gowanlock also cites Yelaja's assertion that "[t]he sanction of the community is important because it confers power and prestige on the profession" (1982, cited in 1990, p.7). In describing the American experience with licensing and certification, Reamer notes "the common use by social workers of the rhetoric of 'the public's best interest' and 'the public good' in their advocacy of measures that advance the interests of professionals themselves" (1992, pp.25-26).

The discourse that frames the crusade for self-regulation rests on two principal allegations. The first, and most often repeated outside of social work, to legislators, bureaucrats, and members of the public, is that mandatory regulation of social work will protect the public. The second, which is heard more frequently within the profession, is that mandatory self-regulation in the style of law, medicine and psychology, is the essential next step in social work's climb into status, prestige, and full recognition as a profession. Often the two notions are directly tied together, as in the recent statement of BRSW's chair that "[t]he choice of the individual social worker to voluntarily submit to regulation and peer review can only help us to provide protection to the public and thereby enhance the respect and esteem of our profession" (Rosen, 1998, p.3). Sometimes the two ideas are indirectly related to one another rather than deliberately intertwined, as in this description of the benefits of the upcoming mandatory regulation of Ontario social workers, from *The Social Worker Newsmagazine*:

> in addition to providing protection of the public from conduct that does not meet a required level of practice standards, social workers will enhance their professional credibility, be in a stronger position to help clients on many levels, and be able to be included in key pieces of legislation. Furthermore, this will strengthen the profession's case for third party payments and GST exemption.

The tying together of two not-necessarily-related ideas, where one idea has a broad popular appeal and the other either serves to enshrine a less popular aspect of a dominant ideology, is a common discursive strategy that frequently passes without notice. It is through the use of such strategies that we are conditioned to accept pornography as an essential component of 'free speech', or the differential distribution of wealth as an inevitable consequence of 'living in a democracy'. This linking together of ideas comes to make such a powerful 'discursive sense' that any attempt to separate them is likely to be labelled either crazy or heretical. Yet it is necessary to break this discursive chain in order to fully analyze the functions of social work self-regulation, not just for social work but for society.

'Protection of the public' seems a reasonable and popular idea, and is in some ways fundamental to the structure of our culture. Most people interact many times a day, either directly or indirectly, with society's professional class. The perceived safety of these fiduciary relationships has much to do with our belief that professionals must meet certain standards of practice and subscribe to

an ethical code. Yet a day's reading of any newspaper is replete with the dangers of such relationships, the failures of these standards and codes to ensure ethical conduct. Accountants embezzle funds, lawyers bribe and threaten witnesses, dentists perform unnecessary procedures, architects create faulty designs, doctors are found guilty of malpractice, pharmacists dispense the wrong medication, teachers strip search students, priests sexually abuse their parishioners, mental health professionals have sex with their clients, engineers ignore building codes, etc., etc. These actions occur, not in the absence of, but in the presence of professional licensing and self-regulation. More methodical investigation, such as Gross' review of historical, economic, and sociological research, substantiates the "specious relationship between licensing and the competence of practitioners...research refutes the claim that licensing [of the professions] protects the public" (1978, p.1009). Hogan summarizes his review with a similar statement, asserting not only that there is little evidence to suggest "that the quality of professional services has improved as a result of licensing laws, [but] disciplinary actions are woefully inadequate, and the prevention of illegal practice is generally spotty, often aimed at eliminating competition rather than incompetence" (1983, p.121).

As part of this analysis, it is important to note the gendered nature of the pursuit of mandatory regulation. Reeser's survey of political, professional, and social activism among social workers found that "men were more involved than were women in such professional activities as lobbying for legislation, working

to get licensing passed, and work against the declassification of social work", while women were more involved in social activism around poverty, civil rights and similar issues (1988, p.60). This data is consistent with the differential positive benefit that [white] men receive from assessing the unequal distribution of wealth and power in the language of individual pathology rather than in terms of class, race or gender. In support of this, it must be noted that existing regulatory stipulations rely on academic credentials, graduate and continuing education, and supervised work, all of which act as exclusionary requirements for women and members of marginalised groups, especially in the face of shrinking student loan support.

The implication of the presentation that context is irrelevant in the understanding of human problems and, hence, ethical dilemmas continually directs our attention away from society's structural inequalities and towards the 'individual pathology' explanation. Ferguson points out that "[t]he more 'professionalized' workers become, the more likely they are to see the problems of their clients as stemming from defects of socialization or individual motivation, to be remedied by exposure to expert guidance" (1984, p.142). The power of the expert is assured through the credentialling process; Leonard notes that it is "the accreditation of professionals [that] serves to establish and reproduce the power of the expert" (1997, p.100). But the focus on the individual is not limited to client conduct; it also extends to the terms by which we judge the behaviour of 'experts' who are alleged to have erred. Under the new regime

of 'risk management', the prudent professional "must now think of their present conduct in terms of risks to be calculated, averted and secured against" (Rose, 1996, p.13).

The discourse of professionalism, centred on the notion of the expert and the individuation of problems, is also difficult to challenge because it presents professionalism in idealistic terms. Professionals seek out their professions as a result of a calling; they are oriented to service; they achieve their positions as a result of ability and merit; they espouse ideals of equality; and their subscription to superior ethics makes them trustworthy. Anyone who doubts the pervasiveness of this discourse of professionalism can see and hear it illustrated nightly on television: 'ER', 'Law and Order', 'The Practice', 'Chicago Hope'.

> [Let us pause for a moment to consider the 'superior ethics' to which professionals subscribe. In a recent episode of 'The Practice', a man killed and dismembered a woman and stuffed her in a closet. His case hinged on whether or not the police had committed an illegal search by opening his closet door in the course of rescuing a second woman being held in his apartment. His defence lawyer, who argued that it had been an illegal search, was a woman. The prosecuting attorney, who argued that declaring the search illegal was a too narrow interpretation of protection against illegal search, was a woman. The judge was a woman; she consulted with a senior judge who was also a woman. The judge declared the search illegal, and the killer was freed. All of the women acknowledged that although they were 'unhappy' with the decision, it was the only *ethical* choice.]

Yet much is obscured by this discourse as well. Examinations of the history of professional licensing, such as those conducted by Gross (1978) and Hogan (1983), indicate that there is a close relationship between self-regulation and access to the wealth, status, and prestige accorded to certain professions. Self-regulation is one of the distinguishing characteristics of law and medicine, professions acknowledged to be at the top of the professional hierarchy. If social

work wishes to "rise within the professional hierarchy, so that it, too, might enjoy [the] maximum prestige, authority, and monopoly which presently belong to a few top professions" (Greenwood, 1957), it must acquire this attribute.

The presentation of professionals as self-sacrificing ignores the very real financial rewards and social status and recognition professionals accrue, as well as the differential access to professionals that is a privilege of those at the top of society's hierarchy. Such "meritocratic discourse [also] deflects attention from the politics of entry into professions and universities, a politics of differential access determined by the social relations of class, gender and racism" (Leonard, 1997, p.100). Finally, by commodifying knowledge and then exerting a monopolistic control over it, professionals confine access to information and therefore to power to the elites. The effect of the discourse is to institutionalize, rather than challenge, existing structural inequalities and power relations. As Kultgen notes, "sociologists cite professionalism as a major source of stability in society, i.e., as a main obstacle to radical reform" (1982, p.64).

Although most social workers are employed by the government or by government-funded agencies and see involuntary clients who are subject to various laws and regulations, social work has yet to grapple with the issue of conflicting employer/client obligations. The relevant sections of the 1994 Code are remarkable for their equivocation on this thorny issue.[1] Two recent BC cases,

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[1] 8.1 Where the responsibilities to an employer are in conflict with the social worker's obligations to the client, the social worker shall document the issue in writing and shall bring the situation to the attention of the employer. 8.2 Where a serious ethical conflict continues to exist after the issue

those of Matthew Vaudreuil and Katie Lynn Baker, are illustrative of the problem. The BC Association of Social Workers responded to the difficulties facing BC child protection social workers by nominating them en masse for a 1998 CASW Distinguished Service Award, while the regulatory body, the Board of Registration for Social Workers in British Columbia, initiated complaints of professional misconduct against several individual social workers involved in the cases.

Alcock encouraged social workers to be wary of self-regulation without a thorough examination of the "social construct of profession" and how "professions reflect and maintain traditions that reinforce the class system and discrimination against women, racial, cultural, and sexual minority groups" (1990, p.27). In a profession numerically dominated by women, it is notable that "gender representation among [regulatory] board members has always been disproportionately male" (Kinderknecht, 1995, p.343). In the only extant review of a regulatory board's adjudication of alleged ethical violations, Kinderknecht observed that "complaints filed by male complainants were disproportionately more likely than female-generated complaints to be substantiated" (1995, p.395).

Although clients are at least equally in danger from incompetent practice as they are from unethical practice, and although the existence and maintenance of competence as an ethical duty and obligation is listed in the code, the profession continues to be reluctant to define or attempt to measure competency.

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has been brought to the attention of the employer, the social worker shall bring the issue to the attention of the Association or regulatory body.

In the US, "the right to practice social work [is] legally restricted to those individuals who have met specific requirements related to education and experience" (Kinderknecht, 1995, p.410), and most state regulatory boards require satisfactory completion of a competency exam as a condition of licensing or certification. In Canada, both the CASW and BCASW have 'Standards of Practice' which flow from their respective codes of ethics, but neither contains a minimum educational standard, and no attempt is made to examine a social worker's ability to meet competency standards as a condition of registration. In addition, perhaps in an attempt to ensure unity in the profession, the BC Board of Registration has in the past 'blanketed in' practitioners who have no formal training in social work but who have worked in the field, without any examination for competency and without any requirement for future social work education, a move that seems antithetical to the ideal of ensuring competence.

These actions are reflective of social work's greater concern for control of title than control of practice, a position designed to ensure hegemony rather than competency. Contrasting the 1983 and 1994 Codes in regard to 'Responsibility to the Profession' substantiates this observation. While the 1983 Code *suggests* that a social worker "make reasonable efforts to prevent the unauthorized and unqualified practice of social work" (CASW, 1983, p.13), the 1994 Code *mandates* the reporting of "any unqualified or unlicensed person who is practising social work" (CASW, 1994, p.23).

Social Work Regulation in BC

Like social workers in most other jurisdictions, BC social workers have been pursuing the holy grail of self-regulation for many years. Despite calls for the mandatory registration of social workers in reports such as the recent Gove Inquiry, and despite lobbying efforts made by the Board of Registration for Social Workers [BRSW] and the BC Association of Social Workers [BCASW] for either mandatory registration or the establishment of a 'College of Social Workers' analogous to the College of Physician and Surgeons, social work continues to be largely unregulated. Although the BC Social Workers Registration Act has been in effect since 1968, registration continues to be largely voluntary. Current regulations do, however, contain a 'Catch 22' which makes registration essentially mandatory for social workers in private practice. A social worker cannot purchase professional liability insurance without belonging to the professional association [BCASW]. Social workers in private practice must be registered before they can become members of BCASW.

The lobbying efforts of BRSW and BCASW are directed towards BRSW being granted both control of title, i.e. control over the use of social worker as a title, and control of practice, i.e. control over what a social worker may do and how she may do it. Under the auspices of The Social Workers Act, first proclaimed in 1979 and revised in 1996, BRSW currently exercises a certain amount of control over the use of title. Section 8 of the Act outlines who may or may not call her/himself a social worker, limiting the use of that title to those

who are registered as social workers with BRSW or individuals who are employed by certain employers such as governments, Indian bands, non-profit societies, and universities and colleges. A person who contravenes the provisions of Section 8 "commits an offence and is liable to a fine of not more than $1000" (Social Workers Act, 1996, p.4) and may also be constrained from calling her/himself a social worker by the granting of an injunction from the Supreme Court.

In analyzing the functions of the pursuit of social work regulation for BCASW/BRSW and for society, it is important to note that neither BCASW nor BRSW are organizations that can be said to fully represent social workers. There are currently about 1200 registered social workers in BC, representing about a third of those eligible for registration (Alcock, 1995, p.9). BCASW has slightly rebuilt its membership base to around 600 members (L. Wong, personal communication, December 1, 1998), almost half of whom are private practitioners that are required, under the Social Workers Act, to be BCASW members in order to be eligible for registration.

Conclusion

Several years ago, before he became a proponent of self-regulation, Alcock suggested that in the pursuit of self-regulation "we may be betraying our valued traditions of self-awareness and of seeing people in fuller socio-economic and political contexts" (1990, p.28). Last year, when BCASW published thirteen examples of complaints against registered social workers that had been

investigated by BRSW over the past year, all of them were presented without context. The most frequently investigated complaint was "breach of confidentiality by providing information obtained in marriage counselling on behalf of one party in a custody dispute when not legally required to do so" (BRSW, 1998, p.19). No definition is provided of 'legally required to do so'. That these complaints were received during a year in which a parliamentary committee was holding hearings about custody and access provisions, providing in those hearings a forum for 'father's rights' groups, and encouraging the development and activities of such groups might provide a different perspective. So would an understanding of whether at least some of social workers involved regarded other ethical considerations, such as the best interests of a child, to be of greater importance than confidentiality. A final contextual consideration might be that, while in pursuit of self-regulation, a demonstrated willingness to discipline one's own members may function as proof of a profession's trustworthiness.

While the existence of the social work code of ethics plays an important and fundamental role in the shaping of social work practice and identity, it is the *enforcement* of these ethics through regulation that guarantees their power. Just as social work ethical discourse and the concomitant discourse of professionalism are accepted as 'natural', so too is the discipline and punishment of those accused of deviating from the code, those who have wandered off the course of the discourse. As with other professions, a client, colleague, member of

the public or the regulatory body itself may detect a deviation and initiate a complaint at any moment. The existence of enforcement means that real and material effects can be exerted on those who fail to produce an acceptable social work identity. All registered social workers are potentially under surveillance, an arrangement which ensures that "surveillance is permanent in its effects, even if it is discontinuous in its action" (Foucault, 1995, p.201).

I am not by this analysis suggesting that it is only the enforcement or potential enforcement of ethical codes that constrains social workers from immoral and unethical practice. I am concerned here with the shaping of identity, the creation of subjectivity, that takes place through these techniques. I have demonstrated the hegemony of white western upper-class male thought in social work ethical discourse. I would also suggest that this hegemony extends to 'acceptable' social work identity and practice and that it is enforced through what Foucault has described as 'the gaze':

> There is no need for arms, physical violence, material constraints. Just a gaze. An inspecting gaze, a gaze which each individual under its weight will end by interiorising to the point that he is its own overseer, each individual thus exercising this surveillance over, and against, himself. A superb formula: power exercised continuously and for what turns out to be at minimal cost (1980, p.155).

Nonetheless, it is the occasional external operation of discipline which makes its internalisation so effective, "for punishment is directed above all at others, at all the potentially guilty" (Foucault, 1995, p.108).

CHAPTER III

METHODOLOGY

Introduction

I am a woman committed to
a politics
of transliteration, the methodology

of a mind
stunned at the suddenly
possible shifts of meaning –for which
like amnesiacs

in a ward on fire, we must
find words
or burn.

Olga Broumas
from "Artemis"
Beginning with O

The question of methodology, of how I might best study the language practices of social work ethics, has always been central to this project. As Driscoll and McFarland point out, "adopting a research technique means adopting its conceptual framework" (1989 p.186). As a feminist, I am necessarily concerned with the ways in which knowledge production has been implicated in women's oppression. Positivists continue to assert that only their methodologies manage to be politically neutral and value-free; critical researchers insist that all social research must be ideologically based to be of value; post-structuralists refute the possibility of acquiring valid knowledge about the social world through any means. Standing in this no-woman's-land of "the paradigm wars" (Gage, cited in

Hammersley, 1995, p.2), I am cautious about aligning myself with any existing research tradition.

My methodology is primarily informed by discourse analysis, which, under a variety of names, has been used in many projects concerned with examining language, power, and discursive practices. Dorothy Smith and her adherents, as practitioners of the 'sociology of knowledge', have used documentary and textual analysis to explore how ideological practices and structures conceal and create social realities (Smith 1973, 1987). Social worker Karen Swift's study of child neglect, *Manufacturing 'Bad Mothers'*, used the methods of critical theory, phenomenology, the sociology of knowledge, and poststructuralism to explore child protection policy and practice, and how 'neglect' is created (Swift, 1995). Hastings (1998) has used discourse analysis to examine the language of social policy. Feminist discourse analysis and poststructuralism have been used to examine sexual harassment policy (Kitzinger and Thomas, 1995), the sexual coercion of women in heterosexual relationships (Gavey, 1989) and the creation of heterosexual subjectivity[1] (Gough and Talbot, 1995). Foucault's *Discipline and Punish* (1975) uses the birth of the prison as a means to a poststructuralist analysis of Western society's complex array of interlocking systems of social control. As these applications suggest, discourse analysis/feminist poststructural analysis is well suited to the task of

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[1] I am using here and throughout Weedon's definition: 'Subjectivity' is used to refer to the conscious and unconscious thought and emotions of the individual, her sense of herself and her ways of understanding her relation to the world (1997, p.32).

studying how social work ethical discourse shapes social work practice and identity. Because "power is intelligible in terms of the *techniques* through which it is exercised" (McHoul and Grace, 1993, p.65, italics in original), this analysis will focus on the techniques embodied by/in the texts produced by the regulatory procedures of the BRSW. I believe that these texts reflect the everyday textual organisation of social work practise and identity as they are formulated in the discourse of social work ethics.

Discourse and Discipline

Discourse analysis is a methodology with particular relevance for the study of disciplinary procedures. As Weedon has suggested, one of the forms of power in a liberal democracy is "the surveillance and assessment of individuals, realized in the practices of state institutions...such as the workplace" (1997, p.117). Those places where an 'order of discourse' (Foucault, 1981) and "any spoken or written language use conceived as a social practice" (Fairclough, 1996, p.71) coincide are places where discourse can be observed in action. Those places where individuals are suspected of engaging in activities repressed or excluded from the discourse, where individuals must be *disciplined*, where prescriptive/ proscriptive discourses operate, are the places where the power relations embedded in various discourses coalesce in action. Foucault has noted that "...prescriptive discourse, such as that of the penal code, is validated with reference to sociological, psychological, medical, and psychiatric knowledge" (1980, cited in Dant, p.128). The power/knowledge nexus that lies in the depths

of the discourse rises to the surface through the discursive practices of discipline and punishment.

The Influence of Feminism

The limitations of even a feminist-influenced discourse analysis require a mixed methodology. Along with other feminist theorists, I too have noted "the absence, at the end of a hard day's deconstruction, of any clue as to what, in the realm of feminist politics, might actually be done about anything" (Cameron, 1998, p.965). So I am concerned here to make clear that in using a *feminist* discourse analysis I am placing the materiality of women's oppression at the centre of an analysis which is ultimately concerned with illuminating how we might find places of resistance to the discourse. The discourse of social work ethics is beneficial to some and harmful to others; it has a political purpose and effects, and these effects do not occur 'out there', in an intellectual or academic arena that is separate from the self. Feminism enjoins me to ask not just *how* the discourse is constructed and conducted, but *why*; it requires my constant acknowledgement that my questions [those I do not ask and those I ask] and my answers have political as well as academic and theoretical dimensions.

The Influence of Hermeneutics

Finally, my methodology is influenced by hermeneutics, and the possibilities it offers for an alternative attentiveness to how meanings get constructed. As the 'science' of philosophical interpretation, hermeneutics originally developed as a means of interpreting biblical texts. It has since been

applied to understanding many other texts and experiences, and can be defined as "a reflective practice of unmasking hidden meanings beneath apparent ones" (Kearney 1991, cited in Crotty 1998, p.88). As Crotty notes, "skilled hermeneutic inquiry has the potential to uncover meanings and intentions that are ... hidden in the text" (1993, p. 91). The model of the hermeneutic circle is a useful one for this inquiry, which requires my constant circular movement from parts [the particularities of the text] to whole [my incomplete and always partial understanding of the world].

Warnke has suggested that feminist hermeneutics allows us to construct "an interpretive account of social reality that can be sensitive to its multiple dimensions" (1993, p.84). It offers an important added dimension for answering the *how* questions: how do we submit to the discipline of the discourse, how might we resist it, and what are the consequences? The effects of the discourse are embodied effects, operating on our thoughts, our feelings, our lives and our bodies; their examination necessitates placing "the subject's interpretation and mediation of her experiences at the centre of our inquiries into the hows and whys of power" (Deveaux 1996, p.283). Hermeneutics offers an additional means by which to examine the control of the self by the self: how I/we/social workers internalise the discourse and 'produce' ourselves as ethical social workers.

By circumscribing an alternative research methodology I am not attempting to find some perfect alternative to either the quantitative or qualitative streams of positivism. I am finding a place to stand in an academy

where "women's only alternatives are to speak in a masculinist voice, construct a new language, or be silent" (Sawicki 1991, cited in Lewis 1993, p.133). The new methodological 'language' which I am weaving both references feminist standpoint theory and accepts that "there is no transcendent standpoint from which the 'real' can be apprehended" (Gill, 1998, p.20). It relies on what Rosenau has described as post-modernism's two methodological approaches: "introspective, anti-objectivist interpretation and deconstruction" (1992, p.118).

Such methodology requires that I as the researcher engage in an interrogative practice rather than the quest for 'essentials' embodied in both positivism and interpretivism. Such methodology "depends on emotion, intuition, and imagination" and understands reality "in *constructivist* or *contextualist* terms"(Rosenau, 1992, p.23, italics in original). It is concerned with language as more than words, language conceived as a social and political entity, "the means by which what we know of the world can be created (rather than simply represented)" McHoul and Grace, 1993, pp.13-14). In acknowledging that all knowledge production is political, I accept the necessity of discussing where the commitments and allegiances of my methodological strands lie.

The Methodology

The first step in understanding the purpose and function of the social work ethical discourse as it is exercised in the regulatory processes of the BRSW was taken by explicating the social, political, and historical context of the code of ethics and disciplinary procedures; Foucault has described this as the *genealogical*

task (1981). The *critical* task involves analysing the discourse of social work discipline to uncover which discursive strategies are employed and the effects of these discursive strategies in producing and constraining social work 'subjectivity' and practice. I want to know what and how 'subjects' are created by the Code of Ethics and its attendant disciplinary processes, what and how power relations are embedded in these disciplinary procedures, what and how reality is constructed by the social work Code of Ethics and by regulatory processes, and the effects of ethical and disciplinary discourse.

Language as More Than Words

The idea that language is more than words is a concept whose development is usually credited to Saussure's insight that "language is primarily a system of distinctions rather than representational", and that "any particular language or set of distinctions is a social historical product, developed in social relations and subject to change" (1974, cited in Alveson and Willmott, 1993, p.29). Saussure defined language as a "social phenomenon" that exists "only by virtue of a sort of contract signed by the members of a community" (1974, cited in Dant, 1991, p.101); Susan Grimsdell substantiates his notion of a 'contract' with her observation that "women collude in the perpetuation of sexism in language...in order to get our daily bread" (1988, cited in Penelope, 1990, p.xxviii).

Such ideas about language diverge from the modernist or liberal humanist conception of language as transparent and expressive, able to accurately convey 'meaning' by the correct application of its rules by users of the language. This

conception also posits the individual as the originator of 'meaning', able to consciously choose words that communicate her individual thoughts and feelings. Structuralists such as Saussure argued that meaning was constructed rather than pre-existing, so that "[t]he meaning of words derived from their structural position within a language system rather than because they referred to something 'real'" (Featherstone and Fawcett, 1995, p.26). Althusser's idea of language as a social practice which reproduces ideology is similar; Fowler has described this as the "mediation" of representation, "moulded by the value-systems that are ingrained in the medium (language in this case) used for representation" (1996, p.4). Our use of language, whether spoken or written, presumes a net of shared meaning(s) that enable the listener/reader to understand what we saying. While Saussure and other structuralists have pointed to those meanings being constructed rather than natural, feminists have been concerned by what Macnaghten has described as "*the socially constructed nature of reality,* or *the socially constructed reality of nature*" (Macnaghten, 1993, cited in Burman and Potter, 1993, p.6), which gives rise to notions such as 'biology is destiny'. Constructivist or structural theories of language also suggest that our unconscious participation in ideological language can be changed through the replacement of our 'false' consciousness by a different awareness about how the world is *really* structured.

Poststructuralism

Poststructuralism, which originally evolved as a critique of structuralism, radically diverges from both modernist and structuralist theories about the relationship of language and meaning. Language is understood as "multiple, unstable, and changing" (Featherstone and Fawcett, 1995, p.26) rather than fixed or 'essential'. "The most common misleading conception of language is that it represents an absent, to be recalled, object. Instead, language is primarily constitutive rather than representational. The character of the object and expression arise together" (Deetz, 1992, p.28). Further, poststructuralists question the nature of reality itself, suggesting that what is 'real', and all that is 'real', is language. Rather than using language unconsciously, we actively participate in how language constructs reality. Structuralism suggests that we are unconsciously co-opted into dominant discourses; poststructuralism proposes that we consciously opt into discourses that carry power, prestige, and value. For example, feminist analysis of the emotional, physical, and psychological sequelae of childhood sexual assault gained authority when feminist therapists adopted the psychiatric term 'post traumatic stress disorder' [which was originally developed to describe the 'shell shock' experienced by (male) soldiers] to describe the damage.

In moving the analysis and study of language beyond the level of signification, both Foucault and Althusser suggested a distinction between language and discourse. In *Archaeology*, Foucault describes how discourse is

more than language and more than speech. A discourse, he says, is not "a group of signs", but "[a] practice that systematically form[s] the objects of which [it] speaks" (1972, p.49). In Althusser's analysis, "language appears as discourse ...an ideological practice [which] mediates between individuals and the conditions of their existence" (Deetz, 1992, p.31). Language and discourse are inextricably linked because "within discourse theory, language is the site where struggles [over truth and interests] are acted out" (Mills, pp.42-43). Wood defines postmodernism itself as, "...in part, a theory of language which identifies the power language gains by its promotion of beliefs and reinforcement of certain concepts through discourse" (1997, p.22).

Discourse

Discourse, in Foucault's view, was about "the conjunction between knowledge and power" (1980, cited in Dant, 1991, p.121). According to Featherstone and Fawcett, "Foucault...used the term 'discourse' to refer to the way in which power, language and institutional practices combine at historically specific points to produce particular ways of thinking" (1995, p.26). Discourse is the organisation and collection of language into "ways of talking" which prescribe socially acceptable behaviour and practices, or "ways of doing", which allow only certain "ways of knowing" (L. Heslop, personal communication, January 22, 1998). "Discourse circumscribes what we can know and speak about, and how we can know and speak about it; it enables us to say and think some things rather than others, thus shaping our sense of social reality" (Gill, 1998,

p.47). Discourses function to produce and maintain existing power relations through their assumptions, their processes of inclusion and exclusion, their imposition of value oppositions, and by their suppression of difference. A discourse presumes a central reality and pushes to the margins ideas that challenge that 'reality'; the centrality is assumed to be either universally shared or an expression of majority thinking. For example, the use of the term 'special interest groups' assumes that there is a group or a place where no 'special interests' operate, or where there is a universality of interests. The view from the centre is the view from everywhere and the view from nowhere; alternative views are labelled 'perspectives' ['feminist perspective'] and are understood to represent the view of a few. "The privileging (or 'valorising') of one term results in the suppression, marginalization, or devaluation of the other" (Sands and Nuccio 1992, p.491).

"[T]o participate in discourse is to enter into power relations" (Dant, 1991, p.200), yet it is also impossible to not participate. Foucault and other poststructuralists describe how it is impossible to step outside discourse, to step outside language. Modernism, with its idea of the rational and unified subject, would have us believe that our participation in discourse is voluntary and under our control. Yet any attempt to 'step outside the discourse', any refusal to participate, results in one being constituted, still within the discourse, as 'mad' or 'bad', as exemplified by Foucault's analysis of the story of Pierre Riviere (1978, cited in Weedon, 1997, pp.111-114). Riviere was the son of a peasant who in 1835

killed his mother, sister, and brother. Foucault examines the documents in the case, including a memoir written by Riviere himself, concentrating on "the discursive battle over the meaning of the killings" (Weedon, 1997, p.113). Riviere's own meaning for his act, which had social and political implications, is silenced; he must be seen as either "monstrously evil or insane" (Weedon, 1997, p.113). The most effective and complete means of silencing him is by declaring him insane, "since to have him sane and monstrous would reflect on the common humanity of a society in which all are ostensibly equal" (Weedon, 1997, p.113).

> [In 1976, my friend D., a welfare mother born of a welfare mother, killed her children, aged 4 and 6, and attempted to kill herself by hanging herself from a pipe in her slum tenement. The pipe broke. In a note she left, and at the time of her arrest, she stated that she could see no different future for her children than her own bleak life on welfare, and she had decided to kill them instead. She would not speak to the court-appointed psychiatrist other than to repeat this statement. The court and the media battled over whether she was 'evil' (based partially on the revelation of her lesbianism) or 'insane' (based partially on the revelation of her lesbianism). The fledgling Women's Centre bravely tried to support D., with her agreement, by publicizing her life situation and the life situation of other women on welfare. They -and D.'s note- were ignored. When she was eventually sentenced, as sane and guilty, there was great public outcry demanding a longer sentence. The crown appealed, and in due course, her sentence was doubled. Her note was never released nor returned to her.]

Subjectivity

Modernism, through what Pecheux describes as its "hidden-forgotten discursive formation" (cited in Deetz, 1992, p.32) would have us suppose that individuals have the power to 'author' discourse. Discourse is posited as created from the participation of reasoning, unitary subjects. Poststructuralism understands discourse as a pre-existing structure which "provides a set of possible statements about a given area, and organises and gives structure to the manner in which a particular topic, object, process is to be talked about" (Kress,

1985, cited in Fowler, 1996, pp.6-7). That we can create our speech, our 'text' and ourselves, our 'subjectivity', only out of the available, constructed discourses is frightening, and an affront to the ideology of liberal humanism. Modernism "creates the illusion that the subject precedes discourse and lies at the origin of meaning" (Pêcheux, cited in Deetz, 1992, p.32). Within modernism, "the individual assumes that she is the author of the ideology or discourse which she is speaking. She speaks or thinks as if she were in control of meaning" (Weedon, 1987, cited in Deetz, 1992, p.31). Liberal humanism espouses the idea that individuals express their unique identities, their 'essence', through their choices, including their language choices.

But feminist poststructuralism assumes an alternative position. "We are neither the authors of the ways in which we understand our lives, nor are we unified rational beings" (Weedon, 1997, p.31). Gadamer's hermeneutics offers a similarly alternative notion, that "the self-awareness of the individual is only a flickering in the closed circuits of historical life" (1989, p. 276-277). We can create ourselves only from within the discourses that are available to us; we are always creating ourselves ideologically, at the place where power and knowledge intersect. Weedon describes it thus:

> [Language] is also the place where our sense of ourselves, our subjectivity, is *constructed*. The assumption that subjectivity is constructed implies that it is not innate, not genetically determined, but socially produced. Subjectivity is produced in a whole range of discursive practices –

> economic, social and political- the meanings of which are a constant site of struggle over power. Language is not the expression of unique individuality; it constructs the individual's subjectivity in ways that are socially specific (1997, p.21).

Where Weedon suggests that "[t]o speak is to assume a subject position within discourse and to become *subjected* to the power and regulation of the discourse" (1997, p.116, italics in original), I would go further and suggest that both speech and silence implicate one within discourse. Whatever we might want to believe about choosing our participation, including a belief that we are not participating, the discourse will exercise its power and regulate us. While discourse in and of itself is both powerful and effective in producing and constraining our utterances and our lives, it is also allied with many disciplinary and enforcement mechanisms.

Feminism and Poststructuralism

Language and 'subjectivity' have long been central concerns for feminism; their recent move toward the centre under the aegis of [male] postmodernists illustrates neatly that, whatever poststructuralism may claim about its de-centring intentions, in practice it reinforces "that only certain kinds of people can make theory" (Rich, 1986, p.230). As Gill points out, "some of the ideas associated with postmodernism –that the self is not a stable unitary inner essence, that meaning is not fixed in objects and events- have been in circulation among feminist social scientists long before postmodernism became fashionable"

(1998, p.46). But who is speaking is more important than what is being said, at least in determining its reception; "who is speaking turns out to be as important for meaning and truth as what is said; in fact what is said turns out to change according to who is speaking and who is listening" (Alcoff, 1991/92, p.12).

Feminism's long history of grappling with the effects of language has been obscured by the recent pre-eminence of poststructuralism. "Feminists have always been interested in the connection between language and oppression. We have known for a long time that language is not a neutral, descriptive medium but is deeply implicated in the maintenance of power relations" (Gill, 1995, p.166). Feminist theorist and historian Dale Spender's *Man Made Language* (1980) focused on language and 'talk' in revealing how women are kept (and keep themselves) silent or complicit. Ten years later, in *Speaking Freely*, feminist linguist Julia Penelope studied how language and the structure of discourse are implicated in "promot[ing] and maintain[ing]...misogyny, elitism, and racism' (1990, p.xv). Feminism has explicated the effects of women's embodiment of discourse in practices such as anorexia, bulimia, dieting, and breast enhancement.

The concept of 'subjectivity' is also an old idea in feminism, which has long espoused the theory that 'the personal is political', and long understood that our selves are constructed rather than an expression of an innate nature. More than thirty years ago, in her landmark essay 'Psychology constructs the Female', Weisstein suggested that "what a person does and who he believes himself to be

will in general be a function of what people around him expect him to be, and what the overall situation in which he is acting implies that he is" (1971, 211). The understanding that discourse shapes our very selves, and that there is no 'outside the discourse' from which to observe or discuss this process is encapsulated in the feminist conception of 'the colonised mind', as discussed in the works of Daly (1978), Thürmer-Rohr (1987), Wittig (1992) and Jeffreys (1990, 1993), among others. Phallocentric thinking is not outside of us; "it grows in our minds like an abscess" (Thürmer-Rohr, 1987, p.59). Feminist theorists such as Daly (1978), Rich (1979, 1986) and Hoagland (1988) have been particularly concerned to examine questions of ethics and morality as they are implicated in the construction of women's identity, recognising that women's acceptance of existing moral ideas involves the internalisation of 'fatherly ethics' (Hoagland 1988). Clearly feminist analysis has much to offer my understanding and explication of how 'the personal is political' in the social work regulatory process.

As a feminist researcher seeking an alliance with discourse analysis, I am concerned about the theoretical commitment to relativism that is characteristic of much poststructuralism, what Nicholson and Fraser characterise as postmodernism's "androcentrism and political naïveté" (1990, cited in Wood, 1997, p.20). Relativist readings of violence against women, for example, make it possible to disappear women's real suffering within patriarchy. Gill notes that the very theoretical commitments that can make discourse analysis powerful,

useful and productive for feminism, such as "its problematizing of truth claims, its stress on the socially constructed nature of all knowledge, its rejection of the unified coherent subject, and its attention to power as a local practice" (1995, p.168), are also regarded as problems by many feminists. Given that poststructuralism has done little to dislodge the continuing cultural, social, economic and academic hegemony of wealthy, white, able-bodied, heterosexual males, feminists ought to be concerned about poststructuralism's dismissal of any need for 'identity politics'.

Poststructuralism has added to feminism's own concern with the idea "that white middle-class feminism can know for 'all women'" (Rich, 1986, p.230). Critiques of homogenised feminism by women of colour, lesbians, poor women and disabled women have moved feminist analysis to a concern with the situations of particular women rather than universalizing women as a category. Poststructuralism's anti-essentialist stance and its valorising of diversity and difference do not, however, necessarily make it an ally of the marginalised and oppressed. Abandoning categorical thinking makes political organising and collaboration difficult, creating fragmentation and destroying alliances. Further, if we accept the role of discourse in constituting 'reality', we need to ask why and how it is that postmodernism and poststructuralism are now moving to the centre. Hartsock suggests an answer:

> Why is it that just at the moment when so many of us who have been silenced begin to demand the right to name ourselves, to act as subjects

> rather than objects of history, that just then the concept of subjecthood becomes problematic? Just when we are forming our own theories about the world, uncertainty emerges about whether the world can be theorized (1990, p.162)?

Feminists such as Nicholson and Fraser take the position that "the nexus between feminism and postmodernism should be one that integrates their respective strengths while eliminating their respective weaknesses" (1990, cited in Wood, 1997, p.25). Gill suggests that we do this by making "...social transformation an *explicit* concern of our work, acknowledging the values which inform it, and situate all interpretations and readings in a realm in which they can be *interrogated* and *argued* about. In short, the political realm." (1995, pp.178-179). Recognising that a feminism that can contend with the complexities and ambiguities of real women's lives may be able to identify more effective places of resistance than have yet been discovered, many feminists are developing analyses that acknowledge rather than obfuscate difference without abandoning politics.

Some feminists have attempted an integrated approach to questions of subjectivity and language. Recognising that subjectivity is both constructed and ideologically meaningful, Alcoff suggests that we accept that "one's identity [is] always a construction yet also a necessary point of departure" (1991, p.432). Lauretis formulates "a subjectivity that gives agency to the individual while at the same time placing her within 'particular discursive configurations'" (1984,

cited in Alcoff 1991, p.425). By the same token, a multiplicity of meanings does not sever the connection between language and ideology for feminist poststructuralists, who Rosenau describes as 'affirmative' rather than 'skeptical' postmodernists (1992, pp.14-17), who continue to recognize that, even in the midst of multiple and perpetually changing meanings, "the role of language in dominant ideology produces meanings which privilege one meaning above the other" (Wood, 1997, p.23). This 'both-and' position (Haraway 1989; Nicholson, 1990) rejects the proposition that diversity and political action are binary opposites, and it is this position that permeates my analysis.

Poststructuralism and Social Work

Poststructuralist discourse analysis offers both opportunity and danger for social work. Wood notes that the modernist perspective of "...objective views of reality based on truths which are knowable, measurable, and predictable...fits well within the social worker's comfort zone" (1997, p.24). Social work's historical concern with social justice has been well served by a dichotomising approach to social issues. But while social work is generally amenable to the notion that "the assertion of one construction of reality over another is one of the techniques employed by any dominant group in order to maintain its position of power" (Berger and Luckman 1967, cited in Kitzinger and Thomas, 1995, p.46), it is less happy about the notion that all knowledge, including all social work theory, is socially constructed and therefore itself implicated in power relations. Alternatively, Featherstone and Fawcett suggest

that "[t]he emphasis, particularly in the work of Foucault, on the necessity of interrogating all knowledge claims and remaining alert to what is excluded as well as included, is particularly valuable for a profession which has experienced more than its fair share of fads and fashions" (1995, p.36).

While some social work theorists (Heineman, 1981; Swift, 1995) have expressed concerns with language and 'scientific' discourse, social work in general is deeply and uncritically implicated in enforcing the 'technologies of the self' (Foucault, 1988a). Clinical social work education and practice encourages 'expert' assessment and diagnosis in which the client's self-perception is at best marginalised and at worst ignored; Hoffman has described this as "the language of clinical blaming" (1990, cited in Pozatek, 1994, p.401). At the policy level, as Hastings demonstrates, social workers commonly use language that reproduces and legitimates "systems of power and inequality" (1998, p.192). We routinely privilege some aspects of what our clients tell us while marginalising or disqualifying others, resulting in harmful interventions and policies.

For many of the same reasons as feminists, social workers are also suspicious of poststructuralist influences. Brotman and Pollock believe that the "uncritical acceptance of multiplicity may lead to an overreliance upon notions of difference and may threaten our ability to resist oppression and to create alliances based upon commonality" (1997, p.19). Wood states bluntly that postmodernism is "a patriarchal attempt to subvert progressive movements" and

that "it in no way offers us [social workers] anything for our journey towards social change" (1997, p.27).

While accepting the cautions of these critics, I believe that a feminist discourse analysis, especially one that is influenced by hermeneutics, offers much to my examination of how ethical and disciplinary discourse organises and 'produces' social work. Social work theorists have been part of the 'turn to language' inspired by feminism, discourse analysis, and poststructuralism. Pozatek has suggested that taking a postmodern "position of uncertainty" (1994, p.402) in clinical social work will benefit our clients. Sands and Nuccio suggest that "[t]he use of deconstruction to uncover the suppressed voices of marginalized populations provides a means through which social workers can work in concert with client groups to promote social change" (1992, p.493). Swift (1995) uses a mix of methodologies, including feminism and poststructuralism, to analyse the 'production' of cases of child neglect and to suggest alternative systemic responses. Hartman suggests that the postmodernism offers social workers important insights into "the power of language" (1991, p.275). Of particular relevance to my work in this project is Hastings' study of how 'micro level' language use in a social policy document "constructs [a] credible, persuasive version of reality and...relate[s] to broader social processes and practices" (1998, p.209). My examination is focused on both micro level language and what might be called micro level documents, and my analysis connects both language and documents to larger processes such as the construction of social

work identity and practice. I will now discuss the specific methods used in my feminist and hermeneutically influenced discourse analysis.

Methods

Within the many different branches of discourse analytic methodology are many different methods, among them the strict scientific methods of critical linguistic analysis (Fowler, R., Hodge, R., Kress, G. and Trew, T., 1979), the institutional ethnographic techniques of Smith and her adherents, and the poststructuralist approach of Foucault and the postmodernists. Feminists have used various methods, including content analysis and thematic analysis, to examine the structural inequalities institutionalised through language practices. Hermeneutics also offers methods for textual analysis. In formulating a research design, I have rejected any formulaic approach, as even the tightly prescribed methods of the linguists "fail to provide some privilege of access to the interpretation of the text" (Fowler 1996, p.9).

Alternatively, Fowler has suggested that discourse analysis, rather than being "a discovery procedure" (1996, p.10), is an analytical process, requiring the researcher to bring her intuitions and experience to engaging the text in a "demystificatory reading" (1996, p.6). Rosenau elucidates Fowler's idea with her suggestion that "*[d]econstruction* involves demystifying a text, tearing it apart to reveal its internal, arbitrary hierarchies and its presuppositions…[a] deconstructive reading of a text seeks to discover its ambivalence, blindness,

logocentricity[1]" (1992, p.120, italics in original). In attempting a deconstructive reading of social work regulatory texts, I have chosen methods congruent with my location as a feminist researcher concerned with the material effects of the power relations enacted in the discourse. Foundational to these methods is my refusal to accept the text as given.

This injunction is infinitely more complex than it initially appears. The accepted, central, dominant discourse is the discourse that 'makes sense'; considerable effort is required to make it stop making sense. The effort demanded of the researcher is more than an intellectual one: it also requires an emotional and a physical commitment. We yearn to be in the centre. Everything in our culture tells us that is the place to be, and that is the only place to be. To intentionally step aside from such a course risks more than the externally affixed label of madness; it risks more than an internal experience of dissonance; it risks pushing oneself to "a wild exteriority" from which it is impossible to be "in the true" (Foucault, 1981, p.61).

Producing a Disruptive Reading

Foucault (1970) has suggested the alternating play of critical and genealogical analysis and description as necessary in analysing a discourse, using "whatever techniques disturb...a taken-for-granted reading of its meaning" (Dant, 1991, p.120). Preceding chapters examined the historical, social and research context of social work ethics, using genealogical analysis as the first

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[1] Logocentricity is the practice of claiming legitimacy on the basis of externally validated, 'universally' truthful 'facts'.

technique in interfering with a common sense reading of ethical discourse. Genealogy also informs my analysis of the specific texts I am examining. I seek to locate these particular texts within and in relation to other specific discourses in order to uncover the 'how' and 'why' of power relations. "The analysis of power relations in discourse relates the content of discourse (the meanings, presuppositions or knowledge) to the social context" (Dant, 1991, p.201). I have examined the situated 'particular' of these disciplinary texts because it is in the careful examination of the particular that the operation of the 'grand narratives' and the power relations that they embody can be revealed. "It is only by looking at a discourse *in operation*, in a specific historical context, that it is possible to see whose interest it serves at a particular moment" (Weedon, 1997, p.108, italics in original).

The methods I have chosen for the critical task are also intended to upset, displace and disturb. Noting that "[a] text itself is only the trace of the meaningful action of discourse" (1996, p.224), Gough and Talbot (1996) suggest that it is the very 'coherence' of the text to which we must pay attention, coherence invisibly created by an interweaving of presuppositions, socially and discursively constituted knowledge, and stereotypical meanings. We bring discursively constructed assumptions and expectations to a text, which we draw upon in order to create a coherent interpretation. Our complicity is constantly required and continuously elicited in order for the text to 'make sense'; as we read, we make/remake ourselves into the kind of person to whom the text

'makes sense'. "[C]oherence offers a focus for attending specifically to the constitution of subjectivity in discourse. It provides this focus because subjectivity is positioned as a subject in the act of interpreting discourse" (Gough and Talbot, 1996, p.228).

To disrupt this process, I have approached the texts I am examining with questions designed to bring to the surface "what we did not realize we had to say and do ourselves in order to be who we are" (Rajhman 1991, sited in Sawicki, 1996, p. 165-166), such as:

- Where does the text 'invite' the reader to make inferences and assumptions?
- What other discourses am I drawing on in order for the text to 'make sense'?
- What assumptions are embedded in the text?
- What are the subject positions offered by the text?
- What power relations are (re)produced by the subject positions offered by the text?

I notice these places of "automatic gap-filling" (Fairclough 1992, cited in Gough and Talbot, 1996, p.226) by adopting a "position of uncertainty...an alternative story may develop as we question what we 'know' to be true or certain" (Pozatek, 1994, p.396). When I consider that another interpretation might also be 'true', I may be able to notice some of what has been excluded from consideration as 'true'. Because "[t]he dominant discourses appear 'natural', denying their own partiality and gaining their authority by appealing to common sense" (Gavey, 1989, p.464), the researcher's access to alternative or

oppositional discourses may help her disinter some of the text's assumptions. A similar idea is expressed in Gadamer's assertion that "the concrete dealing with a text yields understanding only when what is said in the text begins to find expression in the interpreter's own language" (1962, p.57).

Deconstruction

Fowler suggests that the researcher "...take a more inclusive view of what constitutes ideology in language, and in particular, give consideration to those implicit meanings which do not have direct surface structure representation" (1996, p.11). The researcher must notice what "reading positions" (Fowler, 1996, p.8) are constructed for her by the text, while also exploring the reading position(s) she brings to the text. Of particular interest are the margins of the discourse as they are constructed in the text, particularly in the creation of categories. "[C]ategorical thinking, [which] ignores the subtleties of multiple perspectives and serves to privilege the viewpoint of the dominant group" (Kantambu Latting, 1995, p.831), can be uncovered through deconstructing the text. I have chosen some of Rosenau's guidelines (1992, p.121) for this, such as:

- Find an exception to a generalization in the text and push it to the limit;
- Interpret the arguments in a text being deconstructed in their most extreme form;
- Deny the legitimacy of all dichotomies.

Deconstructing a text requires me to notice its binary oppositions. What is valorised/valued? What is devalued? What occurs more? What occurs less, or not at all? I am curious about how the text operationalizes the discourse's "functions of exclusion" (Foucault, 1970, p.70), and look for "what is left out of a text, what is unnamed, what is excluded, and what is concealed" (Rosenau, 1992, p.120). At the same time, recognising that the discourse is productive as well as repressive, I am looking for what is included or 'called forth' by the text. These questions of inclusion and exclusion are particularly relevant in establishing which subjectivities are preferred and centred, and which are denigrated, denied, and marginalised.

Finally, it is important to analyse 'patterns of access' as a means of answering "the complex question *Who may speak or write to whom, about what, when, and in what context*" (van Dijk 1996, p.86). In considering various participants' access to the power to control the communicative events of the regulatory proceeding, I will ask such questions as "which mode of communication may/must be used (spoken/written)...which genres of discourse are allowed, which types of speech acts...who may begin or interrupt turns at talk or discursive sequences" (Van Dijk 1996, p.88). Van Dijk points out that participants "may have differential access to topics, style, or rhetoric", so that "defendants...may be required to...speak only about the topic being discussed, and using a polite, deferential style" (1996, p.88). Mapping out the

various access patterns allows the researcher to observe the operation of power relations in the discourse.

The tasks of questioning, noticing, and deconstructing are not single events. Influenced by the hermeneutic idea of "returning to the object of inquiry again and again, each time with an increased understanding" (Packer, 1985, p.1082), I use these methods repeatedly to give depth and breadth to my "personal, incomplete and prejudiced" (Packer 1985, p.1083) analysis. If the texts which I examine were to be seen as a city, I want to offer "an account of that city by someone who lives in it and walks its streets" (Packer, 1985, p.1083).

The Place of Experience: The 'Effects' of the Discourse

I have made reference elsewhere to discourse as 'embodied': something which is more than a collection of language practices, something which has material effects. The subject positions constructed, offered and denied by the discourse are ideologically meaningful, as is the way that someone makes meaning of her experience with/in the discourse. Because I believe this to be so, my examination of these texts must be informed by the experiences of those who are most implicated in them: one other social worker and myself. As Lewis has pointed out, "our experiences are never individualized moments of our singular being but arise from economic, political and social constructs that have a history and that work in context –moments both of constraint and possibility- that have both material and psychological/emotional consequences" (1993, p.44).

Dant believes that it is important for researchers to focus on "...the relation between discourse (power/knowledge) and action - how do discursive practices bring about powerful effects on people" (1991, p.133)? Fairclough has pointed out that "[c]ontemporary orders of discourse are...becoming deeply and distinctively affected by...a *technologisation of discourse*", involving research into and design of "...discoursal practices in accordance with institutional strategies and objectives, and training of personnel in such designed discoursal practices" (1996, p.71). Fairclough's description of the 'friendly' termination interview (1996, pp.72-74) shows the necessity for analysing how a discourse operates on an affective as well as effective level. Affective manipulation and effective persuasion may be to some extent uncovered through document analysis, but also requires examination of the 'texts' or accounts of those implicated in the discourse.

Examining experience is intended to further illuminate the 'data' analysed in the texts. As with my textual analysis, I have not embarked on a quest for essences; I am curious about how social workers involved in a disciplinary proceeding 'account for' their experiences, and how they perceive the effects of the discourse. To this end, I engaged in a conversational, introspective interview with myself and with the other social worker whose texts were analysed. The conversation focused on three areas: an account of the experience; reading of, and responses to the documents; and perceived effects of the disciplinary process. The lack of structure in the interview allowed for the possibility of

listening "around and beyond words" (DeVault 1990, p.101), and served to avoid the co-participant tailoring her account to fit her perception of what I as the researcher wanted. The relationship between myself and the co-participant was intended to be a collaborative one, where "[t]he researcher is actively involved with respondents, so that together they are constructing fuller answers to questions that cannot always be asked in simple, straightforward ways" (DeVault 1990, p.100). The co-participant was also given a copy of my analysis of her texts, and my description of the effects of the discourse, and invited to make alterations or additions. By informing my analysis with the experiences of those involved, I have an opportunity to further uncover the processes of the construction of subjectivity.

'Rigor' and 'Validity'

> The desire to find an absolute means to avoid making errors comes perhaps not from a desire to advance collective goals but a desire for personal mastery, to establish a privileged discursive position wherein one cannot be undermined or challenged and thus is master of the situation. From such a position one's own location and positionality would not require constant interrogation and critical reflection; one would not have to constantly engage in this emotionally troublesome endeavor and would be immune from the interrogation of others. Such a desire for mastery and universality must be resisted. (Alcoff, 1991-92, p.22)

Just as 'method' as used by poststructuralists is understood to differ from modern scientific method, so that one is concerned with describing the process of inquiry rather than laying out the fixed, logical singular rules that have been followed, so too the question of rigor must receive a different reading. "Despite argument to the contrary, post-modern methodological endeavours are not entirely without order or rigor" (Scholes, 1989, cited in Rosenau, p.122). Engaged in a project that looks more to "...feelings, personal experience, empathy, emotion, intuition, subjective judgement, imagination..." (Rosenau, p.117) than to the rules and procedures of science, rigor is about the adequate provision and clarity of explanation. I might also suggest that, in calling for open acknowledgement of the researcher's subjectivity, discourse analysis is perhaps more 'rigorous' than modern science. "By seeking to explain and justify the basis for their readings or analyses, discourse analysts become accountable for their interpretations and the social and political consequences of these interpretations" (OGill 1995, p.182). Proponents of 'objective', 'value-free' science, knowledge allegedly severed from power, avoid both accountability and consequences, making their endeavours seem ultimately less rigorous than poststructuralist projects.

Given my acknowledgement that any location from which I write or analyse is also a constituted and constructed subject position, that there is no 'outside' the discourse from which the discourse has been observed, reflexivity is of more interest to me as a measure of rigor.

> [T]he poststructuralist emphasis on reading and the multiple meanings of texts reminds us that our understanding (reading) of our research data is really the constitution of such data, insofar as they are meaningful, and it is controlled by our own location in various discourses (Gavey, 1989, p.466).

As Featherstone and Fawcett make clear, "[r]eflexivity is an essential part [of discourse analysis], which requires analysts to make explicit the position from which they are theorizing, and to critically reflect upon their own role" (1996, p.179). Rather than identifying a static location, researchers must continuously interrogate themselves with an awareness of the shifting, contradictory nature of subjectivity. Much as the researcher recognizes that she will not uncover universal or 'essential' truths in her analysis of the discourse, so she must accept that engaging in critical reflective thinking will not bring her to her 'essence'. Howe has described the journey as "a restless, obligatory search for meaning within a constantly reforming context in a sea of language" (1994 cited in Wood, p.24).

Discussing validity is an interesting project for a feminist poststructuralist researcher, given my understanding of it as a construct of language and a tool of the patriarchy. "Valid implies being supported by objective truth or generally accepted authority" (Webster's, 1993, p.1304); I understand from this definition [the first use of 'valid' is pegged at 1571, the middle of the witch burning inquisition] that all that I have said and all that I am about to say is 'invalid'. But

in understanding validity as a construct, I am also curious about what might be alternatively constructed as validity.

Noting that the "master code of positivism...continues to shape even postpositivism" (1993, p.674), Lather suggests that even poststructural researchers will continue to "do the police in different voices" (citing Con Davis, 1990, 1993, p.674) unless we "de-centre validity as about epistemological guarantees" (1993, p.674). She encourages "the development of a *validity of transgression* that runs counter to the standard *validity of correspondence*: a nonreferential validity interested in how discourse does its work" (Lather, 1993, p.675, italics in original). Of the suggestions that Lather offers for reframing validity (1993, p.680-682), I would apply four to my work:

- Have I held up to scrutiny my own complicity?
- Have I produced a 'questioning text' which 'interrupts reader privilege'?
- Have I 'decentred expert authority' and 'moved towards co-theorizing'?
- Have I been engaged and self-reflexive, rather than 'distantly objective'?

I would add to this list drawn from Lather's work the idea of *resonance* as a critical component of validity. I have, in my writing and in the analysis of texts and accounts, noted resonances between my own texts and experiences and those of my co-participant. I have also noted where my analysis resonates with

what I have read, seen and experienced elsewhere in the world. The final and perhaps most important measure of resonance lies with the reader.

The use of experience, especially when 'limited' to two experiences, is risky in a research climate where positivist influences pervade even qualitative methods. "Devalued as anecdotal, the academy has made illegitimate the sharing of that knowledge with which we live most closely, that by which we are violated, and that by which we are silenced" (Lewis, 1993, p.54). Having chosen my own experience/my self as the principal site of my research, I contend with the prevailing notion that this choice in itself invalidates all of my analysis. It is not possible to live in a culture that fetishizes objectivity without being infected by this concern. But I also believe that "this obsession with legitimation/validity issues in research methodology is part of the disciplinary nature of our society of confession and conscience" (Lather, 1993, p.674), and must be resisted. Like Virginia Woolf, I am haunted by the voices of positivism and patriarchy, "...how personal, so they will say, rubbing their hands with glee, women always are; I even hear them as I write" (letter, June 8, 1933, cited in Rich, 1993, p.169). I would offer as my final measure of validity the extent to which I have resisted these voices.

CHAPTER IV

DATA ANALYSIS

Introduction

In this chapter I will apply the methodology and methods outlined in the previous chapter to some particularities of the social work ethical discourse and discipline which was broadly described in Chapter 2. I start by setting out the context of BRSW at the time of these complaints. I then analyse some selected texts from two different complaints made to BRSW about two different social workers, myself and one other. The first analysis is further divided into two sets of texts, which relate to two different aspects of the same complaint. The second analysis focuses on one set of texts. The analyses are further illuminated by the experiences of the complainants as related in their own words. While the analyses themselves embody considerable discussion of the individual complaints, the chapter ends with some discussion of matters that are common to both complaints.

Despite my "longing for certainty even at the cost of honesty, for an analysis which, once given, need not be re-examined" (Rich, 1975, p.193), it is not my intention in this nor do I believe it possible to produce a definitive, essential or conclusive account of social work discourse and discipline. It is my intention to produce an analysis that takes experience seriously, a hermeneutic account in which the 'part' which is the text is connected to the 'world' as I understand it as a marginalised [poor and lesbian] subject; as a political subject [feminist and

class-conscious]; and as a privileged subject [white, able-bodied and university-educated]. This analysis is therefore alternative, provocative and partial.

Locating BRSW

While BRSW does not offer any brochure or publicity materials describing its activities, it does regularly publish a 'Roster of Registered Social Workers', an annual report, and an information page in the BCASW publication *Perspectives*. These clearly establish that BRSW is an institution whose primary function is discipline, and whose primary genre of discourse is juridical. The *1997 Annual Report* lists BRSW's two main activities as the pursuit of mandatory registration and "work on other fronts related to policy, standards and accountability". In the 'Introduction' to the 1998 roster, BRSW is described as:

> a statutory body responsible for the administration of the Social Workers Act and Rules; first enacted in 1968. The Board is responsible for a number of tasks set out in the Act, including:
> -establishing qualifications required for registration
> -maintaining a roster of registered social workers
> -receiving and investigating complaints about the practice/conduct of registered social workers.

Two pages of the roster are devoted to describing the complaint process, which is also outlined by BRSW in the Spring 1998 issue of *Perspectives*. The Winter 1998 issue of *Perspectives* featured a BRSW page dedicated to 'Accountability and Discipline in the Social Work Profession'.

The existence of such disciplinary institutions and the professions they survey is now so culturally commonplace as to pass without question or notice; a recent edition of *Insights*, the newsletter of the BC Association of Clinical Counsellors, has a lead article with the subhead, "Regulated in statute: To be or Not to be? Is There a Question?" (Browne, 1998, p.1). The presence of these institutions is both assumed and assumed to be necessary. The questions of necessary to *whom* or necessary to *what* rarely arise; when they do, they are almost invariably answered in terms of 'the public good'.

The foundational premises of such institutions in our culture are positivistic: that objective reality exists, that 'truth' can be 'discovered', that the law itself is neutral, objective, and above all fair. The complaint procedure itself "rests upon an assumed ability to decide which among a set of narrative versions of 'what happened' is the 'correct' version" (Bruner, 1992, p.102). These assumptions imply that the law is genderless, raceless and classless; a neat trick, given the law's long history of making and enforcing the rules of these hierarchies. But, like MacKinnon (1983, 1987), I believe that the alleged neutrality of the law is, in fact, the [white, upper middle-class] male point of view, and that "the law will most reinforce existing distributions of power when it most closely adheres to its own highest ideal of fairness" (MacKinnon, 1983, p.645). Serres says this more simply: "[t]he reason of the strongest is reason *by itself*" (1982, p.28). It is in this context and location that the complaint process

will unfold, and in which BRSW will have and maintain "control of the communicative event" (van Dijk, 1992, p.88) throughout the proceedings.

The Context of the First Case

For seven years, from 1985 to 1992, I was in a relationship with Ms. X, a mother of two children, and the former wife of Mr. X. Ms. X's younger child lived with her throughout most of our relationship; her older child lived mostly in California, first with his father and some friends of Ms. X, and later in foster and group homes, and in psychiatric wards. This older son eventually returned to BC under the supervision of a Ministry of Children and Families (at that time known as the Ministry of Human Resources) District Office. I worked as a child protection worker in that district office, and so immediately informed my supervisor of my relationship to Ms. X. The file concerning Ms. X's older son was therefore, as is required by Ministry policy, removed from the office, and I never attended any meeting at which Ms. X's child might be discussed, nor was I ever in any way involved in planning for him. This older child attained the age of majority, and passed out of the care of the Ministry. [Let us pause, just for a moment, to note the existence of Ms. X. It is important to note that I have started out my list of facts by naming/not naming her, because she is soon to be absented from the proceedings. Why?]

Throughout my relationship with Ms. X, her former husband Mr. X made complaints to the Ministry and to the Ombudsman about my conduct as a social worker, stating that I had improperly been involved with his son's care. These

complaints were investigated several times, always found to be groundless, and in each instance dismissed. In 1993, long after I had left the employ of the Ministry, Mr. X attempted to have me removed from my subsequent employment by complaining to the licensing authority in charge of the community care facility which I managed, in the course of a three page letter and seventeen page 'report', that I was "a dangerous person" who engaged in "unwholesome, unethical and possibly criminal behaviour". He indicated to the Chief Licensing Officer that charges against me under the Criminal Code were being "considered". He revealed to many people, at a time when there existed no human rights protection on the basis of sexual orientation, that I was a lesbian. Also in 1993, he attempted to interest CBC and CTV in investigating his allegations against me, apparently telling them of an alcohol and drug treatment centre being run by a drug-addicted satanist. One result of this was that reporters approached some of my colleagues in the small community in which I worked to ask what they knew of my involvement in satanic cults and cocaine use (Mabey, personal communication, October 1993).

In December 1995, Mr. X made a complaint about me to BRSW alleging that I had committed professional and personal misconduct in matters relating to *his* sons (letter, Mr. X to BRSW, December 21, 1995). [I italicize this point in order to draw attention to the beginning of missing Ms. X. Although these are also *her* sons, she has never filed a complaint against me. Since we are, in 1995, parted for two years, why has she not done so if she had a concern? But let us make note of an even more interesting fact. In 1995, one of

these 'children' is in his mid 20s and the other in his late teens. These are, then, three adults who are capable of making complaints. I am not interested in you noticing that none of them has done so; I am not offering any implied defence of my self or my conduct. What I am asking you to notice is that Mr. X's right to complain *on behalf of* these three adults, to *speak for* them, is accepted without question, accepted as 'natural'. It can only be 'natural' in a heteropatriarchy, where women and children are understood to belong to men, and men are understood to have the right and the obligation to take action to 'protect their/the family'. It is my intention to show how the BRSW cavalry shows up to help him protect the/his family, and so implicitly buttress men's ownership of women and children. These actions also implicate BRSW in the production of several subjectivities: heterosexual, lesbian, family.] His allegations were many, including that I had misused my position as a social worker, engaged in fraudulent misrepresentation, committed forgery and child abuse. He provided BRSW with copies of his correspondence relating to his previous complaints to other bodies, an affidavit from a custody hearing, and many other documents which remain unknown to me because BRSW has never, despite my repeated requests and their legal obligation to do so, provided them to me. Throughout the subsequent investigation and ancillary processes, BRSW never stated which of the many allegations in Mr. X's documents were being investigated or considered as allegations of misconduct. After 20 months, his complaint was dismissed in its entirety.

Three months after the complaint was dismissed, BRSW's Practice Review Committee wrote me a letter censuring me for a matter, unrelated to Mr. X's

allegations, that had been uncovered during the investigation. I objected to the censure, and they agreed to remove the letter of censure from my file.

> [Right about now you will make the first mistake, the first commitment to the discourse that can also condemn *you*. Right about now you will think to yourself, "but she must have done *something* wrong", or, more prosaically, "there's no smoke without fire". I forgive you for this; I understand, better than most, the discipline of the discourse.]

The Documentary Context

Any regulatory proceeding produces a number of documents, textual testament to the disciplinary process. I have 41 separate documents related to the complaint of Mr. X, most of them pieces of correspondence produced by BRSW, BRSW's lawyer, or my lawyer. My name is signed to only three of these pieces of correspondence; I hesitate to describe them as 'written' by me, given my lawyer's role in their composition.

These documents exist in the context of BRSW's complete control of the regulatory process. BRSW has and exercises the right to decide who will speak to whom, and about what; what mode of communication will be used, and by whom; which genres of discourse will be allowed; in what order 'turns' will be taken; and, ultimately, which participants in the process will have which rights and obligations. BRSW's entitlement to these 'rights' "presupposes as well as enacts and confirms [its] social power" (van Dijk, 1996, p.88). Through its differential distribution of these rights to various players in the situation, BRSW also enacts and confirms their social power, and produces subjectivities.

Some of these rights are explicit, existing both in statements in BRSW correspondence and enshrined in the rules of the Social Workers Act (1995). For

example, Rule 2.01 h) states, "The Board shall have responsibility for discipline of Registered Social Workers for violation of the Act, these rules, the code of ethics or standards of practice" (Social Workers Act, 1995, p.1). The section [7] of the "Schedule of Rules for the Board of Registration for Social Workers", which describes the complaint process, covers six closely spaced pages.

Most of these rights are, however, implicit. While the 'Schedule of Rules' enjoins the Board to deliver to the social worker "[a]ll material relied upon by the Registrar in the course of the inquiry" (1995, p.6), BRSW is apparently free to ignore this rule, as it did in my case. Although both my lawyer and I repeatedly requested[1] documents and information that were referred to in correspondence received from BRSW and its lawyer, not only was this material never delivered, but also no acknowledgement was ever made of our repeated requests. Those documents that were provided to me were delivered with the agreement of the complainant, even though there is no requirement in the Act or the 'Schedule of Rules' requiring BRSW to obtain this consent[2].

The operationalization of power relationships in the disciplinary process extends even beyond the implicit, beneath what is said and unsaid. The bulk of the complainant's 'complaint' was vitriolic invective that impugned not just my conduct as a social worker but my humanity. He described me, in one set of documents supplied to BRSW and released to me, as a liar, a forger, a

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[1]Strega to BRSW, January 25, 1996 and January 5, 1997; Mackie to BRSW, March 1 and March 18, 1996 and March 13 and May 6, 1997.

[2] "After speaking with the complainant in this case, we have received his agreement to release further information to you" (letter, 7 March 1996, BRSW to Strega).

"dangerous person", who "lives and enjoys the tension of a double life... performing acts of malice" (Mr. X, letter to Central Vancouver Island Health Unit, 1993), as "dysfunctional", "czar-like", guilty of "criminal breach of trust" and "just like Satan" (Mr. X, report supplied to Central Vancouver Island Health Unit, 1993). He validated his comments through the frequent use of 'referent power', naming culturally powerful individuals [policemen, doctors, lawyers, counsellors, child care workers] as in agreement with his statements.

My lawyer repeatedly adjured me to make no reply to such descriptions, and to be careful to not in any way impugn Mr. X's character in my responses to the Board. In any written or verbal contact with BRSW, I was advised to be polite and deferential at all times. I was advised to avoid the use of referent power in either of its forms: whatever my political or feminist analysis might be about what was happening, I was encouraged to 'keep it to myself'; and I was not to cite, in my own support, the name or status of any individuals except those directly involved in the situations under review. In essence, although I might believe or experience otherwise, I was to 'act as if' I was engaged in a neutral, objective, and fair process. What was largely unspoken but occasionally acknowledged directly to me by my lawyer, was that it would be 'dangerous' for me to act otherwise.

It is this process which I have described in the foregoing which is so revealing of the power/knowledge nexus where BRSW functions. While participating in a process that I both believe is and experienced as partisan,

subjective, and unfair, I must behave as if I believed it to be and experienced it as neutral, fair, and objective, or I will be punished, be *disciplined*. What is not acknowledged in this conundrum, that I am seeking to acknowledge here, is that in such a process I have already been disciplined, have already become subject to/of the discourse. Discipline is not something that is going to happen to me if I behave in a particular manner, outside of the explicit or implicit rules of BRSW and professional disciplinary discourse. Were I not already disciplined, I would not belong to BRSW, nor describe myself as a 'social worker', nor, perhaps, care about what has been said about me by Mr. X. It is through the discourse, which I cannot *not* participate in, that I have participated in the creation of my subjectivity/myself as ethical social worker and moral person, subject to the discipline of the discourse.

The Documents In The Case: Selection

Of the 41 documents that pertain to the complaint against me, I have selected six for analysis, and focus on text selections from within each document rather than the documents in their entirety. I have further divided these six documents into two separate sets, reflecting two separate 'conversations', in Smith's (1997) sense of texts that exist in relation to one another constituting a conversation. I have chosen these particular texts in order to illustrate the operation of power relations and the power/knowledge nexus, what structuralists might call ideology. From a structuralist/Marxist perspective, *qua* Althusser, I would perhaps say that the two conversations illustrate the

operation of ideological state apparatuses along certain foundational frameworks; this is particularly true of the first conversation, which imposes juridical discourse on the process. From the perspective of institutional ethnography, *qua* Dorothy Smith, I would perhaps say that the 'ruling relations' of gender, race and class are reproduced in these two conversations; this is particularly true of the second conversation, where lesbian subjectivity is a site of struggle. From my perspective all of these texts illustrate internal and external demarcations of resistance and complicity, loyalty and betrayal; they are about who and how a social worker can *be*.

I am also particularly interested in *these* documents because it is their subtlety in achieving their ideological goals, their taken-for-grantedness, which is interesting to me. Perhaps the functioning of the discourse in the texts I have chosen is more obvious to others who are different than me. I intend no false universality here. The documents that I chose for analysis were interesting to me precisely because I *didn't get it* the first time that I read them: nor did I get it the third or fourth or fifth time I read them. I knew something was being done: to me, in the world. I could *feel* it; I could *sense* it. But I had to engage in a struggle to demystify the effects of the discourse, to discover what was there *and* not-there, there *but* not-there. The struggle: my internal struggle against the voices that tell me that I am crazy, or that I will seem so to the reader; my external struggle to find other voices that echo my own.

Textual Analysis: The First Conversation

The first conversation concerns the power relations embedded in the regulatory process, as control of the 'communicative event' and subject positions are negotiated and established. This discussion involved seven letters as outlined below. The documents which will be analysed in detail are marked by an * and are included in Appendix A.

January 11, 1996: BRSW (Storey) to Strega*
The official notification of the complaint.

January 25, 1996: Strega to BRSW (Storey)
Response to the complaint. Request that BRSW release remaining documents in their possession to me. Request for BRSW statement as to the parameters of the complaint.

February 21, 1996: BRSW (Storey) to Strega
BRSW refusal to release remaining documents and refusal to establish parameters of complaint.

March 1, 1996: Strega's lawyer (Mackie) to BRSW
Cites Social Work Act 'Rules' in requesting that BRSW release remaining documents.

March 7, 1996: BRSW (Storey) to Strega*
Agreement to release some of remaining documents. Notification that an investigator has been appointed.

March 18, 1996: Strega's lawyer (Mackie) to BRSW
Request for clarification of the parameters of the complaint and investigation.

March 28, 1996: BRSW's lawyer (Neville) to Strega's lawyer*
Refusal to establish parameters for complaint.

The initial letter from BRSW frames the discourse for all subsequent interactions, essentially providing a 'set of instructions' (Smith, 1997) for reading all subsequent correspondence and for understanding the process itself. The opening sentence reads, "As Registrar of the Board of Registration for Social Workers, I am writing to inform you that a complaint regarding your social work practice has been received" (letter, BRSW, January 11, 1996). While such an opening seems formulaic, it is critical in framing all that will follow. Hastings suggests that "introductions are crucial in texts in the way that they orientate the reader or set the scene for them" (1998, p.198, citing Fairclough 1992). As readers, we are presented with the factual orientation that the complaint is about my 'social work practice', but the discursive orientation is to juridical discourse: 'complaint', 'allegation', 'Social Workers Act', and 'legal counsel'. While the collective nouns 'social work' and 'social workers' occur in five places in this letter, the matters under consideration will not be framed by a social work understanding; they will not be discussed in the discourse of social work. 'Social workers' is used only in relation to the Social Workers' Act, and the more frequent use of such words and phrases as 'complainant', 'allegation', and 'the right to retain legal counsel' suggest that even though the *location* of the matters to be discussed is social work, juridical discourse provides the frame of knowledge for the discussion. Other frames of knowledge, such as feminism or social work, are 'available', but will not be used.

The imposition of juridical discourse has such naturalness that it is difficult and disorienting to point out other understandings and knowledges that have been discarded. For example, a social work understanding of this situation, at least as social work is taught academically, would insist that this situation cannot be examined in isolation but must be understood in its social and cultural context, and further that analysis of that context is essential to finding a solution. The 'instructions' contained in the first letter of this conversation make clear that the complaint is to be severed from its context.

I am not, in this analysis, implying that social work as practiced is committed to 'keeping the context'. The chasm between social work as it is taught and social work as it is practiced extends to many realms of social work beyond the complaint process. For example, student social workers learn that poor and marginalised mothers come to the attention of child welfare authorities because of structural inequalities and systemic racism, sexism, and classism. Practicing social workers identify the individual failings of individual mothers while rarely referencing or addressing these systemic problems; if they experience dissonance between their academic and practical understandings, they generally keep it to themselves. Swift (1995) and Callahan (1993, 1990) are some of the theorists that have discussed this in some detail.

Social work as practiced exhibits a primary allegiance to positivism and its two professional branches, medicine and law. Medicine's disease model infects social work practice at almost every level. "If you cannot measure a client's

problem, it does not exist. If you cannot measure a client's problem you cannot treat it" (Hudson, 1983, cited in Swift, 1995, p.15). While this may be debated at a theoretical or academic level of social work, it is rarely debated in practice, where medicine (usually in the guise of psychiatric or psychological diagnosis) and law frame social work. Medicine stands enshrined with law in our culture as the most powerful of the contemporary discourses, standing firmly on the twin pillars of 'proof' and 'reason'; these discourses are so central as to pass without notice. Other ways of looking at the world are considered to be 'perspectives': positivism is non-perspectival; positivism is what *is*.

BRSW's invocation of juridical discourse makes clear that certain realms of knowledge, certain *perspectives*, are to be excluded from the discussion. Smith comments that juridical discourse "does not know how to handle different experiences of one event other than to discard one or even both in favour of an 'objective' version" (1997, p.295). Interpretation, whether it is centred in phenomenology, hermeneutics, experience, or the spiritual, is allegedly not on the table. What is obscured by this allegation is the very centrality of interpretation to the regulatory process. The events under discussion occurred ten years before the complaint; any individual's memory of the events will be 'interpretive', to one degree or another. It is BRSW's [and perhaps one particular individual's] 'interpretation' of Mr. X's statements as constituting a 'complaint' that begins the disciplinary process[1]. Eventually, the allegations and the

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[1] BRSW both instructed Mr. X in how to formulate his statements into a complaint and actively solicited the complaint. In a letter to Mr. X dated November 1, 1995, he is instructed in how to

information supplied about them will be 'interpreted' as acceptable or not acceptable according to social work's Code of Ethics and Standards of Practice.

The exclusion of any alternative frames of knowledge is so common and accepted within any regulatory proceeding that it generally passes without comment or dispute. Their exclusion leads us to make certain inferences and assumptions about both the process and BRSW as a protagonist, such as that the process will be fair and objective, that BRSW itself is rational and objective, and that the application of rationality and objectivity will result in the revelation of a truth. While an argument might be made that alternative discourses may actually offer fuller and richer opportunities for questioning, describing, and understanding what happens, especially in the social world, their inability to be 'rational' and 'provable' in the ways required by juridical discourse obviates their use.

Peeling off another layer of the discursive structure, it is possible to see another exclusion: the matter of gender. The gendered nature of the discourses which are included and those which are excluded is neither noticed nor noted, an interesting exclusion for a profession that has been numerically dominated by women, both as clients and as workers, since its inception. Juridical discourse, a regime of truth historically owned and dominated by men, has not only been elevated above all others but has become the lingua franca in this proceeding.

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construct his complaint. When Mr. X does not for six weeks supply a written complaint, there is a telephone call between BRSW (Storey) and Mr. X, and in a subsequent letter to Mr. X dated December 15, 1995, he is given further detailed instructions on how to construct his complaint.

The language of experience, traditionally women's discourse, is inadmissible. As Smith notes, juridical discourse "is a discourse with the power to reorganize and subordinate other discourses" (1997, p.284).

> [An aside: I want to say this also, at least for myself, in a more simple and direct way. The BRSW Registrar at the time was a woman. I am a woman[1]. Yet we agreed, without any discussion, to communicate not only in the language of men, what Julia Penelope has called PUD, "patriarchal universal discourse" (Penelope, 1990), but in one of the most valued branches of PUD, juridical discourse. While I name this an 'agreement' between us, such naming will seem absurd to most readers: how else would we communicate? Thus the excision of the irrational, the emotional, the interpretive, and the mystical happens without notice. Those who are objective (men) communicate in rational and meaningful ways: they talk, discuss, argue. Those who are subjective (women) communicate emotionally and irrationally: they nag, prattle, jabber, gossip, chitchat, natter, babble. Women's access to even limited power in this culture has been dependent on their willingness to communicate in PUD, and their concomitant excision of the emotional, interpretive, and irrational. As Catherine MacKinnon notes, "in language as well as in life...the male occupies both the neutral and the male position" (1987, p.56). Women persist in believing that access to 'the discourse', and willingness to communicate in it, will serve as entrée to a secure place within the structure of capitalist heteropatriarchy. In our desire to have a place at the table, instead of continuing to set it and clear up after, we are lopping off many of the limbs [emotion, spirit, irrationality] that might identify us as female. In a world where the movie 'Boxing Helena'[2] is considered erotica rather than hate speech, this can seem natural. But in a world where women continue to own less than 1% of the property and less than 10% of the wealth, perhaps it's time to reconsider this approach.]

This 'agreement' is a place where the ideological work of the text is taking place. The use of juridical discourse in our communications is a kind of idolatry of PUD. "Women's access to discourse involves submission to phallocentricity, to the masculine and the symbolic: refusal, on the other hand, risks reinscribing the feminine as a yet more marginal madness or nonsense" (Jacobus, n.d., cited in Rosenberg, 1999, p.7). Whoever in this situation is better at 'commanding'

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[1] In discussing the complicated matter of lesbian identity, Monique Wittig has suggested that lesbians are not women, because we do not belong to the socially constructed category of 'woman'.

[2] In 'Boxing Helena', a woman participates 'willingly' in the successive amputation of all of her limbs in an attempt to satisfy her (male) lover.

juridical discourse, at having juridical discourse serve his/her ends, is likely to 'win'. Of course, juridical discourse would also say that winning has nothing to do with it: that what is really going on is about some neutral, fair, objective process in which 'the facts' will be 'discovered' through a process of investigation and reason.

These words [facts, discovery, investigation, reason] speak to an overarching positivist 'scientific' discourse, foundational to both law and medicine. The first written introduction of this lexical set[1] is in BRSW's initial letter to the complainant, describing what may happen during "the investigation of the complaint" (BRSW, November 15, 1995). 'Investigation' has all the necessary scientific vestiges; Webster's defines investigate as "to observe or study by close examination and systematic inquiry ~ *vi*: to make a systematic examination; *esp*: to conduct an official inquiry" (1993, p.616). Rooted in the Latin words for track and footprint, the first common English use of 'investigate' occurs in the early 1500s, when it was used as a description of the activities of the inquisitors. Thus, in the very first communicative event in this regulatory proceeding, what is happening and what is about to happen are framed in the two most powerful and patriarchal discourses of our time, the legal and the scientific: the language of the inquisition. BRSW reproduces, sustains, and maintains existing power relations through its valorisation of positivist epistemology and the scientific and juridical discourses.

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[1] 'Lexical set' is a term used by Gough and Talbot (1997) to describe the vocabulary of a discourse.

Yet the matter of *what* is to be investigated remains undefined throughout the process. From the beginning of my correspondence with BRSW, I ask for a definition, a map of the parameters of the investigation; BRSW consistently offers a vague and indefinite response, "The Board's focus in this investigation will be solely on issues related to social work practice and ethical behaviour" (letter, March 7, 1996). Through my lawyer, I repeat my request for definition. "[W]e would ask that you delineate exactly which of Mr. X's allegations that, if substantiated, you believe would constitute a breach of your Rules and/or Code of Ethics" (letter, March 18, 1996). BRSW does not directly refuse to respond to this request; it simply never answers this letter. Instead, BRSW's lawyer replies, stating that "the Board of Registration requests that you respond to all of Mr. X's allegations" (letter, March 28, 1996), even though I had already done so. The discourse hidden within BRSW's refusal to define what it is examining is the discourse of the panopticon, the right of the modern bureaucracy to extend its surveillance over the entire lives of its subjects. It is a discourse that has embedded within it determinations about who can be *forced into* speech and who is *allowed to be* silent. I am compelled to make response to Mr. X's allegations, but BRSW maintains silence about which of his allegations constitute grounds for a complaint.

This idea would seem to be substantiated by BRSW's statement, in its March 7 letter, that "The Board will not become involved in a dispute regarding the nature of personal relationships between adults." I have puzzled and

puzzled over the meaning of this sentence. In a letter that contains in total only five sentences, this sentence would seem to be important. Yet I remain confused. I have never had, except once removed, any 'personal relationship' with Mr. X. There has never been any 'between' between us; while he has harassed me and complained about me, we have never actually even met one another. Perhaps BRSW wishes to establish again the neutrality and objectivity of its processes. Another reading of this sentence would suggest that 'if we [BRSW] are involved, then we are involved because these matters are more than/different than personal matters; we [BRSW] have a right to be here, a right to be investigating, assessing, evaluating, passing judgement'. A third reading, suggested to me by Daniel Scott, is that this sentence is a 'disclaimer' that BRSW is responding to the machinations of a "jilted third in a love/personal affair/matter" (personal communication, December 18, 1998). Whatever BRSW is doing, they are not doing 'that', although 'that' is never explicated. What is suggested to me by this reading is how irrationality can be accepted and/or re-packaged as rationality depending on its source.

> [What is at play here is partly gender relations, and partly the culture's conception of normal human = normal (neutral, objective) male. Two women warn me against displaying emotion in the process. The first is the BRSW Registrar, who warns me in our very first contact to say nothing more to her, to not reply or respond to her information that BRSW has accepted a complaint against me from Mr. X. The second is my lawyer, who tells me that it is 'dangerous' for me to be emotional in my response to the allegations. Let us unpack this a bit. An individual has made several egregious allegations against me to the professional body that controls my right to practice. An emotional response to these allegations is 'out of line', 'dangerous', 'could be used against me'. What would such a response be seen as evidence of? I suggest several lines that radiate from this injunction against my emotionality to the rules by which women

> are kept silent/keep themselves silent. One leads to "Parental Alienation Syndrome[1]", a proto-diagnosis applied when one parent turns a child against another parent by speaking ill of him. The offenders are invariably female, the victims almost always male, and the cure is removing custody from the offending mother and giving it to the victimized father. Another leads to how responsibility for violence breaks down along gender lines: women are often viewed as inviting the violence of rape or assault through their behaviour or clothing, while men are provoked to violence by women's behaviour or clothing. Men's irrationality is somehow not really irrationality, or if it is irrational, it is justified. Thus, Mr. X's continuing pursuit of me, almost ten years after the events in question, is either rational or acceptable rationality, while any emotional response that I might make to his pursuit is dangerously subjective.]

Perhaps 'that' can also be understood with reference to BRSW's own report that its single greatest category of complaint investigated over the past few years has been "breach of confidentiality by providing information obtained in marriage counselling on behalf of one party in a custody dispute when not legally required to do so" (BRSW, *Perspectives*, Winter 1998, p.19). While BRSW is carefully genderless in its description, Kinderknecht (1993) found in her dissertation research, based on the experience of one American regulatory board, that the most common category of complaint was that of men accusing female social workers of improper professional conduct in marital and custody proceedings. Adding these two pieces of information into the mix allows us to see more clearly how female/feminist[2] social workers are both the site and subjects of discursive struggle.

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[1] This 'syndrome' was invented by Dr. Richard Gardiner, child psychiatrist and professor of psychiatry at Columbia University, author of *The Parental Alienation Syndrome: a Guide for Mental Health and Legal Professionals*.

[2] I have aligned these two words because in common parlance the 'F' word is applied as an epithet even to women who disavow feminist sentiments. Fear of the 'F' word controls and constrains women's behaviour. The killer in the Montreal massacre told his victims that he was killing them because they were 'fucking feminists'; several begged to be spared because they weren't feminists. He killed them too.

Some of what is being surveyed through the panopticon of BRSW is where the allegiance of female/feminist social workers lies. If women social workers as individuals are to gain access to positions of power in the social work hierarchy, and if social work as a profession is to be successful in climbing the ladder of professional status, both groups must demonstrate their willingness to prostrate themselves before the twin g-ds of medicine and law. They must be prepared to demonstrate that reason has triumphed over emotion, that they hold proof as more important than intuition, that their conception of ethics accords with that of the heteropatriarchy. As Weedon (1997) notes, "[f]orms of subjectivity which challenge the power of the dominant discourses at any particular time are carefully policed" (p.87). Women must declare themselves through their discursive allegiance as neither female nor feminist but as a kind of *ur*-male. As in Broverman's landmark 1970 study of mental health evaluations of normal human, normal male, and normal female, which demonstrated the equation normal human = normal male, 'normal' professional = 'normal' male; the 'normal' female exists as something suspect until her allegiance is made clear.

Thus we are in a very familiar position, for women, with juridical discourse. The law has a well-documented history of working for men and against women; myriad examples spring to mind, from the burning of witches to recent court decisions on turning client counselling records over to defence lawyers in rape cases. None of these decisions are, ever, *intentionally* hurtful to women; they are 'simply' the by-product of applying principles of the objective

reasoning of the time to cases before the courts. BRSW [and other social work regulatory boards] are doing nothing more and *nothing less*. They do not act for one class, race or gender and against another class, race or gender; they are neutral, fair, and objective. Social workers who show any symptom of demonstrating another allegiance, who have failed to "learn to discipline themselves or learn self-discipline through [the] notion that they are potentially under surveillance" (Mills, 1997, p.39), will be disciplined into an acceptable subjectivity.

A final possibility is that, being aware that the defendant in the case is a lesbian, BRSW is pre-emptively defending itself against a charge of bias based on sexual orientation, an idea first suggested to me by Daniel Scott (personal communication, December 18, 1998). In the careful language of juridical discourse, BRSW would not want to refer to such a possibility directly, choosing instead the indirectness of a phrase such as 'the nature of personal relationships'. Yet, as I will illustrate in the next part of my analysis, BRSW is deeply implicated in the reproduction and legitimisation of not only gender/power relations, but also relations of heterosexism and homophobia.

Textual Analysis: The Second Conversation

The second conversation concerns the power relations embedded in the discourse as they are implicated in the creation and discipline of subjectivities. It is comprised of four letters as outlined below. The documents which will be analysed in detail are marked by an * and are included in Appendix A.

May 13, 1996: Ms. B to BRSW (Kielan)*
A letter written at the request of the BRSW investigator.

January 5, 1997: Strega to BRSW (Van Den Assem) pages 3 and 4*
Response to BRSW's investigation; only the portion related to Ms. B's letter has been included.

July 28, 1997: Practice Review Committee (Hanson) to Strega
Letter dismissing Mr. X's complaint in its entirety.

November 14, 1997: Practice Review Committee (Hanson) to Strega*
Letter expressing concern and disapproval regarding the incident reported by Ms. B.

The exchange begins in the middle of the Board's investigation of the Mr. X matter, with a letter from Ms. B, a social worker who had worked with me in the district office, to the Board's investigator, Ray Kielan. I would like to place this letter in context.

I had suggested to BRSW that they could substantiate my version of events regarding Ms. X's son by interviewing the two individuals who had been most involved in the situation: the district [and my direct] supervisor, and the social worker in charge of Ms. X's son's 'case'. BRSW did not initially contact either of these individuals[1], both of whom were at the time still employed by the same Ministry in the same district office. BRSW did conduct "an extensive investigation in this case, interviewing many individuals including yourself, your sons, your former wife, former neighbours, several employees of the Ministry of Social Services, police and school board officials" (letter, BRSW to

[1] In May 1997, BRSW did finally contact my former district supervisor to ask him to comment on Mr. X's allegations.

Mr. X, December 16, 1996). I do not know how many people were interviewed or who all of them were; while BRSW did provide to me a copy of a transcript of the investigator's interview with a regional manager, a copy of a letter written by Ms. X's son's child care worker in 1990, a copy of a letter written by Mr. X's lawyer to the Ombudsman in 1987 and a copy of Ms. B's letter, they declined to name their other interviewees and did not provide me any other interview transcripts.

Ms. B was apparently approached by the investigator; she indicates in her letter that she is responding to questions from the investigator. She goes on to describe an incident unrelated to my employment by the Ministry but somehow "pertaining to Susan's professional conduct with regard to the family of her partner" (May 13, 1996). Leaving aside the matter of who BRSW interviewed, and why, and why they would not tell me this information or pass on to me interview transcripts (as they are required by statute to do), this sentence contains a conundrum and a puzzle. I never engaged in any 'professional' conduct with 'the family of my partner'; while I was with the Ministry, I was careful to remove myself from such a perception and the incident that Ms. B is about to describe occurred long after I had left the Ministry. But two dominant related discourses, those of 'family' and of 'heterosexuality', conspire to create this interesting construction. In this creation, I as the 'real' lesbian do not have a family. Ms. B makes a neat separation between my existence and 'family': 'family' is something that belongs to my partner [and, as illustrated earlier, to my

partner's ex-husband]. In this conversation, as it is throughout the texts, the dominant discourse about lesbians is persistently present below the surface. Why do I not have a family? Perhaps because the dominant [heteropatriarchal] discourse on lesbians is that lesbian identity is a sexualized identity, and hence the basis of relationship is sexual rather than familial. I am in a less legitimate relationship than a marital relationship; the state enshrines this in denying lesbian couples and families social benefits that are routinely accorded heterosexual couples and families. What I do, how I live is somehow sordid; this is why I have no legal protection against the loss of my job or housing or any other benefit[1]. Ms. B, like BRSW, reproduces the ruling relations of heteropatriarchy in neatly severing me from connection to 'family'.

What, then, is my relationship to these people? Ms. B implies that it is a 'professional' relationship, allowing her to comment on my 'professional conduct'. At the time of which Ms. B is writing, I have been in a relationship with my partner for more than six years. We own property together. My partner and I and her younger son have recently returned from ten months of travelling together. I have not worked for the Ministry, or any other branch of government, for more than two years. Yet, somehow, Ms. B is about to discuss my 'professional' [not my personal, nor my familial] conduct. In doing so, she transforms the nature of the event; she shapes, manages, manipulates, and

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[1] BC is now one of two Canadian provinces [the other is Ontario] offering limited protection against discrimination on the basis of sexual orientation. At the time of these events, such protection did not exist.

moulds the event into one of professional conduct. If it were my personal conduct that was being investigated, it could not be a matter of professional misconduct. If it was my conduct as a member of a family, it could not be a matter of professional misconduct. But let us hear from Ms. B:

> ...Susan requested that I use the Ministry of Social Services computer information system to give her information on someone connected to [her partner's] family. I cannot recall if she was requesting the address of Mr. X or of one of the children. Susan described her need for the information as relevant to the safety and protection of [her partner's] child(ren). Susan contacted me for this information because I believe she felt I would be sympathetic to the concern for the child(ren) involved. I refused Susan's request in a follow up call. The information requested was not conveyed by me and I explained to Susan that I would not violate my position or confidentiality to provide her with the requested information.

Ms. B. wrote this letter in 1996, describing an event that happened in 1990.

I would first like to note what is defined by Ms. B as important. Having said earlier in her letter that she cannot even remember the year of my call to her[1], and having made clear in this excerpt that she cannot remember exactly what I wanted or why, she is able to be definite that I asked her to commit a 'violation'. If, as Smith suggests, "it is the response to an act that gives the act its determinate character" (1997, p.289), then Ms. B's use of the word 'violate[2]', especially when juxtaposed with the earlier phrase 'professional conduct', is a particular defining and determining of my 'act'. First, by conveying the information to the BRSW investigator, Ms. B defines the act as worthy of

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[1] "Sometime in the late 1980's or early 1990's" (letter, Ms. B to BRSW, May 13, 1996)

[2] From Merriam Webster's Collegiate Dictionary, 10th Ed.: 1: BREAK, DISREGARD (~the law) 2: to do harm to the person or esp. the chastity of: *specif.* RAPE 3: to fail to show proper respect for : PROFANE (~a shrine)

investigation, worthy of reporting. While I may have imagined it to be a private or personal or even a family act, Ms. B's response makes it something else: a matter for investigation. Her use of the phrase 'violate my position' implies a sexual violation, giving the event not just a violent character, but, again, a sordidness. It is a way of further creating me as a primarily sexualized subject.

Let me describe the event as I understood/understand it, in my letter to BRSW (January 5, 1997):

> In the spring of 1990, [my partner's] younger son [ ] began acting oddly, carrying a knife to school and expressing concern that he was being followed. One day, he went missing. [My partner] spoke with the police, and she and I between us contacted everyone we could think of who might help us locate [him]. We were frantic; [he] was only 14 years old at the time, and had lived most of his life in a rural area; anything might have happened to him. [My partner] and I both believed it to be possible that [he] was, voluntarily or involuntarily, with his father [Mr. X], who was probably collecting income assistance. I did contact Ms. B to ask if she would look up Mr. X's current income assistance address so that we might direct the police there to look for [him]. Ms. B. refused.

I have intentionally presented the texts here in the sequence in which they were written so that readers may be aware of how their reading of the event changes, or not, as they move between these two accounts. Am I a sleazy, unethical lesbian with no respect for society and its rules, urging others to 'violations'? Am I a desperate [step] mother frantic for her child's safety?

I would also like to take up the matter of Ms. B's behaviour at the time of my call to her, first by noticing that it is not 'taken up' by BRSW. Ms. B was, at the time of my call to her, employed in child protection. I had expressed to her a concern that a child was in danger. "Isn't it her job to investigate complaints

about children's safety"? (Callahan, personal communication, May 24, 1999). But Ms. B takes no action. Is it possible to read her inaction as a breach of her duty as a child protection worker, perhaps even a breach of the social work Code of Ethics? Is it possible to read her inaction as a matter worthy of investigation by BRSW?

While I do not want to offer any 'essential' or definitive answer to these questions, I want to notice what is valorised and what is devalued. My desperate parental act must be investigated and, as we shall see, censured. Ms. B's inaction, despite her statutory obligation to investigate child protection matters, is acceptable. My suggestion is that it is our disparate loyalties, rather than our actions, which determine BRSW's response. Ms. B's 'sympathies' are with her 'position' and her oath of confidentiality; she makes clear where her allegiance lay at the time of my call to her, and her compliance in reporting me now affirms this. I, however, clearly believe that there might be other rules, other loyalties; it is on this basis that I asked Ms. B to 'violate her position'. I am dangerous.

I have from the beginning been disturbed by Ms. B's letter, alternately drawn to it and resisting it at one and the same time. I have come to believe that this 'conversation' brings to life the complex web of resistance and complicity where all professional women, all women who might be called 'feminist', live. Ms. B wonders why I would phone her, and it is recently, reading a novel in which social workers secretly use the system to rescue young prostitutes[1], that I

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[1] Abigail Padgett, *Blue*.

finally come to understand. I had thought Ms. B might have another loyalty; we had discussed feminism, and violence against women: Ms. B knew something of how the system cleaves against women, even as she worked within it. She had related to me some personal experiences with the casual misogynist exigencies of the bureaucracy. For all these reasons, out of her positionality, I believed that she might help me/us: as a mother, as woman, as a feminist.

Such an understanding helps me 'account' for Ms. B, who now makes an effort to 'report' to the investigator, at once absolving herself while implicating me. I admire in a different way now [now that I myself have had the assistance of a lawyer sanitizing my own 'accounts'] how she never explains why she did not before report this matter to 'the proper authorities'. It would perhaps be necessary to notice, if she did, the atmosphere of social work regulation, pre- and post-Gove, pre- and post-Katie Lynn Baker[1]. To 'not notice' absents all this from consideration; this is the functioning of the well-disciplined subject.

For several months, BRSW made no determination of its own, offered no definition of this event, and made no comment. The complaint was finally dismissed, in its entirety, in July 1997. Then, four months later, a letter arrived

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[1] The Gove Inquiry examined the actions of those involved, primarily child protection workers, in the life and death of Matthew Vaudreuil, a child who had been involved with the Ministry of Social Services [as it was known at that time] for most of his life. On its own initiative, BRSW created and investigated complaints against some of the social workers named in the inquiry. Katie Lynn Baker was under the care of a number of health professionals and involved with the Ministry of Social Services; some social workers [but no other professionals] were disciplined by the Ministry after her death.

from the Practice Review Committee of BRSW (November 14, 1997) concerning Ms. B's letter. It read in part:

> The Committee unfortunately did not advise you of its concern with respect to your actions in this situation at the time it dismissed the complaint. However, the Committee wishes at this time to state that it disapproves of your actions in this matter which it considers were inappropriate.
>
> The Committee wishes to note its concern in this matter and bring it to your attention to ensure it does not happen again. Thank you for your anticipated cooperation.

The dominant discourse valorizes parental efforts to save and protect their children and denigrates those, especially mothers, who fail to do so. [As illustrated by popular movies such as 'Not Without My Children' etc., Reader's Digest stories of parental heroics, and the critical discourse surrounding the 'bad mothers' of neglected and abused children]. In order to protect a child, with whom I was in a parental relationship, I asked Ms. B. to break her oath of confidentiality. Let us suppose for a moment that Ms. B had broken her oath, provided me with an address which I then gave to the police, and the police intervened moments before [my partner's child] was subjected to abuse. Such a story is, after all, within our knowledge and understanding. Are my actions then 'inappropriate' and worthy of disapproval? Would I be asked to ensure that such actions do not happen again? Let us suppose for a moment that I was the biological mother of this child, now living in a second heterosexual marriage, and I suspected that my ex-husband, a man with a record of violence and abuse,

has abducted my child. Would BRSW then consider my actions 'inappropriate' and worthy of disapproval?

I would like to apply two other 'reversals' in order to reveal the effects of the discourse in the creation of subjectivity. If BRSW does not consequence me for making this phone call, if it valorises or even accepts my actions, then perhaps I am a mother; perhaps I do have a family. Secondly, let us consider whether feminists might find Ms. B's actions acceptable. There has been considerable feminist analysis concerning the failures of both the child welfare system and the law with regard to women and children (Armstrong 1994; Dworkin 1993; Swift 1995). Ignoring these failures, Ms. B is not only unsympathetic to my family's situation in the moment, but censures me by later reporting the incident to BRSW.

It is important to note that the Committee offers no rationale for their right to comment on this situation. While Ms. B implies that it is my professional conduct that is in question, this is possible only if I am understood to be in a primarily professional relationship with my family, which I was not. But the social work Code of Ethics does make provision for personal misbehaviour; the relevant section, while not ever referred to by the Committee, would be Section 7.3 of the Code which reads:

> Ethical considerations will usually not arise from outside interests unless the conduct is unbecoming and brings the social worker or the profession

> into disrepute, impairs competence or constitutes malpractice (BRSW, 1984, p.10).

The Committee does not suggest that I have 'brought the profession into disrepute', impaired anyone's competence, or engaged in malpractice; no doubt it would be difficult to do so, given that in the six years between my call to Ms. B and BRSW's investigation no mention was ever made of it, to myself, to BRSW, or in any public forum. Why then have they insisted on 'disciplining' me? The account of my actions, as 'inappropriate' and worthy of disapproval, that is given both by Ms. B and later by the Committee, is only coherent if I am understood to be not-a-parent. My subjectivity is constituted, by these accounts, as distinct from parenting and separate from family; lesbianism is confirmed as a sexualized subjectivity, and heterosexuality confirmed as the marker of family life. The letter from the Committee does not 'make sense' unless it is understood as part of how BRSW is implicated in the construction of both lesbian and heterosexual subjectivity; it only fails to cohere for me because, as a lesbian, I have access to alternate discourses. I understand that BRSW is reproducing and sustaining certain social 'realities': lesbians do not have families; lesbians are primarily sexual beings; lesbians are out to destroy the traditional family. As lesbian, I am other, and I am disciplined by these accounts for more than my actions; I am disciplined towards an acceptable identity.

In the final paragraph of its letter, the Committee states that it is bringing this matter to my attention "to ensure it does not happen again" (BRSW to

Strega, November 14, 1997). What is the 'it' which is to 'not happen again'? One implied 'it' might be that without such an injunction I will run around, willy-nilly attempting to suborn other social workers' oaths of confidentiality, encouraging them to violate their positions: I must be brought under control. [Let us leave aside the fact that seven years have passed since I committed this act, seven years in which there has been not a single complaint to BRSW about me doing 'it'.] Another implication is that I think such behaviour is appropriate, and that it is only because the Committee is teaching me that it is inappropriate that I will stop. What I believe is intended, though never named, is that I am being asked to make a pledge of allegiance to BRSW, the 'front man' for the institutions of science and law. I am being reminded that the gaze of the panopticon penetrates every corner. Having rendered gender relations invisible, having obscured and failed to take up the issues of violence against women and children that are embedded [and sometimes directly named] in this complaint, BRSW is demanding that I collaborate, and reminding me of the consequences of failing to do so.

Tell the Story As You Remember It: The Effects of the Discourse[1]

What is memory? I know more than most. I am able to talk about eidetic memory, about the neuropsychobiological correlates of trauma and its effect on memory, about the amygdala, limbic system, and prefrontal cortex: the belief

[1] I engaged both myself and Ms. A in a 'conversational interview' centred around two themes: (1) What do you remember about the experience, what comes to your mind about the experience, as you think about it now?; and (2) How do you think you were/are affected/effected by the experience?

that further [scientific] research will circumscribe 'truth' in the patterned collision of neurons. I can talk about false memory, the introduction of such a concept into the culture, the history of dissociation: paradigm lost and paradigm found[1].

> [The leading 'scientist' among proponents of the idea that traumatic memories can be implanted is a woman, Elizabeth Loftus. Her gender is apparently accidental and incidental to her theories and her fame. How much more compelling, how much more piquant, to have woman pitted against woman when the theatre of battle is men's violence against women. How can feminism be 'right', if women themselves are against it...and one woman against it is more compelling than a hundred women who are for it.]

This is what I remember. I stopped at a gas station, at the pay phone, and checked my office messages. There was a message from the BRSW Registrar, who at the time was Gael Storey. The message asked me to call. I returned the call immediately. My heart was racing; I had been expecting this call. She told me that I would receive a letter from BRSW about a complaint made against me, that this was a kind of 'courtesy call' to prepare me for the letter. I asked her who had made the complaint [this is funny to me now, because I remember my imaginings]; when she told me Mr. X, I was furious and also in a peculiar way relieved [I had thought I would be facing another complaint, one that I feared much more...that was to come later.]

I remember saying to her, 'How could you have taken a complaint from this man?' She cut me off immediately, advised me to not say anything to her. I was bewildered. Wasn't she supposed to help me? What about all that money I had paid to BRSW for all those years, wasn't that so they would do something

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[1] Silva Tenenbein originally used this phrase in her workshops on dissociation.

for me? I didn't ask these questions, of course. I knew there was something I didn't understand, that I was about to 'understand' –not really 'understand', of course, but something was going to be made clear to me about how BRSW/ discipline/the world worked, and I was going to feel angry and stupid for not knowing. I made myself sound calmer. 'What do I do?' I asked. 'Get a lawyer', she advised me, not sounding at all either friendly or sympathetic. I think I got angry again, started to say something about Mr. X's history, and again she cut me off. 'It would not be in your best interests to continue talking to me', she said. So I stopped. At the time, and for months afterwards I accepted her injunction as 'natural', as 'necessary' to a process that is 'fair', 'neutral', 'objective'. At the time I still believed in those words; somehow, despite years of radical feminist activism, I had come to such a settled place in my life, such a 'respectable' place, that I was living under the illusion that the law and I had come to be on the same side.

> [I had forgotten that 'the law is not for women'; whatever I might try to do to get on side with the law, the law is not on side with me. I live in a country where the character, habits, history, personality, and most private secrets of complainants in both civil and criminal matters routinely become the most important determining factors in these matters, where children as young as three have been held responsible by judges for assaults perpetrated on them. Yet such is the 'naturalness' of the discourse that I accept the Registrar's injunction against speaking about the complainant as 'right', and I comply with very little resistance. I impose upon myself/I comply with the silence that is imposed upon me without yet thinking about these important questions: Who is able to be silent and who is forced into silence? Who is able to speak and who can be coerced into speech?]

and these are the forces they had ranged against us
and these are the forces we had ranged within us
within us and against us, against us and within us

'XVII' from Twenty-One Love Poems
Adrienne Rich
The Dream of a Common Language

I talked to BCASW next; they were carefully 'neutral'. They did explain about my insurance, and gave me a lawyer's name, someone in Vancouver. In the end I went to J., my regular lawyer, and I stayed with her, even though she had no experience in this kind of administrative law, because I felt like she believed me, or at least that she was on my side, and I very badly wanted the feeling that someone was on my side. I felt like that BRSW was against me, and BCASW was 'neutral', and I wanted someone who was *for* me.

> When I wrote to BRSW, my lawyer edited out everything I wanted to say about Mr. X's past abusive behaviour, including concrete events I knew were documented. J. discouraged me from mentioning these events, encouraged me to sound as 'rational', 'calm', 'objective', and 'professional' as possible, so I often wrote an original that contained all that I wanted to say, and then I cut out all the emotional parts before even she read it.

> When I wrote BRSW the first letter I believed that was the only letter I might need to write. I couldn't quite believe that they would proceed on past that point; I believed that once they read my story, they would dismiss the complaint. And of course I was very mystified about what the complaint actually was, and I asked them to tell me.

> What I realized, after I finally and eventually got a reply to my first letter, a process that took a long, long time and ignored most of my questions, was that BRSW was trying to find something that I had done wrong, that they were trying to make something out of his accusations -*that they were encouraging him*. Why was BRSW doing this? I felt as if BRSW didn't *like me* for some reason.

I want to be clear about this: I don't just *feel* as if I was badly treated. **I was treated badly**. Unconscionable delays, no explanation, refusal to adhere to their own rules and guidelines: it was an abuse of process and it was an abusive process. BRSW has never explained nor apologised to me for their behaviour. I

still don't know what exactly they thought I did wrong. I still don't know why they didn't interview people that I worked with, but instead interviewed other people who were tangentially involved, who were often people who didn't like me. BRSW has still never given me all of the documents, or interview transcripts, or information they accumulated, despite the requirement in the Rules to do so, and despite both I and my lawyer citing these rules to them repeatedly.

> The complaint process went on for almost two years. Sometimes I have tried to calculate how much of my life this took, most obviously in the hours I spent with my lawyer or preparing for my lawyer or consulting with people about preparing for my lawyer. What I can never calculate is the emotional cost.
>
> I felt as if I were a criminal, as if I was a bad person, a bad social worker, from the very first contact I had with them [BRSW].
>
> I am careful now about everything I say, who I say it to, and how I say it.
>
> The experience solidified my intention to get out of social work, or at least to get out of any place in social work where the Board can reach me or control me or discipline or punish me.

The Documents in the Second Case: Analysis

The second case is comprised, in its entirety, of four letters as listed below. They are attached as Appendix B.

July 24, 1997: Mr. Y to BRSW
The original complaint.

August 11, 1997: BRSW to Ms. A
The official notification of the complaint.

September 4, 1997: Ms. A to BRSW
Ms. A's defence.

October 2, 1997: BRSW to Ms. A
A letter dismissing the complaint in its entirety.

The second case involves a complaint made to BRSW by Mr. Y, a colleague of Ms. A. In the course of an eight page letter sent to BRSW in July 1997, Mr. Y reiterates accusations previously made [and dismissed] at all levels of administration at the institution where both he and Ms. A worked. Ms. A and Mr. Y were colleagues; they both taught in the same paraprofessional program, and shared joint responsibility for some courses. In his letter of complaint, Mr. Y presents what he characterises as Ms. A's 'angry' behaviour, and his enumeration of her failures as a teacher, as matters of unethical conduct which it is his "duty" to report to BRSW for their "investigation" (letter, July 24, 1997, p.7). BRSW initiates its investigation with a letter dated August 11, 1997, requiring Ms. A. to respond to Mr. Y's letter. On September 4, 1997, Ms. A does so. In a letter to Ms. A from the BRSW Practice Review Committee dated October 3, 1997, the complaint is dismissed in its entirety.

Under the existing 'Schedule of Rules for the Board of Registration for Social Workers' (1995) attendant to the 'Social Workers' Act' (1996), the BRSW Registrar has no discretion about accepting a complaint. Section 7.02 stipulates that "Any person may make a complaint to the Board with respect to the conduct of a Registered Social Worker" (1995, p.6). Section 7.06 outlines the Registrar's obligation to then request a reply "to the substance of the complaint" (1995, p.6). Under Section 7.11, the Registrar, once having received this reply from the respondent, may dismiss the complaint or refer it to the Practice Review

Committee[1]. Let us leave aside for a moment the question of whether it is a good idea for the Registrar to have no discretion whatsoever in determining the acceptability of a complaint. Despite these administrative strictures, there are some important matters to notice about how the Registrar frames his request to Ms. A.

Juridical discourse is introduced through the listing of the legal acts [the Social Workers Act, the Rules of the Board] which will frame the investigation, and by notifying the respondent of her "right to retain legal counsel" (letter, August 11, 1997). But the Registrar breaks from juridical discourse when he twice repackages the complainant's allegations as 'concerns'. In a letter, which is otherwise formally juridical, such a disjuncture is important to notice. I would suggest that in constructing the coherence of this letter, there is an important 'text-world' connection that we are being asked to make. An allegation is an unsupported statement; the cliché that might come to mind is 'unsubstantiated allegation'. But a concern is something different, a more weighty matter, worthy of some consideration; the cliché that may come to mind is 'legitimate concern'. The assumption embedded in the use of the word 'concern' is that the complainant's allegations have substance; it is reinforced by the request that the respondent respond to the "substance of this complaint". The reality that is produced through these words is that of a legitimate complaint, reflecting a substantive concern. I would suggest that if the complaint's statements are

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[1] The Practice Review Committee has five or more appointed members, all of them registered social workers, at least one of whom is a member of the BRSW board.

consistently referred to as 'allegations', and 'the complaint' stands alone, without any implied substance, a much different reality is produced, one in which the complainant's statements are understood as accusations, 'mere accusations'. What has been abrogated through the construction of reality presented in this letter is the right of any accused to be considered innocent until proven guilty. While the source of the smoke may never be precisely located, this construction gives us to understand that there is/was a fire.

Let us now turn our attention to the 'concerns' to which Ms. A is required to make specific responses. The Registrar, although he is able to do so, offers no guidance as to what BRSW may be concerned about. Section 7.06 (b) of 'the Rules' has both an injunction and a loophole about this: "The Registrar shall...make reference to specific issues, where applicable, that the Respondent should address in the reply" (1995, p.6). This section would seem to require BRSW to be clear about what its concerns are, were it not for the phrase 'where applicable'. No guidelines are offered for this applicability, and no BRSW filter has been applied in Ms. A's situation. She is required to "provide specific responses to every concern noted" (letter, August 11, 1997) by the complainant. Again, this phrasing confers an unwarranted legitimacy on what are, after all, not only unsubstantiated allegations, but also accusations that have already been made, investigated, and dismissed at several institutional levels. A further legitimacy is bestowed upon the complaint (and perhaps by implication the complainant) when the Registrar draws Ms. A's attention to the code of ethics:

"You will note that [Mr. Y] has highlighted his concerns pursuant to sections 3.4, 8.9 and 8.10 of the Code of Ethics" (letter, August 11, 1997).

Mr. Y's eight pages of accusation essentially contain two allegations. The predominant and overarching indictment is that he perceives Ms. A as angry. He describes her behaviour with the word 'angry' or synonymous words on more than two dozen occasions: "her tone was angry" (p.1); "confrontive (sic) tone" (p.2); "the worst kind of angry, raging behaviour" (p.3); "displays raging, belittling behaviour" (p.4); "intensely angry" (p.5); "agressive (sic) and passive aggressive" (p.6); "threatening and offensive" (p.7); "anger exhibited by [Ms. A]...render (sic) her incapable of carrying out her duties" (p.8).

It is a matter of great curiosity to me that how these statements, made by one colleague about another, can come to constitute 'a complaint' which it is then necessary to 'investigate'. As Mr. Y himself notes (letter, July 24, 1997, p.2), Ms. A was not his supervisor, and had no authority over him. The 22 individuals they were teaching, and on whose behalf Mr. Y sometimes implies he is complaining, were adults, again as Mr. Y himself notes (letter, July 24, 1997, p.4), with access to all of the institution's and BRSW's complaint mechanisms; only one of these individuals expressed any criticism about Ms. A to the institution, and that was regarding an academic matter (letter, September 4, 1997, p.3/4). An alternative reading of Mr. Y's complaint suggests some other dimensions.

I would like to note that Mr. Y's accusations are about Ms. A's *being* angry; he does not relate a single specific behavioural incident. He does not accuse Ms.

A of yelling at him, hitting him, stalking him, swearing at him, calling him names, insulting him, or even raising her voice. He does not, in nine pages, offer a single concrete example of something angry that Ms. A *did*. How is it that Ms. A *being angry* comes to be construed as a complaint? Mr. Y imposes two constructions. The first is that Ms. A engaged in "harassment in the workplace" (letter, July 24, 1997, p.3) by, as a colleague responsible for orienting him to the program, giving him a written job description and then, in a meeting with Mr. Y and the department head, engaging in a discussion of the program. I would like to pause for a moment to appreciate the irony of this situation. Mr. Y complained about Ms. A to at least seven different levels of the institution [the department head, the human rights officer, the dean, the president, the chair of the board, the Educational Council and the Advisory Committee]; each time his allegations were dismissed, he found another audience for his complaint. Ms. A was forced to repeatedly account for herself at every institutional level or face consequences from her employer. Mr. Y initiated a complaint to Ms. A's professional regulatory body, BRSW, to which she had to respond or lose her registration. He contacted current and former students to discuss Ms. A. Yet it is Ms. A who is compelled to defend herself against an accusation of 'harassment'.

Ms. A, as Mr. Y's colleague and the individual responsible for orienting him to the program, gave him a "written job description" (letter, September 4, 1997, p.3); by his description, it was a "memo outlining my duties as she saw them" (letter, July 24, 1997, p.2). He says she was angry; she says she was not

angry. As Smith points out in reference to the everyday gender relations embedded in the 'chilly climate' discourse in Canadian universities, "it may be difficult to align stories told by women and stories told by men of the same situation" (1997, p.270). But which stories are taken to be 'true' or have the power to create real and material effects? In this situation, Mr. Y's story has been given the authority to instigate many investigations of Ms. A by those who have power over her professional life.

Mr. Y's construction of Ms. A's behaviour as 'harassment', and his construction of his harassing pursuit of her through every level of institutional disciplinary power as his 'duty' is, I would suggest, more than one individual man's problem with one individual woman. His harassment could not have been effected without the assistance of the institution and various individuals in the institution, including BRSW, which themselves reflect the structural inequality of everyday gender relations in our culture, and of the discourse that supports this structure. I would like to unpack this a bit. As women we understand that, while we live in a misogynist culture, surrounded by acts and images of violence done to women by men, we are not to hold men responsible, either individually or as a group, for violence toward women. Thus, men beating their women partners has been constructed as 'domestic violence', and while there is a class of females known as 'battered women', there is no group of males known as 'battering men'. If a [strident, angry, man-hating feminist] woman has the temerity to suggest that violence against women is largely

perpetrated by men, she opens herself to attack and vilification from both women and men. In the wake of the Montreal Massacre, "[w]hile the mainstream media scrambled to downplay or ignore the significance of the victims being women, the analysis of feminists was ignored or ridiculed or rejected with hostility" (gynergy books, 1991, p.9). The culture inculcates in women a duty to caretake men as a group and as individuals. A woman who suggests that a man is misbehaving, a woman who is angry with a man, especially if that woman has feminist leanings, opens herself to often unrelenting attack. The man in question is not only cast as the victim, but will receive both institutional and individual caretaking, especially from women. In describing this phenomenon in the classroom, Lewis notes that "while the practice of a woman-as-caretaker ideology is more obvious in the presence of men, as long as women believe their interests to be served by maintaining existing relations of unequal power and privilege, this ideology holds sway whether or not men are present" (1993, p.159).

> [The necessary digression here, to disavow the dreaded 'essentialism': It is not my intention to subsume the experiences of all men and all women under this analysis. Martin Dufresne, of Montreal Men Against Sexism, or John Stoltenberg, the author of *On Refusing to be a Man*, are examples of men who resist the naturalness of misogynist discourse; many others exist. The likelihood of women being victims and men being unnamed perpetrators also breaks down along lines of colour, class, disability, sexual orientation, etc.]

Mr. Y was accorded the right to harass Ms. A for almost a year; further, he received considerable institutional support for doing so, and no one [not even Ms. A herself] dared name his behaviour as inappropriate. It is also important to notice that BRSW does not consider Mr. Y's lengthy harassing pursuit of Ms. A a

possible breach of the code of ethics or the 'Standards of Practice'. Such are the power relations embedded in the discourse.

Mr. Y's second allegation is that Ms. A is a bad teacher. In support of this accusation, he offers observations ranging from the large ["her explanations were often confusing" (letter, July 24, 1997, p.4)] to the minute ["her written material had numerous mis-spellings"; "the pages in the manuals were unnumbered" (letter, July 24, 1997, p.8)]. His essential criticism would seem to be that Ms. A teaches differently than he does, and that his way is better. Early on in his letter to BRSW, Mr. Y suggests that "perhaps [Ms. A] felt threatened by my presence on the teaching team, as her teaching methods relied heavily upon a didactic approach while mine were based upon an adult learning model" (letter, July 24, 1997, p.2). But rather than catalogue Mr. Y's slurs and Ms. A's defence, I would like to ask what seems a more pertinent question. How can it be that Mr. Y's criticism of Ms. A's teaching constitutes a complaint that it is necessary for BRSW to investigate? Ms. A has been employed as an instructor for many years; her students regularly complete evaluations of both her and the course [Mr. Y's "assessment of my teaching style and student's reactions to it are totally inconsistent with my student evaluations last year or any other of the years that I have taught (see attachments)" (letter, September 4, 1997, p.3)]; the institution supervises her work through a hierarchical chain of command, starting with her department head. Mr. Y is a colleague, not a student subject to Ms. A's power and authority as a teacher, and in any case, as Mr. Y himself enumerates, his

accusations have been thoroughly investigated at every institutional level. Even if Ms. A *is* a bad teacher, what business is it of BRSW's?

I am not in this analysis attempting to refute Mr. Y's complaint; Ms. A did so clearly and succinctly, and the complaint was dismissed. I have engaged in this lengthy analysis of Mr. Y's principal accusations because to illustrate that what is being complained about is *who Ms. A is*, and that BRSW's co-operation with Mr. Y's complaint, regardless of the eventual disposition of the complaint, is a disciplinary action that operates on *who Ms. A is*: her subjectivity. Who Ms. A is, her subjectivity, is clearly unacceptable to Mr. Y, who has pursued her up the ladder of administrative authority in an attempt to batter her into compliance with his idea of who she should be. [His primary concern is clearly that she not behave in any way the he would perceive as 'angry'.] What I want to deconstruct is how, under the guise of a neutral and objective process, BRSW also has an idea of who Ms. A should be, and is responsible for the disciplining of a social worker into an 'acceptable' subjectivity.

Neither the Social Workers Act (1996) nor its attendant Schedule of Rules (1995) make any room for the BRSW Registrar to reject a complaint before requiring the social worker who has been complained about to make a response. BRSW's discretionary power lies in Section 7.06 (b), which states that "The Registrar shall...make reference to specific issues, where applicable, that the Respondent should address in the reply" (1995, p.6). The Registrar's refusal to do so, coupled with his direction to Ms. A to "provide specific responses to each and

every concern noted [in Mr. Y's letter]" (letter, August 11, 1997), puts Ms. A in the unenviable position of defending herself against a mixture of innuendo, slander, and character assassination. Because the Registrar does not name a specific issue, Ms. A must defend her*self*. The two institutions, Ms. A's employer and BRSW, manage to achieve what Foucault described as "the ideal point of penality":

> an indefinite discipline: an interrogation without end, an investigation that would be extended without limit to a meticulous and ever more analytical observation, a judgment that would at the same time be the constitution of a file that was never closed, the calculated leniency of a penalty that would be interlaced with the ruthless curiosity of an examination, a procedure that would be at the same time the permanent measure of a gap in relation to the inaccessible norm and the asymptotic movement that strives to meet in infinity (1995, p.227).

The Effects of the Discourse: Ms. A

The panopticon, the model for disciplinary power in our culture, was designed "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power…to arrange things [so] that surveillance is permanent in its effects, even if it is discontinuous in its action" (Foucault, 1995, p.201). Having been subjected to the disciplinary power of BRSW, Ms. A has come to understand the consequences of the unacceptable self.

> I feel very strongly that I am not in a position to express anger or disgust…I still do. It's the kind of person I am. But I am very aware that

> every time I do that I have to be very careful how I phrase things, because I am going to be judged.
>
> Now I am very, very careful about how I set boundaries in the classroom, to the point where I think that some students don't get as fair a deal as they ought to because other students aren't shut down [by me] when they should be sometimes.
>
> I never put a student on probation unless I've got a witness.
>
> I unduly second-guess myself a lot, which means that I am not as confident and I don't present myself as confidently.
>
> Any time I take a definite stand or any time that I set boundaries, I am in danger of being seen as reactive, angry.

I want to notice here that the function of disciplinary power in creating an acceptable subjectivity. Ms. A has "become the principle of [her] own subjection" (Foucault, 1995, p.203); she has learned yet another refinement of what it means in this culture to be acceptable as a woman. She understands the danger of failing to do so: she might bring the disciplinary gaze upon herself again. "Visibility is a trap" (Foucault, 1995, p.200), and Ms. A knows it:

> I used to take strong positions, be forthright, passionate...I am careful in a way that I wasn't before. I've experienced a lot of grief over that, over the loss of my ability to be where I want to be.

CHAPTER V

DISCUSSION AND CONCLUSION

In this chapter I will take up some of the matters mentioned in the analysis in more detail and offer an inconclusive conclusion.

Juridical Discourse

Two sets of texts, those in my first 'conversation' and those of Ms. A, illustrate the 'natural' imposition of judicial discourse as the *métier* through which social work disciplinary matters will be discussed. It is difficult to notice this imposition as an imposition, as 'unnatural'. How else would social work disciplinary or regulatory matters be discussed? I invite the reader to struggle with this question as I have struggled with it. An ancillary question might be, 'is juridical discourse the best set of language practices for discussing complaints about social workers?' Both these questions lead to another: what is the intent of social work regulation? Each question spawns a plethora of additional questions, questions piled on questions, leading down road after road, until I am finally left to ponder Virginia Woolf:

> Do we wish to join the profession or don't we? On what terms shall we join the procession? Above all, where is it leading us, the procession of educated men?... What is this "civilization"? What are the ceremonies and why should we take part in them? What are these professions and why should we make money out of them? Where in short is it leading us, the procession of the sons of educated men (1938, p.63)?

It has led us to the idea that it is 'natural' for social work to take a place among the professions, and that it will do so by adopting the professional rituals of initiation, membership, discipline, and regulation. It has led social workers to valorise juridical and scientific discourse, to worship schemes of client classification that are about right/wrong and healthy/sick, even while our theory continues to speak of complexities and partialities. It leads social workers to reproduce, against their stated intentions, the ruling relations of the heteropatriarchy: racism, classism, heterosexism, ableism, misogyny.

Foucault has suggested that power is not simply an imposition; every power relation carries within it the seed of resistance. In looking at the unexplicated demand for juridical discourse posed in these texts I want to raise the possibility of resisting this imposition. What would it mean to say, 'Let's find another way to talk about this. We are social workers. We are committed to anti-oppressive practice. We do not want to use an oppressive discourse to solve problems within the profession.' Such a move is risky, of course. It risks, above all else, social work's still tentative grip on professional status and stature. It brings our allegiance into question: are we for *the way things are* [capitalism, patriarchy, the centrality of white people] or not? We are allowed, within the parameters of *the way things are*, to make minor modifications. In this vein, the Feminist Therapy Code of Ethics is concerned, for example, to use 'inclusive language'. But the idea that we would throw out the 'model', tear down the foundation, is somehow an absurdity. Would we have a circle, for example, as is

used in some First Nations cultures, in which accuser and accused sit in circle with elders and other community members until a resolution is reached? [But, you protest, we cannot impose this model on non-Aboriginal social workers. Why not? What exists now is based on the ideas of two dead white european christian men and is imposed on all social workers regardless of race, religion or gender. But in the overwhelming centrality of white male existence, we do not understand this as imposition; we understand this as *what is*.] What about a feminist model of consensus decision-making? [Absurd, you protest. How inefficient! It would take far too long! I would ask you to notice that the regulatory proceeding in which I was involved transpired over 20 months and used the services of two law firms and a firm of private investigators.] What about dispensing with ethical regulation altogether? [This is, I know, the most frightening suggestion – and the most important. The 'evidence', whether anecdotal or positivist, suggests that professional regulation offers 'the public' little protection against incompetence or malfeasance, and rarely imposes consequences for even the most egregious offenses. Ethical regulation protects neither our clients nor social work as an entity. Wouldn't it be interesting to consider what would?]

The Question of 'Force'

I would like to briefly take up the matter of 'force'. The initial letters to both of us referenced the rule of law in demanding our responses; the wording in each is almost exactly the same: "The Rules of the Board (pursuant to the Social Workers Act) require that you deliver to our office a written response to the substance of this complaint" (letter, August 11, 1997). As mandatory registration is not yet law in BC, it is tempting to suggest that both Ms. A and I could have

simply refused to respond to BRSW; the consequence of such a refusal would have been de-registration.

Several factors mitigate against such a choice. The most powerful is the perception, intentionally fostered by BRSW and some members of BCASW, that resignation in the face of a complaint is an admission of guilt and a strategy to avoid consequences. Stuart Alcock, an RSW and the chair of BCASW's Ethics Committee, recently wrote in support of mandatory registration "that registered social workers can avoid complaints simply by resigning...provides no real protection for the public and undermines the very concept of professional standards" (*Perspectives*, Spring 1999, p.13). In a similar vein, when I questioned David Conlin, the chair of BCASW's Private Practice Committee, as to his theory about why so many MSW social workers chose to be Registered Clinical Counsellors rather than RSWs, he replied that these were no doubt social workers who had left BRSW as a result of complaints (personal communication, October 26, 1998). Secondly, the RSW designation has become a condition of employment for an ever increasing number of jobs, such as running a licensed community care facility. Finally, registration has a significant impact on social workers in private practice. There is a substantial difference in the rates paid to registered and non-registered social workers by third-party payers such as Criminal Injuries Compensation or Medical Services; most employee assistance plans insist that service providers be registered. In addition, most published

advice to counselling clients urges them to ensure that their prospective therapist is registered and in good standing with their professional body.

The Creation of 'Acceptable' Social Work Subjectivity

That both of the 'cases' which I have analysed involved men complaining about women might be expected from a profession still numerically dominated by women. Nonetheless I would suggest that this information is significant given Kinderknecht's work and BRSW's own statement about categories of complaints. In both cases, what is constituted as a complaint is, in essence, who the social worker *is*: I am a lesbian; Ms. A is an angry woman. Further, we have both offended the existing ruling order: I got involved with a previously-heterosexual woman and allegedly broke up a man's family; Ms. A rejected the superior teaching style of her male colleague and refused to caretake him. I am curious about whether, if I had been a man who had married a divorced woman, if Ms. A had acknowledged the superiority of her male colleague's teaching style and properly looked after his feelings, either of us would have become the object of the disciplinary process.

Although Ms. A was not sanctioned by BRSW for her behaviour, and I received 'only' a disciplinary letter [and paid a lawyer $1000, the amount not covered by my liability insurance], the textual and experiential analysis I have offered suggests that we were nonetheless both successfully disciplined towards an 'acceptable' subjectivity. That I do not have the 'right' to act as if I were a parent, and Ms. A does not have the 'right' to act in a way that might be

interpreted as 'angry' lies in having BRSW constitute such behaviours as worthy of investigation, as 'complainable about'. Further, whatever our feelings and thoughts about the complaints and the complainants, both Ms. A and I compliantly constructed ourselves as much as possible as 'rational' and 'objective' in our responses to them.

The construction of subjectivities, as illustrated in Ms. A's texts and in the second 'conversation' of my texts, is integrally related to the [natural, unnoticed] imposition of juridical discourse. "Justice is blind": the robed woman stands blindfolded, balancing the scales of justice; all are equal before her. Yet this litany: in the burning times, all of the women in a village were sometimes put to death, their daughters bound before them, watching them burn. Or this: the Germans and their allies put to death six million Jews, two million others [gypsies, homosexuals, communists, the disabled]. In the half-century since the end of the Second World War, "the Germans sentenced only 160 Nazi criminals to life in prison, only 12 to death; the Austrians dealt out shamelessly soft judgments" (Felstiner, 1994, p.231). Or this: most of the death row prisoners in the United States are African-American. Or this: Canada's jails have always held an over-representation of First Nations people, at a rate often ten times greater than their representation in the population. How does it come to be that Justice is valorised as blind, where everywhere else in the culture disability is devalued: to be blind [or deaf] to something is understood as ignorance, as something negative.

These texts illustrate that, while matters of gender or sexual orientation, of misogyny or heterosexism, may be rendered invisible by the alleged 'neutrality' of the discourse, they continue to operate sub-textually. It is necessary and important to raise the question, to disinter the possibility, that no complaint would exist were I not a lesbian: that in some fundamental way this complaint has only proceeded [in that procession of the sons of educated men] because I am a lesbian: that it is my non-compliant existence and not my behaviour about which the complaint has been made. In the same way it is important to notice that Ms. A is forced to account for someone else's construction of her as an 'angry woman': if it were acceptable for women to be angry, if it were acceptable for women to be angry with men, could a complaint have been laid against her?

I would like to go just a little further here and suggest that the spectre of lesbianism is also part of the reason that Ms. A is disciplined: an angry woman undisciplined might 'turn into' a lesbian. Almost thirty years ago the radical feminist group the Redstockings defined a lesbian as 'the rage of all women condensed to the point of explosion'. There are many commonplace epithets, applied to lesbians and angry women alike, that mitigate against women's anger, especially when that anger might be directed at men. Intense negative feeling toward men is so forbidden that it cannot be named; while it is possible to name [and feel] hatred or contempt for women [misogyny] or people [misanthropy], the dictionary contains no word for the hatred of men. As Lewis points out, "within the terms of the patriarchy, women have had no choice but to care about

the feelings of men. Women know that, historically, not caring has cost us our lives: intellectually, emotionally, socially, psychologically and physically" (1993, p.161).

Internalizing the Panoptic Gaze

Both Ms. A and I were compliant subjects who 'complied' with the BRSW investigation. Ms. A was completely exonerated, while I received what might be characterized as a warning or a 'slap on the wrist'. As is clear from the effects that we both describe, however, it would be wrong to conclude from this that we escaped without consequences. The effort to be an acceptable subject is about more than simply defending oneself. It requires that one constitute oneself as a disciplined subject, a subject who has successfully internalised the panoptic gaze. Whatever private, internal rebellion one might feel in the grip of the panopticon, the face that turns towards the gaze must be an accepting and acceptable face. I never thought, and I do not now think, that Mr. X had a 'legitimate' complaint against me; I continue to believe that 'hell hath no fury like a man scorned', especially a man who has been scorned in favour of a lesbian. Ms. A never thought, and does not now think, that Mr. Y had a 'legitimate' complaint against her; she continues to believe that he is perhaps a man who has problems with strong women. Yet by our actions, forced as they were, we also participated in legitimising their complaints; we helped instantiate the rights of men to make such complaints against women, to have them taken up by a quasi-governmental body with powers of regulation and discipline, to coerce us to vicariously engage

with them at a great expenditure of time, intellectual and emotional effort and [in my case] money.

This is one of the many places where it is possible to see how the discourse is not just repressive but productive. Throughout the complaint process, Ms. A and I repressed our emotions, especially our anger; what we produced was a simulacrum of rationality and objectivity. Through our compliance, we help produce BRSW and its regulatory and disciplinary powers as necessary and legitimate. In participating in "these ceremonies" of "the procession of educated men" (Woolf, 1938, p.63), we [and other women: in Ms. A's case, her colleagues; in my case, Ms. B and the Registrar] reproduced the ideology of woman-as-caretaker that permeates our culture.

Both Ms. A and I felt and feel affected/effected by the discipline of the discourse, by the experience of having to 'account' for our selves, by having been forced to present our selves for inspection. Even though I was not formally sanctioned, 'The Committee' extended its disapproval, emblematic of its [all-seeing] gaze. While my 'body' was not acted upon [my practice remained unrestricted, I paid no money beyond the deductible on my liability insurance], I internalized a different awareness of BRSW's disciplinary power. Even though the complaint against Ms. A was dismissed, she has internalized an awareness of the gaze of the panopticon. She considers her actions now in the light of their interpretability; she has made herself different; she has been successfully disciplined. She has bought liability insurance.

The internalization of 'the gaze' is also observed in the situation of Ms. B, who makes clear to BRSW that she knows the rules and she plays by them. Her allegiance lies with her 'position' and her 'oath' [of confidentiality]; because she is successfully self-disciplined, there is no need for external discipline to be exerted on her. In the wake of the Gove Inquiry and Katie-Lynn Baker, Ms. B perhaps understands that the panoptic gaze is particularly fixed, at this moment in time, on those who work in child welfare. As one of many fields where women [and some men] are hired to police other women, child welfare is particularly vulnerable to subversion and acts of resistance. What if women's primary allegiance was to one another, rather than to the profession, the procession of professions? Under the gaze of the panopticon, such an idea remains always, and only, an idea.

The analysis also illustrates the extension and direction of the BRSW's panoptic gaze into the minutiae of social workers' lives. Because BRSW refused to specify which of our behaviours we were to 'account for', both Ms. A and I were forced to 'account for' our very selves. We were both required to, in a sense, account for who we *are*, to provide a reading of ourselves that would pass inspection by BRSW without knowing which parts of ourselves were under inspection. No concomitant account was, 'of course', ever required of those who complained about us, nor were such accounts required of those who investigated us.

The Question Of 'Proof'

> Truth and falsity are projects integral to the practice of objectivity and to arriving at an account capable of overriding what you think, what I think, and what she thinks (Smith, 1997, p.288).

The statements and contentions that I have made in this thesis will no doubt fall prey to the criticism that I have not marshalled 'the evidence' to substantiate them; that by analysing the documents and experiences of only two social workers I "run the risk of hitting a highly atypical experience" (Cossom, personal communication, January 6, 1999), that my account is therefore "unlikely to be convincing" (Oberg, personal communication, March 5, 1999). Such criticisms go to the epistemological and ontological heart of this thesis, to such questions as: what is truth? what is proof? what is data? what constitutes analysis? what are conclusions? Because I believe and understand that notions of 'proof' are deeply implicated in the subjugation of not just women, but all those who occupy the margins, I have explicitly rejected the traditional, canonical understanding of these concepts. By using just two accounts, I assert not only that I [and Ms. A] have the right to analyse and make meaning of our experiences, but also have the right to constitute these as data from which conclusions can be drawn.

On the day that I am writing this I can read in the newspaper, under the heading "Implants safe, scientists say" that "[a]n independent panel of 13 scientists convened by the U.S. Institute of Medicine has concluded that breast

implants do not cause any major diseases" (*Globe and Mail*, June 21, 1999, p. A15). This is a conclusive truth, proven by scientists who have analysed the data. The anecdotal accounts of the sufferings of implanted women, which number in the thousands, are thus invalidated. Other questions, such as whether it is morally or emotionally 'safe' to live in a culture in which large numbers of women feel compelled to have foreign bodies surgically inserted into their bodies in order to be deemed 'acceptable', are neatly disappeared.

We live in the grip of the cultural mythology that it is through discovery, testing, and presentation of conclusive 'proof' that the world is moved to change. Accepting this mythology has in the past sent feminist researchers down many dead-end roads. In the battle against pornography, researchers have tried to 'prove' that it is harmful to women, implicated in sex crimes, harmful to men or harmful to children in a multitude of quantitative and qualitative studies. Yet the production and consumption of pornography has not only continued unabated but increased exponentially since this research was begun.

So I have struggled to resist the seductive rhetoric of 'proof' and its implications throughout this thesis. I have been guided in this by Adrienne Rich's question: "Yet how, except through ourselves, do we discover what moves other people to change?" (1986, p.223).

Conclusion

> The purpose of theorising is...to enable us to grasp, understand, and explain - to produce a more adequate knowledge of - the historical world

> and its processes; and thereby to inform our practice so that we may transform it (Hall 1988, cited in Seu 1998 p.151).

This thesis has been written at a time when social work in BC is at a critical juncture. Both the regulatory body [BRSW] and the professional association [BCASW] are pushing for legislation that would mandate the registration and discipline of social workers. In the wake of the Gove Inquiry and the Katie Lynn Baker inquest, which resulted in several social workers being investigated and/or disciplined by BRSW and other bodies for their 'failures' in risk management, social workers in BC are increasingly working "under threat of sanction and within the disciplines imposed by a plethora of practices of blame" (Rose, 1996, p.18).

I hope that this thesis might 'transform our practice' by provoking some resistance to our textual and discursive complicity with these practices. It has been my intention in this thesis to examine the role of social work ethical discourse and regulation in constituting 'subjects': who social workers can be; the role of the discourse in reproducing the existing ruling relations of heteropatriarchal capitalism; and the implications of the use, in social work ethics and regulation, of juridical discourse, a de-contextualizing discourse, for a profession whose foundation in both policy and practice lies in cleaving always to the context.

As I have illustrated, even a social worker such as myself, who believes herself to be radical, to speak from the margins rather than the centre, easily

complies in the creation of her own disciplined subjectivity. Indeed, the interlocking disciplinary bureaucracies of the state mandate such complicity. I originally became a registered social worker because it was a condition of my employment as the director of a treatment centre for chemically dependent women. The centre had an avowedly feminist program, and addressed itself to issues of violence against women; I believed that it was a place where I could be paid for being true to my politics, and thought little of the registration requirement. Later, when I started my private practice, I sought BRSW's 'Approval for Private Practice' because I would be paid more for clients covered by Criminal Injuries Compensation if I had it. These clients were all poor women, survivors of male violence, who could not otherwise afford therapy and who wanted a therapist with a feminist analysis of their trauma. The difference in payment between approved/not approved meant that I saw them for ninety minutes rather than sixty, which I believed was not only helpful but their right. Clearly, I had not just good but feminist and class-based intentions in registering and seeking approval for private practice. As I have shown, the discourse, and its attendant discipline, renders our intentions meaningless.

Seu has asked, "[o]nce we have ascertained that taking one subject position instead of another has real implications for people's well-being and sense of self, what do we do with it" (1998, p.151)? Social work's adoption of an ethical code and attendant disciplinary procedures founded on [white, western, male] positivism creates subject positions which bear allegiance, intentionally or

not, to such ideas. Gripped in the maw of the move to mandatory regulation and its valorised discourse of 'the public good', it is difficult to take an alternative subject position. While it is true that many social workers do not belong to BRSW, I would suggest that they are nonetheless 'disciplined subjects': they 'believe in' the Code of Ethics; they have joined the procession/profession. I have attempted to create an 'oppositional' discourse that I hope will help us resist this lock-step march, resist interpellation, resist the discourse hailing us and positioning us as people with certain beliefs and commitments.

I hope by this work to also point the way towards some alternative research in ethics. Published social work research accepts social work ethical discourse as given, as do the many polemical pieces urging greater enforcement of the ethical code and more education in ethics for social workers. We are a profession that has always taken its ethical direction from the centre and imposed it on the marginalised who make up the vast majority of our clients. In this we are complicit in maintaining the structural inequities that created most of our clients' problems in the first place. We have come to accept this as ethical practice. Research that questions the foundational premises of social work ethics is long overdue.

APPENDIX A

BOARD OF REGISTRATION FOR SOCIAL WORKERS
of the Province of British Columbia
#407 - 1755 West Broadway Avenue
Vancouver, British Columbia V6J 4S5

Telephone: (604) 737-4916
Fax: (604) 737-6809

COPY

Please address all communications to the Registrar

~~15 December 1995~~ 11 January 1996 ~~Ltt~~ Registrar

PERSONAL AND CONFIDENTIAL

Ms. Susan Strega, RSW
Box 316
Coombs, British Columbia
V0R 1M0

Dear Ms. Strega:

re: our file 1995-08

As Registrar of the Board of Registration for Social Workers, I am writing to inform you that a complaint regarding your social work practice has been received from Mr. [redacted] of [redacted] British Columbia.

The complainant's allegations are outlined in his letter of December 21, 1995 (enclosed). For your information, I have also enclosed a copy of the waiver of confidentiality form signed by the complainant and my letters of November 1 and December 15, 1995 to the complainant.

The Rules of the Board (pursuant to the Social Workers Act) require that you deliver to the office of the Registrar a written reply to the substance of this complaint by double registered mail within 30 days (Rule 7.07) of your receipt of this letter. In your response, please address each of the issues raised by the complainant in his correspondence.

Please note that your response may be sent to the complainant for his further comments.

You have the right to retain legal counsel throughout the complaint process.

Enclosed for your information are copies of the Social Workers Act/Rules and a copy of the Code of Ethics.

Yours sincerely
BOARD OF REGISTRATION FOR SOCIAL WORKERS

Gael S. Storey, MSc, MSW, RSW
Registrar

enclosures:

1. Social Workers Act/Rules
2. Code of Ethics
3. summary of complaint process
4. consent for release of confidential information
5. complainant's letter to Registrar: 21 December 1995
6. Registrar's letter to complainant: 15 December 1995
7. Registrar's letter to complainant: 1 November 1995

BOARD OF REGISTRATION FOR SOCIAL WORKERS
of the Province of British Columbia
#407 - 1755 West Broadway Avenue
Vancouver, British Columbia V6J 4S5
Telephone: (604) 737-4916
Fax: (604) 737-6809

Please address all communications to the Registrar

7 March 1996

Ms. Susan Strega, RSW
Box 316
Coombs, British Columbia
V0R 1M0

Dear Ms. Strega:

re: our file 1995-08

After speaking with the complainant in this case, we have received his agreement to release further information to you. For your information, a copy of the materials is enclosed with this letter; a second copy has been mailed directly to your lawyer.

Mr. Ray Kielan will act as an investigator on behalf of the Board of Registration in this case and will be contacting you towards the end of March. The Board's focus in this investigation will be solely on issues related to social work practice and ethical behaviour. The Board will not become involved in a dispute regarding the nature of personal relationships between adult participants.

Yours sincerely
BOARD OF REGISTRATION FOR SOCIAL WORKERS

[redacted]

Gael S. Storey, MSc, MSW, RSW
Registrar

enclosures: (1) 13 April 1993, "Report in Progress" prepared for Kathy T[redacted]
(2) 26 October 1993, letter to Ms. [redacted] from Mr. [redacted]
(3) 28 April 1992, Affidavit, [redacted]

WATSON GOEPEL MALEDY

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Trade-Mark Agents

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March 28, 1996

COPY

File No. 3041000

Ramsay Thompson Lampman
Barristers and Solicitors
#5 - 1611 Bowen Road
Nanaimo, B.C.
V9R 5L9

Attention: Jean Mackie

Dear Sirs/Mesdames:

Re: File No. 1995-08 Susan Strega, RSW
Your File: B1557

We have been provided with a copy of your letter dated March 18, 1996. We are counsel for the Board of Registration for Social Workers. At this stage, the Registrar and the investigator are collecting information which may be relevant to the complaint. The information is then delivered to the Practice Review Committee except if the complaint appears on its face to have no merit in which case the Registrar has some power to dismiss the complaint.

In the first instance, the Board of Registration requests that you respond to all of Mr. [redacted]'s allegations and from that response any investigation of Mr. Keelan, a determination will be made on a preliminary basis as to the merits of the complaint. The Practice Review Committee will then conduct a further investigation unless the complaint is dismissed by the Registrar.

Yours truly,

WATSON GOEPEL MALEDY

per: [redacted]

R. Craig Neville
RCN:je

Province of
British Columbia

Ministry of
Social Services
FIELD SERVICES

Area Offices, [redacted]
British Columbia
[redacted]
Telephone: [redacted]

May 13, 1996

Mr. Ray Kielan
Investigation
Board of Registration
Fax: (604) 942-0173

Dear Mr. Kielan;

The following is the information you requested as it relates to Ms. Susan White. As you know, you contacted me about my memory of Susan White when she was employed by the Ministry of Social Services in [redacted] B.C. in the 1980's.

I relayed to you the following incident after questions from you pertaining to Susan's professional conduct with regard to the family of her partner, [redacted]

> Sometime in the late 1980's or early 1990's I was contacted in my position with Ministry of Social Services, [redacted], by Susan White. Susan was living on Vancouver Island. I do no know what her employment was. In the telephone contact, Susan requested that I use the Ministry of Social Services computer information system to give her information on the address of someone connected to [redacted]'s family. I cannot recall if she was requesting the address of Mr. [redacted] or of one of the children. Susan described her need for the information as relevant to the safety and protection of [redacted]'s child(ren). Susan contacted me for this information because I believe she felt I would be sympathetic to the concern for the child(ren) involved. I refused Susan's request in a follow up call. The information requested was not conveyed by me and I explained to Susan that I would not violate my position or confidentiality to provide her the requested information. I have had no contact with Susan since that call.

Interestingly, I left [redacted] in December 1986 and had had no contact with Susan between December 1986 and her telephone call to me in [redacted] Thus, obviously I found the call a peculiar surprise.

This information is true to the best of my recollection. Should this information be used in any manner other than for the Board of Registration's decision or should it be released to anyone, I would like prior warning and approval.

Sincerely,

was placed on my personnel file. I requested such a letter, and it is my memory that I read such a letter, because I was concerned that I be able to in the future apply for work with the Ministry without my reputation being impugned in any way.

Further to this, it is my memory that Mr. [redacted] was unhappy with Ms. [redacted]s conclusions, and that he subsequently complained to the Ombudsman. I believe the Ombudsman's office reviewed the situation, and confirmed Ms. [redacted]'s conclusions, and I believe there was correspondence to Mr. [redacted] stating this.

I do not have a copy of the letter that was placed on my Ministry personnel file, nor do I have a copy of the letter to Mr. [redacted] (or his lawyer, [redacted]) from the Ombudsman, but I believe that both of these pieces of correspondence exist, and that they would in every particular substantiate my memory of events.

In summary, I would repeat that I did not engage in any misconduct while in the employ of the Ministry of Human Resources. I took the necessary steps to declare my personal interest in [redacted]s family at a time when, as a lesbian, I had no protection in law against being fired, and as lesbians working with children, both Ms. [redacted] and I were in vulnerable positions. Further, I believe that my recall of events can be substantiated by individuals such as Lou [redacted] and Marsha [redacted] and by reviewing correspondence.

Finally, I would like to respond to Ms. B[redacted]s letter. In the spring of 1990, [redacted]s younger son [redacted] began acting oddly, carrying a knife to school and expressing concern that he was being followed. One day, he went missing. Ms. [redacted] spoke with the police, and she and I between us contacted everyone we could think of who might help us in any way to locate [redacted]. We were frantic; [redacted] was only 14 years old at the time, and had lived most of his life in a rural area; anything might have happened to him. Ms. [redacted] and I both believed it to be possible that [redacted] was, voluntarily or involuntarily, with his father [redacted] who was probably collecting income assistance. I did contact Ms. [redacted] to ask if she would look up Mr. [redacted]'s current income assistance address so that we might direct the police there to look for [redacted]. Ms. [redacted] refused.

Please contact me if you would like further information or clarification. Again, my reply has been limited to the materials supplied to me. If, in making your decision, you are relying on any information other than that supplied to me, I request the oppotunity to also review and respond to that material.

January 5/97: Strega to BRSW (page 4)

If it your decision to forward this matter to the Practise Review Committee, I would ask that you supply me with a complete listing and copies of all material that will be provided to the committee, as well as an opportunity to respond to any material that has not yet been provided to me. Thank you.

Susan Strega, R.S.W.

BOARD OF REGISTRATION FOR SOCIAL WORKERS
of the Province of British Columbia
#407 - 1755 West Broadway Avenue
Vancouver, British Columbia V6J 4S5

Telephone: (604) 737-4916
Fax: (604) 737-6809

Please address all communications to the Registrar

November 14, 1997

Personal and Confidential

Ms. Susan Strega, RSW
Suite 306
235 Bastion Street
Nanaimo, BC
V9R 3A3

Our File 1995-08

Dear Ms. Strega:

Further to our letter of July 28, 1997, in which the Practice Review Committee advised you that the above noted complaint was dismissed, the Committee would like to bring its concern with respect to another matter related to this complaint to your attention.

The matter which is of concern is documented in the materials gathered and reviewed for this complaint. Ms. [redacted] in a letter dated July 22, 1997, noted that you contacted her to request the address of Mr. [redacted] or one of his children. This was confirmed by you in your response of January 5, 1997 to this office. It was noted by you and Ms. [redacted] that your request was refused.

The Committee unfortunately did not advise you of its concern with respect to your actions in this situation at the time it dismissed the complaint. However, the Committee wishes at this time to state that it disapproves of your actions in this matter which it considers were inappropriate.

The Committee wishes to note its concern in this matter and bring it to your attention to ensure it does not happen again. Thank you for your anticipated cooperation.

Sincerely,

[redacted]
Lucie Hanson, RSW

Registrar

APPENDIX B

Mr. Ben Van Den Assem M.S.W., M.P.A.,L.L.M., PhD., R.S.W. RSW, Registrar.
Board of Registration For Social Workers,
of the Province of British Columbia,
407 1755 West Broadway Avenue,
Vancouver, British Columbia V6J 4S5

July 24, 1997

Dear Registrar,

I am writing to lodge a formal complaint against [redacted] R.S.W. I was hired by [redacted] in [redacted] to teach in the [redacted] Program in which Ms. [redacted] also teaches, hence she was my colleague.

In making this complaint, I will first detail the chronology of my experience and from there specify my areas of concern as they relate to the Code of Ethics and the Social Workers Act.

HISTORY OF EVENTS

Subsequent to the hiring procedure at [redacted]. I commenced work August 19, 1996. This was a .478 part time position wherein I would teach one course in collaboration with [redacted] ([redacted]) and one course entirely on my own, ([redacted]). I would also provide field supervision for a number of students.

I attended official orientation sessions to the college and program area I would be teaching in along with other colleagues, in the August to September period prior to commencement of classes. These orientation sessions also included two and possibly three meetings with [redacted] regarding the cooperative teaching arrangements for [redacted]

Classes began the first week of September. Shortly after the start of term, (September 20/96), [redacted] asked to meet with me in Staff Lounge. She started off the meeting by making a statement. " I thought you said you wanted a secure position here at [redacted]. You are certainly not acting like it." Her tone was angry, her voice intense, her words meant to intimidate. I would not characterize the tone of the meeting as collegial or cooperative. She went on to say she was very angry and extremely displeased with my performance.

She reported that her displeasure came from two sources. One, she alleged I was not participating in the planning for [redacted] and secondly that I was not teaching the [redacted] course, " in the proper manner. "

Since I had attended all the organizational meetings for [redacted] and taken my appropriate share of directions and duties, I was completely taken aback by this attack. Further, since [redacted] had not attended either of the first two classes in the communications course, I had no idea why she thought my instruction methods improper.

To underline her displeasure, she handed me a two page, twenty-six point memo outlining my duties as she saw them while I was at [redacted] My feeling during this meeting was that I was about to be fired. She did not ask any questions about my teaching methodology or ask to attend my classes to better clarify how I did my job. Nor had she consulted with our department head prior to addressing me with her concerns. Subsequent to that meeting I gave her a published article I wrote in [redacted] describing my teaching methods. She never responded to the article, so I made the assumption that the purpose of her intervention was not to discuss or resolve a difference of academic opinion, but trather to exert control over all classroom activities, including teaching methods.

Shortly after this meeting, I telephoned the Head of Department, [redacted] for an appointment. We met October 4/96, taking this long because of scheduling difficulties. My first question to [redacted] was, who was my direct supervisor ? She informed me that she was. I then showed her the two page memo from [redacted] and asked her to comment on its appropriateness. I also conveyed to her the confrontative tone of the meeting, as well as the angry feelings expressed by [redacted]. [redacted] explained that perhaps [redacted] felt threatened by my presence on the teaching team., as her teaching methods relied heavily upon a didactic approach while mine were based upon an adult learning model where experiential activities are emphasized. We concluded the meeting by agreeing to monitor the situation but to take no action.

Several weeks later on October 31/96, [redacted] informed me in the morning that [redacted] wanted to see both of us at 4:00pm that day. The stated purpose of the meeting was to discuss a letter of complaint that had been received by [redacted] from a family member of a student. We met at 4:00pm in my office and I was given the letter to read for the first time. The letter fell into two major categories, one a complaint that teaching in the program was biased in favour of a feminist perspective and two, that the author of the letter felt their family member was being overworked in the program.

I was asked for my feedback to the letter. While I dismissed the first part of the complaint, I had heard numerous complaints from students about excessive workloads. I suggested that at the end of term we take these comments seriously and review the workload expectations we had of students. [redacted] once again reverted to her posture of the September 20/96 meeting. She accused me of disloyalty to the program, questioned my teaching methods, accused me of not using the textbook, not giving tests and providing students a forum to slack off work.

This second attack was witnessed by the Head of Department, [redacted] who was there for the complete meeting which lasted about one hour and forty-five minutes.

After being attacked on almost every aspect of my work, I responded by giving an explanation of my approach to students and social work education. The meeting concluded with [redacted] telling me that this whole episode was, " very hurtful to her."

As a follow-up to the meeting of October 4/96, [redacted] and I had previously planned to meet November 1/96. Since that was the very next day, [redacted] and I met at 1 pm in her office. We reviewed the previous day's meeting focussing on my feelings and reactions to [redacted] second attack. [redacted] agreed with my assessment that this constituted the worst kind of angry, raging behaviour and agreed to take the matter to her supervisor, [redacted]

I was asked to meet with [redacted] in her office November 19/96. I summarized the two meetings in question and told Ms. [redacted] I considered this to be harrassment in the workplace. I said I felt demeaned and belittled by [redacted] behaviour. [redacted] had in her possession a copy of the two page memo [redacted] had handed to me September 20/96. She told me that she had zero tolerance for harrassing behaviour and asked me to see the Harrassment Officer, [redacted]. Within two days, I was repeating my story to [redacted] in her office. She agreed to write a report and give it to [redacted]

Subsequent to that meeting I was informed that [redacted] was to have a meeting with [redacted] after the end of term, (around the first week of December). On or about the 10th of December, I recieved a phone call from [redacted] suggesting I might want to stay away from an all day Faculty meeting in [redacted] because [redacted] was extremely angry after her meeting with [redacted] I declined this request and attended that meeting, which turned out to be uneventful. To my knowledge, the meeting between [redacted] and [redacted] was the only corrective action ever taken. [redacted] alluded to the issue of [redacted] raging by agreeing this behaviour had not begun in September of 1996. but had been around for a long time.

I was asked by [redacted] whether I would like to have a mediated session with [redacted] I declined. I do not mediate with a person who displays raging, belittling behaviour. In January of 1997 , [redacted] informed me that she had reccommended in her report to [redacted] that [redacted] recieve counselling for her behaviour.

During the fall of 1996, I became aware I was not the only person feeling attacked. I witnessed attacks on students during the class I co-taught with [redacted] as well as other behaviour which I will now detail.

There were twenty -five students in the [redacted] Program, a [redacted] certificate course designed to prepare them for entry level positions in the [redacted] field. If the students wanted to complete the program in the alloted ten month period they would have to take at least seven courses during each term, a program designed by [redacted] and her colleague [redacted] (who works one term per year)

During the fall term. I had several chances to observe [redacted] in the classroom as we co-taught [redacted] We had very different styles of teaching. [redacted] gave out a lot of information, mostly through lectures, handouts and overheads. My observations of her teaching methods were that her explanations were often confusing. Her written material had numerous mis-spellings and did not clearly set out details necessary for students to understand the material. Frequently, the material was so advanced, students did not feel capable of even approaching the assignments. This in turn seemed to cause confusion and they pressed her for explanations or more detail. At other times they challenged her material. These questions and challenges were very difficult for [redacted] to handle. After the first round of questions students often were still unclear and would re-state the questions. [redacted] response was to belittle students. " If you were only paying attention, you wouldn't be confused," she would say. "If you would only stop talking, you'd get the point, " she would tell the class. Although the average age of the students was around 32-34, the atmosphere of the classroom reminded one of a grade seven or eight level.

Over a short period of a couple of weeks, students who had been the most challenging began to sit near the back of the class. Some dropped their heads and basically took themselves out of the line of fire. Some persisted and kept on challenging her. The latter were not average students, but rather the students with the best marks and the most inquiring minds. Many students, seeing the responses [redacted] gave, never even entered the fray.

[redacted] was constantly late for class and consistently seemed poorly organized. This only added to the pressure and confusion, of the already tense atmosphere. Students began to adapt their participation according to their perceptions of her moods. As one student who approached me said," Before you asked a question,(to [redacted] you had to ask yourself, is this a good day or a bad day? " Some students came to me as the co-teacher in the class, to ask for clarification. On one such occasion a student asked me to review [redacted]. We had some spare time because [redacted] was late, so I responded. Near the end of this explanation, [redacted] came into the class in time to understand both the content and the name of the student who had asked the question in the first place. I left the class to do other duties, but when I returned 45 minutes later, the atmosphere of the class was extremely tense.

As it turned out, [redacted] was intensely angry with the student who had asked the questions around [redacted]. I did not learn until later that [redacted] had covered this topic in class, but very few students had understood the concepts. The students began to feel they couldn't use me as a resource as [redacted] would become angry at them. The student, who experienced this situation first, [redacted] later filed a harrassment charge against [redacted] Nash. The charge was dismissed by [redacted]

Yet another observation in this class was that students were being asked to do very different assignments for the same percentage of the grade. For one assignment, the majority of the class was asked to report on a field visit they had done. Each student reported for up to fifteen minutes on this assignment for which they received a certain percentage of their grade. Two students , however, were given totally different assignments for the same section of the course. [redacted] and [redacted] made major presentations to the class, some of which took up to 90 minutes, for the same percentage. Both reported on topics they were familiar with and in fact were considered almost experts in, [redacted] on [redacted] and [redacted] on [redacted] Teaching Assistant [redacted] and myself were approached by [redacted] after the first (extended) presentation. We were asked whether we had marked the student. We were both treating these presentations as extra-ordinary, but were told they were to be counted like presentations made by the other students. No explanation was given to explain the vast differences between the two. The two students in question never did report on their field visits.

In the term from January to April 1997, I only had responsibility for practicum supervision and therefore had limited contact with [redacted] During this time, she stayed away from me.

Our communication was limited to student performance in the practicums I was dealing with. I did however attend faculty meetings and it soon became evident that the raging behaviour had changed to one of exclusion. At one faculty meeting [redacted] reported that teachers in the program had met on Prior Learning Assessment issues, yet I was never invited to the meeting. This was reported to Department Head [redacted].

Even though I was not in the classroom, during the winter term, I did hear plenty of compalints from students. I was approached on numerous occasions with reports of difficulty in the classroom. From these conversations, it is my understanding that six or seven students eventually approached administration with their complaints. These were dismissed and a printed statement issued by [redacted] stated that [redacted] was competent to teach in the [redacted].

AREAS OF CONCERN

I would like to shift now to the Code of Social Work Ethics. It is my contention that [redacted] is practising in an incompetent fashion. Under the Section"Competency and Quality of Service 3.4 "it states: "The social worker will recognize that personal problems and conflicts may interfere with professional effectiveness. Reasonable health and well-being will be maintained by the social worker as a recognized component of competent practice.

If personal problems occur, reasonable care will be taken by the social worker to determine whether professional activities should be suspended, terminated or limited."

It was my personal experience and my observations of the experience of others that [redacted] often acts in a manner which intimidates, belittles and threatens both colleagues and students. She does this through body language, words which threaten and the tone of her voice. When she has been confronted by people about this behaviour(e.g. [redacted]) her response has been to get defensive, shutting out the feedback and often exhibiting both [redacted] and [redacted] behaviour to those who voiced concerns. agressive(sic) passive aggressive

As [redacted] colleague I expected her to follow the Code of Ethics regarding behaviour in the workplace. Section 8.3 states: " The social worker who has the responsibility for employing and evaluating the performance of other staff members will fulfill such responsibility in a fair, considerate and equitable manner on the basis of a clearly enunciated criteria.

It is my contention that when [redacted] approached me on September 20/96 she did so in a way which totally contradicted the letter and spirit of the Code., particularly given we were in a collegial role to one another. As the person who was the full time faculty member(with [redacted] years of service) she might have assumed that I was new to the program and needed some guidance. Yet she approached me without telling her Head of Department, treated me in a manner which was threatening and offensive and handed me a list of expectations which she had no right to do.

Similarly, her behaviour on October 31/96 was totally out of context for the stated purpose of the meeting. The criticisms were unwarranted and the manner in which they were delivered, unethical. This was my [redacted] year of teaching in a post-secondary instution in this profession. While I have had numerous opportunities to debate or negotiate teaching methodologies, program goals and objectives and other academic differences, I have never experienced this kind of unprofessional behaviour in an educational institution.

In Section 8.9 it states: " As a teacher, the social worker is aware that personal values may affect the selection and presentation of instructional materials. When dealing with topics that give conflicting ideas, styles and perspectives, the social worker will make reasonable efforts to recognize and respect the diverse critical and analytical attitudes that students may have towards such materials."

It is my contention that when students challenged or asked for clarification, [redacted] often made abrupt, demeaning and belittling comments. In short she was defensive and punative when all the students were asking was for clarification. I heard her say statements like: "If you would just pay attention, you would understand."

" Class can anyone help poor_____ out, he wasn't listening when I went over this."

" If you can't understand this material, perhaps you have a personal problem."

Another example of how confusion was created by [redacted] was the practicum manuals. The pages in the manuals were un-numbered. Therefore when [redacted] was referring to a certain section of the manual, students got confused and could not find the page she was referring to. This produced another round of questions and more confusion. She became frustrated and responded poorly rather than acknowledge the problem and simply take the time to have students number the pages.

Section 8.10 states: "As a teacher, the social worker will take reasonable actions to ensure that statements in course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, basis for evaluating progress and the nature of course experiences."

It is my contention that in [redacted], that three students were evaluated on a different basis from the other students in the class. I contend that this was unfair and not stated in the course outlines or expectations given to students. I have no wish to recind the marks of these students and do not hold them responsible for the actions of [redacted] However, it is clear that these three students did a far different assignment that the other 22 students in the same class. I would contend that this violates the Code of Ethics.

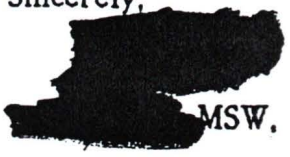
While I was privvy to many conversations with students who were adversely affected by [redacted] behaviour, I did not personally observe all of them. If they choose to, I must let these people speak for themselves.

In conclusion, it is my position that the anger exhibited by [redacted] in her relationship with her colleagues and the students within her responsibility, render her incapable of carrying out her duties as a Registered Social Worker. It is my contention that not only does her behaviour negatively affect her colleagues and students, but students in turn will emerge from the program with extremely warped views on how one uses personal and institutional power.

During the past year, I have made several attempts within the context of [redacted] to bring this matter to the attention of the administration. In my view they are incapable or unwilling to act to change this situation and in fact have issued a written statement allowing and supporting [redacted] to continue to influence students in this unethical manner. I see it as my duty to inform the Board of Registration and to turn this investigation over to them.

I am prepared to answer any questions the Board of Registration or its designates wish to ask me. Thank you for your consideration.

Sincerely,



MSW, RSW.

encls.

ADDENDUM

I am appending three items to this letter for your further information. If you require other materials for your investigation, I should be happy to supply them.

The first item is my memo to Head of Department, [redacted] dated January 31/97 which is my summary of my first term at [redacted]

The second is the two page memo from [redacted] handed to me on September 20/96. Copies of this were given to [redacted] and [redacted]

The final item is the student evaluation of the [redacted] class(Communications) completed in late November 96.

BOARD OF REGISTRATION FOR SOCIAL WORKERS
of the Province of British Columbia
#407 - 1755 West Broadway Avenue
Vancouver, British Columbia V6J 4S5

Telephone: (604) 737-4916
Fax: (604) 737-6809

Please address all communications to the Registrar

August 11, 1997

Double Registered
Personal and Confidential

Ms. [redacted], RSW
[redacted]

Re: Our File 1997-05

Dear Ms. [redacted]

Further to our conversation earlier today please find enclosed a complaint with respect to your social work practice/conduct from [redacted], RSW

This letter is a request for you to respond to [redacted] complaint. The nature of the complaint has been described in the enclosed copy of [redacted] complaint and related materials which arrived at this office on August 1, 1997. In preparing your response, you should provide specific responses to each and every concern noted in the enclosed.

The Rules of the Board, pursuant to the Social Workers Act, require that you deliver to our office a written response to the substance of this complaint by double registered mail within 30 days (Rule 7.07). The focus of the Board's investigation of this complaint will be whether you met generally accepted standards of practice and complied with the Social Workers Act/Rules and the Code of Ethics. You will note that [redacted] has highlighted his concerns pursuant to sections 3.4, 8.9 and 8.10 of the Code of Ethics. Please note that your response may be sent to the complainant for additional comments.

You have the right to retain legal counsel throughout the complaint process.

I have also enclosed a copy of the Social Workers Act/Rules, the Code of Ethics and a summary of the complaint process.

Sincerely,

[redacted]

Ben Van Den Assem, B.A., M.S.W., M.P.A., LL.M., Ph.D., R.S.W.
Registrar

[redacted]
September 4, 1997

Mr. Ben Van Den Assem M.S.W., M.P.A., L.L.M., PhD., R.S.W.
Registrar
Board of Registration for Social Workers of B.C.
#407-1755 West Broadway Avenue
Vancouver, B.C. V6J 4S5

Dear Sir

This is my response to XXXXX YYYYYY's formal complaint against me. I will respond to each point in his letter. Further I have attached three letters, one from the Dean of Academic and Career Programs, one from my Department Head and one from a colleague who I was responsible for orienting at the same time as XXXXX YYYYYY. I was able to ask the Dean and Department Head to write letters as both have done extensive investigations of me, my practice as an instructor and the content of the [redacted] program as a result of several of XXXXX's complaints. Their findings do not in any way support XXXXX's contentions.

XXXXX YYYYYY was hired as a temporary part time instructor with his responsibilities beginning on August 19, 1996. I was asked to provide an orientation to the [redacted] program for him and also to provide an orientation for a second individual [redacted] at the same time. On two occasions I met with these individuals together and two or three other occasions I met with each separately. It was my perception that XXXXX was not understanding my description of the courses or the distinctions between a [redacted] program with its highly structured and prescribed program and a [redacted] program at a University which provides for much more academic freedom. Thus on September the 20th I met with XXXXX in the staff lounge at lunch time and gave him a written list of expectations. As I told XXXXX at the time I choose the location because I perceived it as neutral. I did not approach the Department Head or other figure of authority as I would have considered it tattling or undermining to XXXXX who was new at [redacted] I was not angry at the time nor did I threaten his job (I had no authority to do that). I was uncomfortable with having to move to more formal communication to get my message across clearly and, as I recall, stated this. There has been no disagreement on the substance of the list that I gave to XXXXX as far as I know. It has been reviewed by the Department Head and Dean. I was concerned that at this early stage our relationship appeared to me to be strained and thus talked to him about my need to have equal open communication about the work as I tended to favor the feminist approach of consensus decision making. My perception of the September meeting is considerably different from XXXXX's.

XXXXX fails to point out that after this September meeting, he and I met every Tuesday for the rest of the term to do joint preparation for the [redacted] Course and to deal with

any issues that might come up for the program or students. We shared responsibility for the [redacted] Course with each of us taking responsibility for the organization and preparation for different activities in the Course. While we did not develop a strong collegial relationship during these meetings, the work of course preparation was done in a reasonably comfortable fashion. XXXXX pointed this out to me on at least two occasions. He seemed to think that we worked well in these planning sessions.

The meeting with the Department Head on October 31, 1996 took place after XXXXX and I had been meeting with individual students to determine practicum choices and to deal with any problems that the students had with the program. [redacted] (Department Head) had previously shown an anonymous letter to me and said she felt we should share it with XXXXX and that we should problem solve together. The meeting was an attempt to share program concerns. XXXXX seemed to see the letter as an opening to share his concerns about the workload of students in the [redacted] program. While I agreed that the workload of this program and similar programs is heavy, I did not agree that I was personally responsible for this. The meeting was very uncomfortable for me as XXXXX instructed me on the problems of giving students regular quizzes and the inappropriateness of these vocational students having to take University Transfer English and Psychology. I responded by going to a blackboard in the room and tried to show the lay out of the program, the sources of the program and the way in which activities in the program were to be balanced. He was not accepting of this. I did not accuse him of anything and do not recall talking about his teaching methods specifically. He had given me a book with an article in it in which he outlines his version of Adult Learning. I do remember saying that it made it difficult for me that he had told the students that any approach other than that one was treating them as children. This led students to feel resentful of other approaches that included preset content and regular testing of knowledge.

I had no part in the initial design of the [redacted] program. [redacted] was the initiator of the program. It was based on a provincial DACUM. Further, it has been designed in response to local Advisory Committees and requirements for transfer into BSW programs. There are ongoing modifications for which I have some responsibility along with a variety of colleagues over the years. As I pointed out to XXXXX on the occasion of our meeting with [redacted], Department Head, changes to curriculum involve a significant process which includes meeting with the Advisory Committee, developing an agreement for the curriculum committee at [redacted] and ensuring that it does not affect the transferability of the program by consulting with Universities and University Colleges which accept our students. Students in [redacted] programs do carry a very heavy academic work load. Two major reasons for this are the provincial funding formula which requires 25 hours of class time and the provincial requirement that career programs graduate students within a ten-month academic year.

I will leave the responding to the content of his meetings with [redacted] (Department Head) and [redacted] (Dean) to them. However, I will comment on my meeting with [redacted], the Human Rights Officer who has since left [redacted] and thus not available to write a response at this time. She asked me to meet with her early in December. She

reviewed two complaints with me. One was from the student,AAA HHHHHH and the other from XXXXX. She asked me to respond specifically to each. AAA's was a mixture of praise of the support I had provided for him in getting remedial help for his academic problems and anger at the fact that he had perceived me as asking him to stay after class on one occasion when I had not and that he felt picked out when I had asked who wanted to know more about "systems theory" in a [redacted] class. He ended his statement with a footnote that XXXXX's step daughter, a student in the [redacted] program had told him to make the complaint with [redacted] (Human Rights Officer). The second complaint was similar to the one to you. XXXXX had objected to a colleague giving him a written job description. When asked what I was prepared to do in response to these complaints I suggested individual mediated sessions (with the student having an advocate present to support him). Once [redacted] indicated to me that it did not appear that I had infringed on these individuals' human rights I never heard from her again. I gather from XXXXX's letter to you that she did go back to XXXXX and suggest a mediation session. I was never told this.

I am shocked that XXXXX states that he witnessed students being verbally attacked by me. I was never in a class without a [redacted] practicum student present to co-teach in the first term. I think he would have noticed if it were as XXXXX asserts. Secondly [redacted] interviewed all [redacted] students at my request and this was not perceived to be the case by the vast majority of students. If XXXXX was watching students being treated disrespectfully, why is it that he did not intervene? While XXXXX and I shared responsibility for the [redacted] course, we did not "teach" at the same time. As the name of the course implies the major activities of this course was exploring community resources and preparing for practicum. Thus on most occasions there were guest speakers or the students were visiting agencies. From time to time one or the other of us met with the student group. The purpose of these sessions was rarely to provide content (did happen on some occasions when a speaker was unavailable or it was necessary to supplement the content), but rather to deal with the logistics that accompany such a course.

XXXXX's assessment of my teaching style and student's reactions to it are totally inconsistent with my student evaluations last year or any other of the years that I have taught (see attachments). I found that there were a few (four) students in the 1996-97 class who were very dissatisfied with the [redacted] content and the program. Two of them came to me at the end of the Winter term (in April) and apologized for their role in polarizing the [redacted] class and for attempting to distract in class. Further it could be noted that the four students did drop out of the [redacted] program at Christmas 1996. All of them had failed to pass the required Psychology 100 course in spite of remedial help and therefore could not continue the program. All four applied to return to the program in September of 1997 knowing that I would be an instructor in several of their courses. One chose to do something else, one could not get funding and two have returned. One student (XXXXX's step daughter) left the program before completing her final practicum. I suspect but have never had it confirmed that this withdrawal was due to dissatisfaction with both the program and me.

During the 1996-97 term I was late for one class. I sent my BSW practicum student to cover while I dealt with a very upset student. It seems to me that he may be referring to the fact that I rarely attended the first hour of the [redacted] class. This was by agreement and design. XXXXX often left that class an hour early. We occasionally overlapped.

I'm unsure how to address XXXXX's concerns over the class assignment in [redacted] It is my perception that he suggested the way we did the class presentation assignment when we determined that there was a problem in the numbers of possible presentations on agency visits. I also recall that we agreed that each of us would do an evaluation of the presentations independently [XXXXX, [redacted] (BSW practicum student) and myself] on a preset grading sheet. I am sure I would have asked for these evaluations after each set of presentations whether they were presentations of agencies students had visited or presentations of areas of special student interest and expertise as I maintained the student records in this course. It should be noted that [redacted] was not a teaching assistant but a BSW student completing a practicum with the [redacted] program. He was present in all of my classes during the period XXXXX is describing and did much of the presentation of content as well. I had asked XXXXX to participate in this practicum with me but he did not seem to be interested. I will include [redacted]'s evaluation of the practicum as an attachment.

XXXXX was not on the [redacted] campus except for the occasional meeting during the January to April 1997 term. I did not seek him out because I did not feel particularly safe with him after the complaint to the Human Rights Officer. However, I did not avoid him either and did meet and work with him when our work responsibilities demanded this contact. I did address what I perceived to be a polarization of the [redacted] class in early February. I found that in all my classes there was the same small group of students who challenged every exercise and every new concept. The other students complained to me about wasted class time. I had both the Department Head and Dean meet with the class and attempt to determine the issues as I was confused and felt that any response I made to this group of students escalated the problem. The result was that the vast majority of program students, a large number of University Transfer students whom I had taught in one course and all of the [redacted] Diploma students all approached the Dean and made statements of support of my teaching style and approach to the program. Two of the four students who seemed to have a problem came to me later in the academic year and apologized for their role in the polarization of the class. Two of those students would seem to still have a problem. They were offered advocates to support them in a meeting with me but did not take this opportunity.

XXXXX YYYYYY claims to have heard many complaints form students during this term. There are several students who came to me stating that he was asking them for information. These I referred to [redacted] (Dean). Also I have heard from a number of graduates of the [redacted] program that XXXXX had called them and told them that I was having problems and encouraging them to take action. It is interesting that he suggests that six or seven students approached administration with their complaints. This is simply not true. I approached administration with my concerns. The only student who seemed to voice any complaint was a

student who failed to meet the program requirements at Christmas and thus was not in the program (the student who took his concerns to the Human Rights Officer). No statements were dismissed (every student was interviewed individually and the Dean and Department Head met with the entire class for two hours) but after the investigation that I asked for [redacted] (Dean) did write a letter to the class specifying the results of her investigation.

IN RESPONSE TO AREAS OF CONCERN

1. "The social worker will recognize that personal problems and conflicts may interfere with professional effectiveness. Reasonable health and well-being will be maintained by the social worker as a recognized component of competent practice. If personal problems occur, reasonable care will be taken by the social worker to determine whether professional activities should be suspended, terminated or limited."
I have never previously or since been accused of acting "in a manner which intimidates, belittles and threatens both colleagues and students ... through body language, words which threaten and the tone of her voice" nor have I tended to ignore feedback. I asked that [redacted] mediate between XXXXX and me since he had a problem. I have had to respond to my Department Head, the Dean, a Human Rights Officer, the College President, the head of the Educational Council and any number of Students and Community Resource people over XXXXX YYYYYY's complaints. I do not believe that any one of them would agree with his characterization of getting defensive, shutting out the feedback or exhibiting both aggressive and passive behavior to those voiced concerns. See attached letters. I could supply many more but I am attempting to limit the impact of these complaints on students. Many of the students that XXXXX refers to have returned to [redacted] and several are in my current classes. I have avoided discussing XXXXX or his complaints with them as I believe that this would only serve to continue to confuse them and reenforce the idea that this conflict is an appropriate diversion from their studies and lives.

2. "As a teacher, the social worker is aware that personal values may affect the selection and presentation of instructional materials. When dealing with topics that give conflicting ideas, styles and perspectives, the social worker will make reasonable efforts to recognize and respect the diverse critical and analytical attitudes that students may have toward such materials. I simply did not make the statements that XXXXX is suggesting. Almost all of my written assignments have statements in them that clearly state that individual's personal opinions are not graded and that students are encouraged to think critically about the content rather than rewrite a particular perspective. (See attached). The page numbers in the practicum manual are not numbered. This is so these manuals can be updated regularly. I was not aware that students were confused but will check this out with the next group.

3. "As a teacher, the social worker will take reasonable actions to ensure that statements in course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, basis for evaluating progress and the nature of the course experiences." XXXXX YYYYYY seems to have forgotten the class discussion we had about presentations. As I recall,

the student body was particularly interested in the three areas of expertise of particular students. We discussed how this might affect grading. Further I was the individual who developed the grading sheet which preset the criteria that all students would be graded on and ran this past the students before the presentation assignment started. Again I am truly confused as to his passiveness throughout this process given that he felt so strongly about it. It is interesting that XXXXX should select this particular Section of the Code of Ethics as I have a reputation for sticking to course outlines or distributing revised ones when changes occur during the term.

My perceptions of the 1996-97 academic year are considerably different from XXXXX YYYYYY's. He has exercised his right to complain at many levels and to date I have proven myself to be competent and ethical. I have responded to the Human Rights Officer (a three-hour interview), to my Department Head (very regularly), the Dean of Academic and Career Programs (very regularly), the President of [redacted] (an hour interview after her reviewed the notes of the Human Rights Officer), and the Chair of the College Board (a multipage document responding to complaints about the [redacted] program, particular assignments, particular courses and instructional methods). This document was also forwarded to the Chair of the Educational Council and the [redacted] Advisory Committee as XXXXX sent copies of his complaints to them as well. The result has been that the [redacted] program and my role as instructor in that program have been very thoroughly investigated. I have spent considerable time and energy preparing these responses over the last eight months. To date not one of those complaints has proven to have any substance. I have been informed by many students in the class of 1996-97 that XXXXX had solicited information about me and often given them negative interpretations of any information that they gave him. I have also been informed by several [redacted] graduates that they have been telephoned by XXXXX for information. I am a shy and private person and have found this experience humiliating, disturbing and frightening. I am sure that my style is not one appreciated by everyone. However, I believe that I am a respectful, caring and committed person in all of my interpersonal relationships. This has largely been confirmed during the long and painful process I have just experienced.

I do not want this letter or any of the evidence that I provide to support my position forwarded to XXXXX YYYYYY. I believe that every response in some way has served to deepen his resentment of me and to motivate him to approach yet another body of authority. I have no desire to continue this conflict nor do I want to reinforce his apparent need to find some figure of authority to punish me.

In closing I believe that I have always behaved ethically in my encounters with XXXXX and with all my students. I believe that I have provided adequate proof of this contention.

Yours sincerely

[redacted] RSW

BOARD OF REGISTRATION FOR SOCIAL WORKERS
of the Province of British Columbia
#407 - 1755 West Broadway Avenue
Vancouver, British Columbia V6J 4S5

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Fax: (604) 737-6809

Please address all communications to the Registrar

October 3, 1997

Personal and Confidential
Double Registered

Ms. [redacted] RSW
[redacted]
[redacted] B.C.
[redacted]

Our File 1997-05

Dear Ms. [redacted]

The Practice Review Committee met on September 30, 1997 and reviewed the above noted complaint initiated by [redacted], RSW with respect to your social work practice/conduct. The Committee considered the complaint and the materials presented by you.

The Committee determined the complaint should be dismissed pursuant to Rule 7.16(a). The Committee found that there was no substantiation for the complainant's allegations against you. In addition, it noted that you sought to address the complainant's concerns through the various avenues available to you at the College.

The Practice Review Committee and the Board of Registration wish to thank you for your cooperation with respect to this complaint.

Sincerely,

[redacted]

Ms. Lucie Hanson, RSW

Chair, Practice Review Committee

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