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SOCIAL JUSTICE AND RATIONING SOCIAL SERVICES

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ABSTRACT

This paper discusses the ethical implications of different mechanisms used by social agencies to ration scarce social services. Mechanisms such as "queing," "creaming," and "triage" are discussed from the perspective of two theories of social justice; i.e., John S. Mill and John Rawls. The purpose of the paper is to encourage more explicit examination of the assumptions that underlie the distribution of social services. It is the authors' contention that the present decision making process is almost entirely based on intuition, political expedience, and tradition, and that systematic ethical analysis would give stronger justification to rationing decisions.

Since social services¹ are a finite and valuable commodity, they can only be offered to a limited number of people, and therefore, are denied to others. This dilemma is common to all health and social service programs, from day care to CT Scanners, from kidney dialysis machines to counseling services. Granted some services are in greater supply than others, and some may be oversupplied (e.g., information and referral); however, these are the exception rather than the rule. The supply of most social services is restricted and, therefore, must be rationed in some manner. Given this necessity, there is value in formulating a rational framework which explicates alternative ethical principles² as a step toward determining which social services should have priority over others, and which people should have the greater claim to them.

This article will present two fundamentally different theories of distributive justice and illustrate how each can be applied in assessing the ethical implications

¹"Social Services" as used in this paper refers to personal social services such as counseling, day care, homemakers, residential treatment as well as broader social welfare provisions such as public assistance, food stamps, and manpower services.

²The terms "ethical" and "moral" are often used as equivalent by philosophers and pertain to concepts such as "good" and "right" (Frankena, 1963:Chapter 1).

of several rationing mechanisms commonly used in social agencies. The focus will be on examining the ways agencies manage excess demand for their services. Allocation of resources among national or community social welfare programs (e.g., children, elderly, handicapped) or between social welfare and other public programs such as defense will not be analyzed in this article.

It is not the authors' intention to provide a formula or single principle that instructs administrators or practitioners on the "ethically correct" method for distributing services. Hopefully, however, the explicit application of moral principles to some present rationing mechanisms will provide an intellectual perspective which will enable these decisions to be made more systematically and with stronger justification. It is recognized that ethical principles, however clearly stated, are not in themselves sufficiently potent to alter rationing mechanisms that are rooted in law, custom, administrative rules, intuition, or political pragmatism. Nevertheless, it is important that social service professionals make explicit the moral "principles" that underpin rationing decisions and be able to intellectually defend them.

Theories of Distributive Justice

The intent of this article is to examine social services rationing using relevant propositions from the philosophical theories of John Stewart Mill and John Rawls. Of all the ethical theories relating to justice, these two are particularly applicable since they deal explicitly with economic, political, and moral principles that directly apply to social welfare. In contrast, earlier classical theories were largely concerned with individual conduct or rules which were right or wrong from the standpoint of religion, natural law, or intuition. Ethical egoists such as Epicurus, Hobbes, and Nietzsche held that an act or rule of action was right only if the one performing the act "promoted his own greatest good" (Frankena, 1963:14). Further, the philosophical tradition before Mill was essentially non-consequentialist. That is, the morality of an act was not judged according to the impact it made on society. For the Greek philosophers there were self-evident cardinal virtues, for religious philosophers, such as St. Thomas Aquinas "theological" and "human" virtues were supernatural in origin, and for humanists such as Shopenhauer and Kant, human virtues were based on enlightened self-interest rather than either theology or natural law.

John Stewart Mill's Utilitarianism

John Stewart Mill's groundbreaking writings on political-economy and ethics represented the first comprehensive theory of justice which systematically applied moral principles to the well-being of society. Building on the writings of Hume and Bentham, Mill propounded the proposition that "the test by which every principle should be tried, is that of conduciveness to the happiness of mankind . . ." (Heilbroner, 1961:108).

Unlike most Socialist and Utopian scholars, whose theories were grounded in deterministic, historical, and structural assumptions, Mill had supreme faith in the ability of men to control their fate through reason. He believed law and constructive use of state power could correct the excessive injustices resulting from the unbridled capitalism of the Industrial Revolution. Mill is credited by most historians as contributing the most powerful intellectual underpinnings for welfare liberalism. His writings gave moral, economic, and political justification to redistribution of wealth and governmental involvement in social welfare.

Mill's utilitarian conception of justice holds that action and arrangements are just to the extent that they produce the greatest good, benefits, or happiness for the greatest number of people. In other words, to achieve justice, goods or resources should be distributed so as to maximize the total amount of happiness in a society.³

The application of this utilitarian principle requires some estimate of the relative utility or benefit accruing to individuals as a result of receiving various quantities of goods or resources. Both individual satisfaction and the total number of people affected must be considered in assessing the overall happiness that will result from a particular decision. For example, a meal will create more happiness for a person who has little food than for a person who already has three meals a day, since the basic value of that meal is greater for the hungry person. Thus, the total good will be maximized by insuring that people with little food get additional food, with the proviso that there is minimal hardship for those who already have adequate food. The extension of this principle is the foundation of social welfare policies in most democratic states. A notable example is the widespread acceptance of the progressive income tax wherein it is acceptable for government to do some redistribution of income if the "pain" for taxpayers is small while the benefits to society are great.

Critics of utilitarianism, including John Rawls, note that there are both practical and moral problems with the utilitarian conception. The practical problem is the fact that simply aggregating the numbers of people who benefit from the distribution of a resource does not in itself make the distribution just. It is difficult to compare the benefit accruing to 100 people with no income who each receive \$500 per month with 10,000 people who receive \$5 per month. Simply stated, "the greatest good for the greatest number" principle lacks an operational method for determining the relative benefits that resources bring to different groups of people.

There are also moral problems within the utilitarian view. It has been argued that by defining justice as that which produces the greatest good for the

³Happiness as used by Mill goes beyond basic satisfactions such as subsistence and sex to include higher pleasures related to intellectual, aesthetic, and humanitarian pursuits.

greatest number, society could tolerate the exploitation or suffering of a small minority. The most obvious current illustration is the seeming necessity to have a high unemployment rate in order to curb inflation. While this policy purportedly benefits most people, it is at the expense of the minority who are unemployed (Mill, 1971).

John Rawls' Theory of Justice

The first full scale critical attack on utilitarianism was a widely acclaimed mammoth philosophical treatise by John Rawls in 1971. Rawls' objections to utilitarianism cover a wide variety of points, too numerous to note in this brief article. For example, questions are raised about the clarity of the notion of utility, about the plausibility of a principle that requires quantification of happiness, and about how the interests of one group of people can be weighed against each other and against those of future generations.

Rawls' strongest attack is that utilitarianism is untenable because it could theoretically permit a maximum amount of happiness to be produced for a maximum number of people through the abuse, indeed the enslavement, of a minority. While the utilitarians have offered counter arguments to make such injustices untenable, this correction has not fully satisfied many critics.

A Theory of Justice is not merely one more critical attack on utilitarianism. As Charles Frankel noted, "Rawls' . . . purpose . . . is nothing less than to overturn two centuries of empirical, utilitarian, and positivistic philosophies and to produce a work in moral thought that goes back to Natural Law and social contract theory . . . (Frankel, 1975:55). Rawls challenged advocates of utilitarianism and liberalism to show the superiority of their views against this new conception of justice. This article will make no attempt to summarize the wide-ranging issues that Rawls covers, but simply highlight the basic assumptions that relate to distributive justice and give the reader some notion of how Rawls derives his major propositions from them.

The Rawlsian position simply put, is that, whenever there are inequalities in society, the only justification for their existence is that they are to the long-term benefit of the least favored members of society. The more commonly held liberal view that those who are advantaged owe it to those who are disadvantaged to share some of those advantages is insufficient for Rawls. His view is not a simple egalitarian one. It is far more complex, and he arrives at it through a conjectural account in which a group of people negotiate the rules that would govern the society in which they live.

The Rawlsian account begins with a number of assumptions about human nature that he invites the reader to accept as reasonable. Namely, each person is a rational egoist who is pursuing some set of goals and the pursuit of these goals requires social interaction with others. He then creates a hypothetical situation

in which he asks us to contemplate a group of people freely coming together to negotiate the principles of justice by which they would bind themselves to live as a community. Further, the negotiators in the hypothetical account are intelligent, rational agents, each of whom is well-informed about human psychology, economics, sociology, etc., and each acts in terms of his own self-interest and is completely uninterested in the welfare of his fellow negotiators. That is, he seeks neither to block or advance others' pursuit of their goals. He is free of emotions of sympathy or envy, but is entirely focused on his own objectives.

In this hypothetical situation, each of the negotiators is assumed to be very knowledgeable in general, but without particular knowledge about themselves or others. They could be any age, race, sex, income or ability level. They are unable to distinguish themselves from anyone else. This state in which every agent is generally knowledgeable but knows literally nothing about his own or others' personal characteristics, Rawls labels "the veil of ignorance."

The veil eliminates the possibility that anyone is negotiating to protect special interests at the expense of someone else's interests. No bias is possible since none of the negotiators know what position would help or hurt them once the veil is lifted. Rawls calls the situation in which the negotiators find themselves the "original position." Under such conditions, he argues, they have no choice but to adopt principles which allow the maximum opportunity to everyone in the event that when the veil is lifted they are in the least advantaged position.

From this conjectural account, Rawls derives two principles of justice. The first, the liberty principle, specifies that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." The second, the difference principle, deals with scarce material goods and social advantages. Although the negotiators could opt for an equal distribution of goods and other values, they would soon realize that they stand to benefit by the introduction of certain inequalities in the distribution of advantages. An example Rawls uses is of giving a rural physician an airplane. While this would make him relatively advantaged, the rural population, and especially the least advantaged among them, would generally benefit from this inequality. But other advantages, such as tax loopholes which do not help the disadvantaged, would be prohibited. Rawls labels this line of reasoning "Justice as Fairness."

Rawls' theory has been the subject of great debate and controversy within philosophical and social science circles (Gorovitz, 1975). The principle supporters are the "new egalitarians" who reject the traditional liberal conceptions of equality of opportunity in favor of equality of result. Rawls and his supporters claim a moral superiority of the theory to the traditional utilitarian view in that the least advantaged persons in the society are the priority beneficiaries in this conception of justice.

Critics of Rawls such as Charles Frankel, Daniel Bell, and Robert Nisbet believe his form of redemptive and compensatory justice would eventually lead to the progressive pauperization of society. But substituting disadvantage for merit as a major criterion for reward, it is argued that those with the least to contribute will gain inordinately while those with superior talent will lose incentive.

Issues in the Application of Theories

Rawls' and Mill's theories are complex and cannot be used simply or mechanically. In fact, applying these theories to the rationing problem requires sensitivity to several serious perplexities. Their recognition is helpful in pointing to some limitations of making the theories operational.

Difficulty in measuring results. The application of a moral theory usually requires knowledge of certain empirical facts that are often difficult to ascertain. For example, the application of the utilitarian principle of maximizing total happiness requires some quantification of the benefit that would accrue from alternative patterns of distribution. Similarly, application of Rawls' principles requires a measurement of the degree of need or relative disadvantage experienced by various groups. Sometimes decision makers have data that can illuminate these questions. Often, however, there are large gaps in the information available requiring estimates that may or may not be valid. The ethical reasoning may be systematically applied, but, if the data are unavailable or erroneous, the actual policy adopted may have unjust results.

Who defines "happiness" or "disadvantage"? "Happiness" and "disadvantage" are value-laden concepts that are open to diverse interpretations. Societal judgements may differ from consumer judgements. For example, society may hold that being economically productive is an indicator of, or contributor to, personal happiness, but it is possible that some individuals may disagree with this point. Similarly, some people may believe that being old is indicative of severe disadvantage; others do not view the aging process in this light. Since the application of Mill's and Rawls' theories depends so heavily on such value judgements, the origins of the definitions should be made explicit before the theories are applied.

Difficulty in predicting consequences. From the perspective of Mill and Rawls, the justness of a decision or policy depends on its consequences. However, forecasting the consequences of a rationing mechanism is often based on little more than informed speculation. Under these circumstances, the impact of the mechanism would have to be reexamined periodically. Especially after a method is introduced, data could be collected on what types of people were receiving services and what types of people were being turned away. If the consequences appeared unjust, at that point the allocation system could be modified.

Temporal and geographic boundaries. A rationing mechanism may not only affect an agency's present clients, but also future generations and people in other locations. However, to facilitate the application of theories of distributive justice, there must be some limit on whose well-being is to be considered. At times, it will be reasonable to focus on the consequences of rationing for an agency's clientele or geographic service area. At other times, the type or scope of service will suggest including the impact of rationing on future generations or larger geographic areas in the analysis. For example, a utilitarian principle might support giving priority to community-based care of the mentally ill rather than to institutional care if only the happiness of clients were the prime consideration. However, if the level of discontent among community residents was also considered, using a larger portion of resources for institutional care might seem justified.

Danger of revealing moral dilemmas. If both moral theories discussed above were applied to a rationing mechanism, they would often lead to different judgments of the justness of the mechanism (Lorish, 1976). This could be disconcerting if it revealed moral dilemmas. Although perplexing, such dilemmas have the advantage of alerting decision makers to the potentially conflicting ethical implications of a rationing plan.

Applying Theories to Rationing

With the preceding cautions in mind, current rationing mechanisms can now be examined from the point of view of the two theories of distributive justice. Many forms of rationing are used by social agencies. These mechanisms may be implicit or explicit, rational or non-rational. Sometimes, they are established without formal discussion or explicit policy, but are the results of disparate decisions that become the "conventional wisdom" of the agency. Other mechanisms appear to reflect an implicit attempt to apply an ethical principle. They all serve the function of keeping service distribution orderly and insuring that demand is contained.

What follows is an analysis of some typical rationing mechanisms found in social welfare organizations. These are simplified for purposes of illustration. It is rare that an agency would use a single approach for all services. This analysis is not intended to be comprehensive but to demonstrate how rationing mechanisms can be analyzed from the perspectives of two theories of distributive justice.

Queing. A common-sense approach that is widely used when the quantity of a service or resource is limited is to allocate available supplies in the order in which people apply for them. For example, a hunger center may distribute food packages until the supplies are depleted. People who make requests at the end of the month must be turned away because the center will not be resupplied until the first of the following month.

The use of a waiting list is a slight variation on this "first come, first served" theme. If the lists are long, many will have withdrawn their requests by the time their name reaches the top. Waiting lists of potential adoptive parents could be an example of this form of rationing.

This approach is probably based on the assumption that it is fair to distribute limited resources according to the order in which people request them. To do otherwise would be to deprive people of what is rightfully theirs, that is, their place in line. If a person is efficient, arrives early, and uses his energy to make a timely demand, it seems unfair to deprive him of the rewards for these efforts. This mechanism is widely used because it is also convenient from an administrative standpoint.

When services are rationed in this way, it is often the most assertive and knowledgeable individuals who receive them. The least capable or most impaired people may have the greatest difficulty in reaching the front of a queue. When this is the case, a first-come-first-served approach to rationing would fail to benefit the least advantaged as Rawls' principle requires.

From a utilitarian perspective, the question arises as to whether a first-come-first-served policy would maximize total happiness. If all people requesting services would benefit equally from receiving them, the first-come-first-served approach would probably yield as much total happiness as any other approach and has the advantage of being easy to apply. However, this is frequently not the case. A unit of service often has greater utility to a person who has not had previous service. For example, given people with similar capacity to use the service, an hour of counseling at the point of initial request might have a higher utility than would an additional hour after six months of psychotherapy. However, if counseling were rationed on a first-come-first-served basis, the new applicant would be placed on the waiting list and the counselor's time would go to the client already in therapy who may not need the service as much as someone who just recently applied. Such an arrangement would reduce the overall well-being for the total society.

Hidden and hard to get benefits. When programs are complex causing public information about entitlement to be obscure and eligibility determination to be complicated, the resulting red tape may serve to ration services. Regardless of whether these bureaucratic measures are intended or not, many public agencies would have insufficient supplies if all who were legally entitled to benefits knew of their existence and demanded them. When the intake and eligibility process is long and tedious, some consumers doubtless avoid requesting services. When eligibility criteria are unclear, many people are not aware of their own eligibility. Such factors serve to limit demand and often penalize the most needy but least knowledgeable clients.

For example, it has been documented that many elderly people who are qualified to receive food stamps do not take advantage of them (G.A.O., 1977). In some

cases, they are not aware of their eligibility; in other cases, they may be avoiding red tape. Others feel stigmatized and therefore shun this type of assistance. However, for those who do apply, lack of clarity about eligibility, contradictory interpretations of regulations, and cumbersome procedures often result in a limitation on the granting of benefits.

In applying principles of justice to this approach, it would seem that many of the preceding comments related to the "queuing mechanism" apply. Since successful pursuit of obscure or hidden benefits requires knowledge, persistence, aggression, and ingenuity, Rawls' directive to benefit the least advantaged will seldom be met.

From a utilitarian perspective, hidden or hard to get benefits are clearly unjust since the basic purpose of such social welfare legislation is to transfer resources from those who can afford to pay taxes to those in need, thus benefiting the entire society. Indeed, it would be consistent with utilitarianism for the government to make every effort to ensure the awarding of such legal entitlements to those who have a right to them. This would benefit the greatest number and presumably be good for the total society.

"Creaming." A method of rationing that has particular appeal to agencies fearing federal cuts or seeking higher appropriations is sometimes known as "creaming." Simply stated, this involves selecting those candidates for a program or service who have a high potential to achieve success while needing relatively few of the agency's resources. The agency is able to show high success rates, few program drop-outs, and excellent cost-containment. A notable example is manpower training programs where some agencies explicitly select candidates who have relatively successful work histories (Rosenberg, 1969).

Another example might be a settlement house that chooses to offer recreational and social programs to youth who are reasonably well-adjusted. This rationing decision excludes serving more alienated and hostile youth who require more intensive and comprehensive services, often over a long period of time. Services to these more difficult cases would be very costly and sometimes might fail because of other environmental, intrapsychic, and interpersonal difficulties. In comparison, "creaming" would show "good statistics," with few failures and low costs.

"Creaming" as a method of rationing has seemingly little ethical justification using a Rawlsian view of justice. This method explicitly avoids serving the most disadvantaged people since this would almost certainly drive unit costs very high. The short-term consequences may initially appear to be consistent with utilitarian justice in that large numbers can be served with modest outlays of public and voluntary expenditures. However, the actual amount of benefits produced may be modest since the recipients, who were presumably fairly well off at the outset, might have been successful without the services.

Nevertheless, the essential question that must be examined is the long-range consequences of "creaming." If people who need only a small amount of help to become fully functioning are served and then are set on a course that prevents their becoming high risk candidates for more intensive costly services, this would further the utilitarian argument. However, the exclusion of the most disadvantaged youth makes it most unjust from a Rawlsian view. It is such an issue that illuminates the distinction between the two views of justice.

Equal rationing. When a resource is limited, it may be divided equally among all who request it. For example, since the funds available for emergency assistance to public welfare families are never sufficient to meet the potential demand, a department may allow every eligible family to have emergency assistance only once a year. If most families request this assistance each year, the effect is an equal distribution of these emergency funds. This approach to rationing may be based on a belief that fairness dictates that all share alike even if the shares are small.

At first glance, dividing a limited pool of resources equally seems to be an equitable and just approach. Everyone gets something, while no one does completely without, and no one gets more than anyone else. From a utilitarian perspective, it could be argued that this approach benefits the largest absolute number of people. However, it is possible that dividing the pool of resources equally yields services that are too small to be of use to anyone. For example, if 1,000 meals per week are available at a senior citizens' center, giving one meal a week to 1,000 people is less likely to have a positive impact than giving two or three meals to a smaller number of people. Thus, if portions are too small to benefit anyone or if people with minimal needs are served, the utilitarian criteria for justice would not be met.

Rawls' view of justice would support this equal distribution of services to all only if everyone were equally advantaged at the time. If that were not the case, Rawls' principles would call for an allocation pattern that would give larger shares to the least advantaged and, perhaps, nothing to those who were relatively better off. Thus, equal distribution is not synonymous with equitable distribution from either a utilitarian or Rawlsian perspective.

Societal protection. If everyone cannot be served, priority may be given to those who exert great pressure or who are most likely to do harm to others. For example, potentially aggressive and disruptive people may be given the first available bed in a psychiatric hospital. Special programs are made available in neighborhoods where there is a potential for a "riot." Summer jobs are given to youth who are assumed to be the most potentially disruptive.

This approach may be based on the view that directing services to those who need to be controlled protects the larger community. Although dangerous people constitute a small minority, they arouse fear among the general public. Services

designed to manage their potential threat may, therefore, be seen as beneficial to almost everyone.

Protecting society from potentially violent people or "troublesome groups" seems very much at odds with Rawlsian concepts of justice and very consistent with utilitarian principles. While the disadvantaged beneficiaries of services may benefit in the short run, these programs are often transient and are maintained only as long as the threat to the majority looms high. When services that are designed purely as social control mechanisms--such as summer youth jobs and drug maintenance programs--fail to come to grips with the essential nature of the problem, they are only cosmetic in nature.

Dangerous people are usually in a small minority, but controlling them could benefit the entire society in whom they engender fear. Thus, services directed toward this group would seem to make a large contribution to the total happiness and, therefore, be just from the utilitarian perspective. However, if the efforts are only transient, they would not be consistent with utilitarianism, since the positive consequences would be short-lived.

The preferred recipients. The distribution of resources may be guided by beliefs about who is deserving or should be given preference. There are various criteria that have been used for judging preferential treatment, some of them ethical, some political, and others which are essentially a matter of taste.⁴ Veterans may be given priority on the basis of their past contributions to society. Minorities may be given special access to resources because they have suffered past discrimination. The waiting list for marital counseling may be waived for a prominent member of the community.

This mechanism is applied more subtly in situations where clients' physical or intellectual "attractiveness" affects decisions regarding who should be given service. Consider, for example, the differential assignment of staff to a couple with an "interesting" marital problem versus a disoriented elderly individual. This judgement of an applicant's worth may be made at many levels, from agency receptionist to service provider. Even among active program participants, more attention may be given to "attractive" members than to those who are "unattractive."⁵

Whether it is ever just to allocate resources to a preferred group depends upon the basis for the preference. If the group has priority simply because they are more appealing or have higher social status, this would be morally arbitrary and, therefore, distribution on this basis could not be considered just.

⁴Although merit alone is not considered a just basis for unequal distribution of resources by either of the theories discussed here, it was considered just by earlier philosophers. See, for example, Ross (1925).

⁵See, for example, Bruce and Milcarek (1980:272-290); Roth (1972:839-856).

Under other circumstances, however, preference for a designated group might be consistent with the tenets of Rawls' theory of justice. For example, in the case of a minority group, it might be demonstrated that the preferred group contained many disadvantaged members due to past oppression and discrimination. If this were true, giving preference to minorities would be justifiable according to Rawls. Similarly, scarce resources might be reserved for a relatively privileged group because their work was expected to ultimately benefit the most disadvantaged. From a utilitarian perspective, preference for a particular group would be justified if this resulted in the maximum happiness for the larger community. For example, if giving preference to a prominent citizen resulted in a major donation, more people could be served, thereby producing greater societal benefits.

Membership rationing. General demands on services may be handled by restricting them to those in a particular status. Sectarian or denominational services are primarily given to the members of specific religious groups. Self-help groups such as Alcoholics Anonymous, Welfare Rights, Parents Anonymous, and "Safe Space" reserve their help for people who have similar problems.

This selective approach to service delivery is consistent with the historical emphasis on pluralism and volunteerism in the United States. It also reflects a commitment to the idea of social responsibility. Such individual and group initiatives have led to innumerable agencies and organizations who have designated well-defined groups as the primary beneficiaries of their services, thus exclusively targeting their resources to their own constituencies.

According to the previous views of justice, the practice of "restricting services to a designated group" may have two effects. If the group served is targeted because of a particular disadvantage (i.e., frail elderly, severely handicapped, or retarded), then special efforts on its behalf would be entirely consistent with Rawlsian justice. It is to this very high risk population that Rawls' principles would direct the benefits of society.

The problem, however, with this rationing mechanism is that many agencies limit their services to those disadvantaged people who also have other group characteristics which make them eligible. For example, religious status, income, past military service, or even age may determine whether they will be regarded as eligible clients of the agency. As an illustration, imagine two families with similar social class backgrounds, levels of education, and income. Each has a child with a different physical disability. One child has cerebral palsy and in most communities could go to the cerebral palsy agency and receive a full array of services and resources, including counseling, transportation, appliances, and physical therapy. A similar child with spina bifida might receive some financial help from the state, but there are few communities with agencies to provide the range of life-supporting services available to the child with cerebral palsy. If the target population is severely disadvantaged, there are elements of Rawlsian justice involved; but the fact that so many other disadvantaged people are rejected

simply because they do not have the "right" problems often makes this approach inconsistent with any ethical principle of rationing.

Market rationing. Human services that are delivered on a strict fee-for-service basis are rationed purely according to one's ability to pay. In the proprietary sector, increased supply may result when entrepreneurs see the service as a good investment. Of course, demand is always constrained by the fact that only those who can pay or have a third party payer can receive service. Private home health care agencies are an example of organizations that function in this manner. The high cost of care excludes many people from using it.

Certainly, the most powerful argument against this rationing method would seem to come from Rawls, since this method entirely excludes those needy people who are disadvantaged and also cannot afford to pay for the service. However, Rawlsian logic is not quite so simple. A case could theoretically be made for the fact that proprietary agencies indirectly benefit the most disadvantaged, since such agencies pay taxes which are used to support public services to the poor. There is, however, little empirical evidence to support this proposition.

Market rationing would not be consistent with utilitarianism for a variety of reasons. There is a high correlation between those who are poor and other disadvantages such as their physical and mental disability or past discrimination. If there were inadequate public provision for these populations because of emphasis on proprietary services, many people needing services would not receive them. The greatest numbers with the greatest needs would be neglected, and the general well-being of all society would be adversely affected. However, for utilitarians, an additional issue would be the question of how much liberty the majority had to sacrifice in order to help those who were poor or disadvantaged in other ways. While Mill is credited with being the father of modern welfare economics, it must be remembered that he strongly objected to any excess in either paternalism or his taxes. In general, private initiative and freedom of choice were preferred. Redistribution was desirable only to the point that it did not engender undue hardships or restrict the liberties of those with means.

Triage.⁶ This term was applied by the French Medical Corps to the rationing of medical services on the battlefield during World War I. In this process, casualties with the highest potential for returning to combat were treated first. Those who could recover without immediate care and those who were likely to die or deteriorate were treated last or not at all.

The principle of "triage" can also be considered as another mechanism for rationing scarce social services, wherein the persons given highest preference

⁶The term "triage" is derived from the French medical treatment of battle casualties in World War I, where casualties were not treated if their chances of recovery without medical help were good or if they were likely to die even if treatment were given.

are those with the greatest potential for continued productivity. Those with the least potential for being productive or independent would have the lowest priority for services.

Examples of triage in rationing social services might include the vocational rehabilitation agencies that provide services first to persons who are potentially employable, but suffer from some impairment that interferes with their getting a job on their own. Similarly, counseling agencies may give preference to those who are most amenable to insight-type psychotherapy and reject those who seem poor candidates for this type of treatment or who are likely to improve without intervention. Limited day care resources may be reserved for mothers who are seeking employment and may, therefore, become independent, often excluding those who want day care for other reasons or who have limited employment potential.

The application of this rationing mechanism usually contributes to a favorable cost-effectiveness ratio for the people served and to a positive evaluation of the agency. Triage should be distinguished from "creaming," where the selection bias is toward those who really require little or no service. Triage, on the other hand, includes the selection of the severely impaired if they can make good use of the service in terms of being productive or independent.

Rationing via triage is probably most congruent with a utilitarian view of justice. The assumption here is that the total happiness will be maximized if services are reserved for those who are most likely to be contributive and less dependent. For example, the Older Americans Act provides for nutrition programs for the elderly. This includes congregate meals in churches and community centers, as well as home-delivered meals for those who are frail and impaired. A triage approach might dictate that most of these funds be apportioned to the healthier and active elderly who are still most active and useful, rather than to the frail and impaired elderly who are home-bound and dependent. By serving the ambulatory elderly, the same limited funds could be distributed over a larger population, resulting in both improved nutrition and reduced social isolation. Assuming that these elderly persons would have been relatively isolated and undernourished without the congregate meals program, this distribution would probably produce the greatest amount of good for the largest number of elderly recipients and for society as a whole.

From a Rawlsian view, however, failure to serve the severely impaired and isolated home-bound group would be an unethical choice, since it would fail to reach those who were worse off. Thus, in this example, the triage approach seems largely utilitarian because it opts to serve large numbers of persons who have the capacity to function with relative independence. A Rawlsian preferential treatment approach would call for a reverse order of distribution, with the worse off being cared for first.

Needs assessment. Scarce resources may be distributed according to a formal assessment of who has the greatest need for them. For example, homemaker services

are frequently provided first to those who are most severely impaired. Children who are clearly abused or neglected are given priority for foster home placement. Some residential treatment facilities often give preference to the most severely disturbed and those at risk of being harmed. The children scoring very poorly on developmental tests may be assigned the limited slots in a head start program.

Needs assessment as a rationing mechanism seems most consistent with Rawls' principles of distributive justice. Those in greatest need of social services are usually the most disadvantaged consumers, and, therefore, Rawls would call for providing disproportionate amounts of resources to this group. For example, if a hospital reserved a sizeable share of its scarce social work resources for the terminally ill and because they were seen as having the most profound distress, this would be consistent with Rawlsian justice. Conversely, using utilitarian logic, this selective use of resources despite the inordinate degree of suffering would probably not be considered just. Given the costly nature of their problems and the small chance of recovery or remission, each terminally ill person might require a large investment of time while achieving a rather small amount of improvement. Thus, serving this group would detract resources from the larger majority of patients who also needed help.

Conclusion

The preceding application of two theories of distributive justice to mechanisms for rationing scarce social service resources has many implications. First, some of the simplest and most commonly used forms of rationing such as queuing or equal distribution may be most undesirable from the standpoint of justice. Laissez-faire approaches that rely on the market, or aggressively seeking obscure benefits may have similar unjust results. Although the agency's intent simply may be to handle excess demand smoothly, the potential benefits of a service to society may be greatly diminished. In addition, clients with the most severe impairments may be most unlikely to receive the services they need. Thus, from both Rawls' and Mill's views of justice, these mechanisms are morally deficient. Second, approaches to rationing that may be politically popular (i.e., "creaming" or "societal protection") may result in low costs but are likely to have few benefits. This is most apparent when the persons served could function adequately without help or when programs are short-lived. Such rationing is not just from the perspective of either Mill's or Rawls' theories.

Third, some rationing based on preference or group membership may be just under some circumstances but not others. An analysis of the relative disadvantage of the designated group is required to assess these types of mechanisms according to Rawls' principles. Examination of the consequences to society of giving priority to special groups would be necessary to apply a utilitarian standard.

Finally, the two forms of rationing that may be most difficult to implement, needs assessment and triage, are most consistent with the theories of justice

presented here. Approaches to rationing based on an assessment of need are most likely to be justifiable according to Rawlsian principles. Utilitarian arguments are strongly supportive of rationing mechanisms based on cost-benefit considerations.

Some readers may question whether the type of analytic process illustrated in this article yields any better decisions than intuition or practice wisdom. The authors recognize that philosophical theories are written in highly abstract language and are difficult to apply. Further, these theories do not offer specific prescriptions for what rationing decisions are "right" or "wrong." Sometimes, the conclusions about what constitutes justice may be at odds with one's own ethical predispositions, resulting in the exposure of a moral dilemma rather than a single mandate for action.

Nevertheless, in a profession whose foundation is ethical, compassionate, and intellectual, such moral analysis seems essential. Over the years, social work has given attention to values, the ethical conduct of workers, and varying ideologies that relate to social reform, but there has been little systematic attention to questions of distributive justice. Everyday rationing decisions are being made in social agencies without serious consideration of why one or another principle should be invoked. When challenged, these allocation procedures are often difficult to defend.

Theories of distributive justice such as the two presented here can be intellectually and morally defended, and therefore can contribute to an activist approach. They seem potentially useful to the profession as it seeks to develop a systematic framework for formulating ethical principles for rationing scarce social services.

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