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## **Civil Disobedience of Social Workers in Hospice**

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Civil Disobedience of Social Workers in Hospice

By

Jamie Leigh Roper

A thesis submitted in partial fulfillment of the requirements of the University of South Alabama Honors Program and the Bachelor of Arts degree in the Sociology Department

University of South Alabama

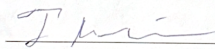
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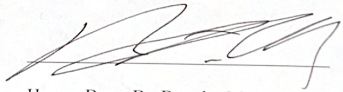
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## **Dedication**

I dedicate this research to my husband, Blake, who was by my side through the stress of it all and remained my biggest cheerleader. Also to my father, who encouraged me to keep going when I so often wanted to quit. Finally to my late mother, who always encouraged my intellectual pursuits and who made me believe I was smart enough to do anything.

### **Acknowledgements**

I wish to thank my mentor, Dr. Meeker, for helping me find a topic of interest. I'd also like to thank my committee members, Dr. Hillman and Mrs. Gurley, who I learned much from during my time here at South Alabama. Finally, I'd like to thank the Honors College faculty for being wonderful resources and who made this possible in the first place.

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## **Introduction**

What is civil disobedience? Civil disobedience is often thought of as peaceful protesting or non-violent law breaking. However, the textbook definition is “the refusal to obey the demands or commands of a government or occupying power, without resorting to violence or active measures of opposition” (Britannica). Peaceful protesting has been an integral part of American history. Henry David Thoreau, Rosa Parks, and Martin Luther King Jr. were all civilly disobedient citizens who altered the course of history. Any and all protests, however, cannot be considered civil disobedience, since there are some requirements of this category.

## **Hypothesis**

The prediction is that hospice social workers do engage in something resembling civil disobedience while on the job.

## **Methods**

Previous literature was evaluated to determine the criteria of what qualifies as civil disobedience. Then, previous historical figures’ actions were evaluated to determine whether or not they were civilly disobedient. An evaluation of the current medical civil disobedience was also provided.

A survey approved by the Institutional Review Board was conducted on hospice social workers. They must be over the age of 19 and actively working in hospice. The survey was sent through a third party so that the data would remain anonymous.

## **Qualities of Civil Disobedience**

Delmas and Brownlee summarized the criteria that scholars use to establish whether an act of opposition is civil or not. Some consider all the qualities as requirements, while others deem only a few as a necessity. The requirements are as follows: communication, publicity, non-violence, non-evasion, and decorum. However, regardless of scholarly debates, one agreed notion is that the disobedient must be aware that they are breaking the law in order for the act to truly be that of civil disobedience.

### *Communication*

The quality of communication requires that the disobedient act be known and seen as a form of symbolic speech. Those partaking act as a representative of the majority and are making calls to the public for action. They seek justice for their community through reform or another action.

### *Publicity*

There are specific criteria for an act of civil disobedience to qualify as public. Delmas and Brownlee depicts publicity as either “the openness of the act, non-anonymity of the agent, advance warning of planned action, responsibility-taking for the action, or an appeal based in publicly shared principles of justice.”

### *Non-violence*

Non-violence, for some scholars, is an essential aspect of civil disobedience. If the act infringes on another person’s civil liberties, then it is no longer civilly disobedient. However, not all scholars agree with this notion. Some argue that the acts of vandalizing a confederate monument and burning a police car during the Black Lives Matter movement were acts of civil disobedience, as they conveyed a clear, symbolic message (Delmas & Brownlee). It appears that



scholars' requirement of non-violence may depend upon the justification of the violent act. For example, attacking a slave owner can be justifiable and still be considered civil disobedience, but attacking an innocent man can not still be categorized as so (Delmas & Brownlee).

### *Non-evasion*

By partaking in civil disobedience, the person must accept the consequences that may come with their actions. They cannot evade the punishments or else their act would just be ordinary crime. Part of what makes civil disobedience symbolic is their invitation of the consequences that come from standing up to the system they are fighting. There are various ways that the requirement of non-evasion can be met. They are “(i) willingly submit to arrest and prosecution, (ii) plead guilty in court, (iii) not try to defend her crime, and/or (iv) not complain about the punishment received (Delmas 2019, arguing that only (i) is necessarily entailed by non-evasion).” Not all scholars accept these premises.

### *Decorum*

The qualification of decorum refers to the manner in which the act was performed. For it to meet this quality, the act must be done in a respectful and dignified manner. The civilly disobedient act must not violate the social norms. The act must not be obscene and it must demonstrate self-restraint. However, this quality is up for debate, as not everyone deems “respectability” necessary for the act of disobedience to be considered civil. One example Delmas and Brownlee provide is the Black Lives Matter movement. Since shouting, anger and profanity were present in their protest, the BLM movement was not considered civilly disobedient. However, critics continue to argue that civil disobedience need not require respectability (Delmas & Brownlee).

## **Civil Disobedience throughout History**

### *Martin Luther King, Jr.*

Martin Luther King, Jr. was an advocate for justice and equality. He believed in performing acts of civil disobedience instead of acts of violence. In his Letter from Birmingham Jail, he describes the four basic steps of nonviolent campaign as “collection of the facts to determine whether injustices are alive, negotiation, self-purification, and direct action” (King, Jr. 1). While in the self-purification process, King asked himself and others if they were able to act without retaliation and if they were willing to face the consequence of jail ( King, Jr. 1-2). He challenged people to express their emotions in nonviolent ways, because he knew that, if repressed, violence would later ensue. King’s civil disobedience also requires pure means in order to seek pure ends. He did not believe actions ought to be done impurely and that it is still wrong even if it achieved a pure goal.

### *Thomas Aquinas*

Thomas Aquinas’s work in establishing the four types of laws later inspired some of Martin Luther King, Jr’s work. Eternal law, natural law, human law and divine law are the four types of laws discussed by Thomas Aquinas. Eternal laws are the laws that govern the universe, such as chemistry, physics, biology, etc. Divine laws are achieved through divine revelation in order to achieve eternal salvation. Natural law “governs the behavior of beings possessing reason and free will (Himma).” One part of the natural law is that people do good and avoid evil. He believes that human law must abide by natural law, otherwise it is merely a distortion. Himma’s article, Natural Law, states “To paraphrase Augustine’s famous remark, an unjust law is really no law at all.” Therefore, legal validity relies on alignment with natural law. There are criticisms of Aquinas’s view about natural and human law. Some believe that you cannot outright deny the

validity of a law because it does not align with morality; instead, that law should be considered not laws “in the fullest sense.” The “fullest sense” is intending that the requirements are there, but the morality may not be. The law is not able to be undermined because it does not line up with morals, but the lacking can be noted (Himma).

### *Thomas Jefferson*

Rebellions and revolutions are an integral part of American history. However, even an integral figure of this history, Thomas Jefferson, had his oppositions. Jefferson preferred threats of rebellions and unsuccessful rebellions, as they accomplished what they hoped to accomplish, just with no blood shed. He also strongly believed in men having a “moral sense” which guided them about what was right and what was wrong. When people were feeling oppressed, they rebelled and went to war with society. Their rebellion cannot be ignored, so they will either be victorious or be punished. Jefferson believed that many rebellions could be quieted down through education about the situation and providing the full story. He feared that successful rebellions would be pointlessly harmful and that the threat of it is equally as persuasive. As an advocate for nonviolent rebellions, “Jefferson incorporated civil disobedience into the constitutional structure. For the preservation of minority rights Jefferson relied far more on limited rebellions than he did on the checks and balances of the constitutional system” (Mirkin 70). As previously stated, Thomas Jefferson is an integral part of American history, and an advocate for civil disobedience. But, his type of civil disobedience looked different than what we see today. It is interesting how Jefferson is considered a supporter of civil disobedience, even when his threats of rebellion would constitute violence if they went beyond just threats. Today, an act of violence is not typically considered civilly disobedient because it infringes on another

person's rights. However, there have been discussions about whether or not non-violence is relevant.

### *Henry David Thoreau*

“I think that we should be men first, and subjects afterward” (Thoreau 276). In this quotation, Thoreau is talking about being men with consciences before we are subject to the law. He advocates for altruism and the remembrance of fellow men, especially in times of war. According to him, the government may produce the finest man, a marine, but he still is merely doing the bidding of the politician that has the power. “The only obligation which I have a right to assume, is to do at any time what I think is right” (Thoreau 276). Instead of blindly following the law, Thoreau encourages following intuition and moral conscience. He believes that everyone has the right to do so of their own free will. Before any progress can be made towards the improvement of the system, first he says “Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it” (Thoreau 276). ‘Make known’ appears to be a very specific word choice. He did not suggest waging war or committing acts of violence, he simply suggested making your opinions known. Thoreau also points out that reform is unlikely, even when it would make more sense for the government to encourage critiques for the sake of its citizens. Even though it is unlikely, he also encourages people to not blindly follow unjust laws and to still be men before they are law-abiders.

### *Mahatma Gandhi*

Gandhi is the man credited with creating the idea of civil disobedience used today (Pletcher). During his Salt March of 1930, he practiced his philosophy of satyagraha, which “emphasizes nonviolent resistance to evil” (Pletcher). This led to further campaigns of civil disobedience.

*Rosa Parks*

Rosa Parks showed the power a single word can have as she uttered a mere “No.” when asked to leave her seat. It is a story taught to elementary school students to showcase the power of standing up for what is right. Her act was that of civil disobedience. She was aware that she broke the law, she did it peacefully and she did not reject the consequences of her actions. Her small act of civil disobedience led to the much greater civil rights movement.

*Socrates*

Socrates is a well-known philosopher who was civilly disobedient until his last breath. Before his execution, Socrates was known for going around and asking everyone, young and old, to interrogate their beliefs. He confounded them through his questioning, to the point where what they “knew” at the beginning of the conversation was doubted by the end. Eventually, Socrates was charged with impiety and corruption of the youth. Before his execution, he was visited in his prison cell by a friend, Crito. Crito had planned to assist Socrates with escaping to exile, so he would not meet his impending death. However, Socrates had no intention of escaping, as he knew the risks of his actions and accepted the fate that came with it. Thus, ending his life soon after by way of poison hemlock (Plato).

Though Gandhi is credited with creating the foundation for the current ideas of civil disobedience, Socrates was a much earlier inspiration for engaging in disobedient acts peacefully and accepting the outcome without resistance. He did not choose to escape punishment, his actions were public, respectful, non-violent and symbolic. Socrates is a prime example of what it means to be civilly disobedient.

## **Healthcare Civil Disobedience**

### *Palliative Care Nursing*

The inspiration for this research stemmed from the prior research done of civil disobedience within hospice nursing, which did not include any focus on social workers. Social workers are also active participants in the care of dying patients; hence the focus on whether or not they feel convicted by similar notions.

Nurses are very active participants in the care of hospice patients. Because of this, they build relationships with their patients, even when they are limited on time. However, moving medical care from the hospital to the home can bring about challenges for the healthcare providers. The nurses are only allocated a certain amount of time to get to the patients home, care for the patient's physical health, check on their mental health, check in with the family, all while documenting everything. Glasdam, et al. notes that "Consistent with palliative care philosophy, nurses describe how they work from a holistic perspective, handling a breadth of activities in their working day. This includes the requirement for them to be attentive present, dedicated and able to use flexible and non-traditional methods in their work" (142). According to this source, social workers mostly do patient administration and less patient visits. Glasdam, et al. also notes that the hierarchy of medicine is designed to be institute or doctor oriented, as opposed to being patient oriented (142). Because of this, the psychology of the patient and the family are not a priority, neither are any social issues they may face. The study done by Glasdam, et al. revealed that palliative care nurses are not able to fulfill their own moral ideals under these circumstances, as the only way they can try to meet their patients psychological and social needs is by visiting outside of employer allotted time. These visits beyond employer dictation are acts of civil disobedience, as they are providing "quiet resistance" in order to feel the satisfaction of a job well-done (150). This is described by Glasdam, et. al. as follows:

“Kennett (2017) argues that civil disobedience occurs if professionals think that aspects of ordinary healthcare practice involve them in serious moral wrongs that are not outweighed by considerations of the autonomy of patients or the running of the system: then conscience would often require that they challenge the borders of the possible” (150).

“Henriksen and Vetlesen (2013) show that care and nursing cannot be priced, and through demands for efficiency, nurses are required to act against their ideals and norms” (150).

*Evaluating this research:*

Nurses in palliative care feel like they must bend the rules and have unplanned or unscheduled time with their patients in order to satisfy their own moral requirements. Because the actual allotted time is prefilled with the medical requirements, they do not feel as though they are able to meet the patients needs beyond the medical, such as social and mental health. This leads to nurses engaging in civil disobedience. Their form of protesting is going beyond their employer-allotted time with patients. This act aligns with what Thoreau believed civil disobedience ought to be: choosing to be human over following rules and doing it peacefully and without violence in order to protest a flawed system. This act can be cross examined using Delmas and Brownlee’s criteria for determining civil disobedience. The first requirement is that it is communicative. The nurses’ actions are symbolic and represent the changes they believe need to be made. Publicity is the next requirement and the nurses meet it as well. They are not hiding or sending someone else in to do the off-schedule check ins. They are the ones going and making time and their patients know it. The actions of the nurses are not violent, so they meet that quality as well. The nurses in this study were interviewed but their identities were not published, so it is undetermined whether or not they meet the requirement of non-evasion. Finally, the actions of the nurses are respectful and peaceful, which meets the quality of decorum. Their actions meet four of the five criteria for it to be considered civil disobedience.

### *Physicians and other Medical Professionals*

Nurses are not the only medical professionals that engage in civil disobedience. The Code of Medical Ethics of the American Medical Association encourages these professionals to not blindly follow the law. Their policy states “In some cases, the law mandates conduct that is ethically unacceptable. When physicians believe a law violates ethical values or is unjust they should work to change the law. In exceptional circumstances of unjust laws, ethical responsibilities should supersede legal duties” (Wynia 959). *Ethical responsibilities should supersede legal duties*. This mirrors Henry David Thoreau’s statement encouraging people to be men before they are subject to the government’s laws. The New England Journal of Medicine states that since there have been laws created banning abortion, civil disobedience among physicians is bound to be on the rise. When Mississippi passed a law banning abortions after 15 weeks gestation, doctors began having to choose to either follow the law or harm patients (Wynia 959). Since some laws require physicians to wait until their patient is critically ill before intervening, physicians are forced to threaten their medical licensure if they want to provide the medical care they know is necessary. Although the civil disobedience of medical professionals could help patients, it is unlikely to occur. Considering the history of physicians and unjust laws, for example, forced sterilization programs, physicians will often follow the law, even if it requires harming patients (Wynia 960).

### **Responsibilities of a Palliative Care Social Worker**

Hospice social workers take on many responsibilities in this field of practice. For example, they counsel because they are responsible for aiding people and their families throughout the dying process. Another responsibility is educating those who may be in need of hospice services. Some may do this by hosting educational workshops. They also may be



required to aid with patient administration duties such as assisting with DNR paperwork, providing financial and legal advice, and assisting with Medicare/Medicaid paperwork (Roles & Responsibilities). They are also tasked with evaluating the environment of their client for risks and other challenges such as neglectful or abusive situations, safety risks and emotional needs (Roles & Responsibilities). From there, they will provide resources to help mitigate these issues. Social workers also serve as the outreach coordinator to help their clients receive the services they need, such as LifeAlert and Meals on Wheels.

### **Turnover Rate**

Working in hospice can take a toll on a person's mental health, as death is not an easy-to-digest topic. However, there are even more social workers leaving the hospice field than ever before. Hospice is losing social workers faster than any other health care setting (Vossel). The departure rate is double that of other settings, like clinics. "Burnout, stress, opportunities for higher wages, lack of a career path and retirements" (Vossel) are just a few of the reasons staffing is shrinking. "A big risk factor of burnout and staff turnover are feeling disconnected from their work and not having a voice in company decisions," Levy told Hospice News. "I have heard this from social workers in various settings, including hospice" (Vossel).

### **Survey Questions**

You are invited to take part in a research study. Before you decide, you need to understand why the research is being done and what it would involve for you. Please ask if there is anything that is not clear or if you would like more information.

Civil disobedience has occurred in various ways throughout history. There was a study done that discovered palliative care nurses feel as though they must engage in civil disobedience in order

to feel like they are doing a job well-done. Another journal article was reviewed that discussed the potential for healthcare professional civil disobedience. Neither of these articles discussed hospice social workers in detail regarding civil disobedience. This research aims to discover whether or not hospice social workers engage in civil disobedience. It is entirely up to you to decide to participate. You are free to withdraw from the study at any time, without giving a reason. If you are happy to take part after reading this information sheet, please fill out the survey. Your responses will be anonymous and cannot be linked back to you.

There are no anticipated risks to you as a research participant. Regarding benefits, the final report will be made available to you to review. It will include a brief history of civil disobedience, civil disobedience in other aspects of healthcare, and the anonymous survey results. There is no compensation for being a part of this study. The results of this study will be published by the University of South Alabama's Honors College. It will be made available in Marx Library both in person and online, as well as in the Honors College electronic database.

This survey has been sent out by a third party to ensure that I will not have access to any identifying information about you so that all responses and data will be anonymous. The published results will not display individual responses, but will instead be entered as percentages.

This survey will be open for three days from the date you received the link. The research will conclude afterwards by or before May 15, 2024. This survey will take approximately 5 minutes from start to finish.

If you have any questions about any aspect of this study, or your participation in it, not answered by this participant information sheet, please contact: [jl2024@jagmail.southalabama.edu](mailto:jl2024@jagmail.southalabama.edu)

You can withdraw at any time without consequence. Please contact me at jlr2024@jagmail.southalabama.edu or the Institutional Review Board at the University of South Alabama at (251) 460-6308 if you have questions about your rights as a research subject.

-I agree

-I disagree

Do you feel like you participate in civil disobedience while on the job?

-Yes

-No

Since you are not held to the same medical oath that others in this field are, do you feel that this affects your perception of patient care?

-Yes

-No

Do you feel moral convictions by the limitations of care you are able to provide?

-Yes

-No

Do you plan to stay in this field of work permanently?

-Yes

-No

Do you feel as though your time with patients is strict and must only stick to the necessary care?

-Yes

-No

Do you feel like an economic machine or do you feel like your care is fulfilling for both you and the patient?

-I feel like an economic machine.

-I feel fulfilled.

-Both

-Neither

To what extent do you feel like you care for your patients psychology? One being not at all and five being completely cared for?

1, 2, 3, 4, 5

Do you feel conflicted like you are only doing patient administration and not patient care?

-Yes

-No

### **Survey Notes**

In order to proceed with the survey, the answer "I agree" must be selected before the other questions become available. If "I disagree" is selected, the survey immediately submits.

This was the only required question in the survey. Therefore, the option to skip questions is available. The answers will be provided below and interpreted through percentile scores. Some of the answers were not selected at all and are left out of the discussion. These are represented in the notated responses as 0%.

### **Survey Answers**

Do you feel like you participate in civil disobedience while on the job?

-Yes

33.3% selected

-No

66.7% selected

Since you are not held to the same medical oath that others in this field are, do you feel that this affects your perception of patient care?

-Yes

0% selected

-No

100% selected

Do you feel moral convictions by the limitations of care you are able to provide?

-Yes

66.7% selected

-No

33.3% selected

Do you plan to stay in this field of work permanently?

-Yes

66.7% selected

-No

33.3% selected

Do you feel as though your time with patients is strict and must only stick to the necessary care?

-Yes

33.3% selected

-No

66.7% selected

Do you feel like an economic machine or do you feel like your care is fulfilling for both you and the patient?

-I feel like an economic machine.

0% selected

-I feel fulfilled.

33.3% selected

-Both

33.3% selected

-Neither

33.3% selected

To what extent do you feel like you care for your patients psychology? One being not at all and five being completely cared for?

1, 2, 3, 4, 5

1- 0% selected

2- 0% selected

3- 0% selected

4- 66.7% selected

5- 33.3 % selected

Do you feel conflicted like you are only doing patient administration and not patient care?

-Yes

0% selected

-No

100% selected

## Results

Unlike the nurses in Glasdam, et al.,'s study of palliative care, the majority of hospice social workers in this study do not feel like they engage in civil disobedience while on the job. None of them felt as though not having the same medical oath as nurses affected their perception of patient care. The majority of the social workers did feel moral convictions by the limitations of care they are able to provide; however, the majority does still plan to stay in this field of work permanently. The majority does not feel like they must stick only to necessary patient care due to following strict time. None of the social workers felt like they were only an economic machine; however 33.3% felt both fulfilled and like an economic machine, 33.3% felt fulfilled, and 33.3%

felt neither fulfilled nor like an economic machine. On a scale of 1 to 5, the majority of the hospice social workers chose 4 when asked to rate how well they feel they are able to care for their patients psychology. One was not at all cared for and five being completely cared for. None of the social workers chose option 1 through 3 and 33.3% chose option 5. None of the social workers felt like they were doing only patient administration and not patient care. The hypothesis is rejected due to the survey results not favoring hospice social workers engaging in civil disobedience.

## **Conclusion**

### *Research Findings*

Civil disobedience has been an integral part of American history, even dating back as far as the founding father, Thomas Jefferson. Civil disobedience is how citizens have expressed their disapproval of injustice without causing anarchy. Opposing the government is not taken lightly, which is a fact known by all partaking in civil disobedience as they accept any repercussions from their actions. Where there is injustice, there is often civil disobedience in some form, including the medical field. Physicians and nurses alike are held to a medical oath that holds them accountable to their patients, but they are also bound to the government's laws. The two entities do not always agree as to what is the correct path to take when treating patients, which has led to medical civil disobedience. To allow abortion or to not allow, that has been a heavily debated question among government officials that has been turned over to the states to decide. In some states, the physician must choose between doing what is right for the patient at the risk of losing their license and following the law at the risk of harming their patient. Civil disobedience for palliative care nurses looks different than it does for physicians. Palliative care nurses are limited on the time they are allotted to spend with patients during their home visits. Therefore,



they defy their employers and spend time beyond what they are granted in order to fulfill their personal moral obligations.

Hospice social workers are very involved in the care of their patients, with responsibilities including counseling and connecting them with external resources. However, they have a high turnover rate. Therefore, the prediction was that hospice social workers would also engage in some form of disobedience, or at least have the background motive hinting at it in the future. However, the findings did not find current civil disobedience, and only partially suggested civil disobedience in the future. Although the majority voted no, a portion of the social workers did agree that they feel like they engage in civil disobedience while on the job. The majority voted that they do feel moral convictions by the limitations of care they are able to provide, which was also felt by the palliative care nurses that did engage in civil disobedience. The majority voted no, but there was a portion of the social workers that did feel like their time was strict and dictated, which, again, is a commonality between the social workers and nurses. Even with these connotations, all of the social workers felt like they did a good job caring for their patients psychology, most plan to stay in the field of hospice permanently, and most did have feelings of fulfillment.

#### *Research Limitations*

The options for hospice companies willing to create a role in their company specifically designed for an undergraduate researcher was limited; however, one hospice company was willing to work to make the opportunity available. Due to the size of the hospice company, there was not a large group of social workers available to take the survey. Since the sample size was small and from the same organization, the results may not be a good indication of what the findings would be if the survey was distributed to a larger population with a broader group of companies to pull from.

*Further Study*

Hospice social workers are leaving their field of work at an alarming rate. Although the results of the survey did not indicate civil disobedience and dissatisfaction currently, it does still indicate that there may be some in the future. Social workers play an integral role in the care of hospice patients, as they assist with counseling, paperwork, and outreach. The more social workers that leave the field, the more work is placed on those that stay, which then can cause them to begin to feel burnout as well. Hospice social workers should be evaluated on a larger scale to discover any correlation between civil disobedience and the turnover rate.

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