
Charitable Choice and Faith-Based Welfare: A Call for Social Work

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 contains a little known section referred to as "Charitable Choice." This section encourages states to involve community and faith-based organizations in providing federally funded welfare services. Most social workers are unfamiliar with this part of the legislation and its far-reaching implications for society as a whole and for the social work profession as it opens the door for mixing religion and publicly supported social services provision. This article reviews how Charitable Choice has shifted the way government engages faith-based organizations in social services delivery. A review of the public discourse and research findings regarding the relevance and implementation of Charitable Choice is also presented. Implications for social work are discussed, and a call for social work involvement is made.

Key words: *Charitable Choice; religion; social services; welfare reform*

As the U.S. social welfare system continues to undergo radical transformation begun by passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L. 104-193), limited attention has been given to the Charitable Choice provision in section §104 of the law. This provision significantly changes the historic relationship between the religious community and the public sector by opening the door for mixing religion and publicly supported social services. Section 104 outlines the primary feature of this provision as follows:

The purpose of this section is to allow States to contract with religious organizations, or to allow religious organizations to accept certificates, vouchers, or other forms of disbursement . . . on the same basis as any other non-governmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program. (Section 104 (b))

The objectives of Charitable Choice are to encourage states and counties to increase the participation of nonprofit organizations in the provision of federally funded welfare programs, with specific mention of faith-based organizations; establish eligibility for faith-based organizations as contractors for services on the same basis as other organizations; protect the religious character and employment exemption status of participating faith-based organizations; and safeguard the religious freedom of participants.

Charitable Choice applies to services under the Temporary Assistance for Needy Families (TANF) program that replaced Aid to Families with Dependent Children. Charitable Choice also applies to food stamps, Medicaid, Supplemental Security Income, and a wide array of services that will help TANF recipients become self-sufficient. The range of services that faith-based organizations can contract with states or counties to provide includes the following areas: food (such as subsidized meals, food pantry, nutrition education, food budgeting counseling, and soup kitchens); work

(such as job search, job-skills training, job-readiness training, vocational education, general equivalency diploma preparation, and English as a Second Language programs); community services; domestic violence counseling; medical and health services (such as abstinence education, drug and alcohol treatment centers, health clinics, wellness centers, and immunization programs); and maternity homes (such as residential care, second-chance homes, and supervised community housing). By law, faith-based organizations not only may provide such services but also are encouraged to play a larger role in providing these services.

In 1998 the scope of Charitable Choice was expanded to include Community Services Block Grants to establish individual development account demonstration projects for individuals and families with limited means to accumulate assets through a savings program. Other bills pending in the U.S. Congress may expand Charitable Choice to mental health, literacy, adoption, and juvenile delinquency services funded through the Community Services Block Grant. Charitable Choice was included in the Children's Health Act of 2000 (P.L. 106-310), for substance abuse services funded through the Substance Abuse and Mental Health Services Administration. In fact, the Charitable Choice Expansion Act of 1999 (S.1113, 1999), if passed, would expand Charitable Choice to all federally funded social, health, and community development programs. Charitable Choice is also being broadly used by some states to include any collaboration between the government and faith-based organizations (Sherman, 2000).

The Community Solutions Act (H.R. 7, 2001), sponsored by Representatives J. C. Watts (R-OK) and Tony Hall (D-OH), passed the House on July 19, 2001, by a vote of 233 to 198. This bill would add Charitable Choice provisions to most government-funded social services programs by allowing government funds to flow directly to religious institutions that provide social services without safeguards on employment discrimination and proselytization. Religious organizations would be given preferential status in applying for government money intended to help those in need. A modified and more cautious version of this bill was to be introduced in the Senate. However, H.R. 7 faces an uncertain future in the Senate.

In January 2001, in his second week in office, President George W. Bush signed two executive orders establishing the White House Office of

Faith-Based and Community Initiatives, with five corresponding units in the Departments of Labor, Justice, Housing and Urban Development, Education, and Health and Human Services. The primary goal of these new units is to expand the involvement of faith-based organizations in the provision of social services. In so doing, President Bush signaled that his administration focuses on faith-based providers as the heart of its new domestic policy.

Charitable Choice may have far-reaching implications for society as a whole and the social work profession as the doors for mixing religion and public services begin to swing open. Charitable Choice should be examined as an important welfare policy that has the potential to increase the number of faith-based social services providers and change the face of social services in the United States. A review of the legislation, public discourse related to this law, and findings regarding the relevance and implementation of the Charitable Choice provision will lay a foundation for considering the implications for social work practice, education, and research.

Charitable Choice

What is so unique about the Charitable Choice provision? Before Charitable Choice a faith-based organization contracting with the government had to remove all religious symbols from the room where service was provided; forego any religious ceremonies (such as prayers at meals); accept all clients—even those opposed to the beliefs of the providers; hire staff that reflected society at large and not the organization's spirit and belief system; adhere to government contract regulations; and incorporate separately as an Internal Revenue Code §501(c)(3) nonprofit organization. As §501(c)(3) nonprofits, faith-based organizations were liable to public scrutiny and the same laws governing secular nonprofit organizations. These conditions were practiced to preserve the separation of church and state. However, these conditions have not been consistently applied (Monsma, 1996). The Salvation Army has a history of receiving public funding and maintaining their religious character, whereas other faith-based organizations that receive public funding have become more secular in their service practices.

Given that in the past religious organizations and congregations were heavily involved in social services provision, voluntarily or with public

funds, why does the Charitable Choice provision represent a dramatic shift in the relationship between religious organizations and public sector social services? One important feature of this legislation is that faith-based services providers retain their religious autonomy. The PRWORA of 1996 specifically states:

A religious organization with a contract described in subsection (a)(1)(A), or which accepts certificates, vouchers, or other forms of disbursement under subsection (a)(1)(B), shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs (subsection (d)(1)).

In addition, the government cannot curtail the religious expression or practice of faith-based services providers by requiring them to change their internal governance or remove from their property any "religious art, icons, scripture, or other symbols" (§104(d)(2)).

The exemption from compliance with employment policies mandated by §702 of the Civil Rights Act of 1964 has also been preserved for congregations and religious organizations providing services under this provision (§104(a)(2)). This allows faith-based organizations to have discretion in hiring only those people who share their religious beliefs or traditions and to terminate employees who do not exhibit behavior consistent with the religious practices of the organization.

Faith-based organizations contracting with the government to provide services are no longer required to establish a separate, secular §501(c)(3) nonprofit organization. Although creating a separate §501(c)(3) organization may be prudent to protect the primary faith-based organization from legal and financial liabilities, it is now acceptable for services providers to simply maintain a separate accounting system for the contracted services. Faith-based organizations are fiscally accountable to use government funds for the intended social services and not for religious worship, instruction, or proselytization (§104(h)(1-2); §104(j)). Faith-based organizations that offer religious activities with social services must cover the cost of these activities from nongovernment funding. By mandating that the funds be used solely for contracted social services, this law seeks to maintain the separation of church and state.

The Charitable Choice provision also protects the religious freedom of the beneficiaries of the services. Faith-based services providers cannot discriminate against participants in their programs on the basis of religion, a particular religious belief, or refusal to participate in a religious activity (§104(2)(g)). Participants in welfare programs are free to choose their providers. It is the burden of the state or county to offer comparable services for participants who object to receiving services from faith-based providers. Therefore, participants are protected from pressure or coercion to join a religious community or participate in religious activities. For a good review of what is allowed and what is forbidden under charitable choice as it stands now, see Sherman (2001).

Finally, under the welfare reform law, states receive block grants from the federal government and have the discretion to disburse funding through cost reimbursement contracts, performance-based contracts, and vouchers (Etindi, 1999; Sherman, 2000). It has been suggested that much of the success in reducing welfare roles and shifting people from welfare to work will be attributed to the discretionary power at the local level. This kind of "second-order devolution" will allow states and counties to develop programs that meet local cultural constraints (Nathan & Gais, 1999). It also will foster the creation of numerous models of welfare systems and a variety of collaborations with congregations and other religious organizations. This will certainly be expected, as additional sets of services are necessary to help TANF recipients make the transition from welfare to work. Both direct and indirect means of disbursement are now being used, and new forms of public sector and faith-based services provider collaborations are emerging.

In cases of direct financial collaboration, faith-based organizations provide services such as job training and mentoring under traditional cost reimbursement contracts or performance-based contracts, which are contingent on achieving certain benchmarks related to the participants' transition to work, such as program enrollment, program completion, employment placement, or employment retention. Performance-based contracts and the voucher system present financial challenges to organizations that may not have the capital to invest in a program for an extended period without government payment and a guaranteed number of participants.

In cases of indirect financial collaborations, faith-based organizations provide mentoring, administer government funds to participants for initial employment expenses, or subcontract with for-profit companies to provide support services to participants and their families. Other congregations engage in nonfinancial collaborations by providing space for services, such as a government-sponsored computer resource center.

A notable difference under the Charitable Choice provision is the willingness and initiative that government agencies demonstrate to include faith-based social services providers in new welfare-to-work strategies. A few states (for example, AZ, TX, WI) amended their laws on social services contracting to include the language of Charitable Choice. Other states (for example, CO) have established policies under the auspices of the social services departments to protect the religious freedom of beneficiaries (Owens, 2000). In the spirit of Charitable Choice, many states have appointed staff to link congregations to participants in welfare programs or to provide technical assistance for the contracting process (Sherman, 2000). New Jersey and some other states have hired researchers to assess the interest and capacity of faith-based organizations to contract for services and allocated funds for initiatives that assist participants in welfare programs (Owens). The U.S. Department of Education (2000) publicized as a good model for replication a program called "Faith Communities' Support for Children's Learning" aimed at recruiting congregations to develop official mentoring programs with public schools in their neighborhoods.

Charitable Choice did not open the door to traditional religious organizations such as Catholic Charities or Jewish Children and Families Services that are incorporated as regular nonprofit organizations. These organizations were welcome before to apply for public funds and were quite successful at obtaining such funds. The new actors are congregations that are not required to incorporate and fundamental religious groups (formerly described by the U.S. Supreme Court as "pervasively sectarian") that are incorporated but refused public funds because they perceived it as "going secular." In fact, three recent studies showed that some faith-based providers lost their religious edge and became more secular after receiving public funds (Campbell, 2002; Chambre, 2001; Smith & Sosin, 2001).

Politicians and Charitable Choice

In 1996 then-Senator John Ashcroft (R-MO) proposed the Charitable Choice provision to enlist the aid of charitable institutions in the war on poverty. Senator Ashcroft was not the first to shift the focus from public social services to faith-based providers. During the Reagan administration, religious organizations were hailed as more effective than public or even secular, nonprofit social services providers. In 1982 President Reagan said in a speech to more than 100 religious leaders that "churches and voluntary groups should accept more responsibility for the needy rather than leaving it to the bureaucracy" (Denton, 1982). Reagan put a new spin on the parable of the Good Samaritan and used it as a new metaphor for the cause of poverty. His viewpoint undercut the liberal view of poverty and made a public devil of "the government bureaucrat" by pitting the godless, uncaring, bureaucratic caseworker against the Good Samaritan:

The story of the Good Samaritan has always illustrated to me what God's challenge really is. He crossed the road, knelt down, bound up the wounds of the beaten traveler, the pilgrim, and carried him to the nearest town. He didn't go running into town and look for a caseworker to tell him that there was a fellow out there that needed help. He took it upon himself. (Denton, 1982, p. 3)

President Reagan also centered public attention on faith-based services by telling a story of a faith-based shelter in Washington, DC, that had a 90 percent success rate helping homeless people begin recovery from drug and alcohol abuse, whereas a similar public program had an abysmal 10 percent success rate. The reported success of the religious program was largely a result of "creaming," accepting only clients who would adhere to its strict policies. This methodological flaw was not mentioned. The public tone was set—faith-based services offer a better alternative for social services provision.

Along with the Republican Congress and House Speaker Newt Gingrich, Marvin Olasky, a professor of journalism at the University of Texas-Austin, advocated returning to the pre-New Deal era and practices that heavily relied on religious institutions for services to people in need. In *The Tragedy of American Compassion*, Olasky (1992) asserted that welfare payments and bureaucratic

support for poor people are ineffective, and that the only way to provide real aid to people who are poor is through religious transformation that changes lives and instills responsibility, discipline, and work ethics. He also asserted that increased private contributions and public money would help sectarian organizations, especially churches, recover their historic role as primary social services providers with the capacity to transform the lives of people most in need of help.

The belief that churches can address welfare better than the government and the secular social services system is not limited to Republican and conservative thinkers. President Clinton, Governor Jim Hunt (D-NC), Senator Joseph Lieberman (D-CN), and former Department of Housing and Urban Development Secretary Henry Cisneros also supported the expanded involvement of faith-based organizations in social services. While the PRWORA of 1996 was being debated, President Clinton was advocating for church involvement with people receiving welfare assistance. In a campaign speech delivered at the 116th annual session of the National Baptist Convention USA, President Clinton made an appeal to black church leaders:

Under this law (P.L. 104-193), every state, when it becomes effective, every state in the country can say: If you will hire somebody off welfare, we'll give you the welfare checks as a supplement for the wages and the training. It means, folks, when you go back home, your church can receive a person's welfare check and add to it only a modest amount of money to make a living wage, and to take some time to train people and bring their children into the church, and make sure their children are all right and give them a home and a family.

I just want every pastor in this audience to think about it. Just think about it. If every church in America hired one person off welfare, if every church in America could get some work to do that, it would set an example that would require the business community to follow, that would require the charitable and other nonprofit organizations to follow. We cannot create a government jobs program big enough to solve this whole thing, but if everybody did it, one by one, we could do this job. ("Clinton Asks Churches, 1996)

President Clinton made clear his expectations that religious organizations would assume a

greater role in welfare; in turn, other sectors of society would follow their lead and the personal involvement with participants of welfare programs would have a transforming effect. Ideally, those helped would join the church that assisted them, become productive citizens, and extend this kind of help to others in need. That an American president, while still in office, would challenge the traditional boundaries between state and church by making such an appeal and sign into law the Charitable Choice provision legitimized the call for a new and pluralistic welfare system in which religious organizations would play an expanded role.

Future support for Charitable Choice seems promising. Both candidates for the 2000 presidential election went on record as supporters of increased involvement of religious groups in the provision of social services. On May 24, 1999, Vice President Al Gore declared his position in a speech in Atlanta before soldiers of the Salvation Army: "I have seen the transformative power of faith-based approaches through the national coalition I have led to help people move from welfare to work—the Coalition to Sustain Success." Gore went on to describe the transformative experience of two women who moved successfully from welfare to work through the heroic efforts of religious services providers and why these organizations were so successful:

There is a reason faith-based approaches have shown special promise with challenges such as drug addiction, youth violence, and homelessness. Overcoming these problems takes something more than money or assistance—it requires an inner discipline and courage, deep within the individual. I believe that faith in itself is sometimes essential to spark a personal transformation—and to keep that person from falling back into addiction, delinquency, or dependency. (Gore, 1999)

Gore expressed his belief that

government should play a greater role in sustaining this quiet transformation—not by dictating solutions from above, but by supporting the effective new policies that are rising up from below. . . . We will never ask an organization to compromise its core values and spiritual mission to get the help it needs. . . . We will keep a commitment to pluralism—not discriminating for or against Methodists or

Mormons or Muslims, or good people of no faith at all. (Gore, 1999)

He concluded that if elected president he would propose concrete actions to remove bureaucratic hurdles that hinder faith-based organizations in providing basic welfare services and to protect the religious character that is so often the key to their effectiveness.

As governor of Texas, George W. Bush demonstrated his support of Charitable Choice by promoting a voucher system that welfare recipients could use in faith-based organizations. In a speech in Indianapolis, Indiana, on July 22, 1999, Bush addressed an audience of the Front Porch Alliance, a coalition of congregations that worked with the city and Mayor Goldsmith to tackle social problems. In his introduction Bush said:

It is a pleasure to be with you—among people transforming this city with good will and good works. The Front Porch Alliance is the way things ought to be. People on the front lines of community renewal should work together. And government should take your side. (Bush, 1999)

Bush went on to emphasize the “faith factor” in social work. In his words:

The goal of these faith-based groups is not just to provide services, it is to change lives. And lives are changed. Addicts become examples. Reckless men become loving fathers. Prisoners become spiritual leaders—sometimes more mature and inspiring than many of us can ever hope to be.

After his inauguration as president, George W. Bush, in a ceremony including Senator Joe Lieberman (D-CN), announced the formation of White House Office of Faith-Based and Community Initiatives. Senator Lieberman’s participation was a strong indication of the bipartisan support for faith-based participation in social services provision.

Although politicians pushed for greater involvement of faith-based organizations in social services provision, a few scholars documented a parallel trend. In response to the federal government budget cuts during the Reagan–Bush administration, congregations and other faith-based organization were increasing their support and provision of local social services (Cnaan, Wineburg, & Boddie, 1999; Hodgkinson & Weitzman, 1993; Salamon & Teitelbaum, 1984;

Wineburg, Ahmed, & Sills, 1997). Reagan amplified the work faith-based organizations have traditionally provided with their own means, and Ashcroft and other supporters of Charitable Choice proposed policies that opened the door for contracting with faith-based organizations and at the same time protected their religious character. The attraction of Charitable Choice for the Right was its promise to cut public spending while maintaining a spirit of care (Cnaan & Boddie, 2000), whereas the Left saw it as a way to circumvent bureaucratic administration of publicly funded services. Together, they contributed to the passive support for this legislation.

Studies on Charitable Choice

Although Charitable Choice was signed into law in 1996, very little research has been done to assess its relevance and implementation. The limited work on the effects of Charitable Choice can be divided into two categories: (1) awareness of congregations about Charitable Choice and their interest in forming partnerships with the public sector to provide social services; and (2) assessment of the scope and nature of contracting relationships between faith-based organizations and the public sector.

Two major works have been reported on the awareness and interest of clergy regarding Charitable Choice. As part of a citywide census of congregations conducted in Philadelphia, Cnaan and Boddie (2001) reported that of 1,376 surveyed congregations of an estimated population of 2,100, few members of the clergy were familiar with the Charitable Choice provision. The purpose of this study was to assess the involvement of Philadelphia congregations in social services provision. This study was based on three-hour face-to-face interviews with one to seven members of the clergy or key leaders of 1,376 congregations in the city.

Cnaan and Boddie (2001) found that in 1,376 congregations only 107 members of the clergy (7.8 percent) reported being familiar with Charitable Choice, and a smaller number reported discussing the possibility of applying for public funds (2.8 percent). When asked, “If not actively involved with Charitable Choice, would your congregation consider applying for government funds under the provisions of Charitable Choice?” 841 clergy members (61.1 percent) answered affirmatively. The implication is that almost two-thirds of the congregations view collaboration with public

authority as an option. However, among the 1,376 congregations interviewed, only two congregations applied to the state or county, and both were turned down. One Philadelphia congregation reported being the only church in the state to receive a grant under the Charitable Choice provision. According to the job-training program director of this small church, Charitable Choice benefits both the community and the church by making available funds previously denied to churches, especially organizations that were religiously oriented in providing services. Along with these benefits, the director reported financial and technical difficulties imposed by a performance-based contract and the need to adjust to the changing of rules as this new kind of partnership continues to evolve.

In another study assessing congregational awareness and interest in Charitable Choice, Chaves (1999) used the 1998 General Social Survey of the National Opinion Research Center in Chicago to ask about 4,000 interviewees to identify their religious leaders and in a follow-up study called these religious leaders. Of the religious leaders identified, he interviewed approximately 80 percent, a remarkable response rate.

Chaves (1999) interviewed 1,236 members of the clergy from a representative sample and found that 76 percent were unfamiliar with Charitable Choice. However, when Chaves asked, "Do you think your congregation would apply for government money to support human services programs if it was available?" only 36 percent answered positively. Those more likely to answer positively were large, liberal, and African American congregations. In addition, 84 percent of the clergy members reported having no policies prohibiting the receipt of public funds.

Another study assessed the scope of the new partnerships between the public sector and the religious community. Sherman (2000) electronically surveyed all newspapers in nine states (CA, IL, MA, MI, MS, NY, TX, VA, WI). Wherever the search for Charitable Choice or equivalent term yielded a response, she followed up the collaboration by calling the relevant public officials and the faith-based providers. Sherman found 125 collaborations between state and faith-based social services providers. Of these, 64 were direct financial contracts under the Charitable Choice provision, 20 were indirect financial collaborations, and 41 were nonfinancial collaborations. States with the largest collaborations between state and

church were in Wisconsin (42 of the 125), Texas (19), and Illinois (11). These collaborations included a statewide mentoring initiative with hundreds of churches in Texas and a statewide initiative involving 328 faith-based organizations in Illinois. Overall, collaborations focused on mentoring (46), job training (34), life skills (19), programs for people with alcohol or drug addictions (7), and other programs such as mental health counseling and emergency housing (32). It should be noted that approximately one-half of the programs in each of the five services areas were direct financial collaborations under the Charitable Choice provision. Sherman also noted that in most cases government staff initiated the collaborations with faith-based organizations. Although regulations were not waived or eased, encouragement and guidance in filing application forms were made available.

Owens (2000) reanalyzed Sherman's (2000) findings and suggested that of the 125 collaborations studied, 54 (43 percent) represented contracts with agencies that had a §501(c)(3) designation and were eligible for public funds before the passage of Charitable Choice. Furthermore, he noted that the states studied spent only .03 percent (\$6,077,802) of their TANF funds on Charitable Choice collaborations. His report highlighted that the government has a bias toward traditional religious social services providers like Catholic Charities over congregations and other faith-based providers. But, both Owens and Sherman agreed that this new legislation and resulting collaborations are only the beginning of a tidal wave of government and faith-based partnerships that are expected to have an unprecedented effect on the social services system.

In September 2000, the Center for Public Justice issued its "report card" on the implementation of Charitable Choice. Twelve states were rated from "C" to "A+" based on their proactive attempt to implement this new policy. Two states did not respond to this study, and all others, including Guam, Puerto Rico, and the Virgin Islands, were rated "F." The "F" states are those that according to the center do not protect the rights of faith-based providers, do not attempt to contract with faith-based providers, and claim that Charitable Choice is an option they are only now starting to consider.

A study by the Associated Press (2001) focused on how many new contracts were awarded to

providers that were ineligible before Charitable Choice. The findings show that 31 states made no such new grants, and only five states aggressively used this legislation to contract with faith-based providers (AR, IN, MS, OH, TX).

In addition to these studies assessing the effect of Charitable Choice, a series of studies conducted over the past decade indicated that faith-based organizations, particularly congregations, were significantly involved in providing social services (Chaves, 1999; Cnaan 1997; Cnaan & Boddie, 2000; Grettenberger & Hovmand, 1997; Hill, 1998; Hodgkinson & Weitzman, 1993; Jackson, Schweitzer, Cato, & Blake, 1997; Printz, 1998; Silverman, 2000). With the exception of Chaves' research, all studies found that nine out of 10 congregations provided at least one social services program that benefited people in the community who were not members of the congregation. Although these studies documented substantial involvement by faith-based organizations, including congregations, few social work scholars have called for acknowledging the increasing role of faith-based social services providers and understanding the parameters for negotiating partnerships between the religious community and the social work profession (Cnaan et al., 1999).

At this stage, there are no studies on effectiveness of or client satisfaction with services provided by faith-based social services providers. However, some of the programs funded under the Charitable Choice provisions are being tracked by scholars and documented as case studies. A General Accounting Office (2002) study, presented in January 2002 to Senator Joseph Lieberman (D-RI), revealed that no new empirical works in this area were completed. However, in a study in progress, Monsma and Mounts (2001) compared four types of providers, including faith-based providers, in four cities. Their preliminary findings suggest that the providers who were most religion-focused stayed that way even when public funds came in.

Implications

The trend represented by the Charitable Choice provision is unmistakable: Congress, the president of the United States, and local policymakers are seeking greater involvement of the religious community in providing publicly funded social services. As a result of the Reagan administration's retrenchment of social services, the religious community has voluntarily increased its involvement

in social services delivery (Cnaan et al., 1999). With access to government funding that no longer regards the religious character of the service provider as a threat to the separation of church and state, it is likely that many more congregations and religion-centered nonprofit organizations may engage in partnerships with the public sector. This represents a significant change that may have a major influence on social services delivery as we have known it. For example, the number of social workers working in or with faith-based organizations may increase. Hence, it is imperative that social workers become well-versed in the Charitable Choice provision and its implications for education, practice, policy, and research. Knowledge of this legislation will prepare social workers to be leaders in understanding and shaping the course of social work involvement in faith-based social services provision in the future.

Although the opportunity for religious organizations to apply for public funds without restricting their religious character is available, few members of the clergy, government staff, or social workers are aware of the policy changes set in motion by Charitable Choice. In addition, many faith-based organizations that are interested in providing social services have refused to contract with government because they fear losing their religious character and independence (Esbeck, 1996; Monsma, 1996).

As faith-based organizations increase their interest and involvement in the social services arena, social workers are likely partners to consult with and practice in these agencies. Social workers offer a broad set of skills (for example, proposal writing, case management, program evaluation, and counseling) that can compliment faith-based organizations. Wineburg (2000b), who is one of the few social workers to study faith-based social services, commented:

The congregations and faith organizations that the policymakers want so desperately to be the elixirs to our problems, simply don't have the skills or capacity to handle the complex problems they are being forced to address. If there were huge increases in funds for training programs, planning activities, and the like, I'd say there might be a chance for church-based services to make a difference. (p. 9)

Social workers, informed about Charitable Choice and related initiatives that encourage

faith-based social services collaboration, can help join these forces. Social work as a value-based profession can provide leadership in negotiating and shaping the course for partnerships that recognizes and addresses conflicts in values by finding common ground that is the basis for effective partnerships.

The welfare reform law and the Charitable Choice provision are now the law of the land. However, the law is still vague in several areas. Most notably, the constitutionality of this provision remains unclear (a good review of its chances to withstand constitutional challenge in the U.S. Supreme Court is offered by Kuzma, 2000). For example, the law says a state may contract solely with a religious organization, but it must also provide for participants who prefer nonsectarian services. Such services must be of equal quality and in close proximity to the participants, but these are terms that are difficult to define concretely. Will there be real alternatives to faith-based services in close proximity in rural areas? How will this be accomplished? The law also allows faith-based services providers to use principles based on their religious tradition to foster responsibility and a strong work ethic. How much integration of religious beliefs in the delivery of social services and how much influence will religious providers have over services are yet to be determined. Will the practice of hiring, promoting, and firing staff on the basis of religious adherence rather than professional merit be maintained, and what effect will it have on clients? Will *all* religions and denominations be eligible for funding, even groups that are outside of the religious mainstream?

The law protects participants from religious coercion. However, what is pressure and where does proselytization start instilling foundational virtues of responsibility that emanate from religious teaching? For example, a participant may feel compelled to please his or her social worker by attending Sunday religious services, not because of overt pressure or an explicit request but perhaps an assumption that he or she will receive better services by exhibiting a desire for religious beliefs that reflect the social worker's religious framework. In each case, faith-based organizations and their government partners must strive to respect the religious freedoms of the individuals and the religious character of the organizations and avoid excessive entanglements between gov-

ernment personnel and faith-based social services providers.

On July 24, 2000, the first legal challenge to the Charitable Choice provision was filed. The American Jewish Congress and the Texas Civil Rights Project filed a suit in a Texas state court to invalidate a contract between the Texas Department of Human Services and the Jobs Partnership of Washington County (JPWC). The JPWC is a consortium of county churches and businesses that trains, equips, and finds employment for some of the county's neediest citizens. The case is now known as *American Jewish Congress and Texas Civil Rights Project v. Bost* (American Jewish Congress, 2000). The suit was filed on the ground that "Protestant evangelical Christianity permeates" the partnership's job training and placement program for people in the county who are poor, "all at the expense of the taxpayers" and in violation of the federal and state constitutional bans on state support for religious enterprises. The two civil rights organizations argued that these programs violate the constitutional separation of church and state and are a departure from basic First Amendment principles. They argued that there is a stated "spiritual care" aspect to the jobs program, that proselytizing takes place regularly at taxpayer expense, and that tax funds are being used to buy Bibles to assist in the proselytizing. These two organizations used quotes from an evaluation by the Texas Works Program, a target of the complaint, that "Biblical references are used to teach subjects such as self-identification, relations, authority, attitude, integrity, communications, conflict resolution, stewardship of time, money and excellence in all things" (American Jewish Congress). As a result, the two organizations petitioned the court to declare the Charitable Choice contract unconstitutional; to prohibit any further payments of tax dollars; to require repayment by JPWC of funds received under the contract; and to prohibit the state of Texas from entering into other programs that "promote religious doctrine or engage in religious discrimination in employment" (American Jewish Congress).

The complaint also called for the court to invalidate the federal Charitable Choice statute, which had been invoked by Texas to justify its program (American Jewish Congress, 2000). Legal experts expect the case to go all the way to the Supreme Court of the United States and for the case to be in the Court for a few years.

In addition to the constitutionality of Charitable Choice, one should consider the extent to which congregations and other faith-based organizations are willing and capable of carrying out social services. The findings mentioned earlier suggest that in addition to traditional faith-based social services organizations (such as Episcopal Youth Services or Catholic Charities), many congregations and parachurch organizations are actively involved in providing social services, a role held by the government in most other advanced democracies. Sherman's (2000) study also highlighted the fact that each county and state implements Charitable Choice differently. This means that numerous models of collaboration are emerging.

At this writing, there are no conclusive studies that measured the capacity for growth and the ability to incorporate publicly funded services, evaluated existing models of collaboration, and identified best practices. One preliminary study in California found that all congregations provided some services in response to increased demand as well as a willingness to extend their services (Silverman, 2000). However, the study is characterized by a very low response rate and may represent only affluent and socially active congregations. Hence, the following questions are speculative and remain unanswered. Will the faith-based programs relinquish the voluntary and self-sponsored programs once public money and paid staff enter their domain? Will social workers be able to comply with the *NASW Code of Ethics* and the values of the profession when practicing in faith-based organizations? Will faith-based programs be able to maintain the spirit of caring and holistic approach found in their volunteer-based programs once services are publicly funded? Or will faith-based programs become driven by contract obligations and seek to produce services and outcomes rather than serve the needs of people? Will faith-based programs be more effective than programs offered by for-profit or secular nonprofit organizations? Will the very reason that makes faith-based organizations distinct and effective be lost by collaborating with the public sector?

A result that has received little attention is the possible return to religion by traditional faith-based providers. A faith-based organization that contracted with the government for many years to provide services in a religion-free environment may decide to incorporate religious practices in its

social programs. It would be legal for any branch of Catholic Charities to include midday mass in its regular programs. Although there is no indication of any such provider taking this route, the practice is legal and possible.

Another possible consequence of Charitable Choice is increased competition for funding among existing nonprofit organizations. Wineburg (2000a), for example, noted that in Greensboro, North Carolina, 300 nonprofit organizations compete for various public grants. Charitable Choice opened the field to 400 congregations. Thus, 700 players compete for public grants that could dwindle before they increase. Although some congregations have the business savvy to obtain public funds, other nonprofits and congregations will be casualties among the new competitors for public funds. In this survival of the fittest scenario, we should remember that congregations can survive without public funds, but nonprofit organizations cannot. Hence, Charitable Choice, if extended, will have a major effect on the ecology of nonprofit organizations throughout the United States.

Conclusions

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 has indeed changed welfare as we knew it. Politicians from all parties and ideologies have embraced the merit of including religious groups in the circle of social services providers. Charitable Choice is a policy that is rich with promises and risks. On the face of it, we can applaud the politicians' willingness to incorporate new social services providers into our welfare system. If these providers can offer quality services at a reasonable cost and help people in need, then they should be invited to the table.

The effectiveness of faith-based social services remains untested. Hence, we call for a slow experimental implementation of this policy and research by independent scholars to study and compare the effectiveness of congregations and faith-based social services providers with other services providers. Careful study of faith-based social services should also assess the key risks in this policy, focusing first on religious oppression and pressures. The first rule of practice is "do no harm." For clients seeking religious teaching and practices, along with social services, the road is open. But, for agnostics, atheists, or clients holding other religious beliefs, no pressure should be

applied to consume religion along with social services. Faith-based social services providers should not discriminate against clients on the basis of their lifestyle choices or religion. For example, clients who are single mothers, homosexuals, or substance abusers should not be rejected or dismissed from a program because of lifestyle choices.

Research on faith-based services providers should carefully examine who provides the services and whether clients are screened or pressured to conform to the religious standards of the organizations. This research also should assess the effect of Charitable Choice on existing nonprofit organizations—what happens to them and their employees when less or equal public funds are distributed among a larger number of organizations. Research on these issues is needed to provide the basis for recommendations for expansion, termination, or modification of this policy.

We call for presenting information on the Charitable Choice provision in such venues as in-service training, workshops, continuing education series, conferences, newspaper articles, and community news programs to raise awareness. Schools of social work should expose future social workers to this legislation and the changing role of faith-based organizations by integrating this material into policy and practice courses as a complement to existing curriculum on the increasing pluralism of the U.S. welfare system.

The verdict is not yet out. Charitable Choice may be defeated by legal challenges or may withstand constitutional challenge. If it is here to stay in its current form or in a modified version, social work must pay close attention to its development. The promises and risks are many, and whenever a policy shifts unintended and unanticipated consequences occur. Without the profession's close scrutiny it is more likely that the risks will outnumber the promises. ■

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