社會工作的倫理原則和決策

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社會轉變中的社工價值觀（Levy, 1963）

- 社工面對社會狀況轉變時所持守的價值觀
- 社工對人的價值觀
- 社工在服務人時所持守的的價值觀

Foundations for ethical decision making

- Teleological theories (目的論)
- *Teleios*: brought to its end or purpose
- The rightness of any action is determined by *the goodness of its consequences*.
- It is naïve to make ethical choices without weighing potential consequences.
- The responsible strategy entails an attempt to anticipate the outcomes of various courses of action and to *weigh their relative merits*.

Foundations for ethical decision making

Utilitarianism (功利主義) (Bentham, Mill)

An action is right if it promotes the maximum good

Act utilitarianism: the rightness of an action is determined by the goodness of the consequences produced in that individual case, or by that particular act.

Rule utilitarianism: takes into account the long-term consequences likely to result if one generalizes from the case at hand or treats it as a precedent.

Foundations for ethical decision making

Deontological theories (義務論)

Deontos: of the obligatory

Certain actions are *inherently right or wrong, or good or bad*, without regard for their consequences.

Rules, rights and principles are sacred and inviolable (神聖及不可侵犯的).

Emmanuel Kant 康德

1. 人透過理性有不証自明的原則
2. 定言律令：僅依據你能同時意願它成為一項普遍法則的那項格律而行動
3. 人是目標，而非手段

Foundations for ethical decision making

- Moral philosophy of Immanuel Kant
  - Categorical imperative (定言律令): A sense of absolute moral obligation
    - That an action is right only if it is possible for the person acting to be prepared to accept the basis of that action as a universal law
    - That persons should be treated as ends, and not simply as means.

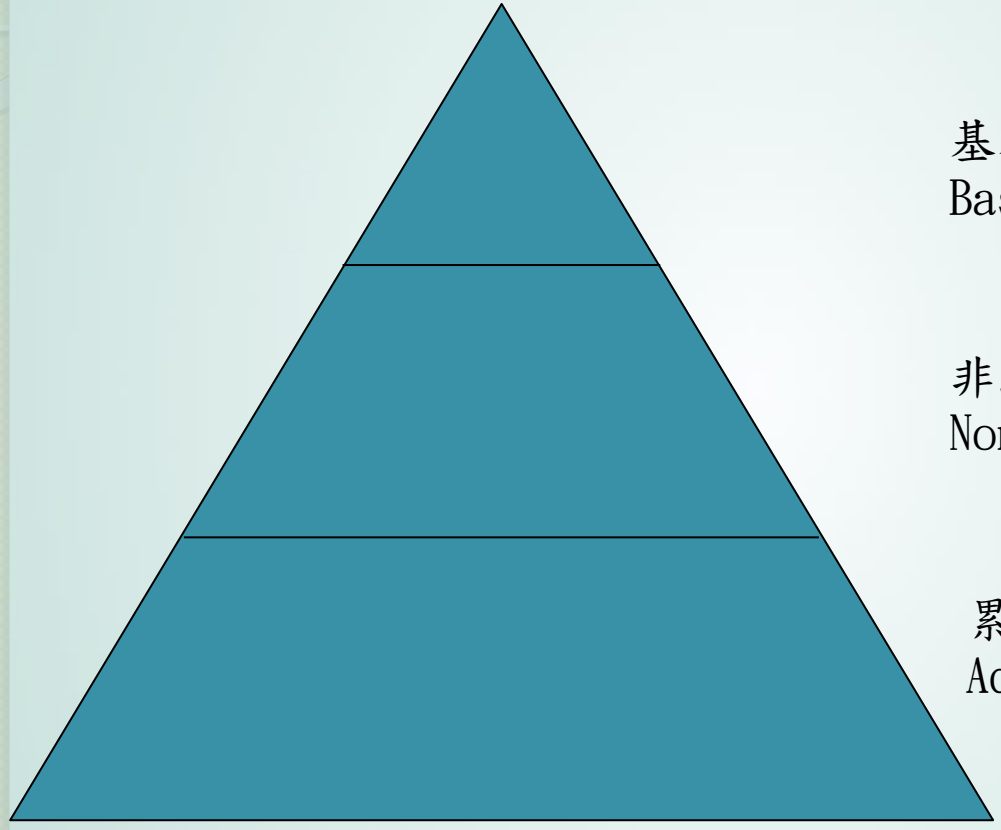
Foundations for ethical decision making

- Limitations of Teleological theories
  - Will it permit subordination of the rights of a few individuals if a greater aggregation of good results? (少數是否一定要服從多數？)
- Limitations of Deontological theories
  - Are there situations where the fixed rules do not apply?

Rights-based theory

- Gewirth, 1981; Reamer, 1997
- Truth or falsity of a particular moral principle can be determined by *reason*
- *Action* is the concept fundamental to any discussion of ethics: *freedom* and *intentionality*
- The principle states that every person *must act in accordance with his or her own and all other people's generic rights to freedom and well-being.* (人的行動必須根據其自己與他人能得到自由及福祉的基本權利)

Right-based Theory



基本善：生命、基本自由
Basic Goods

非減除善：被勞役、被剝削
Nonsubtractive Goods

累加善：教育、就業機會
Additional Goods

Rights-based theory

- There are three core "goods" that human beings must value:
  - Basic goods (基本善): those aspects of well-being that are necessary for anyone engage in purposeful activity (每個人從事有意義的活動所必備的)
    - Life itself, health, food, shelter
  - Nonsubtractive goods (非減除善): goods whose loss would diminish a person's ability to pursue his or her goals (失去這些東西會減低個人能力)
    - As a result of being subjected to inferior living conditions or harsh labor, or as a result of being stolen from or lied to

Rights-based theory

- Additive goods (累加善): goods that enhance a person's ability to pursue his or her goals (能提升個人能力以協助個人追求目標的東西)
  - Knowledge, self-esteem, material wealth, education

- Gewirth recognized that people's various duties and rights sometimes conflict and that they sometimes *need to choose* among them.
- Conflicting duties can be ranked or placed in *a hierarchy based on the goods involved*.

我要安樂死
斌仔著

Reamer's ethical guidelines

- Rules against basic harms to the necessary preconditions of action (life, health) take precedence over rules against harms such as revealing confidential information or threats to additive goods (living conditions) (*保障人的「基本善」比保密原則或人的「累加善」更為重要*)
- *An individual's right* to basic well-being takes precedence over another individual's right to freedom. In other words, an individual has right to freedom and act as she wishes unless her action threatens the welfare of others. (保障一個人的「基本善」比保障另一人的自由更為重要)

Reamer's ethical guidelines

- *An individual's right to freedom* takes precedence over *his own right to basic well-being*. (保障一個人的自由比保障他/她的基本福祉更為重要)
  - Someone who choose to engage in risk-taking behaviors should be allowed to do so if it can be established that the individual is making an informed, voluntary decision with knowledge of relevant circumstances, and that the consequences of the decision will not *threaten the basic well-being of others* **(and him/herself?).**

Reamer's ethical guidelines

- The obligations to obey laws, rules, and regulations to which one has voluntarily and freely consented ordinarily overrides one's right to engage voluntarily and freely in a manner which conflicts with these laws, rules and regulations. (*若人同意遵從某一法例，則他不可隨意違抗該法例*)
- Individuals' rights to well-being may override laws, rules, regulations and arrangements of voluntary associations in cases of conflict. (*但有時候保障人的福祉比遵從該法例更為重要*)

Reamer's ethical guidelines

The obligation to prevent basic harms such as starvation, and to promote public goods such as housing, education and public assistance overrides the right to retain one's property
(*保障人的基本福祉比維護人的私有財產更為重要*)
Justify taxation and provision of aid to those in need

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我要安樂死
斌仔著

【明報專訊】6年前因要求安樂死而為港人認識的斌仔（鄧紹斌），下周（8月19日）將離開住了19年的瑪麗醫院，搬入深水埗公屋開展自立新一章。當下港人都為買不起樓惆悵，斌仔獲分配一個光猛開揚的600方呎安樂窩，過去兩年不斷為新居張羅，由裝修、選二手家俬電器、訓練工人都獨力包辦。斌仔在搬屋的過程出街多了、笑多了、珍惜身邊人多了。一個家，雖令斌仔變得開心，但依然洗不去他身上那個教人沉重的標記：「***搬屋，是我爭取不到安樂死，被迫要行的路。***」

「活下去，我談不上積極，只希望是開心。」斌仔給董建華寫信時，說自己「活在孤獨、寂寞、無奈、痛苦當中」；如今，我們看到他說「***希望開心***」。

Reamer's ethical decision making framework

- *Identify the ethical issues*, including the social work values and duties that conflict.
- Identify the individuals, groups, and organizations likely to be *affected by the ethical decision*.
- Tentatively identify *all viable courses of action and the participants involved* in each, along with the potential benefits and risks for each.
- Thoroughly examine the reasons *in favor of and opposed to each course of action*, considering relevant

Reamer's ethical decision making framework

- Codes of ethics and legal principles
- Ethical theories, principles, and guidelines
- Social work practice theory and principles
- Personal values (religious, cultural, and ethnic values and political ideology), particularly those that conflict with one's own.

- *Consult with colleagues and appropriate experts* (agency staff, supervisors, agency administrators, attorneys, and ethics scholars).
- Make the decision and document the decision-making process.
- Monitor, evaluate, and document the decision.

Rights-based Policy Decision-making (Gabel, 2016)

- A human rights-based approach to social policy formulation and analysis has the following key attributes:
  - The main objective of policies and programs should be to *fulfill human rights*.
  - A human rights-based approach identifies rights holders and their entitlements and corresponding duty bearers and their obligations, and works toward *strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations.*
  - Principles and standards derived from *international human rights treaties should guide all policies and programming in all sectors and in all phases of the process* (United Nations Research Institute for Social Development, 2015).

Rights-based Policy Decision-making (Gabel, 2016)

- A needs-based approach typically establishes programmatic goals and the success of a policy intervention is often measured by the attainment of these goals.
- In a rights-based approach, the success of policy or program interventions is measured against the progressive realization of human rights. *The decisions, actions, and conduct of political, economic, social, and institutional systems, and actors are evaluated by their contribution to the realization of rights.*

Rights-based Policy Decision-making (Gabel, 2016)

- 1. Identify the social issue/problem.
  - (a) Identify *the rights violated* or compromised by the social issue using:
  - International and regional human rights laws and instruments.
  - National constitutions, laws, and regulations.
  - In-country policies addressing or affecting social issues.
- (b) Formulate the social issue/problem from a rights-based framework.

Rights-based Policy Decision-making (Gabel, 2016)

2. Contextualize the social issue/problem.

a. What is at the *root of the social issue*? How has society responded to the social issue historically?
b. Have there been *unintended consequences of policy responses to the social issue*? Describe them and how they have been addressed if at all?
c. Identify the stakeholders, *rights holders, and duty bearers* and their roles.
d. Who benefits from the policy as it exists? Who loses?
e. In what ways have policies affecting rights holders *marginalized the population*?
f. In what ways does the policy *affect the realization of human rights beyond the scope of the policy*? How do policies in other areas affect the realization of rights the current policy intends to address?

Rights-based Policy Decision-making (Gabel, 2016)

- 3. Analysis of dimension(s) according to cross-cutting human rights principles of *participation, accountability, nondiscrimination, and equality* (P.A.N.E.).
  - (a) Participation: How do *rights holders participate* in the policymaking process?
  - (b) Accountability:

Rights-based Policy Decision-making (Gabel, 2016)

- Has the state enacted legislation, policies, and programs to address the social issue? Are these efforts on schedule? If not, why not?
- Does state *make information available and accessible in a timely manner on the progress of its efforts to address an identified social issue*?
- If citizens feel that they have unfairly been denied assistance, is the process to challenge the decision documented and without repercussions?
- Are accountability mechanisms in place with responsibility of implementation clear and open to input from all citizens?

Rights-based Policy Decision-making (Gabel, 2016)

- (c) Non-discrimination and Equality
  - In what ways, if any, *is the policy discriminatory? Socially unjust?*
  - Are benefits accessible, affordable, and adequate to all persons?
- (d) Recommendations.
  - Develop *policy recommendations* to resolve the social issue/problem identified above that will further the realization of the human rights principles of P.A.N.E.

Foundations for ethical decision making

- Virtue Ethics
  - Thinks primarily in terms of *what is noble or ignoble, admirable or deplorable, good or bad*, rather than in terms of what is obligatory, permissible, or wrong, and together with the focus on the inner character of the agent (Slote, 1997).
  - An *ethical social worker* rather than ethical decision-making or actions

Foundations for ethical decision making

- An ethical social worker rather than ethical decision-making or actions is a helper with the following qualities (Corey, 2001):
- They have an identity
- They respect and appreciate themselves
- They are able to recognize and accept their own power
- They are open to change
- They are making choices that shape their lives
- They feel alive, and their choices are life-oriented

Foundations for ethical decision making

- An ethical social worker rather than ethical decision-making or actions is a helper with the following qualities (Corey, 2001):
- They generally live in the present
- They appreciate the influence of culture
- They have a sincere interest in the welfare of others
- They become deeply involved in their work and derive
- meaning from it
- They are able to maintain healthy boundaries
- They make mistakes and are willing to admit them

Foundations for ethical decision making

- "Postmodern" Ethics (Husband, 1995; Hugman, 2003)
  - An emphasis on principles and values, and a *reluctance to be tightly prescriptive*;
  - embracing diversity and being multi-'cultural' in all senses of that term;
  - being prepared to struggle with contradictions, seeing any contradictions as both inevitable and fruitful and drawing on this background;

Foundations for ethical decision making

- "Postmodern" Ethics (Husband, 1995; Hugman, 2003)
  - supporting and encouraging every social worker to regard themselves as 'morally active', that is not simply reduced to 'following the rules' of a formal code;
  - recognition of the contextual nature of practice, and the importance of *'both/and'* in relation to core values (such as 'maintenance' and 'change', 'caring' and 'curing'), also bearing in mind that these are continua rather than dichotomies.

My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism.

Foucault

I can say that all of my thinking started from this point: how can behavior be regulated without being the product of obedience to rules?

Bourdieu

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