

# Moral Philosophy and Social Policy

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## Abstract

Policies in the United States regarding personal responsibility and deviant behavior often follow an underlying moral philosophy. This article examines the philosophies in American social policy, and how beliefs about personal responsibility, definitions of deviance, and the role of the social welfare system shape current policies.

*Key Words:* Deviance, social policy, moral philosophy, social work, policy analysis

## Introduction

In all categories of policymaking, morality plays a role. Environmental policy, tax policy, and social policies all develop with a backdrop of moral philosophy. Beliefs about responsibility and personal rights often weave their way into legislation. In social welfare, this link can be blatant and far-reaching. When decisions are being made concerning policies and programs for human beings, the fact that people can play a role in their own destiny sparks the debate about the size and power of that role. Some, such as John Stuart Mill, feel that individuals should remain in complete control of their lives and the paths they choose to take based on individual circumstances. Others believe that it is the job of those with strong moral beliefs to guide and protect those who have “lost their way” (Reid, 1981). An argument further exists as to when others should step in and try to change a person’s desired behavior against his or her will. These discussions often occur as a reaction to deviant behavior committed by an individual or group.

Three moral philosophies, paternalist, consequentiality, and deontological, provide theories of the role of the will of man and social control in the evolution of society. At the heart of these philosophies are differing beliefs about under what conditions society should demand a person relinquish his or her free will for the good of the people and whether he or she should be judged by the consequences of his or her actions, or the actions themselves.

## **The Regulation of Deviant Behavior: Paternalism, Consequentialism, and Deontology**

Behavior that exists outside the norms of a society is often subject to regulation. Which behaviors are chosen and how they are regulated can be influenced by the moral philosophies held by society. Three philosophies that often contribute to the identification and regulation of deviant behaviors in the United States are paternalism, consequentialism, and deontology.

Theories of paternalism state that individuals are responsible for preventing others from harming themselves or other people. The word “paternalism” comes from the word “paternal” for father. Indeed, Aristotle described paternalism as an extension of a family. In this way, paternalism can be viewed much as a parent-child relationship. Parents are responsible for ensuring that their children do not harm themselves. Furthermore, if a child harms another person, it is the parent who is ultimately responsible (New, 1999). Another aspect of paternalism states that the intervener is logically more adept, knowledgeable, and a better judge of welfare than the person being paternalized (Leonard, Goldfarb, & Suranovic, 2000). Many social policies in the United States contain a type of paternalism called soft paternalism. In this view, individuals’ rights should only be overlooked when they are incompetent, incapacitated, or coerced (Leonard, Goldfarb, & Suranovic, 2000). This view of paternalism complicates social welfare issues such as coerced treatment, which occurs when a person’s competence might be subjective. In this case, the question of whether to force someone into treatment might be evaluated in either a consequentialist or deontological nature, which will be discussed later. As far as situations in which paternalism is warranted, consideration is sometimes given to the role of the intervener (New, 1999). Paternalism assumes that the paternalized person is unable to make a healthy decision and that the intervener is capable of making a better decision. New (1999) provides three situations in which a person might not be able to make as sound a decision as the intervener. The first occurs when the individual faces a “weakness of will,” meaning that temptation might prevent an individual from making a decision in his or her best interest. This situation is the most subjective. The second involves situations in which the person making the decision has little firsthand information to aid him or her in arriving at a decision. Third are complicated situations in which the intervener can provide specific and specialized knowledge.

Paternalism focuses on the right of those with knowledge, power, and ability to interfere in the lives of those deemed to be harming themselves or others, consequentialist and deontological

theories center around whether the decision to interfere should be based on the person's actions or the consequences of his or her actions. Therefore, both consequentialist and deontological theories can be carried out paternalistically.

Consequentialist policies are concerned with the consequences of the behavior in question, rather than the behavior itself. The term for this is *agent-neutral*. Consider, as an example, the act of driving drunk and hitting a neighbor's mailbox. A consequentialist would argue that the only crime committed was destruction of property. In this case, the action of drinking and driving is neutral in deciding the outcome. Rather, it is the consequence of hitting the mailbox that calls for punishment (Louise,2004). Consequentialist theory can be described as focusing on the consequences of a person's actions when deciding whether to intervene. Two questions arise when considering this theory: 1) consequences for whom? And 2) what kinds of consequences?

Part of consequentialism considers who benefits or suffers from the consequences. To this end, there are two competing theories. *Egoism* states that decisions should be made based on the consequences for the individual, regardless of the consequences to others. By contrast, *utilitarianism* contends that decisions should be made based on the consequences for society, regardless of personal sacrifice. Both of these theories are considered consequentialist, because they focus on the consequences of actions, rather than on the actions themselves (Scheffler, 1994). A second aspect of consequentialism examines what kind of consequences result from a decision. Arguments exist within consequentialism as to what consequences are the ultimate aims. *Hedonic consequentialism* claims net pleasure to be the ultimate consequence. A variation on this is *eudemonic consequentialism*, which has the stated goal of happiness. Some consequentialist theories have the goals of material equality or personal liberty (such as John Stuart Mill). In these cases, actions are taken to achieve these goals, regardless of other, less important consequences (Scheffler, 1988). An example of current consequentialist policies in the U.S. is gun law. It is not illegal to own a gun, as long as the consequences of that ownership do not involve crime. It is not the action of owning a gun or firing a gun that is illegal; rather it is the consequence of shooting someone or something or committing a crime with a gun that breaks the law.

In contrast to consequentialist theory, deontological theory focuses on the innate morality of the actions themselves, regardless of the consequences. In deontological theory, lying is wrong, even if it is done to bring about good consequences. As previously mentioned, consequentialist

theory is *agent-neutral* and deontological theory is *agent-relative*. That is, in deontological theory, it is the action of the agent that is important, rather than the consequence of that action (Encyclopedia of Philosophy, 2004). Consider again the example of drunken driving policy. This policy is deontological in nature, because it is not only the consequences of drunk driving that are illegal, but also the act of driving drunk itself, on the premise that it is an inherently wrong, agent-centered action. One of the biggest proponents of deontological theory is Immanuel Kant. Kant introduced the idea of the categorical imperative. This idea maintains that a person's motives for his or her actions should be acceptable as universal law. That is, people should act on motives that can be used by everyone in a moral society (Darwell, 2002). For example, a person's motive for going to work should be such that if everyone adopted that same motive, it would be acceptable in society. For example, if a person's motive for going to work is to provide for his or her family, it would be an acceptable motive for everyone to have. On the other hand, if a person's motive for going to work is to steal from the company, even if it is justified in that particular case, it does not matter, because it is not an acceptable motive for everyone in the work force to have.

Deontological theorists believe that having the correct motive and action is preferable over achieving the desired outcome. However, this notion of an acceptable motive lends itself to judgment and subjectivity. Furthermore, deontology leaves little room for adjusting the action to fit the situation. One criticism of deontological policy-making is the power to decide what is inherently right. Deontological theories often find their way into so-called "victimless crime" policies. These policies, revolving around unacceptable private behavior, only consider the behavior itself, regardless of the consequences. If a person uses drugs, even if the only negative consequence is to that individual, deontics would view the drug use as inherently wrong and would therefore encourage policies prohibiting drug use. Sodomy laws are another example of deontological policies. The private behavior of consenting adults is prohibited because of the belief that the behavior is inherently wrong.

Another aspect of deontological policy is that the context in which the behavior occurs is not taken into consideration. This rule often softens even the most rigid deontic believers in extreme situations. For example, although deontological theory holds that killing an innocent person is inherently wrong, modern deontological theorists maintain that killing an innocent person might be acceptable if it is in the context of preventing a catastrophe. Furthermore, deontological

theorists recognize that moral obligations have a ranking order, even among several inherently “right” options, in the context of the situation (Haydar, 2002). To this end, consequentialist and deontological theories disagree as to the best method of making a decision. Consequentialist theory dictates that to make a decision, all the alternatives are laid out and the decision that leads to the intended consequence is chosen. In deontological theory, there is an innate “right” answer for any decision, so laying out alternatives is not necessary (Encyclopedia of Philosophy, 2004).

At the heart of the differences in moral philosophy is the argument about whether it is the consequence or the action that is most important. Consequentialists maintain that it is the consequence that should be considered when making a decision. This can be a consequence for an individual (egoism) or a consequence for society (utilitarianism). The consequence can also be psychological in nature, such as happiness, or principled in nature, such as personal liberty. Consequentialist policies, such as gun control, often develop laws based on the consequences of actions, rather than the actions themselves. On the opposite end, deontological theorists insist that it is the action itself that should be the focus. Furthermore, deontics believe that each action is inherently good or bad, although modern deontics allow some exceptions based on the magnitude of the situation and the order of importance among competing moral values. One major criticism of this is, again, that it is up to those in power to decide what is inherently right or wrong and legislate accordingly, often criminalizing private, consensual behavior on the grounds of morality and a societal or political definition of deviance. Each of these theories can be carried out in a paternalistic way. That is, both consequentialist and deontological policies can incorporate different levels of intervention and different levels of coercion within the intervention. The following sections of this article will focus on how these philosophies play out across three areas of social policy around deviant behavior: welfare, drugs, and sexual behavior.

### **Social Policy**

Social policy development encompasses problem identification and definition, and policy design and implementation. Before considering how moral philosophy plays into the development of social policies, it is important to differentiate between two ways of defining social policy. Social policies can be activities of Federal and local governments, such as laws or programs that are aimed at improving the well-being of members of society (Jansson, 1999). Sometimes social policies are aimed at the general population, such as in the case of drug laws, and sometimes they

are designed for a particular segment of the population, such as in the case of disability insurance. The population for which the policy is intended can influence the philosophy on which the policy is based and the level of paternalism with which the policy or program is carried out. This influence is the second part of defining social policy. Social policies can also refer to the authoritative distribution of values. How a social problem is defined and what determines the “success” of a social policy is often determined by the values of those in power who design and implement the policy. Therefore, social policies are both legislative actions and reflections of the values and morals of those who design the policy. For example, welfare policies are legislative acts of government. However, stipulations for receiving aid and the funds allocated to ensure the quality and success of welfare programs reflect the ideas of “right living” held by those who created the policies: that is, marriage, stable employment, owning a house, and no drug use. Furthermore, the lack of program funding and strong paternalistic nature of these policies speaks to the underlying idea that vulnerable members of society do not deserve as much as the rest of society and are applicable to the enactment of soft paternalism, even though they might be adults of sound mind and body (Leonard, Goldfarb, & Suranovic, 2000). Indeed, the ways in which social problems are identified and operationalized is also influenced by underlying moral philosophies. Why is drug use acceptable if a doctor prescribes it and not if a person decides to use it on his or her own? There is a commonly held belief that drug use is dangerous, doctors are experts, and dangerous activities should only be done under the watch of an expert. This situation would fall under New’s (1999) criteria for the use of paternalism. However, if this is true, then why is alcohol acceptable to use without a doctor’s note, when it, too, is dangerous? This example shows that within social policies lie conflicting messages about right and wrong. This conflict stems from the influence of moral philosophy on the identification and definition of social problems. If laws concerning the use of drugs were based solely on the scientific research concerning their harm to the user and society, they would look very different from the laws that exist today.

Regardless of how a social problem is defined, the subsequent policy has elements designed to ensure compliance. These elements can be normative or coercive. Moral philosophy can influence which type of compliance tool is used. When a policy is designed to encourage behavior deemed “desirable” by those in power, normative compliance tools are used, which reward the individual for engaging in the desired behavior. Examples would be tax credits for

being married and having children, and access to the carpool lane for hybrid vehicles. When a policy is designed to discourage behaviors deemed “unacceptable” by those in power, coercive, and therefore paternalistic, elements are used. For example, those who receive public housing can lose it if they are caught using drugs, and students can lose their college funding if they incur a drug conviction. The act of rewarding those who engage in “desirable” behaviors, and punishing and controlling those who engage in “undesirable” behaviors, and rely on the government for aid, reflects the influence of moral philosophies in controlling behavior.

### **Moral Philosophy in the Development of Social Policies that Address Deviant Behavior**

Now that paternalism, consequentialism, and deontological theory have been discussed in relation to their definitions and role in social policy, and the issues surrounding the definitions of social problems and the development of such policies have been explored, I will look at three specific and often controversial issues in social welfare dealing with perceived deviant behavior. These issues are examined with respect to how current policies reflect the moral philosophies discussed in the first section. The three areas are: welfare policy, drug policy, and sexual policies.

The deontological basis for welfare policy can be traced back to the idea of the “deserving poor.” This idea maintains that certain people deserve aid because of physical, emotional, or psychological impairment. Those deemed unimpaired are expected to be able to pull themselves up and succeed without extra assistance. This ideal has prevailed in current welfare policy. Those who apply for public aid but are not on disability are labeled as lazy and irresponsible. Welfare to work programs are a way of asking that population to prove their worth by fulfilling work and other welfare-related requirements. These requirements send a message to recipients that society will not support them unless they pay a penalty. What is commonly overlooked is the idea that many welfare recipients cannot hold stable employment because of family status, completely unrelated to responsibility and laziness (Reamer, 1982; Rainford, 2004). Rainford (2004) conducted a qualitative study (n=30) looking at the barriers that exist for welfare recipients that keep them from completing work requirements. The barriers identified included domestic violence, lack of education, health issues, lack of child care/transportation, no caseworker, and communication disconnect. Furthermore, the sanctions put in place after failure to complete work requirements did not have an effect on future requirements. In this case, a deontological approach is expressed in a punitive and retributive manner, enforcing the agent-relative status of the policy.

The barriers mentioned above are all considered consequences of both poverty and system involvement. If sanctions are imposed for agent-relative behavior (i.e., completing work requirements, staying sober, making meetings, etc.) while ignoring the consequences, then the policies are directed at punishing and changing personal behavior, in a coercive way, by an agent of change deemed more adept than the recipient. Current welfare policy can be described as deontological, with its provision paternalistic in nature.

In 1996, welfare reform brought about work and time requirements as motives for recipients to get off welfare and enter the working world within a certain amount of time (Fellowes & Rowe, 2004). This illustrates the belief that not working is a deviant behavior that is not allowed in this society. Moral philosophy has informed welfare policy at both an organizational and individual level. Paternalism, in the philosophical sense, is defined by a non-consensual intervention in which the intent is to stop harmful behavior and the intervener is deemed more adept than the subject of the intervention. However, when discussing welfare policy, paternalism is defined as “social policies aimed at the poor that attempt to reduce poverty and other social problems by directive and supervisory means” (Mead, 1997, p. 2). It is these directive and supervisory means that take on a paternalistic tone. As previously mentioned, a policy can be either consequentialist or deontological and be carried out paternalistically (although deontological policies often lend themselves more easily to paternalistic provision). In the case of welfare policy, the requirements set forth by the government in exchange for public assistance are paternalistic in nature. The intervention may, however, be viewed as consensual, since the welfare recipient agrees to these requirements. But, if fulfilling the requirements is the only means by which aid can be received, then the agreement cannot be recognized as fully consensual. If current welfare policy is intended to be deontological in nature, as many suggest (Kaplow & Shavell, 2004; Wilson, Stoker, & McGrath, 1999; Rainford, 2004; Fellowes & Rowe, 2004; Reamer, 1982) does the paternalistic provision overshadow the moral intent? One criticism of an over-reaching paternalistic welfare system is that too many requirements lead to the disruption of the moral message intended by a deontological policy. The assertion is that the time spent between welfare recipients and caseworkers filling out forms distracts from the ability of the caseworker to act as a moral role model, if that is indeed their intended role. Supposing that welfare caseworkers ARE proposed moral leaders as suggested by Wilson et al. (1999), the paternalistic requirements associated with

welfare policy distract workers from providing guidance and knowledge, one of the requirements of a paternalistic intervention.

Fellowes and Howe (2004) provide a thought provoking discussion on the possible ways that individual states can adopt either consequentialist or deontological policies regarding aid distribution. These theories are all acted out in a paternalistic manner, as described above. First, Fellowes and Howe discuss the reproductive behavior of recipients and its effect on aid distribution. If reproductive behavior, operationalized by the number of unwed births, increases in a state, the state can react deontologically and restrict aid and increase requirements to send a message that the immoral behavior of having a child out of wedlock will be punished. However, reproductive behavior can also result in a consequentialist situation in which, in response to rising out of wedlock births, the state increases aid and relaxes requirements as to address the consequence of having a greater number of children in the system. This moral crossroads can also be seen in relation to a state's level of welfare dependency. Like reproduction, dependency can lead to the reduction of benefits to punish the increase in immoral behavior, or an increase in benefits to deal with the consequences of greater dependency (Soss, Schram, Vartarian, & O'Brien, 2001). In addition to welfare policies, drug policies in the United States are also derived from the legislation of morality.

The War on Drugs has been the motivation for drug policies developed during the past 40 years. This punitive approach calls for the imprisonment of drug users and long, mandatory sentences for drug sellers. Furthermore, drug users are portrayed as deviants by the media and the government, and the normalization of drug use is forbidden (Duster, 1970). U.S. drug policy is heavily deontological and is presented within a paternalistic framework. The punishments for drug use often disregard the consequences of that use when deciding the punishment. This is not the same thing as the punishment for a car accident increasing in severity if drugs are involved, but rather the punishment for using the drug itself. If a person is walking erratically in a park and is stopped and searched by police, the discovery of drugs would likely lead to an arrest, even if the consequence for using the drugs has yet to be determined. Rather, the agent-relative act of drug use and possession is the crime. This follows a deontological perspective. A consequentialist policy would not place the person under arrest unless the consequence of the drug use infringed on the rights of others. In the example given above, a consequentialist policy would allow the

person to possess drugs and walk erratically in the park. However, if the person destroyed another's property or assaulted someone, that would be grounds for arrest, again, not because of the role of the drugs, but rather the consequence of the situation. Today, drug policy seeks to legislate the moral behavior of individuals by imposing illegality on the consumption of certain substances and not others, rather than legislating negative consequences, no matter what the antecedent.

After a person is arrested for drug use, the system takes on a paternalistic role. The authorities offer the offender choices concerning his or her punishment, sometimes offering a deal for information, sometimes offering treatment. In each case, the assumption is that the offender needs the help of the authorities and that the authorities know what is best for the offender. Even though the threat of jail prevents the cooperation of individuals and authorities from being consensual, soft paternalists would argue that a drug addicted person is not capable of making decisions in his or her best interest. Therefore, it is appropriate for the authorities to intervene in a non-consensual manner. Many drug-related paternalistic policies intersect with social welfare. Stipulations for receiving food stamps, public aid, public housing, and employment involve a person being free of drug related charges and not using drugs. This paternalistic design ensures that in order to receive an intervention from the system, the recipient must follow the rules set forth concerning drug use. This is also deontological in that it is up to the agent (agent-relative) to behave appropriately, rather than up to the system (agent-neutral) to help the agent identify choices for achieving the desired consequence. If this were the case, drug use would only become an issue if it stood in the way of the agent following through on what has been identified as the best course of action, therefore putting the desired consequence in jeopardy.

Those involved in researching and constructing drug policy often differ on when the intervention should occur. The current drug control strategy focuses on intervening at the agent level, by prohibiting use, intercepting drug shipments and making a drug free life a stipulation for receiving many benefits from the Federal government. In 2001, 55% of Federal inmates were incarcerated on drug charges. In state prisons, 20.4% of all inmates were drug offenders (Harrison & Beck, 2003). This process is, by definition, deontological, because of the focus on the actions of the agent, rather than the consequences of those actions. The other group of researchers, policy makers, and scholars in the drug arena seek to intervene in a consequentialist manner, by focusing their interventions around harm reduction and treatment. Harm reduction, the act of minimizing

the harmful consequences of a behavior, exists outside of the realm of drug policy. Wearing a seatbelt, a helmet, or a condom are all harm reduction strategies, aimed at minimizing the potential harm of a car accident, bike accident, or sexual experience. Similarly, services such as needle exchange centers and Ecstasy testing at raves seek to minimize the harm that might result from drug use. The common reaction from deontologists when faced with harm reduction strategies is that they “send the wrong message.” This insinuates that by accepting that people are going to use drugs and trying to minimize harmful consequences, the moral message is that drug use is okay, which strongly contradicts their deontological message about the innate wrong or “*mala in se*” of drug use.

One scholar who supports this notion of deontological drug policy is Jerome Skolnick. Skolnick (1992) presents the two sides of drug policy presented above in terms of “*mala in se*,” drug use as a natural or moral wrong and “*mala prohibitum*,” a regulatory issue. Skolnick argues that the current drug control strategy in the U.S. is based on the principle of “*mala in se*.” To support this idea, he refers to the first National Drug Control Strategy, written in 1989, in which then-President George Bush referred to drug use as a sign of deficient moral character and a weakness of will. Furthermore, the strategy called for an increase of \$1.5 billion dollars for both the enforcement and interdiction arms of drug control, but only \$321 million for treatment and \$250 million for education. Again, this puts the emphasis on punishing the personal decision to use drugs, rather than attempting to lessen the negative consequences of drug use. Skolnick suggests that a consequentialist drug policy would look very different, relying on a more evidence-based approach, in which great care would be taken to determine the most effective method for addressing the negative societal consequences of drug use, rather than trying to control individual behavior with the threat of imprisonment or the denial of Federal aid.

Another framework in this area suggests that although those in favor of harsh penalties for drug use often cite morality, they cannot be ruled out as consequentialists. MacCoun and Reuter (2001) explore this idea by looking at the full arguments of typically deontological policy makers and scholars, such as former Drug Czar William Bennett and author James Q. Wilson. While both Bennett and Wilson have cited moral repugnance for drug use, they often provide consequentialist reasons for their feelings, such as the effect that drug abuse has on the family and the community. However, MacCoun and Reuter conclude that even though some moral anti-drug arguments are

backed with the inherent consequences of drug use, the policies surrounding drugs and their use in society still come from a place of personal morality and responsibility. It is my belief that if Bennett and Wilson truly believe that the negative consequences of drug use should be the primary rationale for their legal status, there would not be as much support for punishing users and sellers. Rather, funding would be channeled to programs and policies directed at reducing the negative consequences of drug use on the family and community and the rigorous and constant evaluation of their effectiveness.

Similarly, to drug policies, the inherent question concerning sexual policies surrounds the legislation of an act that is consensual based on its view by some as “immoral.” Deviance from the traditional structure of a monogamous marriage between a man and a woman has elicited a backlash from religious groups and many Republicans, including former President Bush, who favors a Constitutional amendment to prevent “deviant” sexual behavior. Legislation against homosexuality, gay marriage, and prostitution are based in the deontological argument that sexual acts of this manner are mala in se, natural wrongs. Sexual behavior is another arena in which harm reduction has played a role in attempting to inject some consequentialist programs into a deontological policy. Other countries have embraced the role of harm reduction in their sexual policies. Countries such as Amsterdam provide services for prostitutes, such as AIDS testing and condoms, in the hopes of preventing disease and unplanned pregnancy. Again, in the United States, services such as condom distribution are seen as “sending the wrong message.” Just as with drugs, the stance is that addressing the consequences of sexual actions rather than the decision to engage in the act is somehow saying to society that the act is okay. This is an argument often heard in respect to giving teens access to condoms. A deontologist would argue that premarital sex is morally wrong, and to give out condoms is saying otherwise. A consequentialist would note that if unplanned pregnancy or disease is a possible consequence of sexual activity, addressing and trying to prevent those consequences through means proven effective (condoms) is the best course of action for the good of society. Legislation and policies surrounding sexual behavior bring up issues about privacy and the role of a paternalistic system.

As previously mentioned, in a paternalistic policy there exists an unequal relationship between those in power and those who need to be helped. Soft paternalists qualify the need to be helped as someone who is a minor, weak willed, or otherwise unable to make his or her own

decisions. The premarital sex issue speaks to this because of the involvement of minors. However, the issue becomes cloudier when dealing with consensual acts between adults, such as homosexuality or prostitution. First, a note, it is in no way my intention to equate prostitution with homosexuality or to insinuate that they are similar acts. Rather, they are both examples of sexual acts with differing and subjective measures of consensually.

The notion of paternalism that the agent is somehow weak willed and in need of intervention is held up by the claim that homosexuality is a choice and not an innate quality. For those who believe the choice model, it is easy to justify why a paternalistic intervention might be necessary. For those who support the notion that one is born homosexual, it is difficult to understand the rationale for legislating private behavior between two consenting adults who are more than capable of making their own decisions.

Similarly, the paternalistic nature of legislation against prostitution assumes that the prostitute is weak willed and unable to decide for herself or himself what is right. This follows directly with the deontological argument that prostitution is mala in se, and the very fact that a woman chooses to engage in prostitution shows her incompetence and therefore calls for an intervention by the system. Another aspect of paternalism is using misinformation or withholding information as long as it supports the message of the Paternalist. In his book, *The Legislation of Morality*, Duster (1970) refers to a TV movie entitled *Never on Sunday*, which was banned in many places in the United States. This was not because of sexually explicit content; rather, it was banned because of its portrayal of a prostitute as a compassionate person with feelings and morals. To show a prostitute with character would have violated both the deontological idea that someone cannot be a moral person if he or she engages in what is considered an immoral act and the paternalistic notion that prostitutes are capable of making strong willed, informed decisions about their well-being without professional intervention.

### **Implications for Social Work**

Moral philosophy plays a role in policy formation, but how does moral philosophy intersect with the profession of social work? Social work often addresses society's deviant behaviors and seeks to integrate those classified as "deviant" by society into healthy, happy lifestyles. On the macro level, moral philosophy helps shape social work as a profession. On the micro level, moral philosophy connects with social work practice around specific issues, such as coercion. Although

the client side of social welfare focuses more on avoiding negative consequences and generating viable alternatives, the professional side of social work is more ambiguous as to whether the appropriate course of action is agent-relative or agent-neutral.

The profession of social work follows both deontological and consequentialist philosophies. Reamer (1982) identifies three questions that guide the social work profession and its associated ethics: authoritative, distributive, and substantive. These three areas can come into conflict with one another, presenting ethical dilemmas for social workers.

The authoritative question asks how social workers know when and how to intervene in a client's life. Reamer points out that there are many reasons why a social worker might intervene. There are three classifications of factors that might influence the decision to intervene: technical, empirical, and ethical. The technical reasons are highly consequentialist, such as a successful consequence with another client in a similar situation, or specific knowledge about the effectiveness of a particular intervention. The empirical reasons for intervention are also consequentialist and based on research and program evaluation. Ethical reasons for intervention are deontological, such as a disagreement with the morals and practices of a client. Reamer claims that a social worker cannot rely on any one way to make the decision to intervene. Rather, the contribution of each type of decision should be weighed and looked at in terms of its effect on the client. For example, social work research may show that condom distribution in schools lowers the pregnancy and disease rates of sexually active teens. However, this contribution of empiricism might be overlooked if the school counselor insists on an abstinence only program, as a result of his/her personal beliefs.

The distributive question focuses on two issues. First, whose interests should social workers concern themselves with? This question brings about the issue of paternalism. If society is truly paternalistic, then it is the moral responsibility of citizens who are doing well in life to intervene and aid those who are down on their luck. Under the current welfare structure, the system takes responsibility for providing aid to those who need help. However, the deontological underpinnings of the welfare system put moral requirements on those who wish to receive aid. As Reamer points out, the beginnings of social work's Charity Organization Societies greatly revolved around the Christian principle of helping those who have lost their way see the light. The second part of the distributive question concerns how goods and services should be distributed.

Consequentialists such as Hume and Bentham argue that goods should be distributed based on what will provide the best consequences for larger society. Aristotle believed that goods should be distributed according to virtue; Marx felt that need was the most important criteria. The question of service distribution can also be affected by the professional's moral philosophy. For example, if a social worker receives a charitable donation and must decide how to distribute the money, a deontological social worker might give the money to a program that subscribes to his or her own idea of morality, such as Planned Parenthood, if the worker believes strongly in a woman's right to choose. A consequentialist social worker might research the effectiveness of various programs when making his or her decision. Or, that social worker might find a way to distribute the money that would help the greatest number of programs, therefore increasing the positive consequence for society.

The substantive question asks which actions, goods, and services are regarded as helpful and worthwhile, and why. This question revolves around the idea of morality. The evaluation of actions calls for the determination of their innate right or wrong. When evaluating goods and services, the question becomes whether that program is morally good or bad. For example, is the action of breaking confidentiality morally right or wrong? Similarly, is the service of needle exchange morally good or bad? A deontic would argue that the answers to these questions are the same in every situation and should be based on whether the action in question could be committed by anyone in society and deemed acceptable. A consequentialist would interject that rather the consequence of any action or program should be the primary focus in determining its worth.

This conflict is addressed by Ross's (1930) idea of the difference between a *prima facie* duty and an *actual* duty. A *prima facie* duty is one that the social worker should perform, all other things being equal. The *prima facie* duty lends itself well to a deontological argument, since it ignores the other circumstances of a situation in favor of deciding what is innately right and moral. An *actual* duty is what the social worker ends up doing, once the circumstances and intended consequences of the situation have been established. For example, confidentiality is a *prima facie* duty of social work. It is considered an innate right of the profession to keep client information confidential. A deontologist would claim that this virtue should be followed, no matter what the circumstance. However, if a client tells the social worker that he/she is going to harm a co-worker,

breaking confidentiality becomes the *actual* duty; the decision that is considered morally right once the circumstances and consequences are considered.

The morality of social work as a profession continues down through the general code of ethics and into specific practice situations. One of those situations is coercion. Although the decision to intervene has ties to both deontology and consequentialism, how that intervention takes place falls in line with the idea of paternalism.

### **Social Work Practice: The issue of coercive care**

The paternalistic relationship assumes two things, a power differential and the necessity of intervention to prevent harm. Although, as previously discussed, the current welfare system is paternalistic in nature, the limits of that paternalism, especially in the area of coercive treatment, have been important to the profession of social work. Hutchinson (1992) claims that the question is not whether social workers have the obligation to intervene and use their authority to prevent harm, but rather when and to what degree that intervention should take place. Furthermore, it should be expected that issues such as coercion will be met with competing moral values, and the importance lies in establishing guidelines that recognize this moral struggle. Hutchinson suggests that careful attention should be paid to the client's level of self-determination (a *prima facie*) when deciding when involuntary treatment is necessary. Another suggestion is that if coercion is deemed necessary, the social worker should explain to the client what competing values are at stake and why involuntary treatment has been chosen as the most viable option. Even though Hutchinson supports coercion, she notes that this only applies to two specific situations: if the coercion is to fulfill a contract between the client and agency or state (such as mandatory treatment for batterers) or if the client is in danger of harming himself or herself, or others.

Concerning the paternalistic nature of the mental health system, Breeze (1998) points out that the *prima facie* duty of empowerment is in conflict with paternalism as a result of the emphasis on autonomous client decisions. The role of paternalism in mental health care, specifically around coercion, is brought into question due to the paternalistic assumption of incompetence. As Breeze points out, competence can be a subjective and value laden term. Both deontologists and consequentialists speak of the importance of autonomy. Deontology protects autonomy with the belief that autonomy enables a person to follow a universally accepted moral code. Consequentialists protect autonomy so that people can make choices that result in the most good

for themselves and/or society. However, both sides agree that paternalism is acceptable in the absence of rationality. The problem becomes, as previously mentioned; that the assessment of rationality can be subjective, especially around issues such as cultural and socioeconomic differences.

## **Conclusion**

The very nature of social policy and social work calls for morally based decisions about how to address deviant behavior. Creating policies and programs aimed at aiding people deemed to have a weakness by the rest of society brings up issues of self-determination, innate morality, and the limits of systemic intervention. Deontology approaches this area with a built in set of expected moral behaviors. Although this approach might be the most straightforward, with rights and wrongs spanning situational and personal differences, it is unrealistic in that it assumes the ability to prevent undesired behaviors to the point that dealing with their consequences is not necessary. A more realistic approach is consequentialism, which accepts that undesirable behaviors are a given, and resources are better spent focusing on preventing harmful consequences and improving outcomes for society. Consequentialism recognizes that different people and circumstances call for various approaches. Furthermore, consequentialism accepts the contribution of client input, evaluation, and empiricism when deciding on the best alternative.

Whether policies or programs are deontological or consequentialist in nature, they can be carried out paternalistically. That is, the person in power intervenes on behalf of a person deemed incompetent with the primary goal of preventing harm or ensuring benefit. As previously discussed, two problems with paternalism are the subjective and relative nature of incompetence and the conflict between paternalism and the prima facie obligations of social welfare empowerment and self-determination.

Policies surrounding welfare, drugs, sexual activity, and other deviant-related issues are morally charged and based on deontological views of how people should behave and what they should be able to achieve. The profession of social work itself struggles with the incorporation of morality and rationality. Fostering discussions of ethical and moral practices might be one way to bring this issue into the spotlight of social work practice. The fact that social work deals with the delicate balance of good and harm around vulnerable populations calls for a careful examination of the morals, consequences, and objectives held by the profession.

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