

ÉTICA, DEONTOLOGÍA Y DERECHO. UNA TENTATIVA DE PERFIL CONCEPTUAL DENTRO DEL TRABAJO SOCIAL

ETHICS, DEONTOLOGY AND LAW. AN EXPLORATORY ATTEMPT AT CONCEPTUAL DELINEATION WITHIN THE SOCIAL WORK FIELD

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ABSTRACT:

The basis for this paper lay in the fact that there is a fairly sizeable conceptual vagueness and confusion in the social field about ethics, deontology and law, although scientifically objective data are still missing. I have tried to show that the core of the problem could be the disconnection between ethics and deontology. The result is that one has first developed a general deontology – of which the professional deontology is part – which allows for an absolute ethics only. A series of legal rules, which supported the education of the individual to what they need to be, were then linked to this deontology.

In my search for solutions to the conceptual vagueness and confusion, I have tried to redefine the concepts of ethics, deontology and law from a historical point of view. This first attempt at renewed conceptual delineation already brought some clarification into the complex conflict domains. Insight into the history, the nature and structure of problems is in itself a valuable step towards solutions.

Nevertheless, I think that a structural solution can only be found if we no longer take deontology – for which we used Bentham's definition – as the central pillar for the development of our professional acts. Why? Because deontology reduces us too much into abstract, universal human beings. An appropriate starting-point seems to be the individual's characteristic traits, in other words, in a human being's potential for giving meaning to the good life. The result is that a universal and abstract humanity (the Enlightenment Humanism) will be replaced by a blooming, rich diversity of particular individuals. The legal rules sill, as a result, no longer focus on universal similarity, but will have to provide frameworks within which people can act ethically. This means that the legal rules need to constitute the possibility grounds for a good life rather than its sufficient conditions.

Is this a dream or a feasible aim? Well, that is another subject of discussion.

RESUMEN

La base de este ensayo reside en el hecho de que existe una vaguedad y confusión considerables en el ámbito social en relación con la ética, la deontología y el derecho, aunque aun falten datos científicamente objetivos. He intentado mostrar que la causa del problema podría ser la desconexión existente entre deontología y ética. El resultado es que primero he desarrollado una deontología general—de la que es parte la deontología profesional—que permite únicamente una ética absoluta. A continuación conecté una serie de reglas legales a dicha deontología que apoyan la educación de los individuos a lo que éstos necesitan ser.

En mi búsqueda de soluciones a la vaguedad y confusión conceptuales, he intentado redefinir los conceptos de ética, deontología y derecho desde un punto de vista histórico. Este primer intento de desarrollar un perfil conceptual renovado arrojó alguna luz sobre complejos dominios conflictivos. La visión histórica, así como la naturaleza y estructura de los problemas son en sí mismas un paso valioso hacia una solución.

Sin embargo, pienso que una solución estructural puede encontrarse solo si no tomamos la deontología—para lo cual he usado la definición de Bentham—como el pilar central del desarrollo de nuestros actos profesionales puesto que la deontología nos reduce demasiado a seres humanos abstractos y universales. Un punto de partida apropiado parece ser las características típicamente humanas, es decir, el potencial de los seres humanos para dar sentido a una buena vida. El resultado es que una humanidad universal y abstracta (el Humanismo Ilustrado) será reemplazada por el florecimiento de una rica diversidad de individuos particulares. Como resultado, las reglas legales no se centran en la similitud universal, sino que tendrán que proporcionar marcos dentro de los que la gente pueda actuar éticamente. Esto significa que las reglas legales necesitan constituir las bases posibles de una buena vida en vez de sus condiciones suficientes.

Si es esto un sueño o un propósito alcanzable será sin embargo, otro tema de discusión.

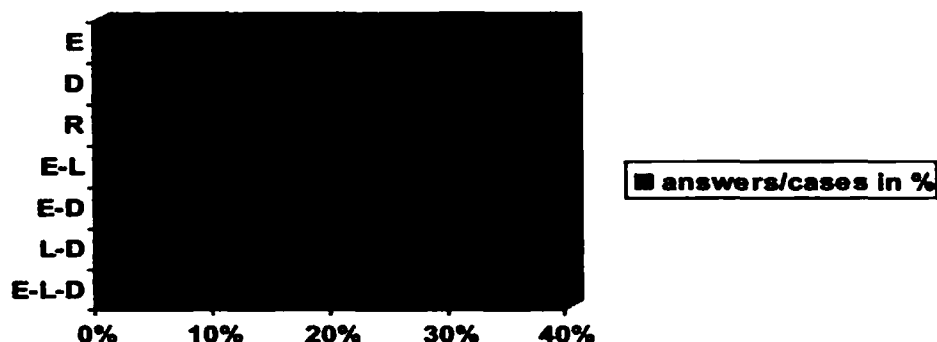
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1. A FEW FACTS

1.1. QUANTITATIVE FINDINGS

At the workshop "The social worker between hammer and anvil"¹, the following questions were asked: What do I need to do? What am I allowed to do? What can I do? What do I want to do? To receive an answer to those questions, each participant was requested to describe a typical case and to classify it into one of the following categories: ethics (E), law (L), deontology (D), ethics and law (E-L), ethics and deontology (E-D), law and deontology (L-D) and ethics, law and deontology (E-L-D). In total, 26 cases were collected. The result can be seen in the histogram below



¹ This workshop was organised by the Faculty of Social Work and Welfare Studies at University College Ghent and was supported by the Ministry of the Flemish Community.

How can we read these findings? Given the high percentage of the category E-L-D, we can say that the social work field faces problems that are regarded as particularly complex. Conversely, the purely deontological problems are almost non-existent (only 2%). Cases combining deontology and ethics again constitute an especially large group (23%).

We can look at the findings from a different perspective. If we count all percentages together of categories related to ethics (E, E-L, E-D, E-L-D), the total is 78%. The sum total for all cases related to deontology (D, E-D, L-D, E-L-D) is 76%, while it is 67% for all cases in which law plays a role (L, E-L, L-D, E-L-D). We can conclude from this that the problems are not only complex, but that there is a certain vagueness in the delineation of the field categories (E, L, D and their mutual relations). This vagueness could be related to the vague definitions of the concepts of ethics, deontology and law used by the workshop participants.

1.2. DEFINITIONS

The workshop organisers had agreed not to start from clear definitions for the concepts of ethics, deontology and law. Each participant was asked to make their own definition. Let me restrict myself to a couple of striking examples.

1.2.1. ETHICS

a. Examples

“Related to the values and norms which we use at work.”

“Related to what is generally known in the community as right and wrong, as what can be done and what cannot.”

“What the community thinks is right or wrong. Responsible actions along the community values norms and values.”

“That which norms and values allow us or do not allow us to do.”

“Have an eye for the values that you yourself and the client find important.”

“Act for the general benefit of the community.”

b. What do these examples teach us?

The striking element is that ethics is always placed within a social context. Ethics, as it is described in the examples above, is social or political ethics. One's own deeds are measured against what other people (in essence the community) determine is right or wrong or regard as values and norms. This means that ethics is always seen as something heteronomous (what is it that the other person wants?) rather than autonomous (what is it that I want?). In autonomous ethics, the individual will determine independently what is right or wrong and which norms and values they want to operate with.

The heteronomous view of ethics, i.e. the prescription by the other person of what good or bad deeds are, could possibly explain why many social work field problems are unjustly regarded as ethical problems. Indeed, the social work field is focused on the actions of other people.

1.2.2. DEONTOLOGY

a. Examples

“that which was taught during professional training.”

“knowledge of duties related to the profession.”

“rules one needs to take into account while at work.”

“agreements about what is permissible or not in relation to the task one has.”

b. What do these examples teach us?

Deontology is related to the rules that were enforced upon us by other people and that taught us how to act at work.

1.2.3. LAW

a. Examples

“objective rules that aim at order in society.”

“the community rules, values and norms that protect people and society.”

“everything included in rule of law.”

“the collection of legal rules that were created to let society run smoothly.”

“legal stipulations to invoke one’s rights (based on ethics).”

b. What do these examples teach us?

Just as was the case with deontology, it is clear that law is related to rules. These rules are now valid for society as a whole. The purpose of law is good organization of society. It is remarkable that those rules (values and norms) are also seen as ethical.

1.3. PROBLEM

Perhaps with the exception of the concept of deontology, we see that the definitions of law and ethics are almost dialectically woven into one another. This could be an explanation for the findings that the delineation between the fields is not very sharp. It seems, therefore, necessary to look for new and sharply delineated definitions for the concepts of ethics, deontology and law within the field of social work. The new definitions will contribute to clearer problem definitions and inventorization, which in its turn may lead to structural solutions.

Problems never appear out of the blue. This means that we also need to inquire into the causes of the large degree of vagueness in the definitions. The fact that the concepts of ethics, deontology and law within the social work field are not clear may be rooted in history and/or ideology/philosophy? This article wants to suggest an answer.

2. A CLASSICAL APPROACH TO ETHICS

Before I look for possible answers to the questions above, I would like to sketch a more classical approach to ethics. This approach will function as a pillar for the search for answers.

2.1. WORLD STRUCTURE

For the concept of ethics, I will depart from the following world structure. We can divide the world into three types of relations:

- a. human being
- b. human being <-> human being
- c. human being → nature

Relation c is the field of investigation of economics, in which human dependence of non-human nature is central. We, human beings, need nature (resources) to live.

Relation b is the field of investigation of sociology, politics and, closely related to it, law. People need one another to live. The question is which is the best way to live together.

Relation a is the field par excellence of ethics. In this respect, ethics inquires into a human being behaving towards itself. On this view of ethics, self-care is central (autonomy).

This world structure view allows me to give a place to the three concepts that were at the basis for the categorization of social work cases: law, deontology and ethics. Let me now make a first attempt at giving meaning to the concepts.

2.2. ETHICS, LAW AND DEONTOLOGY

- a. Ethics: the development of a self-relation that focuses on the question: how can I lead a good life;
- b. Law: rules that structure my social relations to other individuals and that envisage a way of living together well;
- c. Deontology: rules that aim at a way of working together well with someone else (e.g. a client).
The concept of deontology originated with the philosopher Bentham. He used it to introduce an important nuance, i.e. the distinction between people as they are (ontology) and people as they need to be (deontology). A deontological framework will shape individuals into what they need to be.

2.3. NOT ALL OUR DEEDS ARE ETHICAL

From the world structure and the definition of the concept of ethics, it already appears that not all our deeds are ethical deeds. Within ethics or morals, too, (I use the two terms for the same concept), it is noted that not all our deeds are moral:

- Moral: is related to right and wrong deeds with respect to our quest for a good life
- Immoral: all deeds that are inconsistent with moral deeds
- Amoral: all deeds except for moral deeds

It is self-evident that we will now pay attention neither to the immoral deeds, nor the amoral ones, but that we will concentrate on the moral or ethical ones.

2.4 WHAT ARE ETHICAL DEEDS?

2.4.1. ESSENTIAL CONDITIONS

a. Freedom

We can take our lives into our own hands, at least partially. This may vary between the most banal decision, like what shall I eat tonight?, and really fundamental questions, like do I want children or not?

Of course, we, people, are not free in the absolute sense of the word (the notion of absoluteness does, indeed, not belong to earth), but we always have the freedom to make a choice. We are never forced into one single reaction. Note that this does not mean that we are free to choose what is happening to us or what will be happening to us. We have not been able to decide to be born, for instance. This is not what freedom means. In addition, we are not free to determine what will happen to us. But we are free to react to what is happening to us on our own discretion. For instance, we are completely free to carry out a task. This freedom implies, however, that we are fully responsible for our decision. And this is the difficulty. This is the reason why people so much want to say that they are not given a free choice. Because those who do not have a free choice, are not responsible for the consequences of any choices made.

This does not mean that what we prefer to do will also actually take place. In this respect, too, there is a gap between dream and reality. I am free, for instance, while relaxing in my armchair, to decide to learn how to deep-sea diving. But does this also mean that I will do some deep-sea diving? Everything depends on my sense of reality: do I really want it or is this just an impulse?

Thus, we, people are free to (partially) give sense to our lives in the way that we choose. This implies the possibility of making mistakes. We need to be careful at all times. So we need to make sure that we do not ruin our lives. Paying attention to this carefulness is also part of the starting-point of ethics.

b. Sensitivity

An essential element of ethics is the presence of a certain degree of sensitivity. A human being must have the sensitivity to distinguish right from wrong. Without this sensitivity, ethics is not possible. Given this sensitivity, each individual can judge one's own or other people's actions and behaviour in terms of good or bad. A minimal but overriding proof is the potential of a human being, wherever they may live in the world, for indignation.

c. Reflection

Ethics presupposes the skill of reflection, of thinking about what can be good or bad. Ethics is, in the first place, a theoretical matter.

But do not let yourself be fooled. The fact that ethics is a theoretical matter, does not imply that all ethicists will give the same response to the question of what is right and what is wrong. This may be explained by the fact that, though a theoretical matter, ethics still is particularly subjective.

Yet, the ethical question cannot remain stuck in subjectivity. Ethics needs to be free from each type of prejudice in order to arrive at a general rational consensus. Conversely, rationality is not a sufficient condition of ethical behaviour. The origin of ethics is rational

and emotional openness for everything that stimulates a human being to lead a good life every single day. It is one of the most important tasks of a social worker or remedial educationalist to enable this openness.

2.4.2. MOTIVATIONS

These few basic conditions of ethics, however, do not yield an answer to the question why we should behave ethically. This is the issue of motivation. What is a motivation?

A motivation or motive is the reason one has - or one thinks one has - to do something or not to do something. The motivation is, in other words, the most acceptable explanation for your behaviour after having thought about it. A motivation is, therefore, the best answer that you can give to the simple question: why do I do this? Why don't I do that?

If we leave the purely functional motivation aside, we can distinguish between the following types of motivation.

a. External motivations

An external motivation lies beyond ourselves. We decide to do (or not to do) something under pressure of the outside world (the boss, family, society, God, etc.). Let me give two clarifying examples:

- Orders:

I do something because I am asked to. A negative definition of an order stresses the power and effect of an order due to the fear for punishment when I disobey. More positively, orders are powerful because I trust or feel affection for the person who gives me the order. The affection is related to the fact that the order will protect me or help me to progress. A kind of order for my own benefit.

- Customs:

This type of external motivation follows from the fact that you got used to doing something. You do it without really thinking about it, simply because everyone in your environment behaves in the same way.

Customs are, therefore, the consequences of the comfort that is obtained from a certain routine and also from the concern not to thwart other people.

b. Internal motivations

The reason for our actions are within us. They just arise without anyone enforcing them and without the idea that you are copying someone else. Whims are perfect examples of this type of motivation.

At first sight, each whim seems to lack any motivation. We just do something, perhaps because we like to do it, purely for fun. In this respect, a whim provides the greatest feeling of freedom, because it is purely personal and does not depend on anyone else except you. A whim can, however, also be the result of unconscious imitation of someone. A whim can also be the consequence of a negative reaction or refusal of an order: you wanted to thwart and the order is a good occasion.

2.4.3. 'HAVE TO' VERSUS 'MUST'

An external motivation like an order tells us how we have to act. If an external motivation is at the basis of our ethical deed, then we define ethics as rules that are enforced from outside and that tell us how we have to act.

Given the fact that the motivation for our deed comes from outside, we can speak of heteronomous ethics. Historically, this type of ethics was generally a type of absolute ethics, in which the contrast between right and wrong was central. The best-known example is religious ethics. God determines what is right and wrong (dogmas) and shows us how we have to act. It is self-evident that our freedom to act is restricted to a large degree.

When our ethical deeds are directed by an internal motivation, we act within an autonomous ethics. I decide myself how to act ethically. When this form of autonomous ethics takes into account not only the structure of our actions, but also the situation in which we find ourselves, we can speak of a relative ethics in which the opposition right-wrong is central. Let me go into detail.

2.4.4. 'GOOD AND BAD' VERSUS 'RIGHT AND WRONG'

As rational thinkers, we can all make a choice between, for example, matters that we want to do and those that we do not want to do, between things that we like and those that we don't like, between things that we want to learn and those that we do not want to learn. We are completely free. But in order to avoid making a frivolous choice, we had rather inform ourselves beforehand. To be able to make a really rational choice we need sufficient information. Without this needed knowledge, we do not really make a choice, but we act upon prejudice or we dive into an adventure. Without the necessary knowledge, we do not behave as rational beings, but as 'chickens without heads'.

However, we cannot know everything. But, at the same time, and also fortunately, this is not a problem that we cannot overcome. We can live our lives without knowing astrophysics, furniture making or the rules of the art of football. Yet, there are things that we need to know, simply because our lives depend on it. Jump from the sixth floor of a building, eat nails and drink sulphuric acid are all dangerous activities. You can arrive at work late every time, but you do not need to be surprised that you will be fired.

Which conclusion do we need to draw from this? Well, some things and decisions or choices are good for us and others are not. This implies that we can make and must make a distinction between what is good for us and what is bad. But does this mean that we what is good and what is bad? Of course not. Worse, in one particular situation, a choice and its related deed can be good, while the same choice and deed can be wrong in another situation. The result is that what is good in one situation, is bad in another situation, and vice versa. Consequently, good and bad are relative concepts. But this does not mean that they are relativistic concepts. If they were, we would be discharged of any responsibility. In this respect, a relativistic ethics corresponds to an absolute ethics. Within an absolute ethics, we act within the boundaries of right and wrong that others have set for us. Both concepts direct our behaviour in an almost dogmatic way. It is dogmatic because we cannot ourselves determine what it is that we find right or wrong. What is right and what is wrong is enforced on us from outside in a way that we cannot dispute. And just because of this heteronomy in an absolute ethics, we are not responsible for our own deeds. A relative ethics, however, places all responsibility within the individual, because this type of ethics

is of the autonomous kind. We ourselves decide how to act in a certain situation. This responsibility is not to be found in an absolute ethics, because someone has decided for me how I need to act (rightly or wrongly). This absolute ethics is an easy ethics, because I bear no responsibility for my ethical deeds - indeed, I do not have the full freedom to direct my actions; instead, it is someone else who directs me.

3. HOW DO ETHICS AND DEONTOLOGY RELATE TO ONE ANOTHER?

On the basis of the general, classical approach to ethics, the question can be formulated about the relationship between ethics and deontology. It seems useful to remind ourselves of Bentham's view, the intellectual father of modern prisons². Within the deontological framework, a human being is shaped from what they are (ontology) to what they need to be. In deontology, my autonomy (how I determine myself what I am and how I act) is reshaped into a heteronomy (how somebody else tells me what I need to be and how I need to act).

The origin of this reversal of autonomy into heteronomy or of ethics into deontology can be situated in the transition from Ancient Greece to our western monotheistic society. The core of the problem is a conflict between knowledge of oneself and care of oneself. This conflict constituted the point of discussion in the excellent Platonic dialogue 'Alcibiades I'³ and the core of the Delphi principles. The Delphi principle is the *gnōti seauton*, the task to learn oneself. Without realizing we have created an image that is one-sided and distorted because of our philosophical tradition. Besides the prophesying 'know yourself', there is also the prescription *epimeleia heautou*, take care of yourself.

Let me first show how our modern scientific era has filled in the task of knowing oneself. Only on that basis will I briefly sketch the transition of ethics into deontology. For this, I will return to Ancient Greece.

3.1. DEONTOLOGY OF THE PROBLEM: "KNOW YOURSELF"

3.1.1. GENERAL

Sketching the image of modern human nature aimed at determining the behaviour of individuals and at subjecting them to particular targets. In short, a human being becomes an objectively describable and scientifically explicable and predictable individual.

With the aid of an archaeology of human sciences, cf. the literal subtitle 'The words and the things'⁴, Foucault⁵ indicates at which moment our western culture turns ontology into deontology. Foucault focuses basically on three knowledge domains that develop between 1650 and 1800:

1. general grammar
2. analysis of riches
3. natural history.

² These modern prisons à la Bentham have had the aim to re-educate, which is to shape the prisoner into what needs to be a model citizen. It is clear that here, too, deontology plays a role. The prison aims at turning who you are (ontology) into what you need to be (deontology).

³ Not for nothing is the complete title "Alcibiades I or about human nature".

⁴ The published translation is 'The Order of Things'.

⁵ What follows is derived from Michel Foucault's work.

From 1800, these domains develop further into:

1. philology
2. political economics
3. biology.

In each of these domains, there is an individual that has been objectified and is completely describable, which is a human being who is given rules about:

1. how to talk
2. how to work
3. how to behave.

The result is a transition from ontology into deontology: from what a human being is into how a human being needs to talk, work and behave. The clearest example of the turn is the moment when we face new language rules. From one day to the next, we become people who can no longer write correctly. If we do not want to be excluded from society, we need to accept these rules as absolute truths without protest. A similar problem or alienation is what left-handed people experience – formerly more than now. Their left-handedness was classified as deviating behaviour and all attempts were made at procuring the one and only just and normal behaviour. We all know the statement that adults use with children: “Offer your right hand”. This form of socialisation is nothing more than deontological behavioural standardization.

This behavioural encoding can be defined in a different way. The deontology kneads the subject into an object, into something that no longer has its own will. Deontology, as defined by Bentham as shaping the individual into something it needs to be, is no more than objectification. Foucault distinguishes three uses:

1. the first has already been mentioned before: scientific use, for instance, the objectification of the speaking subject in general grammar, philology and linguistics; or: the objectification of the productive subject, the working subject in economic analyses; or still: the objectification of the simple fact that we are living beings in biology;
2. the second use studies the objectification of the subject and the classification practices: foolish and rational people, sick and healthy people, criminal and honest people;
3. the third use investigates the manner in which individuals objectify themselves into subjects: in sexuality, for instance – how one has learned to recognize oneself as a sexual object.

3.1.2. IN THE MARGIN

In the margin of the transition from ontology to deontology, it seems useful to look at the core principles of supervision in professional education. Two central themes emerge:

- Person-oriented: to shape personalities and raise them for discussion
- Task-oriented: to aim at understanding of problem solving and to offer techniques.

It seems to me that we can rightly ask ourselves the question whether our supervision approaches, too, are not examples of this transition from ontology into deontology. In other words, is supervision practice-oriented deontology?

Is it not the case that objectification of the concept of social worker or remedial educationalist shapes each future worker or educationalist from what they are at the moment that they start their training via person-oriented and task-oriented supervision into what they need to be as social workers or remedial educationalists.

3.2. HOW ETHICS OR SELF-CARE DEGENERATES INTO DEONTOLOGY OR 'SELF-KNOWLEDGE'

We have claimed above that one of the basic conditions of ethics is freedom. Without freedom there cannot be any ethics. At the same time, such a freedom implies the need that we make something of our lives ourselves⁶. For this reason, I have defined ethics above as a self-practice or self-realisation focusing on the question: how can I lead a good life? In this respect, ethics is a technique of the self. This trade implies that we need to determine ourselves what is a good life and that we ourselves are responsible for the realisation of this good life. If we do not let ourselves be guided by what we want ourselves, but by what somebody else enforces as the good life, we do not act within ethics but within deontology.

Let me explain this. In "On the Genealogy of Ethics", Foucault gives a sketch of the various elements at play:

1. which part of myself or my behaviour is relevant for moral deeds? It constitutes the ethical substance and could be about longings, intentions or emotions;
2. in which way are people invited or stimulated to recognize their moral obligations? It is related to the manner of subjectification;
3. the third viewpoint is constituted by self-practice or asceticism (in a very wide sense);
4. the teleological viewpoint: what kind of existence do we aim at with our ethical behaviour?

Ethics as care of oneself is an art of existence that cannot be automatically equalled to narcissism. Self-glorification is a self-relation that is much more oriented towards other people than a direct confrontation with oneself⁷.

In self-care, the ethical substance is the starting-point for the development of a good life. This means that I myself determine which of my actions come into consideration for ethical judgement. The ancient Greeks like Aristotle put ethical substance, in particular the virtues (Aristotle), at the basis of ethics. The Stoics introduce a change in the manner of subjectification. As universal and rational beings, they step away from 'the art of a good life', i.e. to live in accordance with the virtues, to the idea that as members of human society, we need to behave ourselves in a particular way. This is the first time that we see the transition to deontology. Indeed, the Stoic life-economy does not start from the self but from the other. The consequence is the emergence of calculations from which rules arise that determine how to define oneself with respect to oneself. With this change of focus, self-care as the basis for ethical behaviour becomes all the more problematic.

⁶ See J.P. Sartre, *On existentialism.*, Methuen Publishing Ltd, 1974

⁷ Think of the way in which Freud defines the notions of primary and secondary narcissism.

Within western monotheism, self-care is completely changed into care of the other. We look at ourselves from the perspective of the other, which means that we will wonder which view the other has about us more and more. 'Knowledge of oneself' supplants 'care of oneself'. Self-practice is replaced by knowledge practice. The technique of the self is changed into the technique of self-revelation (is what I do that the other requires me to do good enough?). Ethics is changed into a deontology definitively. A change that was founded by modern science in modern times.

3.3. IMPLICATIONS FOR THE SOCIAL WORK FIELD

What does our view of ethics, deontology and their mutual relations teach us? First, it is clear that the above definitions of ethics and deontology are not the most common ones today. Especially with regard to deontology. What we have denoted as deontology is usually referred to as ethics today. In other words: ethics is no longer regarded as self-practice, but as a system of rules that tell me how to behave with respect to other people within a framework of right and wrong rather than within the possibilities of good and bad. The definitions of the concept of ethics as enumerated above (paragraph 1.2. definitions, a. ethics) show this. It is the first explanation for the fact why the borderline between the three concepts is so vague.

However, there is another problem. The definitions of deontology quoted as examples from the cases, in their turn do not correspond to what I have denoted as deontology above. A new problem arises: how can we distinguish the concepts of ethics, deontology and law from one another and what is their mutual relation?

4. HOW DO ETHICS, DEONTOLOGY AND LAW RELATE TO ONE ANOTHER?

Let me return to Foucault and remind ourselves of the following elements:

1. *ethic substance*
2. *manner of subjectification*
3. *self-practice or asceticism*
4. *teleology*.

Ethics is present when I start from the ethical substance that I have determined myself. This means that I myself fill in what my ethical behaviour is. I myself can determine what is good or bad for me, and how I need to behave accordingly. If, conversely, one starts from the manner of subjectification for self-practice, we no longer talk about ethics but about deontology. In this framework, we placed the definition of deontology given by Bentham. Within deontology people are shaped into what they need to be. This approach needs to be developed further.

Shaping people into what they need to be, is what we call education. You could refine this definition and say that education is the guidance of young people on their way to adulthood. This does not solve the problem, because what is being an adult? Since young people do not determine themselves what adulthood is, they are subjected to it via the manner of subjectification. So they learn what it is to be an adult and how to behave like one, by trial and error sometimes. In other words, one has learnt to behave within a straitjacket of sets of rules. In society, the set of rules is mainly the domain of law. This

almost automatically clarifies the link between deontology and law. In this respect, law is no more than a set of rules that needs to allow us to behave as we have been taught in the way that the deontology teaches us to behave.

Of course, this education is not purely an abstract matter. We have always been brought up to adults in actual situations. In those situations we learn how to behave. Let me take a couple of examples. The first example is about family relations, in which we learn how to behave as a child, a sister, a brother, a mother and a father. We could speak here of a family deontology. The rules can be defined as family legal rules. In social relations, the second example, we learn how to act as social beings. The rules used here are political legal rules, which need to prevent or solve social inter-subjective conflicts. The (coming into) existence of conflicts does imply that the manner of subjectification, or socialization, if you want, has failed or that the legal rules have failed to settle matters. Our social prestige is determined by our professional activity to a large extent, which leads us to the third example. During our training, we are shaped into professional people, for instance, social workers or remedial educationalists. As professional people, we have learnt to use a number of rules that enable us to follow our professions as we are taught that we need to follow. These rules could be called the professional legal rules.

Summarizing, we may claim that we have given a preliminary delineation of the concepts of ethics, deontology and law. Ethics determines my self-relation, i.e. it determines how I want to give meaning and direction to my life with the aim to be able to lead a good life. Deontology determines how someone else enforces what I need to be, how I need to interpret my identity, inclusive of my professional identity. This enforcement arises by education, for instance, training or socialization. Finally, law regulates social inter-subjective traffic. The legal rules can be found at diverse levels but they are related to deontology in the first place, this means, what I need to be, what is expected of me as a father, citizen or educationalist.

5. WHICH CONFLICTS MAY ARISE?

Given the three conditions for ethical behaviour, it is self-evident that various conflicts may arise. Without going into detail, we can state that wherever my freedom is restricted, my potential for ethical behaviour will be restricted likewise. Of course, this is a problem between ethics and deontology, between ethics and law, but also between law and deontology.

Let me look at each of these fields of conflict more closely. I will run through them in arbitrary order and will present an example briefly.

5.1. THE CONFLICT BETWEEN ETHICS AND LAW

Mostly, this field includes a conflict between what we want or do not want (ethics) and what we are allowed to do or not (law). In the context of the work field, this means that we may experience, for instance, an injustice, but that we do not get or have the possibility to counter this injustice. An injustice may be a situation in which a person does not have or get the possibility to be what they want to be. The conflict has an ethical basis because the possibility of building a good life is restricted or liable to be pushed aside. The solution to these conflicts lies mainly at the level of law. The legal rules need to create minimal conditions so people can be themselves. But if law wants to provide these conditions, it may clash with deontology, with what I need to be.

5.2. THE CONFLICT BETWEEN LAW AND DEONTOLOGY

The conflict between law and deontology is a field of tension between what is permissible (law) and what is expected of us (deontology). These tensions are felt most sharply in our professional situation, especially when there is a so-called *deontological code*. It is possible that those behavioural rules prescribe a behaviour that might clash with what is defined as (im)permissible by law. Of course, we do not like such a conflict, but this does not mean that there is an ethical problem. Indeed, the conflict is not about what we want as individuals, but about how we are not able to behave in our professions in the way we are expected to because of external circumstances. The problem is that we act within a general framework of law that does not always take into account the specific professional deontology or vice versa. In addition, there is the problem that the frame of law is adapted to social changes less quickly, while our professional activities make us face the changing social conditions, so we are obliged to anticipate.

5.3. THE CONFLICT BETWEEN ETHICS AND DEONTOLOGY

A discrepancy may arise between what we want (ethics) and what is expected of us (deontology).

In places where I am taught who I am (in their eyes) and who I need to be as a consequence, I cannot act on the grounds of my own (internal) motivations. This implies that I cannot be responsible for my own deeds from an ethical point of view. From a deontological point of view, however, I am responsible because my ethical freedom, of course, enabled me to be responsible for the fact that I let myself be shaped into what was wanted of me. This freedom does lie at the basis of deontology, because if I am not free, I cannot possibly be changed from what I am into what I need to be. Yet, the core of the problem is not here.

Ethics and deontology come into conflict, when I experience that the deeds that are expected of me do not lead to the realisation of the ethical aim, to know the good life. The conflict with this aim can be situated at two levels. First, I can judge that what I need to do is in contrast with my personal ethical rules. When I still do what I am obliged to do deontologically, this deed will lead me further away from my aim to lead a good life. Frustration all over. At a second level, I notice that my deontological behaviour does not contribute to the construction of a framework within which my clients can give their own meaning to their lives. The result is not only that I get frustrated, but also that the client loses faith in me and the social work.

6. IS THERE A SOLUTION?

The basis for this article lay in the fact that there is a fairly sizeable conceptual vagueness and confusion in the social field about ethics, deontology and law, although scientifically objective data are still missing. I have tried to show that the core of the problem could be the disconnection between ethics and deontology. The result is that one has first developed a general deontology – of which the professional deontology is part – which allows for an absolute ethics only. A series of legal rules, which supported the education of the individual to what they need to be, were then linked to this deontology.

In my search for solutions to the conceptual vagueness and confusion, I have tried to redefine the concepts of ethics, deontology and law. This first attempt at renewed

conceptual delineation already brought some clarification into the complex conflict domains. Insight into the nature and structure of problems is in itself a valuable step towards solutions.

Nevertheless, I think that a structural solution can only be found if we no longer take deontology – for which we used Bentham's definition – as the central pillar for the development of our professional acts. Why? Because deontology reduces us too much into abstract, universal human beings. An appropriate starting-point seems to be the individual's characteristic traits, in other words, in a human being's potential for giving meaning to the good life. The result is that a universal and abstract humanity will be replaced by a blooming, rich diversity of particular individuals. The legal rules still, as a result, no longer focus on universal similarity, but will have to provide frameworks within which people can act ethically. This means that the legal rules need to constitute the possibility grounds for a good life rather than its sufficient conditions.

Is this a dream or a feasible aim? Well, that is another subject of discussion.

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