

# Chapter 1

## Introduction: Ethical Dilemmas, Social Values, and Public Policy: The Context of Governance and Citizenship

**Betty Yung**

**Abstract** Public policy affects everyone in society. There are winners and losers in each public policy or public policy action. Not only should public policy makers balance out winners and losers in public policy so that there will not be ‘permanent losers,’ they should also strike a balance between immediate, short-term ‘happiness’ and future, long-term ‘happiness.’ The search for ‘good governance’ is a continual human pursuit. Having sensible social values, defining the good, together with sound procedural and managerial values as means, will better safeguard ‘good governance.’ Building on the nascent scholarly attention to the role of values in governance, this book will examine a number of case studies of ethical dilemmas in public policy from the perspective of social values, giving food for thought for how to achieve good governance. The ability to analyze public policy issues rationally and make constructive suggestions to improve public policy will be an important characteristic of a good citizen, and sound citizenship education cannot be devoid of the social value dimension.

Public policy affects everyone in society. Public policy is ‘whatever governments choose to do or not to do’ (Dye 1987, p. 1; quoted in Smith and Larimer 2009, p. 3). Anderson (1994) defines policy as a ‘purposive course of action or inaction undertaken by an actor or set of actors in dealing with a problem or matter of concern’ (quoted in Smith and Larimer 2009, p. 3). Smith and Larimer (2009) elaborate that ‘[p]olicy is not random but purposive and goal oriented; public policy is made by public authorities; public policy consists of patterns of actions taken

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B. Yung (✉)

School of Professional Education and Executive Development,  
The Hong Kong Polytechnic University, Hung Hom, Kowloon, Hong Kong  
e-mail: bettylockyung@yahoo.com

B. Yung

Centre for Governance and Citizenship, The Hong Kong Institute of Education,  
Tai Po, Hong Kong

over time; public policy is a product of demand, a government-directed course of action in response to pressure about some perceived problem; public policy can be positive (a deliberately purposive action) or negative (a deliberately purposive decision not to take action' (pp. 3–4).

We are affected by public policy of our government, at least indirectly, if not directly. For example, the government may decide to increase the disability allowance for the disabled in the coming year. If you are a disabled person eligible to get the disability allowance, you will benefit directly from such policy change. Most others are healthy people without disability; however, this does not mean that they are not affected by such policy move. The increase in disability allowance may involve tax increase (if there is no corresponding economic growth to generate increased governmental revenue or there is no budgetary surplus to finance this) and this affects the taxpayers indirectly. Even if one is not a taxpayer, the increased expenditure on disability allowance increase will imply comparatively less government expenditure available to other uses such as travel allowances, education, and medical services which will imply that everyone in society is affected explicitly or implicitly, though to different extent, depending on the policy change involved. In light of the pervasiveness of the impact of public policy, we should pay attention to public policy issues as we are being affected directly or indirectly. Thus, the ability to analyze public policy issues rationally and make constructive suggestions to improve public policy will be an important characteristic of a good citizen or a good voter, not only leading to better protection of individual interest concerned, but also contributing to the general good of society.

A public policy can serve different purposes, for example, more legitimate and overt ones such as reduce income and wealth gap, alleviate the plight of the underprivileged, unite the country, and stimulate economic growth. But public policy can also have covert purposes which are not very high-sounding, such as maintain the established position of the privileged, keep the ruling elite in power, benefit the ruling elite and their associates, and help the ruling party win the next election. It should be noted that, very often, a single public policy does not serve a single purpose. Also, legitimate, overt goals may not be incompatible with covert, self-interested ones, such as the legitimate goal of stimulating economic growth may improve the livelihood of the people in general, thereby reduce opposition to the ruling elite, thus may in the end contribute to achieving the covert self-interested goal of the ruling elite in keeping themselves in power.

Regardless of what the covert aims may be, a *good* public policy should target at and be able to serve the public. According to Ng and Ho (2006), 'public policy should be about enhancing happiness or the welfare of the people, now and in the future...we tend to use the term "happy" to refer to current feelings or short-term well-being and use the term "welfare" to refer to longer-term well-being' (p. 1). Even if we agree that enhancing happiness and welfare of the public is the legitimate goal of a good public policy, the issue involved may still not be a simple one. Very often, the public is not a single united entity, but a body with different parts, with differential interests and concerns—what is happiness to a certain group may

be unhappiness for other groups,<sup>1</sup> for example, the demonstrators facilitated by the police through blockade of certain lanes along the route of demonstration may be 'happy' since their freedom of expression is respected and facilitated; however, the drivers and those shopkeepers adversely affected by the road blockade may be 'unhappy.' That is, there are winners and losers in each public policy or public policy action.

From the perspective of public policy makers, in their design of a certain public policy, they should aim at the general happiness of the majority in society, while at the same time not threatening the basic human rights of the minority such as threatening the right to life, confiscation of private property without compensation, deprivation of freedom. In addition, there should not exist a 'permanent minority' (i.e., a certain group of people is always the minority who are the 'unhappy' losers in every or most of the public policy decisions) in all public policies taken as a whole. That is, on the whole, one may sometimes be the winner and sometimes be the loser in different policy decision on average. According to Galston (2006), '[w]hile many individuals are capable of devotion of to their fellow citizens and to the common good some of the time, and few are capable of that behavior most of the time, any political program predicated on the belief that most citizens are capable of it most of the time is bound to run aground' (p. 544). Public policy should, on the whole, balance out winners and losers at different times and generally target at having the majority as the winners most of the (but at different) time; thus, in general, most, if not all, on average, are 'happy' and have their welfare protected.

Not only should public policy makers balance out winners and losers in public policy so that there will not be 'permanent losers,' they should also strike a balance between immediate, short-term 'happiness' and future, long-term 'happiness,' such as whether giving \$6,000 to each citizen for immediate consumption or to use the resources to finance long-term medical services improvements or retirement protection schemes for the public. In addition, a balance should be struck between the 'happiness' of the present generation and that of future generations which is most obvious in environmental policy such that the depletion of resources and pollution by the present generation for 'happiness' will 'decrease' the 'happiness' of future generations.

Usually, there are different ways to strike such balances, instead of one single right policy solution. That is, there may exist a scope of acceptable policy options (with different acceptable option representing different acceptable ways to strike a balance among conflicting preferences and values), instead of a point beyond dispute. However, options beyond such acceptable scope may become problematic. How is such scope of acceptable policy options delineate? Most probably, this is done by appealing to general human needs, hopes and fears as well as values that underscore the smooth functioning of society, enabling human beings to live

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<sup>1</sup>Tsang (Chap. 10 of this book) highlights that the interests and concerns of Choi Yuen villagers may differ from those of the construction, retail, and travel industry practitioners (who may have economic gains from the job opportunities created) in the Express Rail Link controversy.

together peacefully in society. ‘There is...no doubt that there is a lot of commonality among human beings. This is partly because we belong to the same species and partly because we live in the same world, though with significant economic and cultural differences’ (Ng and Ho 2006, p. 2). Such commonalities among humans underline the range of policy solutions that are acceptable to any human society.

Exactly which policy solution within the range of acceptable policy options is adopted by a given society, very often, rests on (and is a reflection of) the values, including social values, held by the society concerned. Democratization is viewed as the legitimate development of a polity only if its citizens place values on political equality and freedom. If citizens of such polity place higher value on economic development than political equality and freedom, then such citizens may tolerate one-party rule if it brings about great economic progress, even though little or no progress is made in the direction of democratization.

## Values and Social Values

One of the main foci of this book is social values in public issues and public policy. Before there is any fruitful discussion on the concept of ‘social values,’ one needs to have a clear understanding of what ‘values’ are. According to Woodruff and Diseta (1848: 645), a value is ‘a generalized condition of living which an individual feels has an important effect on his well-being’ (Van Deth and Scarbrough 1995, p. 23). Such individual attachment of importance may be regarded as a personal value (which may or may not be influenced by the societal standard at large). Such value is related to the notion of preference, with a ‘value system’ being what a person or a society ‘gives high priority or importance when making choices’ (Beckett and Maynard 2011, p. 129). Values epitomizes the ‘desirable end state that people strive for or aim to uphold, such as freedom, loyalty, or tradition’ (Malle and Dickert 2007, p. 1011), denoting the sociopsychological sense of ‘values’ (Ibid.). There is another sense of ‘value,’ the economic one (Ibid.), which is what a good or service is worth in monetary sense, such as ‘the value of this book is \$100,’ which is determined by demand and supply, that is, the interactions between consumers and producers in an economy. It should be noted that something of high economic value may not be given high value in the sociopsychological sense by a person or society and vice versa (though, very often, the two coincide). For example, a person may value loyalty to his long-term employer as a desirable end that he refuses to change his job to work for the rival company which promises to pay him astronomic salary. A person may value his freedom as an end that he refuses to sell himself to be a slave, no matter how much he is paid. In fact, it is the value that the American society places on freedom and equality as an end that slavery was outlawed in 1865 even though there was economic value of the slavery system to the American economy. It is the sociopsychological sense of ‘values’ that this chapter and this book focus on.

This sociopsychological sense of values may be loosely classified into different types, including personal values (such as the value one places on writing diary as an expression, value one places on traveling around the world), family values (such as filial piety, assisting family members in need), moral values (such as honesty, love our fellowmen, not to lie), aesthetic values (such as value placed on the beauty of a person, a picture), and social values (such as sex equality, respecting human rights).

Having examined 'values,' let us examine 'social values.' According to Wei (2009), '[a] society is an entity where people interact. The relationships among people in the society are "social relations". The judgements of right and wrong are about "social values"' (p. 54). What are the bases of 'social values'? This is related to human flourishing in a societal context which rests on (1) human psyche and physique that underlies the fundamental conception of human flourishing; (2) what are essential for the continual and well functioning of the society which humans are situated and social relations thus derive; and (3) the social, economic, political, and technological conditions under which a particular society is situated. For (1), if one is beaten by the police for no reason when one is walking down the street, one will naturally not be flourishing well, but is physically hurt and psychologically indignant because of the unjust treatment. This justifies the social values of justice, particularly in regard to circumscribing the arbitrary use of force by the police toward citizens. For (2), if one imagines a society in which everyone will try to kill anyone who disagrees with him/her in any minute way, then the whole society will disintegrate and cannot function and operate well. This necessitates the social value of tolerance (at least a certain degree) of divergent views in our interactions with other members of society. For (3), as more and more women are educated and enter the labor market in recent decades, women are not classified as secondary earner in two-income families, or may even be the sole breadwinner in female-headed single-parent families and families with househusbands. With the changing socioeconomic status of women and diverse family patterns as compared to the past, pay equality between male and female employees doing the same job is embraced as a justified social value in recent years in many societies as manifestation of the greater issue of sex equality.

One fundamental issue related to the discussion of social values is the question of whether social values are universal (apply to all human community without variations) or relative (varies from community to community). The answer varies with different nature of various social values that rests on different source bases (highlighted above). For social values that rest on (1) human psyche and physique and (2) what are essential for the continual and well functioning of human society (as discussed above), they tend to be universal since they are essential for human flourishing in any society, without which human beings will not be flourishing and the society concerned may disintegrate. As for (3) social values that rest on the social, economic, political, and technological conditions under which a particular society is situated, they may be relative and vary with changing societal conditions. As the societal conditions change, this category of social values also changes. For example, with the introduction of the Internet which revolutionizes

communication, there is more obvious social value placed on instantaneity, simultaneity, and interactivity in major aspects of human and social life, such as human communication, social network, way of conducting business, education, and the way of viewing knowledge and information. These three categories of social values are not discrete ones—they are overlapping with one another, with blurred, rather than clear-cut boundaries. However, they are loosely categorized merely to facilitate discussions here.

The above analysis of social values is in line with Wei's (2009) distinction between 'core social values' and 'non-core social values.' According to Wei (2009), the "core social values" are those reflecting basic social relations' which are and need to be 'durably stable,' thus preventing social disintegration (p. 56). Wei's 'core social values' correspond to categories (1) and (2) discussed above and thus tend to be universal, 'independent of change of social relations,' and 'proactive, deeply affecting basic social relations' (Ibid.). The 'non-core social values,' according to Wei, are 'reactive' (Ibid.), responding to change of social relations (which in turn rests on societal changes and circumstances), corresponding to category (3) discussed above which are relative in nature. Thus, social values may be universal or relative in nature, depending on the characteristics of the social value in question.

Social values are often 'operationalized' into social norms and practices, for example, the value human placed on stable, intimate human relations has been 'operationalized' into institution of family in nearly every society, with norms and codes of behavior for different members in the family. However, the nature, form and types of family change with different developmental stage of society (for example, there emerge single-parent families, dual-earner families, same-sex families in postmodern societies), yet, the institution of family (though in different forms) survives as it may be in line with basic human psychological and physical need of stable, intimate relations, thus the social value placed on such relations.

Social values are transmitted through socialization, especially at the younger age, through social norms and practices in families, schools, and society at large. However, the socialization is not absolute in the sense that one will never question the social values embraced in his/her own society and culture. Cultures and societies are interacting, with values and ideas exchanged and interpenetrating one another. Very often, one would start questioning values one has been socialized into accepting when one meets someone from a different culture and society or when societal conditions of one's society change with the passage of time. Under such circumstances, the 'non-core social values' will be evaluated through appealing to 'core social values' as a measuring rod and adapted to the new societal conditions. When a certain non-core social value is challenged by the majority of the members in society, then, this may bring about reform of social values in the society concerned. For example, feminism and gender equality started off in the West. With globalization, people in other societies interact with the West, thus leading to the raising of women's status in Asian countries and emerging in some Islamic countries in recent decades since the people in Asian and Islamic societies are challenged to re-evaluate their social values concerning gender through increased

intermingling of ideas and people between the West and the non-Western world. That is, the 'non-core values' related to gender are re-evaluated in light of the 'core value of equality' which is being extended from equality among males alone in the past to equality among both males and females alike in recent times.

Very often, social values in a society conflict with each other in a social issue. For example, the value placed on freedom of expression may clash with the value of keeping sex as a private matter and within the family context in the case of deciding whether censorship over pornography should be more relaxed or tightened up. In resolving such value conflicts, one or the society concerned has to prioritize different social values. At the societal level, there may be disagreements among societal members over the prioritization of conflicting values or over how a balance should be struck among values at odds with one another.<sup>2</sup> Through discussion and persuasion, it is hoped that a consensus can be reached. Very often, the consensus represents the views of the majority of the members of the society concerned at a particular moment. With the passage of time and with changing societal conditions, such consensus or prioritization of conflicting values may vary and this will bring about reform in certain 'non-core social values' or social norms, such as the societal tolerance of pornography has increased with time in many societies, with more emphasis on freedom of expression and less on viewing sex only in the context of family as compared with the past.

## From Social Values to Public Policy

Besides social issues, social values may come into conflict with one another and other values (not social in nature) in the case of reaching a public policy decision. The value placed on development (which may reduce poverty, thereby human suffering) may be in conflict with the value placed on maintaining environment-human balance in the discussion of whether an infrastructural project is to be implemented. The value being placed on increasing welfare for the poor may involve the need to increase tax, thereby adversely affecting investment which may bring about economic development that is considered of value to many. The value placed on heritage and social network preservation in old urban and rural areas may be in conflict with redevelopment and development policy. Similar to cases of value conflict in a social issue, value conflicts involve the prioritization of different values (social or otherwise) involved in public policy. However, there may be disagreements over how a balance should be struck among different conflicting values. Furthermore, there may be dispute among members of society over what values are considered relevant to the discussion of certain policy issue. For example, the

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<sup>2</sup>For example, Cheng and Ming (Chap. 3 of this book) point out the pro-choice camp and the pro-life camp have been disagreeing over the issue of abortion [in which the value placed on choice (on the part of women) clashes with the value placed on life (on the part of the fetus)], without reaching a consensus.

preservation of the rural life or the freedom to lead a rural life may be considered by some Hong Kong people to be irrelevant or a non-issue to the discussion of whether to build the Express Rail Link (an infrastructural project in Hong Kong that will have adverse impact on rural dwellers in the Choi Yuen village), while this is considered by the Choi Yuen villagers and their supporters to be highly critical to reaching of a policy decision concerning such project.

In a democratic polity, very often, a public policy decision reflects the consensus of the majority over value conflicts involved in a policy issue as revealed in the votes in a referendum or votes and decisions of elected political representatives. Usually, an individual does not have a simple clear-cut stand for a certain policy decision, such as supporting A option and opposing all non-A options in a policy, but supporting A option, but tolerating (or not rejecting or strongly against) certain non-A options, while definitely against B option in a policy concerned. If the decision outcome in public policy making lies within the realm of support and tolerance of the majority of the members of the society, the policy decision will gain legitimacy and will not meet strong opposition, leading to the repeal of earlier decision. In a non-democratically elected polity, if the policy decision is within the sphere of support and tolerance of the majority, it may also gain 'legitimacy' (though not procedural legitimacy in the form of votes and elections) in the form of passive acceptance, without strong protest (which may make the implementation of the policy decision difficult and may lead to subtle or overt restructuring and reorientation of the policy decision) against the policy decision.

It should be noted that a policy decision (resting on a consensus on a certain balance struck between conflicting values, including social values) represents the majority views of the time, putting pressure on the minority who hold divergent views. However, this does not mean that the minority views will remain a minority forever. Some critical minority will continue to promote and 'advertise' their views in their advocacy work, trying to convert the views of the majority to their side. For example, feminist movement advocating equal voting rights for women also started off as views held by a minority group in the late eighteenth century, but succeeded to spread their standpoints to the majority with the passage of time. In fact, women's suffrage was internationally recognized as a legitimate right of women in the United Nations 1979 Convention on the Elimination of All Forms of Discrimination Against Women. However, it should be pointed out that not all minority views can be successfully 'sold' to the majority with the passage of time, but only some can be so, usually those buttressed by sound universal core social values (such as equality, justice, and satisfying human needs), instead of resting on self-interest alone.

Values, including social values, are important in defining the societal problem that necessitates policy solutions. For example, child labor becomes a problem when the society views and places value on education of the young and believes that the legitimate place for the young is the school. The increase in divorce rate is seen as a societal problem if the society places value on long-term commitment, on the part of partners, in marriage. 'The policy process begins with perception of a problem and ends with some sort of resolution or termination of a policy' (Smith and Larimer 2009, p. 31). Only if a societal 'problem' is defined by societal values



will there be actions to devise public policy in an attempt to tackle the ‘problem’ concerned.<sup>3</sup>

Not only do values, including social values, define the problem to be tackled, but also they select the ‘best’ policy response (viewed from the society concerned) to such problem, that is, they identify the exact policy option to be adopted within the scope of acceptable (to human societies) policy solutions (which have been discussed earlier in the chapter). For example, Sweden adopts a high tax rate and high welfare provision solution, while Hong Kong adopts a low tax rate and higher dependency on self-reliance as their different approach to social risks. Such different approaches, with its own pros and cons, are a reflection of societal values of the society concerned.

Social values may serve as standards and criteria for public policy decisions (Jordan 2008). Sound public policy should rest on certain social value(s), such as justice, equality, and rights. Social values can also be adopted as appropriate standards for evaluating existing policies (Ibid.) and serve as the basis for suggestions for future improvements, such as how to make the housing policy in Hong Kong more just, whether legislating against discrimination against homosexuals in Hong Kong in light of equality, etc. However, the actual operationalization of social values into public policy allows variations that may be an issue of disagreement. For example, providing public rental housing to the poor is generally considered just by the Hong Kong people (Yung 2008). However, there may be disagreements over how to define who is poor that ‘deserves’ public rental housing provision from the government. How long will the waiting time for public rental housing be reasonable and just? Such operationalizations will be controversial.

Though values and social values held by a society may change with time, the pace of change may be quite slow. The values that are quite resilient to change will limit the choice of policy solutions to societal problems, very often, making only incremental policy changes politically feasible. This is what is called ‘path dependency’ in public policy which refers to the phenomenon that past policy (which rests on past societal values) makes certain ‘competing policy options unattractive because of high potential political or economic costs’ (Peters and Pierre 2006, p. 7) with unchanged (or only slightly changed) societal values giving rise to inertia, involving high political cost (in the form of strong opposition) in radical policy changes.<sup>4</sup> This gives rise to the trend that past policy limits the pace, nature, and scope of future policy changes, with societal values (with their comparative slow pace of change) serving as its backdrop.

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<sup>3</sup>For example, Mok (Chap. 6 of this book) discusses the problem of Mainland pregnant women giving birth in Hong Kong is delineated by the value Hong Kong people placed on defending their border, ensuring control over who can cross the border and become an ‘insider,’ safeguarding the interest of ‘local’ Hong Kong people, etc. Such values and concerns of the Hong Kong people over the issue call for governmental attention and action to tackle the ‘problem.’

<sup>4</sup>For example, Shae (Chap. 9 of this book) suggests that the health protection scheme (as a voluntary insurance scheme) represents a radical change from the current Hong Kong healthcare system (mainly financed by government revenue) which makes it controversial, arousing heated debates from different sectors of society.

## Ethical Dilemmas, Governance, and Citizenship in Asia: From the Perspective of Social Values

The search for ‘good governance’ is a continual human pursuit. According to United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), ‘good governance’ has eight major characteristics, namely (1) participation; (2) consensus oriented; (3) accountability; (4) transparency; (5) responsiveness; (6) effectiveness and efficiency; (7) equity and inclusiveness; and (8) rule of law (UNESCAP 2013). Of the eight listed characteristics, except (7), most are either procedural [such as (1), (2), (3), (5), and (8)] or managerial [such as (4), (6)] in nature, valued mostly *instrumentally* as a *means* to hopefully, but not necessarily, the good. For example, Nazi Germany and Imperialist Japan were very ‘efficient and effective’ in carrying out their atrocities and invasion, especially in view of the fact that they are not large in terms of geography, resources, and population. Similarly, a citizenry with ‘evil’ intentions (such as exterminating the minority) may devise evil ‘laws’ basing on ‘evil’ consensus under a government that is transparent and accountable to the ‘evil’ citizenry. Thus, having effective means (including sound procedures and managerial targets) in ‘governance’ does not necessarily guarantee ‘good governance’; it depends on whether something valuable intrinsically or valued as an end is achieved in the end. The characteristic (7), equity and inclusiveness, is different from the other procedural and managerial targets in the sense that they are social values that are *intrinsically* valuable, defining something that tends to be valuable *as an end* (i.e., the good).

Besides equity and inclusiveness, there are other social values relevant to governance, such as freedom, equality, rights, tolerance, respect, and autonomy. Having sensible social values, defining the good, together with sound procedural and managerial values as means, will better safeguard ‘good governance.’ According to Kooiman and Jentoft (2009), ‘[m]etagovernance ... raises questions regarding how values, norms and principles underpin governance system and governance approaches’ (p. 818), i.e., ‘governance of governance.’ ‘[G]overnance cannot operate without a reasoned and coherent set of meta-governance norms and principles’ (Kooiman and Jentoft 2009, p. 824) and ‘[m]etagoverning is an essential part of governance’ (p. 823). The kind of government and its policies are largely the product of the synergy resulted from different actors in society (including media, civil society, political institutions, politicians, and bureaucracy) which ultimately rests on the quality of the citizens and the values they hold. Very often, public policies are a reflection of and the embodiment of societal values. In a way, citizens ‘get’ the kind of government and the policies that they ‘deserve’. Good citizens with sensible values are the best guarantee of good government and good governance, ensuring the latter is in line with the former.

There is budding scholarly attention recognizing the need to emphasize social values in governance, especially in Asian societies, in addition to procedural and managerial targets:

...[T]he governance agenda is now moving into a new phase...the consequences of policies of privatization, reregulation and deregulation are now presenting a new set of challenges to East Asia societies in which issues of fairness and social cohesion at least sit more prominent alongside concerns with competitiveness and economic efficiency (Mok and Forrest 2009, p. 18).

Most scholarly works on governance focus on the institutional framework and interactions or specific policy developments, with little attention on how values work in governance.

Building on the nascent scholarly attention to the role of values in governance, this book will examine a number of case studies of ethical dilemmas in public policy from the perspective of social values, giving food for thought for how to achieve good governance. An ethical dilemma occurs when there is uncertainty and doubts about what is the appropriate or right thing to do (Weber 2008). This emerges when (1) there is a conflict between two, equally valid ethical principles or values (Ibid.), such as the conflict between the duty to reduce suffering and the duty to preserve life gives rise to an ethical dilemma in the case of euthanasia<sup>5</sup> and (2) there is a conflict within an ethical principle or value (Ibid.) such as the moral obligation of maximizing happiness and minimizing pain will give rise to an ethical dilemma if Act 1 brings about happiness to Group X and pain to Group Y, while Act 2 will bring about similar amount of happiness to Group Y, while leading to pain to Group X, making one facing a really hard choice between the two acts.<sup>6</sup> In such cases of ethical dilemma, holding onto one principle, value, or option will be incompatible with (or even detrimental to) another which may be similarly, if not equally, valuable or valued.

The case studies of ethical dilemmas at the policy level discussed in this book are embedded in the context of Hong Kong governance. Hong Kong has long been a place where East meets West; case studies in the Hong Kong context will epitomize the synergy and dynamics of East–West social values involved and how they are integrated and blended together in Hong Kong public policy.<sup>7</sup> In addition, the transfer of sovereignty of Hong Kong from Britain to China in 1997 ushers in a period during which new ethical dilemmas in public policy emerge, exemplifying different social values at work (especially in the political context of the semi-democratic polity in transition to universal suffrage). For example, after the handover, the concern of deeper interaction and integration with Mainland China looms larger in Hong Kong as compared to the past, issues (such as the building of the Express Rail Link [linking Hong Kong with the Mainland], Mainland pregnant

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<sup>5</sup>For example, Chan and Tse (Chap. 2 of this book) consider the conflict between the intrinsic value of life and the respect of autonomy in the case of euthanasia, while Cheng and Ming (Chap. 3 of this book) consider the conflict between the right to life and the right of controlling one's own body in the case of abortion.

<sup>6</sup>For example, Tsang (Chap. 10 of this book) and Yung (Chap. 11) consider different understandings of the same principle or value such as justice and public interests.

<sup>7</sup>For example, Cheng and Ming (Chap. 3 of this book), in discussing abortion law in the Hong Kong context, analyze the issue from both the Western and the Confucian perspectives.

women giving birth in Hong Kong etc., become hot and controversial subjects that arouse heated debates which involve different social values, thereby serving as perfect case studies for the analysis of social values at the policy level.<sup>8</sup> Furthermore, as Hong Kong is evolving toward the postmodern era in recent years (at a much later time than the Western countries), Hong Kong governance in this specific period sees various social values in flux, with the more traditional values (such as family values, value on livelihood and development), gradually giving way to emerging new values (such as freedom to choose one's way of life, heritage preservation, more concern about rights, and justice and equality).

Thus, case studies of ethical dilemma in different policy areas in Hong Kong governance from the perspective of social values will also have an international appeal, especially the case that the social values discussed are comprehensive, involving East and West, new and old, traditional and democratic, in different policy areas in the particular semi-democratic political context of Hong Kong, marking a difference from other similar literature which merely focuses on one or two social value(s) or merely concentrates on a specific policy area, mostly in the context of Western developed countries (that have a different value system from the East–West context of Hong Kong).

Public policy and governance in Hong Kong are chosen as example of Asian governance, forming the discussion focus of the book. Asian countries are diverse, rather than a homogeneous whole (Yung 2012, p. 268); thus, there will be variations within governance in different Asia countries. Nonetheless, Asian governance, especially in East Asian countries, displays certain degrees of convergence, and Hong Kong is no exception to this. Economically, Hong Kong and other Asian countries, especially East Asian countries, have industrialization and the accompanying economic take-off taking place at a later time frame and within a shorter time span as compared to the West. Politically, though at different phases of development, democratization in Asian countries, including Hong Kong, takes place at a later time frame as compared to the West, with many Asian countries still experimenting with their comparatively 'nascent' democracy with trial and error. Socially, welfare in Asian states, especially East Asian states, including Hong Kong, has a high 'productivist' and 'developmental' flavor, with social policy being subordinate and instrumental to economic growth (Hwang 2011), emphasizing self-reliance and family provision. Historically, Hong Kong and many parts of Asia had a colonial past, with a colonial legacy that has deep impact on the present-time developments. Culturally, Hong Kong and other East Asian states share a common Confucian heritage. All these commonalities shared among Hong Kong and other Asian countries, especially East Asian countries, in different arenas, to a certain extent, shape the values and social values held by the citizenry, circumscribe feasible policy options, and influence policy choices in Hong Kong as well

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<sup>8</sup>See Mok (Chap. 6 of this book) for a discussion of the problem of pregnant women from Mainland China giving birth in Hong Kong and Tsang (Chap. 10) for a discussion of the issue of the Express Rail Link.

as Asian governance. Thus, Hong Kong is chosen as a case of Asian governance for the analysis of social values.

The changing societal context due to recent and forthcoming socio-economic-political transformations in Hong Kong calls for a renewed conception of ‘citizenship,’ amid fluxional values and social values. Citizenship can be defined objectively as a legal status or subjectively as involving a sense of belonging and identity (Savigny 2007, p. 80). Marshall (1950; quoted in Savigny 2007, pp. 80–81) defines his threefold citizenship in terms of three essential rights: civil rights (including property rights, right to freedom of thought, speech, association, and religion), political rights (including the right to vote and stand for public office), and social rights (i.e., rights embodied in the institution and policies of the welfare state). Civic citizenship is already in place in Hong Kong, with civic rights and basic freedoms guaranteed by law since the latter part of the colonial period. As for other aspects of citizenship in Hong Kong, it is developing and evolving with changing circumstances. Politically, Hong Kong is in a stage of transition from a semi-democratic polity to one with universal suffrage. The specific design for the mechanism for universal suffrage will determine to what extent Hong Kongers may enjoy equal political rights, thereby the extent and nature of their political citizenship. As for social citizenship, Hong Kong has become a postmodern society, with general affluence, yet with greater income and wealth inequality. There have been increasing calls for greater equality, social inclusion, and redistribution as a right. Subjectively, the younger generation of Hong Kongers were mostly born and bred in Hong Kong; their outlook is different from the transient mentality of the older generation of refugees from China who merely treated Hong Kong as a ‘Borrowed place; Borrowed time’<sup>9</sup> refuge. Thus, the new generation of Hong Kongers has a stronger sense of belonging and has a deeper concern for the developments of Hong Kong toward a better place to live in, forming a stronger ‘subjective’ sense of citizenship. Because of these recent and future imminent societal changes, the emerging social values pertaining to the evolving and new discourse on citizenship in Hong Kong are in flux, thereby necessitating reflection, reconsideration, and reorientation for their deepening in Hong Kong society.

This book aims at facilitating the above process, encouraging readers to reflect on case studies of ethical dilemmas in public policy from the perspective of social values in the Hong Kong context, serving as good reading and reference material for citizenship education, not just within classroom (acting as teaching materials, especially for general education courses at universities and the liberal studies curriculum in secondary schools) but outside classroom as food for thought for general citizens, thereby making citizenship education not merely a classroom activity, but also a lifelong engagement. This is especially important for Hong Kong in its transition to universal suffrage, changing from a bureaucratic-oriented public policy model to a more deliberative policy practice, with the public more

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<sup>9</sup>This is coined in Hughes (1976). *Hong Kong: Borrowed Place—Borrowed Time*. London: Andre Deutsch.

empowered. This makes democracy education (as a form of citizenship education) important, necessitating citizens' understanding and acceptance of social values such as respect for the individual, equality, freedom, and tolerance for diversity which are critical for the successful operation of any democracy (Yung 2010). Reflecting on ethical dilemmas in public policy with reference to social values will extend the focus and the vision of the readers beyond common understanding of the structure and the operations of the institutional framework and specific policy developments. In short, sound citizenship education cannot be devoid of the social value dimension. The book chapters also aim at encouraging readers to view the controversial policy issues (that have an ethical dimension) from the perspectives of different stakeholders, thereby engaging in interactive learning (Kooiman and Jentoft 2009, p. 931) [with other members of society] concerning citizenship education at the societal level, with different value systems and expert advice examined, different opinions and options identified, and different possibilities for consensus explored, fostering a sense of belonging and shared citizenship. This process will 'produce' better voters and citizens. A citizenry with sensible social values as policy inputs is the best guarantee of good governance since rational targets, achievable by wise means, carried out by sound institutional mechanisms, acceptable to most people, will have the greatest possibility to be in place. In fact, governance can be made a learning process (Kooiman and Jentoft 2009, p. 830), with different participants and stakeholders learn from each other in interactive learning in the policy discussion and process, reflecting and learning from the experience, forming an 'alternate' form of citizenship education at the societal level which this book may help to facilitate. In this way, governance, citizenship, and citizenship education are intertwined. The context for citizenship and governance has become more complex, and citizens must think beyond governmental institutions, the interests of political actors and stakeholders, thereby taking social values into consideration, especially in ethical dilemmas at policy level (which is the focus of this book).

## **Nature and Pedagogy of the Book**

This book is interdisciplinary in nature, with each chapter integrating two or more disciplines (namely philosophy, politics, public policy, or law) to examine a public issue or affair in Hong Kong. The approach to each topic will be incrementally elevating in nature. The editors of this book hope to stimulate readers' interest in analyzing concrete public policy and affairs issues as well as facilitate readers in viewing these issues from more theoretical and abstract perspectives. Each chapter will examine a case study in Hong Kong governance that centers upon the following framework. Each chapter will start with a public affairs issue that involves an ethical dilemma at the policy level (rather than at the personal level which often forms the focus of most literature in moral philosophy and applied ethics), then

move on to consider the social values at work behind, its implications on the individuals concerned and the society at large, through academically rigorous investigation of the issue. The issue of how to resolve the value conflict in each dilemma through striking a balance among discordant social values will be examined in each chapter. The role of the government and the relevant policy (representing a proposed resolution or compromise among social values in tension in each ethical dilemma) that should be in place will also be considered. It is hoped that the readers will not just have a better knowledge of the ethical dilemma discussed after reading the chapter, but also have a deeper understanding of the social values and philosophical and theoretical issues that underpin the matter concerned as well as its policy implications. The discussions will mainly be theoretical, philosophical, and reflective in nature, rather than at the empirical, operational, and practical level.

The book chapters are divided into two parts, with two subthemes. The first part is related to 'Ethics, Social Values and Public Policy.' Lee (2012) points out that citizenship education in Asia focuses more on morality than on politics, and in many Asian countries, moral education is equated with civic/citizenship education. However, moral and ethical issues, especially controversial ones arising out of advanced technology, particularly medical technology, not only have individual moral connotations, but also have societal and policy implications, often acting as a divisive force for two or more camps supporting opposing moral stands on the controversial issues (such as the pro-choice camp versus the pro-life camp over the issue of abortion), making legislations and public policy decisions extremely difficult, if not impossible. Thus, a mature citizenry need to reflect on these controversial ethical and moral issues (not only as part of moral education, but also as part of citizenship education), being able to make moral decisions as well as able to take political stand and give valuable policy input toward these ethical issues, since politics and policy cannot be detached from ethics. As a book on governance and citizenship education in the context of Hong Kong as an Asian example, the first part of the book will discuss controversial ethical dilemmas and issues that have deep implications on public policy making (from the perspective of conflicting social values), thereby governance.

The second part of the book is related to 'Citizenship, Social Values and Public Policy.' It takes a more Western approach to citizenship, being politically oriented and more concern about citizens' rights and responsibilities (Lee 2012). This part concerns with how citizenship is defined, rights related to emerging social citizenship in Hong Kong as well as duties of citizens. It examines how such issues and ethical dilemmas in public policy related to citizenship affect public policy making and governance in Hong Kong by examining the clashing social values behind.

This chapter is the introduction. It starts with a discussion of public policy and social values and then moves on to examine the connection between them in relation to ethical dilemmas in public policy in the context of Hong Kong governance and citizenship. It outlines the aims, nature, structure, and pedagogy of the book.

## ***Part I: Ethics, Social Values, and Public Policy***

The chapters in Part I are concerned with ethical dilemmas or controversial ethical issues that have policy implications. Part I starts with issues that involve moral decisions that are more individual or personal in nature, affecting fewer people, to issues that have more social consequences, concerning more people.

In Chap. 2, Chan and Tse start with the story of ‘Bun Zai,’ a quadriplegic person who openly demanded the legalization of euthanasia in Hong Kong in 2003, triggering off widespread media coverage and public attention on the issue of euthanasia in Hong Kong. The authors then move on to discuss why people are fearful of death and dying and relate this to the examination of views supporting and opposing euthanasia, focusing on the conflicting social values, such as the value on respect of personal autonomy and choice, the value on the respect of human life, the value on the reduction on human suffering, and relatives’ and acquaintances’ value on the continual life of the person concerned. Alternatives to euthanasia are further discussed in the latter part of the chapter. Such discussion not only will facilitate individual moral judgment on the issue of euthanasia, but will also have input on public discourse on the issue, thereby on related policy making.

Cheng and Ming discuss the justification of abortion and the abortion law in Hong Kong in Chap. 3. The authors evaluate the justifiability of abortion under different circumstances, e.g., abortion on demand, abortion in case of pregnancy that threatens the mother’s life, and abortion in case of underage pregnancy from both the Western and the Confucian perspective on different social values. They conclude that even though there is the trend of abortion being legalized in more and more countries, indicating people value more and more individual autonomy, abortion should be the last resort even in case of unwanted pregnancy in view of its risk of injury to the physical and mental health of the mother. The ethical issue of abortion as expressed in Hong Kong laws reflects how ethics, law, and policy are intertwined.

Chapter 4 on compensated dating is written by Sin. This chapter will discuss questions from the perspective of different social values, such as: ‘What is compensated dating?’, ‘Is it different from prostitution?’, ‘Is there anything wrong with compensated dating?’, ‘How should we respond to such phenomenon in our society?’, ‘How should the government respond to such issue?’, and ‘What are the implications on sex education policy?’

Photo scandal of Edison Chen has been a recent hot issue not only in Hong Kong, but also in Mainland China and other countries because of the involvement of a number of celebrities. In Chap. 5, Ying discusses questions, such as ‘Is there anything wrong with taking and keeping sexually explicit photos of oneself and one’s sexual partner when there is mutual consent?’, ‘Has Edison Chen done anything wrong?’, ‘What exactly are the issues involved in the case of photo scandal of Edison Chen?’, ‘Is there anything wrong in looking and transmitting personal photos that are illegitimately obtained?’, and ‘Did the government and the court



handle the case in an appropriate way? Why?'. The chapter discusses this topic in relation to the value on the right to privacy and value on autonomous sex between consenting adults. The discussion reflects how sexual morality has a bearing on Internet policy and policy concerning privacy.

## ***Part II: Citizenship, Social Values, and Public Policy***

Part II starts with the discussion over issues of how citizenship is and should be defined. Then, it moves on to discuss citizenship rights in different policy contexts, followed by the discussion of issues related to duties of a citizen.

In Chap. 6, Mok analyzes the issue of Mainland women giving birth in Hong Kong from the utilitarian, the liberal as well as the communitarian perspectives on the morally justified way of viewing and handling 'immigrants' or 'outsiders' in general, highlighting different values held by people of different place of origin, the social value on privileging 'insiders,' value on assisting others in need, value on integrating 'new comers,' etc. This chapter represents an attempt to apply philosophical reasoning to practical issue analysis, throwing new lights onto a hot policy issue faced by Hong Kong.

In Chap. 7, Lee discusses the court case of Equal Opportunity Commission challenging the Education Department's policy regarding allocating secondary school places to primary school graduates, focusing on the social value of equality, especially sex equality and racial equality in the context of education policy. This chapter discusses issues such as 'What is equality?', 'What is sex equality?', and 'What is equal opportunity?' This chapter explores these issues in relation to educational policy and the impact of the court decision on this case from the perspectives of law, equality, human rights, and governance.

Chapter 8, which is written by Cheng, is on Comprehensive Social Security Assistance (CSSA), a social security safety net in Hong Kong. This chapter explores the issue of poverty and evaluates the official interpretation of the underpinning philosophy of the CSSA Scheme from different perspectives, outlining the value placed on welfare. It relates the issue to the 'politics of moral engagement' as the basis of a just society. This chapter highlights the importance of social rights in social citizenship.

Shae evaluates, in Chap. 9, the Voluntary Health Insurance Scheme (VHIS), a government subsidized supplementary finance scheme, which is likely to be introduced in Hong Kong. The author argues that VHIS will bring about a radical change in the current healthcare system in Hong Kong and it will fall short of achieving its objective of containing escalating healthcare cost, highlighting the value on helping those in need, the value placed on risk-pooling etc. He concludes that there is a lack of vision in healthcare planning and reform in Hong Kong and this has serious implications on social rights and social citizenship.

Chapter 10, written by Tsang, examines the contentious Express Rail Link Project which will link Hong Kong and the Mainland. This chapter discusses the

controversial issues related to the building of the Express Rail Link in relation to different value conflicts: individual rights versus public interest, value judgments in public policy as well as paternalism versus democratic decision. This discussion may act as stimulus for reflection concerning the rights and duties of citizenship.

Paying tax is often considered a legitimate duty of a citizen. In Chap. 11, Yung discusses taxation in Hong Kong in relation to the social value of justice. This chapter starts from Hong Kong government's recent attempt to introduce Goods and Services Tax (GST) in Hong Kong and examine its implications on justice and the problem of narrow tax base as well as tries to find out how to devise a more just and viable taxation system in Hong Kong.

The last chapter, Chap. 12, is the concluding chapter which highlights the contributions of the preceding chapters to the theme of social values and public policy and how these are related to citizenship and governance. In this chapter, Yu examines the role and scope of public power, varieties of social values, and the various approaches that can be adopted to handle multiple values, concluding that closer interaction between public policy and public engagement is essential for good governance, thereby making sound citizenship education fundamental to good public policy making.

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