# APS Interest Group on Psychology Education

Resource Material Submission – Front Page Summary

Please note that if you adopt or adapt this resource, the resource authors need to be acknowledged on your materials, and they would appreciate your letting them know that you are adapting their materials.

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<td>Author(s)</td>
<td>Iris Rattley, Sue Morris, Peter Birrell, Jacquelyn Cranney</td>
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<td>Description/Aim</td>
<td>The aim of this third year practical/tutorial is to introduce students to moral philosophy and its relationship to human everyday behaviour and professional codes of practice.</td>
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<tr>
<td>Benefits of Resource</td>
<td>Engaging, personalised, experiential introduction to moral and ethical issues relevant to personal and professional behaviour.</td>
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<td>Issues for Consideration</td>
<td>This practical follows a series of three lectures on moral philosophy and professional codes of practice.</td>
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<td><a href="mailto:j.cranney@unsw.edu.au">j.cranney@unsw.edu.au</a>  <a href="mailto:s.morris@unsw.edu.au">s.morris@unsw.edu.au</a>  <a href="mailto:i.rattley@gmail.com">i.rattley@gmail.com</a></td>
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Ethics in Psychology

Iris Rattley, Sue Morris, Peter Birrell, Jacquelyn Cranney

University of New South Wales, 2012

Description:

The ethics module of the third-year UG capstone course was designed to address the following course Learning Outcomes:

2. Evaluate psychologists’ behaviour in psychological research and other professional contexts in relation to the Australian Psychological Society Code of Ethics and the complementary Ethical Guidelines, as well as the Australian National Practice Standards for the Mental Health Workforce.

9. Identify, document, and reflect upon career-relevant strengths, values, goals and achievements in relation to graduate and professional attributes.

The activities primarily emphasised the following Psychology Graduate Attributes:

Graduate Attribute 4: Values in Psychology
Value empirical evidence; tolerate ambiguity during the search for greater understanding of behaviour and knowledge structures; act ethically and professionally; understand the complexity of sociocultural and international diversity; and reflect other values that are the underpinnings of psychology as a discipline.

Graduate Attribute 6: Learning and the Application of Psychology
Understand and apply psychological principles to personal, social, and organisational issues.

The Ethics module comprised 3 lectures, and a tutorial exercise.

Lectures: The lectures covered definitions of Ethics, and several ethical positions, such as Virtue Ethics, Categorical Imperative, Utilitarianism, and Ethical Emotivism. Thought experiments were used to illustrate each position. In addition, the Code of Ethics of the Australian Psychological Society (2007) was discussed, and compared to the Ethical Principles and Code of Conduct of the American Psychological Association (2002). See the last pages of this document.

Tutorial: A tutorial exercise was used to consolidate students’ understanding of the ethical positions. A case study was provided (see below), and students were assigned to one of four small groups, in which they considered the action that would be suggested by one of the ethical positions. Cross-over groups were then used, such that one student from each ethical position group combined with a student from each of the other ethical position groups, creating groups comprised of 4 members, representing each of the 4 ethical positions. Each student then outlined the action that their ethical position would suggest, and argued the case for that position. At the end of the exercise, each group voted as to the most compelling ethical position in their group.
Case study
During semester, you have a casual job at a local fast food restaurant. You have noticed that one of the supervisors behaves in an overly familiar fashion with the other casual employees who come from ethnic minority backgrounds. Those employees who grin and bear the advances seem to get extra shifts. As a fellow employee who they respect, you hear of their dissatisfaction with the supervisor’s conduct but, at the same time, you need the work and don’t want to rock the boat. (adapted from Davidson & Morrissey, 2011)

In the same cross-over group, students were then provided with a copy of the Code of Ethics of the Australian Psychological Society (2007). They were given a Professional Dilemma (see below), and asked to discuss how the Code suggested one should behave in that situation, with reference to the relevant section of the Code. They were also asked to discuss how their ethical position would suggest that one should behave, and compare that to the Code.

Professional Dilemmas
- You are a neuropsychologist. You have been asked by an insurance company to review a battery of tests and a report by a psychologist hired by a claimant for compensation for brain damage due to a work-related injury. You do not recognize some of the tests and also strongly disagree with the interpretation of some of the tests results. At the same time, you know the other psychologist, who has a good professional reputation.
- You are a forensic psychologist. You are asked to be on a disciplinary board for prisoners who have seriously transgressed prison rules, e.g., getting into fights. Depending on the judgment of the board, the prisoners could be subject to loss of privileges or even movement to a higher security section of the prison. You discover that a prisoner you have been counseling is on the list of cases to be heard.
- You are a clinical psychologist working in a remote community. It is common for psychologists in small rural or ethnic communities to unavoidably encounter their patients in shops, churches, and community events. Complete avoidance of multiple relationships is sometimes not possible as it would mean withholding treatment from clients in need. You attend the same local church as a client you have been treating for Generalized Anxiety Disorder. She begins to approach you after church to ask for your opinion on matters such as life after death, and the existence of a higher being.
- You are a research academic at a university. You have just been informed by one of your research assistants that they did not have time to debrief a first-year research participant after running an experiment with them last week. The laboratory experiment was designed to demonstrate the effects of negative feedback on mood levels. The first-year participant has now complained that severe depressive feelings and damage to his self-esteem resulted from the experiment, and that he has dropped his first-year psychology class.
- Managers of a manufacturing firm become suspicious that disgruntled employees may be sabotaging production. The managers hired an organizational psychologist to administer employee opinion surveys. The surveys were administered to employees with the assurance that their individual answers would be anonymous and that all summaries of data would be grouped so that individual respondents could never be identified. In fact, the surveys were constructed using a system that retained the staff numbers and names from login. The psychologist is then asked by management to report the names of those employees, who they believe show signs of dissatisfaction and, in the management’s opinion, may be engaging in sabotage

Scholarship/Evaluation of Student Learning/Continuous Improvement:
Student feedback indicated that students found the tutorials to be worthwhile:
(Mean rankings on a 5 point scale where 1 = strongly disagree and 5 = strongly agree)
At the end of the tutorial:
I found the tutorial content effective 4.41 (0.55)
I found the tutorial activities effective 4.52 (0.67)
During the end-of-semester total course evaluation:
The practical on ethics was worthwhile/valuable 3.70 (1.01)
Many students saw the relevance of the ethics lectures, as indicated by their comments:

“I enjoyed the ethics lectures because they were the most interesting and valuable.”

“All the tutorials evoked discussion which brought out different opinions about topics such as ethics etc.”

“I believe there are interesting ways to teach ethics, as demonstrated by our ethics practical which was engaging, informative and interactive in nature.”

“I also enjoyed the lectures by Peter Birrell as I have often had a curiosity about ethics but never given the opportunity to really learn about it. Very applicable to my studies.”

However, some students were not so engaged:

“we don’t need such a deep history of ethics. We would rather know what the viewpoints are and how to apply them today.”

Bibliography


What follows are (1) the Ethical Dilemmas, (2) the Ethics Tutorial PowerPoint Slides, and (3) the two Ethics lectures PowerPoint slides.
Dilemma 1

You are a neuropsychologist. You have been asked by an insurance company to review a battery of tests and a report by a psychologist hired by a claimant for compensation for brain damage due to a work-related injury. You do not recognize some of the tests and also strongly disagree with the interpretation of some of the test results. At the same time, you know the other psychologist, who has a good professional reputation.

A.2. Respect

A.2.1. In the course of their conduct, psychologists:

(a) communicate respect for other people through their actions and language;

(b) do not behave in a manner that, having regard to the context, may reasonably be perceived as coercive or demeaning;

(c) respect the legal rights and moral rights of others; and

(d) do not denigrate the character of people by engaging in conduct that demeans them as persons, or defames, or harasses them.

A.2.2. Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions.

A.2.3. When psychologists have cause to disagree with a colleague in psychology or another profession on professional issues they refrain from making intemperate criticism.

A.2.4. When psychologists in the course of their professional activities are required to review or comment on the qualifications, competencies or work of a colleague in psychology or another profession, they do this in an objective and respectful manner.

Competence

B.1.2. Psychologists only provide psychological services within the boundaries of their professional competence. This includes, but is not restricted to:

(a) working within the limits of their education, training, supervised experience and appropriate professional experience;

B.13. Psychological assessments

B.13.3. Psychologists ensure that they choose, administer and interpret assessment procedures appropriately and accurately.

B.13.4. Psychologists use valid procedures and research findings when scoring and interpreting psychological assessment data.

B.13.5. Psychologists report assessment results appropriately and accurately in language that the recipient can understand.

B.13.6. Psychologists do not compromise the effective use of psychological assessment methods or techniques, nor render them open to misuse, by publishing or otherwise disclosing their contents to persons unauthorised or unqualified to receive such information.
C.3. Conflict of interest

C.3.1. Psychologists refrain from engaging in multiple relationships that may:

(a) impair their competence, effectiveness, objectivity, or ability to render a psychological service;
Dilemma 2

You are a forensic psychologist. You are asked to be on a disciplinary board for prisoners who have seriously transgressed prison rules, e.g., getting into fights. Depending on the judgment of the board, the prisoners could be subject to loss of privileges or even movement to a higher security section of the prison. You discover that a prisoner you have been counseling is on the list of cases to be heard.

C.3. Conflict of Interest

C.3.1. Psychologists refrain from engaging in multiple relationships that may:

(a) impair their competence, effectiveness, objectivity, or ability to render a psychological service;

(b) harm clients or other parties to a psychological service; or

(c) lead to the exploitation of clients or other parties to a psychological service.

B.12. Conflicting demands

B.12.1. Where the demands of an organisation require psychologists to violate the general principles, values or standards set out in this Code, psychologists:

(a) clarify the nature of the conflict between the demands and these principles and standards;

(b) inform all parties of their ethical responsibilities as psychologists;

(c) seek a constructive resolution of the conflict that upholds the principles of the Code; and

(d) consult a senior psychologist.
Dilemma 3

You are a clinical psychologist working in a remote community. It is common for psychologists in small rural or ethnic communities to unavoidably encounter their patients in shops, churches, and community events. Complete avoidance of multiple relationships is sometimes not possible as it would mean withholding treatment from clients in need. You attend the same local church as a client you have been treating for Generalised Anxiety Disorder. She begins to approach you after church to ask for your opinion on matters such as life after death, and the existence of a higher being.

B.1. Competence

B.1.2. Psychologists only provide psychological services within the boundaries of their professional competence. This includes, but is not restricted to:

(a) working within the limits of their education, training, supervised experience and appropriate professional experience;

(b) basing their service on the established knowledge of the discipline and profession of psychology;

(c) adhering to the Code and the Guidelines;

C.3. Conflict of interest

C.3.1. Psychologists refrain from engaging in multiple relationships that may:

(a) impair their competence, effectiveness, objectivity, or ability to render a psychological service;

(b) harm clients or other parties to a psychological service; or

(c) lead to the exploitation of clients or other parties to a psychological service.
Dilemma 4

You are a research academic at a university. You have just been informed by one of your research assistants that they did not have time to debrief a first-year research participant after running an experiment with them last week. The laboratory experiment was designed to demonstrate the effects of negative feedback on mood levels. The first-year participant has now complained that severe depressive feelings and damage to his self-esteem resulted from the experiment, and that he has dropped his first-year psychology class.

B.14. Research

B.14.1. Psychologists comply with codes, statements, guidelines and other directives developed either jointly or independently by the National Health and Medical Research Council (NHMRC), the Australian Research Council, or Universities Australia regarding research with humans and animals applicable at the time psychologists conduct their research.

B.3. Professional responsibility

Psychologists provide psychological services in a responsible manner. Having regard to the nature of the psychological services they are providing, psychologists:

(b) take responsibility for the reasonably foreseeable consequences of their conduct;

(c) take reasonable steps to prevent harm occurring as a result of their conduct;

(d) are personally responsible for the professional decisions they make;

B.6. Delegation of professional tasks

Psychologists who delegate tasks to assistants, employees, junior colleagues or supervisees who involve the provision of psychological services:

(a) take reasonable steps to ensure that delegates are aware of the provisions of this Code relevant to the delegated professional task;

(c) take reasonable steps to ensure that the delegate's conduct does not place clients or other parties to the psychological service at risk of harm, or does not lead to the exploitation of clients or other parties to the psychological service;

(d) take reasonable steps to ensure that the delegates are competent to undertake the tasks assigned to them; and

(e) oversee delegates to ensure that they perform tasks competently.
Dilemma 5

Managers of a manufacturing firm became suspicious that disgruntled employees may be sabotaging production. The managers hired an organizational psychologist to administer employee opinion surveys. The surveys were administered to employees with the assurance that their individual answers would be anonymous and that all summaries of data would be grouped so that individual respondents could never be identified. In fact, the surveys were constructed using a system that retained their staff numbers and names from login. The psychologist is then asked by management to report the names of those employees, who they believe show signs of dissatisfaction and, in the management's opinion, may be engaging in sabotage.

A.5. Confidentiality

A.5.1. Psychologists safeguard the confidentiality of information obtained during their provision of psychological services. Considering their legal and organisational requirements, psychologists:

(a) make provisions for maintaining confidentiality in the collection, recording, accessing, storage, dissemination, and disposal of information; and

(b) take reasonable steps to protect the confidentiality of information after they leave a specific work setting, or cease to provide psychological services.

A.5.2. Psychologists disclose confidential information obtained in the course of their provision of psychological services only under any one or more of the following circumstances:

(a) with the consent of the relevant client or a person with legal authority to act on behalf of the client;

A.5.3. Psychologists inform clients at the outset of the professional relationship, and as regularly thereafter as is reasonably necessary, of the:

(a) limits to confidentiality; and

(b) foreseeable uses of the information generated in the course of the relationship.

A.5.5. Psychologists use information collected about a client for a purpose other than the primary purpose of collection only:

(a) with the consent of that client;

(b) if the information is de-identified and used in the course of duly approved research; or

(c) when the use is required or authorised by or under law.

A.3. Informed consent

A.3.1. Psychologists fully inform clients regarding the psychological services they intend to provide, unless an explicit exception has been agreed upon in advance, or it is not reasonably possible to obtain informed consent.

A.3.2. Psychologists provide information using plain language.

A.3.3. Psychologists ensure consent is informed by:
(a) explaining the nature and purpose of the procedures they intend using;

(c) explaining how information will be collected and recorded;

(d) explaining how, where, and for how long, information will be stored, and who will have access to the stored information;

(h) explaining confidentiality and limits to confidentiality (see standard A.5.);

**B.12. Conflicting demands**

**B.12.1.** Where the demands of an organisation require psychologists to violate the general principles, values or standards set out in this *Code, psychologists*:

(a) clarify the nature of the conflict between the demands and these principles and standards;

(b) inform all parties of their ethical responsibilities as *psychologists*;

(c) seek a constructive resolution of the conflict that upholds the principles of the *Code*; and

(e) consult a senior psychologist.
**TUTORIAL OVERVIEW**

- Hand in Strengths Matrix and Values (5 mins)
- Recap of Moral Positions (10-15 mins)
- Case Study 1: Moral Positions Group Activity
  - Moral Position Groups (10-15 mins)
  - Cross-over groups (15 mins)
  - Discussion (10 mins)
- Case Study 2: Applying the APS Code of Ethics (40 mins)
- Tutorial Evaluation (5 mins)
- Group work (if time permits)
RECAP: MORAL POSITIONS

- The Categorical Imperative
- Utilitarianism
- Virtue Ethics
- Ethical Emotivism

THE CATEGORICAL IMPERATIVE

- Central to Kant's philosophy
- A certain action (or inaction) is absolutely necessary
  - It is right in and of itself regardless of the consequence
  - It is true in all circumstances
- Take action as though your act would become a universal law
  - "What would happen if everybody did this?"
- Never treat another person as a means to an end, as doing so
denies the rationality (and rational free will) of the other person.

Example: If a murderer asks you for the location of the man he
intends to kill, you must tell him/her the location. Lying is wrong,
in any circumstance, regardless of the consequences. In addition,
lying to the murderer would be treating him as a means to an
der. You are not responsible for the (potential) murder, the
consequence of your action (to tell the location) does not
determine the morality of your action.
UTILITARIANISM

- Places almost exclusive emphasis on the consequences or outcomes of behaviour
  - Morality lies not in the dispositions, intentions, or will of the agent, but in the outcome(s) of what he or she does
- Avoid absolutes, except for the following:
  - The “greatest good (or happiness) for the greatest number”

Example: A bomber threatens to blow up the city unless the mayor is hung in the Town Hall. The mayor should be hung. The outcome of this action would result in the greatest good for the greater number of people (the citizens).

VIRTUE ETHICS

- Emphasises the character attributes of the moral agent, rather than rules to guide behaviour or the outcomes of behaviour
- Rules, codes, and laws will be ineffective if individuals lack virtue.
- Virtue and vice terms guide behaviour – what would a virtuous person do in this situation?
- Emphasises the development of virtue and reduction of vice by engaging in virtuous behaviours and avoiding vicious ones
- Cardinal Virtues: Justice, prudence, temperance, courage.
  - The virtue of courage lies between two vices: cowardice and foolhardiness.

Example: If a man is walking past a burning house within which he can hear children screaming, he should attempt to save the children only if doing so would not be extremely foolhardy.
ETHICAL EMOTIVISM

- Morals/ethics are based on emotion and not on rational grounds
  - Saying "eating animals is wrong" is a statement of feeling
  - When people discuss/argue ethics they are rationalising their feelings
- Ethics is subjective and involves an interpretation (of events, behaviour), rather than "rightness" or "wrongness"
- Ethical views across time and cultures are so divergent that there can be no moral absolutes at all
- In general what most people think is wrong at a given time is wrong (eg slavery)
- Explains emotions and sensations attached to moral judgments, e.g. righteousness, disgust
- Example: Trolley Car vs Fat Man

MORAL POSITIONS GROUP ACTIVITY

- In your group, use your moral position to discuss the following problem:

During semester, you have a casual job at a local fast food restaurant. You have noticed that one of the supervisors behaves in an overly familiar fashion with the other casual employees who come from ethnic minority backgrounds. Those employees who grin and bear the advances seem to get extra shifts. As a fellow employee who they respect, you hear of their dissatisfaction with the supervisor’s conduct but, at the same time, you need the work and don’t want to rock the boat.

(adapted from Davidson & Morrissey, 2015)

- What would your moral position indicate you should do, and why?
- In your group, develop a "case" or "argument" for the problem, including an action and a rationale
- Every group member needs to be able to express this

(15 mins)
MORAL POSITIONS GROUP ACTIVITY

- Form new groups, with one member of each new group coming from each of the different moral positions.
- Each member will have 2-3 minutes to argue your "case" on the ethical dilemma, indicating what your moral position would suggest that you do, and why.
- At the end, as a group, decide which is the most compelling case.

Categ. Imperative  Utilitarianism  Virtue Ethics  Ethical Emotivism

15 mins

SUMMARY OF POSITIONS: POSSIBLE ANSWERS

The Categorical Imperative
- Do the right thing: it is absolutely necessary, no matter what.
- Don't harm your coworkers or supervisor as a means to an end.

Take action:
- Discussing with coworkers
- Reporting to the supervisor
- Reporting the supervisor

Utilitarianism
- Maximize the benefit: happiness for the most people (your coworkers).

Take action:
- Discussing with coworkers (they may persuade you keep quiet until the right thing is done).

Virtue Ethics
- Follow the virtues: honor, justice, practical reasonableness, and prudence.

Take action:
- Justify the matter (sacred and public).

Ethical Emotivism
- There is no right or wrong, it depends on your emotion.

Take action:
- Pursue that which you may take action.
- If most people feel that something is wrong, the issue may come to a head.

10 mins
MORAL POSITION REFLECTION

- Think about which moral position you most strongly identify with and why
- Can you think of an example where your behaviour was consistent with this moral position
- Make some notes for yourself on this – HINT: you might need this for a later journal!

APPLYING THE APS CODE OF ETHICS

- Remaining in your groups, you will workshop a professional psychological ethical dilemma
- Each group will be given a different dilemma, and a copy of the APS code (this is available on BlackBoard).
  1. How does the APS Code suggest that you should behave when faced with this dilemma?
  2. Find the relevant section of the codes that indicate how a psychologist should behave when faced with this dilemma.
  3. How would the moral positions you have just taken suggest you should behave in this situation? (20 mins)

- Each group will then briefly tell the class what their dilemma was, what parts of the code they felt were relevant and how they believed the psychologist should proceed. (20 mins)
**PROFESSIONAL DILEMNAS**

- You are a neuropsychologist. You have been asked by an insurance company to review a battery of tests and a report by a psychologist hired by a claimant for compensation for brain damage due to a work-related injury. You do not recognize some of the tests and also strongly disagree with the interpretation of some of the test results. At the same time, you know the other psychologist, who has a good professional reputation.

- You are a forensic psychologist. You are asked to be on a disciplinary board for prisoners who have seriously transgressed prison rules, e.g., getting into fights. Depending on the judgment of the board, the prisoners could be subject to loss of privileges or even movement to a higher security section of the prison. You discover that a prisoner you have been counseling is on the list of cases to be heard.

- You are a clinical psychologist working in a remote community. It is common for psychologists in small rural or ethnic communities to unavoidably encounter their patients in shops, churches, and community events. Complete avoidance of multiple relationships is sometimes not possible as it would mean withholding treatment from clients in need. You attend the same local church as a client you have been treating for Generalised Anxiety Disorder. She begins to approach you after church to ask for your opinion on matters such as life after death, and the existence of a higher being.

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**PROFESSIONAL DILEMNAS**

- You are a research academic at a university. You have just been informed by one of your research assistants that they did not have time to debrief a first-year research participant after running an experiment with them last week. The laboratory experiment was designed to demonstrate the effects of negative feedback on mood levels. The first-year participant has now complained that severe depressive feelings and damage to his self-esteem resulted from the experiment, and that he has dropped his first-year psychology class.

- Managers of a manufacturing firm became suspicious that disgruntled employees may be sabotaging production. The managers hired an organizational psychologist to administer employee opinion surveys. The surveys were administered to employees with the assurance that their individual answers would be anonymous and that all summaries of data would be grouped so that individual respondents could never be identified. In fact, the surveys were constructed using a system that retained their staff numbers and names from login. The psychologist is then asked by management to report the names of those employees, who they believe show signs of dissatisfaction and, in the management's opinion, may be engaging in sabotage.
(c) Law: especially legislated statutes and decrees, often entailing penalties for non-conformity.

To what extent does law conform to moral norms?

Legal formalism = the error of equating legal conformity, e.g. by a corporation, with moral good in all cases (the related issue of legal minimalism).

Often professional codes of conduct are overly concerned with statutory conformity. This readily becomes legal formalism with too little concern for genuine moral principles.

Of course knowing and obeying legal requirements is important [when and if they are morally licit or at least morally indifferent.]

(d) Natural Law (jus naturalis): The moral law seen by many classic Graeco-Roman thinkers such as Plato, Aristotle, Cicero and by the Judaeo-Christian/Islamic tradition as the moral law “written by God in the heart of man” and in its essentials universal across time and culture.

In the Judaeo-Christian tradition, a properly informed conscience recognizes the precepts of the natural law and responds to them.

The term “ethics” is ambiguous as it has been used to refer to:

1. A system of moral standards or values
   (Latin: ethicus < Greek: ethikos < ethos = character, custom)
2. The study of such standards of conduct and moral judgement = moral philosophy.
3. Conformity to the standards of conduct and the customs of a given profession or group. Here the following are often confused and should be distinguished:

(a) Etiquette: forms, manners, and ceremonies established by convention as acceptable or required in social interaction (e.g. in a profession). Do these relate to morality strictly so called? Largely no, but sometimes yes.

(b) Morals: relating to matters of right and wrong conduct and principles of conduct. Here ethical issues are chiefly to be found (Moralis = Latin translation of Greek ethikos).
(ii) Strict “Duty Ethics” theorists, especially the great 18th century German philosopher Immanuel Kant (1724-1804), see the essence of morality in the will of the moral agent who follows duty.

Kant can be read as denying any positive role for the emotions. So liking or not liking the duty or the object of the duty is of no consequence and a “good will” is all important.

Before we look at some of the major classic positions in moral philosophy, it may be useful to make some distinctions.

What is the “locus” of morality, i.e. to what domain does the moral largely pertain?

This approach is often called deontological (from the Greek word deon = duty)

N.B. The Aristotelian-Thomistic theorists also regard duty as important, but see it as one aspect of morality.

Also, importantly, they see virtuous conduct if habitual (long practised) as relatively easy and even pleasant, whereas Kant almost seems to imply that the harder the moral act of the will, the more surely it is a moral act.

Position A: The dispositions and the will of the individual moral agent (you or I) is of primary importance.

(i) The “Virtue Ethics” of Aristotle (384-322BC) and of St. Thomas Aquinas (1225-1274AD) who are both in the natural law tradition emphasizes

The Categorical Imperative

- The Categorical Imperative is central to Kant’s moral philosophy.
- Here imperative is a command of reason which declares a certain action (or inaction) is absolutely necessary – an absolute, unconditional requirement of moral action.

(1) the moral importance of the will of the person and
(2) the moral importance of the long term acquired habits of the persons, i.e. if these habits are virtues then the individual is disposed to act morally in new situations and under new demands.

Nonetheless, Aristotelian-Thomist natural law theorists also give important weight to the actual consequences of moral decisions.
Position B: The outcome of behaviour – the consequences – are of primary importance

(iii) In the 19th and 20th centuries there developed a major ethical position, utilitarianism, which places almost exclusive emphasis on the consequences or outcomes of behaviour.

Morality lies not in the dispositions, intentions, and will of the moral agent, but in the outcome(s) of what he or she does.

- Contrast Hypothetical Imperatives which are imperatives based on an “if”, e.g. if I wish to acquire knowledge, I must study; if I wish to be fit, I must exercise. These are rational entailments.
- They are about means to ends and can be rejected if we reject the “if” (If I don’t want to go to New York, then I need not take a plane/ship; but if I do want to go, I must (rationally)

- Important theorists in this tradition are: Jeremy Bentham (1748-1832), John Stuart Mill (1806-1873), Henry Sidgwick (1838-1900) and currently the Australian/American ethicist Peter Singer (1946--)
- Utilitarianism (from utility = useful, beneficial) emphasizes the concept of the “greatest good (or happiness) for the greatest number”

- There are two major definitions by Kant of the Categorical Imperative:
  1. Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.

- A major problem and controversy has been to provide means for discerning what constitutes “the greatest good [for the greatest number]” in specific real situations.
- On the whole, utilitarians have denied moral absolutes in their search for “utility” – they have avoided absolutes such as, for example,

- 2. Act as if the maxim directing your action were to become through your will a universal law of nature.
   Human beings are never just means to an end for Kant.
   Compare to Christ’s injunction “Love your neighbour as yourself” (Mathew 22:29).
But, where temptation is strong, one suspects speciously reasonable grounds for specific exceptions can readily be found.

This is manifestly the case where strong emotions such as anger and sexual desire are involved; here classical moralists legitimately speak of “darkening or clouding of reason” by the passions.

(a) “an innocent human person can never be directly killed to obtain any advantage no matter how great and for how many.”
(b) “It is never licit (allowable) to tell a lie no matter for what benefit”; or the more general precept:
(c) “A positively evil act can never be directly willed to obtain a good no matter how great.”

• Note that in utilitarian theory, the motives of the moral agent are largely irrelevant, as long as the consequences of action (or non-action) have “utility”, i.e. benefit the greater number.
• A major philosophical problem with a utilitarian approach is deciding whether the moral goal is the greatest good or the greatest happiness or the greatest pleasure of the greatest number. All are terms that have been used in the past as the goals of moral action.

• Natural Law theorists would strongly assent to (a) and (c) with a general assent to (b) but with some modifications depending on the specific philosopher.
• But utilitarians, in general, do not see themselves held to any such universal or absolute moral norms, except (some might say oddly) to the universal norm of maximizing happiness for the greatest number.

• Here “good”, “happiness” and “pleasure” cannot be really considered as synonyms of each other.
• In many instances they may be incompatible – sometimes pleasure may be inconsistent with the overall good and/or happiness of individuals; that is with what Aristotle/Aquinas refer to as human flourishing.

• Some utilitarian moral philosophers adopt what is called “Rule Utilitarianism” which proposes that certain norms of behaviour, e.g. “do not commit adultery” probably benefit people most of the time and so (mostly or generally) should be followed for that reason.
• The prominent British ethicist Philippa Foot (1920-2010) proposed the famous “Trolley (Car) Problem” to which has been added the “Fat Man Problem”.
• A trolley car (tram) is hurtling down the track out of control and cannot be stopped by its driver but he is faced with the option of diverting it to a left track on which one worker is standing rather than continue on its natural path on the right track where five workers are standing.

• Bernard Williams (1929-2003) perhaps the leading British moral philosopher of the 20th century was a strong critic of utilitarianism.
• He created several thought experiments to underline what he saw were major weaknesses in utilitarian – consequentialist positions.

• What should he do and why?
• A utilitarian would consider the diversion mandatory as ensuring the greater good.
• But in doing so the driver is directly involved in bringing about the death of one man.

• In one famous thought experiment, an explorer, Jim, comes to a South American Indian village where the village chief is about to shoot 20 rebels.
As a compliment to the esteemed visitor the chief offers to set free 19 of the 20, if Jim shoots one. If Jim refuses, all 20 will be shot.

• Another philosopher Judith Thomson has modified the Trolley Problem with her Fat Man Problem, by proposing that you are on a bridge overlooking the track where the hurtling trolley is about to hit five people (there is no diversion track in this version).
• You realize the trolley could be halted if a large heavy weight is placed on the track.

• What is Jim’s moral duty here?
• To a utilitarian it is straightforward, he should shoot one of the Indians.
• Williams does not agree with this participation, however mitigated, in the shooting and deaths of any of the Indians.
• Emotivists take this position because they do not believe that non-empirical claims have any real meaning aside from their emotional correlates.

• All claims made in ethics, in aesthetics (the study of art as beautiful), and in theology are meaningless except as statements of feeling; e.g. “this painting of the Queen is much better than this other one”, is a totally subjective statement and largely meaningless according to strict logical positivists.

• As it happens, there is a very large fat man next to you. You can save five lives by pushing him over the bridge rail onto the track.

• What should you do?

• Interestingly, most people who approve of sacrificing one to save five in the Foot experiment, baulk at throwing the fat man on the track. Why?

• Are both solutions quite justified on utilitarian grounds? If so, what if anything is the difference?

• Classical moral theorists of all schools see Emotivism as a major mistake, just as the majority of 21st century philosophers see Logical Positivism to have been a mistaken general philosophical position.

• It is an extreme form of moral relativism, the position that claims that ethical views across time and cultures are so divergent that there can be no moral absolutes at all.

(iv) Ethical Emotivism. The theory of Ethical Emotivism arose out of British/American logical positivism in science and philosophy – (the notion that the only real knowledge comes from empirical observation and measurement).

Recent Revival of Virtue Ethics

• In the late 20th century there has been a major revival of the Aristotelian-Thomistic Virtue Ethics tradition with its emphasis on the character attributes of the moral agent.

• A major thinker in this revival is the Scottish philosopher Alasdair MacIntyre (1929 - ) who published After Virtue in 1981 and Three Rival Versions of Moral Inquiry in 1990.

The Englishman Alfred J. Ayer (1910-1988) and the American Charles J. Stevenson (1908-1979) claimed that moral responses are based on emotion, i.e. how a person feels about something and not on rational grounds.

Sometimes simplistically called the “Boo-Hurrah Theory”

So, when someone says, “I don’t approve of stealing” they are largely just expressing a feeling about stealing.
• In the Aristotelian scheme, every vice has a contrary virtue.
• Vices are best avoided by acting against them by continual practice of the contrary virtue – the doctrine of “agere contra” (Latin = to act against).
• Thus the vice of excessive parsimony (stinginess/meanness in plain English) is best conquered by the habitual practice of the contrary virtue, generosity.

The Doctrine of the Mean

• Aristotle and Thomas Aquinas both pointed out that most virtues lie, as it were, between two extremes that are vices.
• These virtues are excellences of function or purpose and are realisations of full and proper human potential which contribute to eudemonia, a Greek word that is best translated as “full human flourishing” rather than the more usual translation of “happiness”.
• The vices degrade human flourishing.

• The English philosopher Philippa Foot (1920-2010) who published Virtues and Vices in 1978 was another prominent virtue ethician who made significant criticisms of utilitarianism.

• Aristotelian-Thomistic thinkers emphasize that the whole enterprise of applied professional ethics, including codes of practice for psychologists, is flawed if moral norms are presented outside the all important context of the development of moral habits (virtues) in the professional person and the systematic habitual avoidance of morally bad habits (vices).

• Thus, the virtue of courage lies between two vices, one of excess, i.e. rashness, and one of deficiency, cowardice.
• The virtue of temperance lies between the excess of self indulgence (licentiousness) and the deficiency of insensibility (or lack of interest in pleasures).

• Without training in the virtues and the development of character, a professional code is a document whose instructions are only enforceable by penalties, and then only if infractions against the code are discovered and reported.
• Mere reading, understanding, and even intellectual assent to the moral correctness of a code is no guarantee at all that the code will be followed if the professional is lacking in character, i.e. habitual virtue.
The Principle of Double Effect

- A very important distinction made in classic Aristotelian-Thomistic moral theory.
- Aquinas pointed out that acts with similar consequences may be based on different intentions and hence be quite ethically different.
- Whereas, an act with evil consequences cannot be directly willed, an evil consequence can be tolerated arising from a good act and consequence when the evil is not intended but rather abhorred but is unavoidable.

The Cardinal Virtues

- In the western tradition, there are four cardinal virtues (cardinalis Latin - pertaining to a hinge) around which the other virtues are hinged. These are:
  - Justice
  - Prudence
  - Temperance
  - Fortitude (moral strength or courage in adversity)

Example 1. The direct killing of a dying patient cannot be morally intended in strict Thomistic natural law ethics, but if the relief of such a patient’s pain requires the use of doses of drugs with possibly life-threatening consequences as side effects, the risk can be tolerated as it is not the direct intention (or goal) of the treatment.

Example 2. Likewise, the direct killing of a foetus cannot be intended and carried out in strict Thomistic ethics, but if a foetus is growing in one of the mother’s fallopian tubes (ectopic pregnancy) and rupture of the fallopian tube and loss of the mother’s and the foetus’s life are certain if the condition is untreated, it is licit to surgically remove the tube as the direct effect even though (given the early stage of the foetus’s development) the secondary effect not intended is the death of the foetus.

The Theological Virtues

- In the Christian moral tradition, three virtues directed to God (the theological virtues) are distinguished:
  - Faith
  - Hope
  - Charity (or love that does not seek a reward). Moreover, charity directed to God and our neighbour is considered an even higher virtue than justice.
• Is this a legitimate use of the Principle of Double Effect?
• If not, is it the preferred option for a utilitarian consequentialist?
• Or is it simply morally illicit, although to do otherwise (allow the baby to scream and cry) almost certainly would lead to the capture and death of the refugees?

• Ditto hysterectomy to remove a uterus with a rapidly developing uterine cancer containing a foetus not yet viable.

• The principle of proportionality must always be applied:
  • The good effect must greatly outweigh the evil tolerated.
  • e.g. bombing enemy headquarters to rapidly end a war even at the risk of death to some nearby civilians which deaths are not intended by the bomber.

• But to bomb targets such as an enemy hospital to terrorize the enemy into capitulating is never justified as a directly intended act.
• From this perspective the use of atomic bombs on civilian targets in two Japanese cities in 1945 cannot be morally justified.
• However, from a utilitarian perspective the bombing, which brought about almost immediate Japanese surrender, was justified.

Thought Experiment

• A group of 20 Jewish refugees hiding from approaching Nazi troops – a sick crying baby must be silenced.
• Force is applied to restrain the crying and suffocation results because the Nazi troops do not leave quickly enough.
• The Ethical Standards of the US Code represent obligations and in principle can attract sanctions (i.e., various types of corrections, reprimands, and punishments).
• The General Principles are not the direct basis for such sanctions, although the Ethical Standards are claimed to derive their moral force from these principles.
• Before we look at the General Principles of the Australian Code, let us examine the General Principles of the American document.

General Principles of the American Code
• There are five General Principles in the US code (A to E)
• Principle A: Beneficence and Nonmaleficence [Latin: Bene = well, good; fic < facere = to do]
  [Latin: Non = not, male=evil, fic<facere = to do]
  Psychologists strive to benefit those with whom they work and take care to do no harm.
• The US code applies this principle to both humans and (experimental) animals. Where conflict occurs among obligations/concerns, psychologists should strive to avoid or minimize harm (Nonmaleficence).

• Principle B: Fidelity and Responsibility.
  “Psychologists establish relationships of trust...they are aware of their professional and scientific responsibilities…”
• Includes specific reference to “pro bono” work (Latin: pro bono publico = for the public good), i.e. part of their time should, if possible, be dedicated to work for no financial advantage.

• In recent revisions of the Australian Psychological Society’s Code of Ethics in 1986, 1997, and the current version 2007, the clear influence, both positively and negatively, of the Ethical Principles and Code of Conduct of the American Psychological Association can be seen.

• The American Code makes an important distinction between its General Principles and its Ethical Standards of Conduct:
• The General Principles are said to be aspirational in nature. “Their intent is to guide and inspire psychologists to the very highest ethical ideals.”
Principle E: Respect for People's Rights and Dignity.

- Interestingly this is the last of the US document's principles, but the first of the Australian Code's.
- The US Code emphasizes "respect (for) the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination."
- Psychologists should respect cultural, individual and role differences (including socioeconomic status) without showing bias or preference.

- Principle C: Integrity
- (Literally from the Latin integritas = the state of being whole, not in parts. Used metaphorically to mean having strong moral principles and acting consistently on strong moral principles - the latter is the better definition because it takes in character/virtues and consequent behaviour).
- In the US Code, integrity is used to refer to the goal of promoting "accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology."

- Notoriously, the term "dignity", as used in modern professional codes of all kinds has attracted criticism for its vagueness of definition.
- [Latin: dignus = worthy].
- To say that it implies that everyone should be treated with respect (are worthy of respect) is undoubtedly true, but what is "respect"?

- Principle D: Justice [In classical moral philosophy especially Aristotelian/Thomistic ethics, justice is the overriding virtue which disposes one to give each his/her due).
- In the US Code initially rather vague reference is made to the recognition "that fairness and justice entitle all persons to access to (sic) and benefit from the contributions of psychology..."

- Chiefly, a feeling of (deep) admiration for someone elicited by their qualities or achievements (Oxford Eng. Dict.).
- But in the two codes it is more general: all are worthy of respect. Meaning not parity of esteem, but all should be treated justly, fairly as human beings.

- A major problem with the free market individualism that characterizes the American healthcare system is that it creates real and serious real and ongoing challenges in the domain of strict justice.
- Example: the non-availability of adequate individual psychotherapy to the poor and uninsured.
General Principle A: Respect for the rights and dignity of people and peoples.

- “Psychologists regard people as intrinsically valuable and respect their rights, including the right to autonomy and justice” [autonomy < Greek auto (self) nomos (law) – i.e. the possession or right of self-government and freedom of action].

The Three General Principles of the 2007 Australian Code are

A. Respect for the rights and dignity of people and peoples
B. Propriety
C. Integrity

The Australian APS Code claims to derive its 28 Ethical Standards from these general principles

- The Explanatory Statement makes reference to “legal rights and moral rights, their dignity and right to participate in decisions affecting their lives.”

- In the Australian APS Code the general standards are supplemented by an extensive series of Ethical Guidelines.
- These guidelines have grown in number over the past two decades and now number 23. They include guidelines relating to suicidal clients, guidelines for psychological assessment and the use of psychological tests, guidelines on the prohibition of sexual relationships with clients, and guidelines on record keeping.

- The Ethical Standards linked to General Principle A are:
  A1 Justice
  A2 Respect
  A3 Informed consent
  A4 Privacy
  A5 Confidentiality (includes treatment of disclosure)
  A6 Release of information to clients
  A7 Collection of client information from associated parties

- How are the Three General Principles described/defined?
- There is a short descriptor for each followed by a longer Explanatory Statement.
- These are each followed by a set of Ethical Standards linked to the said General Principle.
General Principle B: Propriety

- Propriety is an odd word to use here as currently it means correctness concerning standards of behaviour and morals, but has an aura about it of formal correctness and adherence to conventions of "proper" behaviour.
- (It derives from the Latin proprietas = property, what one owns < proprius = peculiar to own's self, one's own)

B6 Delegation of professional tasks (extensive use is made in the US [much less so in Australia] of psychological technicians who carry out testing and administer standardized treatment programmes)

- The Code notes under this principle: "Psychologists ensure they are competent to deliver the psychological services they provide. They provide psychological services to benefit, and not to harm. Psychologists seek to protect the interests of the people and peoples with whom they work. The welfare of clients and the public, and the standing of the profession, take precedence over a psychologist’s self-interest."

B9 Accepting clients of other professionals

- The associated Explanatory Statement expands on these points with special reference to competence and responsibility for one’s own actions.

B10 Suspension of psychological services (as during absences of psychologist, e.g. holidays, illness, travel etc)

- The Ethical Standards linked directly to General Principle B are 14 in number and some have numerous sub-clauses.

B11 Termination of psychological services (includes important reference to clients who cannot any longer afford to pay for services – a major ethical issue and problem)
There are seven Ethical Standards associated with the principle of Integrity:

C1 Reputable behaviour

C2 Communication (includes reference to misrepresentation by or about a psychologist, as in false claims to specific competencies and abilities – a major current area of ethical contention).

C3 Conflict of interest (as, e.g. multiple relationships, as with parties who know the client; vested financial interests in particular products and services).

C4 Non-exploitation (includes specific directives regarding sexual activity with a present, prospective, or past client).

C5 Authorship

C6 Financial arrangements

C7 Ethics investigations and concerns

B12 Conflicting demands [here there is reference to and recognition of the moral dilemmas that may arise from work within organizations and/or teams when the organization may require of the psychologist work in conflict with the code].

B13 Psychological assessments [largely refers to testing standards].

B14 Research

General Principle C: Integrity (see above regarding the use of this term by the American APA Code).

- One could argue about the semantic overlap of "propriety" and "integrity".

- The Code notes under this principle: "Psychologists recognize that their knowledge of the discipline of psychology, their professional standing, and the information they gather place them in a position of power and trust. They exercise their power appropriately and honour this position of trust...Psychologists act with probity and honesty in their conduct."

- A feature of both the Australian APS Code of Ethics (2007) and of the American APA Ethical Principles of Psychologists and Code of Conduct (2002) which has often struck readers, especially lawyers, from outside the profession of psychology is the lack of any direct detailed reference to specific penalties for violations of the two codes.

- The Explanatory Statement which follows is quite brief and alludes inter alia to being aware of one's biases, the limits of one's objectivity, and the importance of maintaining proper boundaries with clients.
- The APS (Australian Psychological Society) has its Ethics Committees and can impose sanctions, the most extreme being expulsion from the Society.
- The State Registration Boards for Psychologists (soon to be consolidated at the Federal level) investigate complaints and can exact penalties including deregistration.
- This is a significant sanction as the practitioner so punished can no longer use the title "psychologist" and will cease to receive subsidies offered to patients visiting psychologists for a specific number of referred consultations.

- No graded series of sanctions are attached to infractions of the mainly positively expressed expectations forming the bulk of the Codes.
- The Codes generally use expressions such as: "Psychologists do not disclose confidential information";
  "Psychologists do not exploit people with whom..."
  "Psychologists avoid discriminating unfairly against..."

- Moreover, clients/patients can take action in the ordinary courts, including civil and criminal actions, against psychologists where specific offenses are alleged that come within the jurisdiction of the courts.
- Psychologists in consulting roles in organizational psychology, clinical and neuro-psychologists and more rarely forensic psychologists, have been subject to these actions over the past decade.

- It is true that under the General Principle C: Integrity at C7 reference is made to Ethics Investigations but it is only to note that:
  C.7.1 Psychologists cooperate with ethics investigations...
  C.7.2 Outlines what psychologists should do if they reasonably suspect another psychologist is acting contrary to the Code’s Principles and Standards,
  C.7.3 Notes that psychologists do not lodge, or endorse the lodging of trivial, vexatious, or unsubstantiated ethical complaints against colleagues.

- But such actions in the courts usually make no direct reference to the Code of Ethics, as the reference points are state and federal laws.
- Thus a majority of such actions involve allegations of professional negligence (e.g. inappropriate or invalid testing, false diagnosis, inappropriate treatment, financial irregularities, and sexual misconduct).
- Many of the same complaints are often initially taken up with either the APS Ethics Committees or the Registration Boards.

- So, are the APS and the APA codes “toothless tigers” or even “window dressing” to reassure the public that the profession recognizes the importance of ethical issues with documents which are exhortations to virtue?
- This view is too cynical.
- There are in place in Australia real paths of complaint, investigation, resolution, judgement and where appropriate, the imposition of graded penalties.
A therapist who had recently moved to a metropolitan area was treating a young woman for substance abuse and depression. After several weeks of therapy the patient informed her that there were really “two of her” living in the same body and that “the others” would like to talk with the therapist as well. The therapist hypothesized that this patient might meet the criteria for dissociative identity disorder. She had never encountered a patient with this degree of severe psychopathology. However, because she had recently opened her independent practice and did not want to turn away new patients, she arrived at the rationalization that she had the competence to continue treating this woman. Unfortunately, because of her busy schedule, she failed to augment her competence by consulting those who were knowledgeable about this disorder, attending workshops, or sufficiently researching the literature on dissociative disorder. After several weeks of treatment, one of the various alternate personalities of this patient made a suicide attempt by driving her car into a tree, and the patient was hospitalized in critical condition. This was enough of a warning to the therapist about her inadequate skills in offering therapy to a patient with this diagnosis, and she promptly contacted a colleague who was experienced in the treatment of dissociative disorders for consultation.

MULTIPLE-ROLE RELATIONSHIP

A therapist experienced a physical attraction to a new patient—a female high school teacher seeking treatment for obsessive-compulsive disorder. Nevertheless, he provided competent treatment for her disorder, ultimately concluding her treatment in 5 months. One year later, he encountered the woman at a workshop on attention-deficit disorder in children and adolescents. They were pleased to see each other again in this new setting, acknowledged their mutual attraction for one another, and tentatively began to explore a romantic relationship. As their personal relationship became stronger, the teacher experienced a relapse of her obsessive-compulsive symptoms but was cautioned about whether to discuss this with her former therapist now that their affection for one another had begun to include a physical component. The therapist also recognized the return of her compulsions, noticing that she was spending much time checking up on herself and having increased periods of anxiety and worry. He attempted to help by revisiting his original therapy interventions with her but had found that he had much less patience now and began to be irritable with her and more sarcastic at times. He realized, belatedly, that the relationship had not turned out the way he thought it might and that he had harmed his former patient by beginning a romantic relationship with her.

PRIVACY

A psychologist was teaching a course on marital therapy to graduate students and used examples from her clinical practice to illustrate various theoretical approaches. To protect their anonymity, she changed the names and ages of the husbands and wives in her examples. Unfortunately, in describing one of the husbands as “a well-known lawyer” and in accidentally revealing his specialty area, intellectual property, she divulged too much information to protect the husband’s anonymity. Furthermore, it so happened that one of the graduate students in the class was acquainted with this particular man because her husband had graduated from the same law school. Some others in the class simply knew the man by his local reputation because there was only one lawyer in town who specialized in intellectual property matters.