

Professional Ethics in the Context of Psychotherapy

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Evidence Based Psychotherapy

Learning Objectives

- ❑ Summarize the APA 5 general ethical principles
 - ❑ List the Ethical Principles outlined in the Professional Code of Conduct that relate directly and indirectly to service delivery
 - ❑ Differentiate between Utilitarian and Deontological approaches to ethical decision making
 - ❑ Apply ethical decision making to therapy-related case examples
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Ethics

- What are ethics?
 - Rules
 - Decision Framework
 - Most professions have an ethics code, that guides the ethical decision making process on a day-to-day basis
 - How are codes developed
 - What do you do if the dilemma is not directly addressed by a code?
 - Answer: ethical decision making
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Ethical Approaches

- Utilitarian
 - Deontological
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UTILITARIANISM

Note: the Utilitarian and Deontological Slides were
created by Richard DeGeorge, Ph.D.

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Utilitarianism

Basic Generalization:

Actions are right if they produce more good than bad when the consequences to all affected parties are considered. Otherwise, they are wrong.

Also known as the “greatest happiness principle”: An action is right if it produces the greatest amount of happiness for the greatest number of people.

WHAT IS GOOD?

Pleasure

Absence of pain

Happiness

Satisfaction of preferences

Well-being

UTILITARIAN ANALYSIS

1. Analysis is universal: If action is right for me, it is right for all similarly placed.
2. Each person counts equally.
3. The consequences for *all* are considered.
4. Not just a cost-benefit analysis.
5. Calculation is objective.

ACT vs. RULE UTILITARIANISM

□ Act utilitarianism:

Consider effects of this particular act in this particular circumstance.

(E.g., Provide this treatment for this particular person)

□ Rule utilitarianism:

Consider effects of following the general rule covering this class of actions

(E.g., Use this treatment whenever you feel like it)

UTILITARIAN APPLICATION

1. State the action to be evaluated
2. State all the pertinent facts
3. Identify all affected by the action
4. Specify all the good and bad consequences for all affected parties
5. Total the good and bad.
6. Consider all alternatives imaginatively

The action that produces the most good over bad is the morally correct action

POTENTIAL PITFALLS TO GUARD AGAINST

1. Stopping analysis too soon.
 2. Not considering all those affected, including those indirectly affected.
 3. Giving preference as more likely to the outcomes one prefers.
 4. Guessing consequences without adequate basis.
 5. Weighing good versus bad outcomes too quickly and without adequate justification
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LIMITATIONS

1. In some new situations we cannot know the consequences of an act or policy.
 2. It gives a circuitous and counter-intuitive account of:
 - justice
 - rights
 - virtue
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DEONTOLOGICAL APPROACHES TO ETHICS

(Not reducible to consequences.)

Duties

Rights

Justice

DUTIES

Action that should be done or avoided regardless of consequences

(e.g., 10 Commandments; actions specified by law; rules set by APA, NIH, etc.)

(Sets of rules in a field are known as deontological ethics.)

DUTIES

1. Based on respect for persons
 2. Based on requirements of research
 3. Based on role-related responsibilities (e.g., therapy)
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Kantian Tests of Morality of an Action

1. Can the action be performed by everyone without any contradiction developing to prevent its continued performance?
2. Does the action treat everyone as an entity deserving respect and not as a means only?
3. Would the rule guiding the action be accepted by rational people whether they were on the giving or the receiving end of the action?

A moral action answers all three questions: yes

STEPS OF A DUTY-BASED ANALYSIS

- 1. Accurately state the action to be evaluated, being careful not to specify it too narrowly.**
 - 2. State all the pertinent facts.**
 - 3. Submit the action to the three tests:**
 - a. Can the action be performed by everyone without any contradiction developing to prevent its continued performance? If no, the action is immoral. If yes:**
 - b. Does the action respect people as ends and not as means only? If no, the action is immoral. If yes:**
 - c. Is the action such that all rational people, whether on the giving or receiving end of the action, would will all people to so act? If no, the action is immoral. If yes, the action is prima facie moral.**
 - 4. If the action is prima facie moral, does it conflict or seem to conflict with other general prima facie duties, such that both cannot be fulfilled together? If no, then the morality of the action is decided. If yes, go to step 5.**
 - 5. Consider arguments in defense of and against each of the prima facie duties being the actual duty in the case in question. The one with the strongest argument in its favor is the actual duty**
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RIGHTS

A. DEFINITION OF RIGHTS

Rights are important, justifiable,
normative, claims or entitlements

B. KINDS OF RIGHTS

Human (moral, natural rights)

Civil (legal) right

Special rights

D. LOGIC OF RIGHTS

Rights usually imply obligations

Some rights are alienable, others not

Rights usually cannot be overridden by consequences

Rights are usually prima facie and so defeasible by stronger rights

C. RIGHTS AND OBLIGATIONS

Negative rights – right cannot be interfered with in a certain domain

– obligation not to interfere

Positive rights - entitlement

- obligation to take action on your behalf

STEPS OF APPLYING RIGHTS

1. State clearly the moral issue to be resolved. If it involves claims of rights, then:

 2. State all the pertinent facts.
 3. Then determine about each right:
 - a) Is it widely accepted and acknowledged as a right? If not, how can it be defended?
 - b) Who holds the right and against whom is it exercised in this case?
 - c) What obligation does it impose on the one against whom, it is exercised?
 - d) Is there more than one right present in the case, and if so do they conflict?
 4. If the rights conflict, determine which is most important and should take precedence in this case, presenting the reasons for that precedence.
 5. Having determined the dominant right in the case, is there any reason to think it might be overridden by other considerations? If so, consider them. If not, apply the right in question.
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JUSTICE

A. DEFINITION

Giving to each his due, and
treating similar cases
similarly and dissimilar cases
dissimilarly

B. KINDS

Commutative
Compensatory
Retributive
Procedural
Distributive

C. CRITERIA FOR DECIDING WHAT IS DUE

Merit

Need

Contribution

Effort

Ability

Etc.

VEIL OF IGNORANCE

A technique for settling issues of justice objectively:

Behind an imaginary veil, consider the issue from the point of view of each of the parties; not knowing which party you are, what outcome or decision would you be willing to accept?

STEPS OF APPLYING JUSTICE

1. State clearly the moral issue to be resolved and whether it involves claims of justice.
2. State all the pertinent facts.
3. Determine which kind of justice is pertinent.
4. Go behind an imaginary veil of ignorance and ask whether all affected parties, if they did not know whether they were on the giving or receiving end of the action or transaction or practice) if they were adequately informed with the appropriate information, and if they were thinking as rational people, would view the proposed action as acceptable. If so, the action is thus far just. If not, it is not just.
5. Determine whether there are other considerations, consequences, circumstances that mitigate or change the application of that judgment. If so, settle these to determine whether the action is just. If there are none, the previous conclusion stands.

PITFALLS AND LIMITATIONS OF DEONTOLOGICAL APPROACHES

1. Does not consider consequences.
 2. Account of virtue is inadequate.
 3. Is often rigidly applied and fails to consider possible exceptions.
 4. Justice often needs to be tempered with mercy.
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TESTS OF THE ETHICAL CORRECTNESS OF A DECISION

If I were on the receiving end of this decision or policy would I accept it as fair or just?

Does it respect the rights of all parties?

Does it produce more benefit than harm overall?

Am I willing to have this decision or policy made public?

Can I explain it to my spouse and children?

Does it go beyond the moral minimum and reach towards moral ideals?

Applying this to Psychotherapy

□ Group Work:

- Each group describe one of the 5 ethical principles
 - Name two ethical standards that relate directly or indirectly to the science and/or practice of psychotherapy
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What Types of Ethical Dilemmas do Psychologists Most Often Face?

- ❑ Pope and Vetter, 1992 survey of 1,319 APA members
 - Confidentiality (18%)
 - ❑ Do you tell a mother that her 17 year old child had an abortion?
 - Dual Relationships (17%)
 - ❑ Therapist realizes that his client is dating his daughter
 - Payment methods/plans (14%)
 - ❑ Managed care discontinued benefits, but treatment is not over
 - Academic Training/Mentoring (8%)
 - ❑ Concern over emotional stability/intellectual ability of students accepted to doctoral programs
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Applying Ethical Decision Making: Case Examples
