



Ethics:

Advanced Issues and Practice

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Introduction: Why study ethics?

- State regulations mandate ethics study
 - Following the regulations is the ethical thing to do!
- Ethics is dynamic : what is ethical today, may not be ethical tomorrow
 - In 1960 most physicians believed it was immoral to tell an elderly patient she was terminally ill
 - In the 1930s interracial marriage was illegal
 - In the 2020s things will have changed from today

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Finding the answers you need

- Yes, there are right answers
 - Finding them can be hard work
 - They are often unique to the individual
 - Only you can determine your right answers

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Some goals for today

- To make your journey to the ethically right answer easier
- To help you avoid ethical mistakes
- To explore the intersection between law and your heart

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Where does morality come from?

- Firstly, it is a moving target
 - Morality of individuals improves over time
 - Selfishness turns to altruism
 - Empathy expands
 - Standards of right/wrong become internalized
 - Morality of cultures improves over time
 - Trends toward equality (racial, gender, disability, etc)
 - Trends toward increased kindness (punishment, stigma, etc)

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Kohlberg's Level 1 (Pre-Conventional): Children and a few adults

- 1. Obedience and punishment orientation
 - The moral valence of an action is determined by its direct consequences
- 2. Self-interest orientation
 - Social interactions are good/bad depending on what the outcome is for me

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Kohlberg's Level 2 (Conventional): Most teens and adults

- 3. Interpersonal accord and conformity
 - Moral valence is determined by social recognition—of me
- 4. Authority and social-order maintaining orientation
 - Moral valence is determined by what is good for society

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Kohlberg's Level 3 (Post-Conventional) A very few adults

- 5. Social contract orientation
 - Individuals, while unique, have a responsibility to uphold social contract
- 6. Universal ethical principles
 - Embraces that principles and values stand above outcomes (self or society)
- 9. Transcendental
 - (Theoretical), religious, faith, cosmic

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Kohlberg, Lawrence; Charles Levine, Alexandra Hewer (1983). Moral stages : a current formulation and a response to critics. Basel, NY: Karger. ISBN 3-8055-3716-6.

Kohlbergian alternatives/critics

- His focus is primarily around issues of justice, as opposed to caring, welfare, harm, and beneficence¹
- He uses a post-hoc process to attribute reasoning to choices that are made emotionally²

The focus is abstract and rational, yet morality is passionate and personal

¹Gilligan, C. (1982). In a different voice: Psychological theory and women's development. Harvard University Press: Cambridge.
²Turiel, E. (1983). "The Development of Social Knowledge: Morality & Convention." New York: Cambridge University Press.

Moral Standards

- Moral absolutism (deontologic -Kant)
 - Certain things are intrinsically right and wrong
 - Murder, drugs, sexual acts, eating meat on Friday, teaching evolution
 - Universality issues
 - We struggle when the morally correct behavior has a terrible result
- Moral relativism (utilitarian -Mill, Bentham)
 - It is the outcome or end-result that matters
 - Accidentally killing innocents during war for the greater good
 - The end justifies the means
 - We struggle when the outcome is unclear

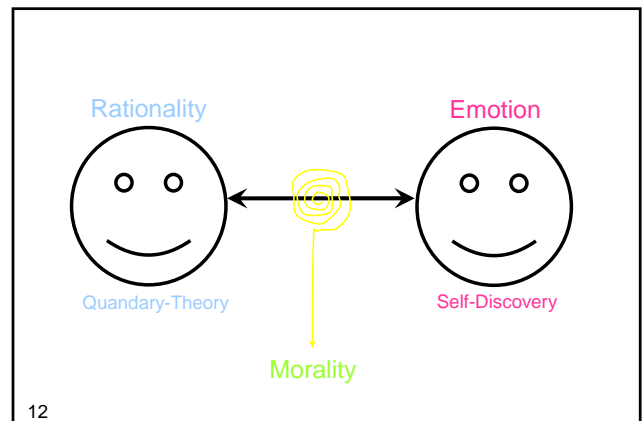
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Combining the emotional and rational (a universal grammar of morality?)

- Learning of language may be a powerful metaphor for learning morality
 - Each language has unique words ⇔ Each culture has unique ethical domains
 - How the words/ethical domains are stitched together follows (more or less) universal rules
 - Noun, verb, adjective, adverb
 - Forbidden, required, permitted, valued, despised
 - The rules are flavored with exceptions

Hauser, Marc D. Moral Minds: The nature of right and wrong. Ecco (HarperCollins) New York, 2006

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Linguistic Grammar Inconsistencies

ring, rang, rung
 drink, drank, drunk
 bring, brang, brung

Moral Grammar Inconsistencies

Trains and transplants

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Legislated morality

- Morality distilled into rules (laws, codes of conduct, professional standard, clinic policies, etc)
- Where to find the RULES:

<http://www.socialworkers.org/pubs/code/code.asp>

<http://www.legis.state.wi.us/rsb/code/mpsw/mpsw020.pdf>

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Rule-based Morality - Problems

- Rules are a distant approximation of the richness of human emotion
 - They introduce arbitrary discontinuities
 - They are always an oversimplification
 - They are inefficient to change

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Why we must have rules

- For consistency
 - For a smooth-running society, there must be standards and expectations
- For domains that are *potentially* a problem
 - These rarely produce ethical distress
 - Ethics training
 - Boundary violations
 - Speeding

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Summary

- The foundation of ethics and morality
 - Human emotion/reason underlies morality
 - Rule-based ethics is an approximation of genuine ethics
 - The result is that rule-based ethics are eventually an affront to common sense
 - Boundaries and dual relationship issues are a specific type of rule-based ethics

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The core issues in many ethical dilemmas are conflicts in moral standards

- Conflicts between two rule-based standards
- Conflicts between a rule-based standard and a personal standard
- Conflicts between your own standards
- The limits and strengths of quandary theory
- Other permutations

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Child Abuse Reporting: Interactions between rules and emotions

- *A difficult scenario: You see a 29 y/o mom (in your waiting room) slap a two month old child*
 - The child asked for a drink of water
 - The mom became irritated
 - The child asked again
 - SLAP!!
 - The child cries hysterically
 - There is a red mark on her cheek

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Should something be done?

- Yes!
 - Obviously there is a problem
- Why
 - Because of mandated reporting laws?
 - Because of your judgment?
 - Because the child is in danger?

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Mandated reporting

- Who?
 - Therapists, clergy, teachers, many others
- What?
 - Abuse or reasonable suspicion of abuse
 - Deliberate actions
 - Reasonably seen to result in a need for medical attention
- Surprisingly, this case does not fit!

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So what to do?

- Report! . . . (usually)
 - Not all reporting is “mandated”
 - It is the “right thing to do”
 - You do have discretion, so use it wisely!

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A few more thoughts

- The law is a crude instrument
 - But there are also letters, policies, and other bureaucratic guidance
 - Know the rules, but don't lose sight of your heart
- Even mandated reporting ultimately hinges on what is in your heart and your own sensible judgment
 - “reasonable suspicion”
 - Levels of risk
- This is a simple example, life is complex
 - Sexual abuse
 - Emotional abuse
 - Neglect

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Questions and Discussion

- Have you ever regretted reporting?
- Have you regretted not reporting?
- When does your responsibility end?
- What if your team is in disagreement?

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