

# Chapter 8

## Ethical challenges

Ethical issues can present us with some very difficult questions. This chapter will not necessarily resolve those questions, but will at least raise the issues and sharpen awareness of what they can mean for us.

It may be stating the obvious, but when conducting research important ethical questions arise. Broadly speaking the areas of ethical concern are:

- the manner in which clients are involved in and experience research work
- the manner in which research is conducted

In order to explore ethical questions in research it might be worth starting by establishing some fundamental points about ethics and ethical positions.

This chapter will include:

- Ethical principles
- Ethical debates
  - Virtue ethics
  - Absolute moral rules
  - Taking account of circumstances
  - Existentialism and morality
- Making it difficult
- The ethics table
- Ethics and research
- The interests of the client
- Moral responsibility
- Key points

## Voices

Jocelyn has just started working for the NHS.

*“The NHS puts a lot of emphasis on ethical practice, and I know it is really important but surely as long as you remember that there are ethical standards you have to apply in your practice you can’t go wrong.”*

When carrying out research there are certain issues about research that are important to be aware of, partly because in the past some research was carried out with little regard for the impact it had upon the **respondents**. For example the famous (or infamous) Milgram experiment (for details go to: <http://www.und.edu/instruct/wstevens/PROPOSAL-CLASS/MARSDEN&MELANDER2.htm>)

Let’s look briefly at some of the principles behind ethical positions and then consider how ethical standards operate in research work.

Before we go on, it is important to note that professional bodies provide full statements about ethical standards - available here –

- [http://www.bacp.co.uk/ethical\\_framework/](http://www.bacp.co.uk/ethical_framework/)
- <http://www.bps.org.uk/what-we-do/ethics-standards/ethics-standards>
- [http://www.cosca.org.uk/new\\_documents.php?headingno=2&heading=Ethics](http://www.cosca.org.uk/new_documents.php?headingno=2&heading=Ethics)

## Ethical principles

The ethical standards we operate by come out of a long debate about moral issues. They are related to other aspects of our society and culture and arise at least in part out of the history of research and clinical treatment. Experiments such as Milgram’s (mentioned above) helped to stimulate a debate about ethics and research. To begin with let’s make a few basic points that can help to clarify some of the difficult questions associated with this important area.

The terms ethics and morality historically meant the same thing. The word ‘ethics’ derives from an ancient Greek term that meant the culture or values

of society. The word 'morality' is derived from a Latin word that means – you guessed it – the culture or values of society. Today there is some difference in how these words are used. You might say that while morality relates to the general standards of behaviour in society as a whole, ethics tends to be used with reference to particular sets of standards applied within a profession or discipline. So morality is about how we behave in our daily lives within society, whilst ethics is about the particular rules we apply to our professional practice. But for the most part both are very similar.

There are perhaps three main positions that we should be aware of that guide thinking on ethical matters.

1. We should live and work by absolute moral rules.
2. There are no absolute moral rules, rather we need to take each situation on its own merits and apply the idea that we should never do harm, and we should always act in a manner that benefits the individual and society.
3. It is not about any kind of rules rather it is about our attitude. As long as our practice is guided by important moral principles then we can't go wrong.

Ethics are often regarded as culturally specific. Different cultures and societies can and do have different standards of behaviour, and different moral systems. The moral standards of people in Britain have changed over time and will probably change in the future. It may well be that what we consider to be important standards currently in terms of practice and research will be thought unimportant in the future. Ethical standards and moral principles are also historically specific; they alter over time. We hope that means that they improve but in order to make sure that this is true every practitioner and researcher has a responsibility to be part of the debate about ethics in counselling.

One definition of ethics is - 'the rules by which people are committed because they see them as embodying their values and justifying their moral judgements' (Barnes and Murdin 2001 pg 9). But **virtue ethics** (see below) is more about who you are, rather than being about adopting sets of specific 'rules'.

## The ethical debates

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Each of the broad perspectives on morality and ethics has a long history. A whole branch of modern philosophy is dedicated to the study

of morality. We will avoid, as far as possible, getting caught up in the complications of that debate here, but we do need to know something about the three main positions outlined above because they do underpin many of the ethical codes that are important in professional practice.

## Virtue ethics

This is the idea that morality is not about having specific set rules that are always applied, but rather that you have an attitude of mind, a set of broad ideas about how you approach moral issues and these attitudes – or virtues – determine how you think. This position goes back to the ancient Greek philosopher Aristotle (yes, it is that old) but for a long time virtue ethics were more or less disregarded. More recently this perspective on morality has gained ground again and has become very important once more.

Morality then is about a range of behaviours; there are extremes we should avoid and instead try to find a balance point between those extremes. We might want to say that there is a rule, we should never break the principle of client confidentiality, but actually it is more complicated than that. Virtue ethics would take us to a ‘middle ground’ rather than taking adopting the absolute rule of never breaking a confidence. There may be occasions when we should break a confidence because that is the moral thing to do.

Virtue ethics is not a relativist position, it is not about circumstances dictating how we should behave, rather it is about adopting principles of behaviour that remain the same. But those principles can give rise to different behaviours in different circumstances. Taking the principle that ‘we should do no harm’ can be interpreted differently in different circumstances. The principle does not change, but it can give rise to different actions for different clients in particular sets of circumstances.

## Absolute moral rules

By contrast it can be argued that there are clear and unchangeable rules that we must apply no matter the circumstances. The philosopher Immanuel Kant laid down immutable rules that he felt people had to apply in their lives, which should never be compromised. Certain fundamental laws of behaviour determined these rules. Without

going into detail, Kant put forward the argument that we could always determine the right way to behave by applying what he called 'the Categorical Imperative'. Whenever faced by a decision we should ask ourselves if our action could be applied universally. That is to say, 'would our action be acceptable if applied to everyone in every situation'? So circumstances no longer play any part in determining how we act.

So for example, if we are faced with a situation where data about a client might be used in a research project, and we are concerned that the person involved may not have appreciated the extent to which they might be exposed as a result, we should universalise the issue. Would it be right, in all settings and circumstances to expose such data about a client to a wider audience? If the answer is a simple 'no' then we do not use the data. Universalising the question gives us the correct moral perspective.

He also took the view that we should never take into account the consequences of action, but rather consider our action only terms of its moral worth. This position is sometimes described therefore as 'non-consequentialism' as opposed to other moral positions that take a direct view of the outcome of actions, which are 'consequentialist' moral theories. Universalising moral questions about research does not mean thinking about consequences it means thinking about what is right. Put another way, even if we might justify research decisions on the basis of the potential benefits, such consequences cannot affect our moral judgement. The ends do not justify the means. Allowing personal data about clients to be used in a research project might lead to important benefits, but that does not justify or excuse using such data in a manner that is ethically or morally wrong.

This perhaps needs some illustration in order to clarify the issues. Let's say for example, 'it is wrong to lie'. If in a given set of circumstances, telling the truth might be painful, cause all sorts of problems and have unpleasant consequences, do we apply the absolute rule, or do we allow ourselves an easy life by telling what we sometimes call a 'white' lie?

Right away the decision becomes muddled in that we can ask, are we telling the 'white' lie in order to avoid hurting others or because it makes life easier for ourselves? That ambiguity actually makes the situation clear. We should always apply the absolute rule because if we ask ourselves the question, would it be right in all circumstances and

to every person to lie? Then we have to concede that it would not be right. In other words, applying the principle taken from the Categorical Imperative of 'universality' of testing the moral worth of an action by asking if it would apply in all circumstances, tells us that lying has to be the wrong thing to do.

Do we tell a client a 'white lie' in order to protect their feelings or avoid an unpleasant truth? Are there circumstances when lying to a client is the right thing to do? An absolute moral position would not allow us to lie because of the rule of universalisation. In research too, the rule must be that lying is wrong and can never be right – no matter the circumstances.

Applying absolute moral rules does not let us off the hook in the way that other moral positions might. The strength of this position is its consistency and the fact that it ensures that our behaviour is always up to standard, never compromised and never driven by self-interest. Even so, it is a difficult standard to work to.

This position in morality is proscriptive as it tells us what we ought to do, rather than saying anything about how people actually behave. But perhaps that is the point, is it not the case that in our professional behaviour we need to work to higher moral standards than we would live by in our ordinary lives? We may well be faced with situations in which we must do the 'right thing' irrespective of consequences. Indeed doing the 'right thing' can in fact be painful and lead to painful outcomes for those involved.

An example of this might be the rule of 'informed consent'. In conducting research we must ensure that the respondents in a study know exactly what they are committing themselves to, we cannot lie about the research or misinform about what might happen and the extent to which they might be exposed to risk of any kind.

Could or should researchers ever compromise that principle, even if it made it possible to carry out research that would be of enormous benefit to others?

This perspective on morality is sometimes called the **deontological** position. Deon is the ancient Greek word for 'duty'. This does clarify matters; this perspective amounts to the view that we have a duty to do that which is moral in all circumstances.

## Taking account of circumstances

A third perspective on ethical standards might be one informed by **utilitarianism**. In the nineteenth century a view on morality was developed out of the work of Jeremy Bentham. Bentham's position was deeply influenced by the work of the Scottish philosopher David Hume, who argued that things could only be regarded as real and meaningful when they were supported by **empirical evidence**. Take the idea that people have rights for example. Hume might ask, where is the physical, empirical evidence for the existence of rights? Well it simply does not exist. We do not have empirical evidence that rights exist. Since there is no physical evidence then rights are merely a habitual way of thinking that has no basis in anything real.

Bentham took this principle, the idea that everything needed to be based on real evidence rather than on what we would like to believe, and argued that the only valid basis for morality was about asking the question, what do people actually do? Never mind great principles or what profound thinkers have argued, instead let's look at how people actually behave and strip away all the fanciful notions about how they ought to behave.

If we do that we are left with two simple observations. On the whole people tend to act on the basis of what maximises their situation, what gives them the best outcome. People act on the basis of weighing up the potential cost to themselves of an action and the potential benefits. At times they might also ask themselves, what is the cost and benefit to a wider group; family, friends and ultimately society as a whole. This became the central notion to what came to be called utilitarian philosophy. Based on how people actually behave rather than upon the notion that we should proscribe how they ought to behave, we arrive at two broad principles: what became known as the 'felicific calculus', the idea that people weigh the cost and benefit for themselves in an action and tend to do that which they perceive to be best for them; and the 'greatest happiness principle', that is the view that we should generally do that which will benefit the majority.

This might seem to be a selfish and cold approach to ethical issues, but it is practical and can be important when dealing with difficult issues. For example, if the NHS has to decide whether or not to devote resources to a particular form of treatment that is very costly but carries only minimal benefits for the few that need it, when actually the resources used could be employed elsewhere to benefit many more, how is that decision

made? The utilitarian approach to such a difficult question has to be part of the way we think about the matter. Do we benefit the majority or the minority? Do we take on a cost with minimal benefits or do we seek to maximise the benefits for many?

You can see that utilitarianism is all about the consequences and that is not at all unreasonable. In dealing with a difficult situation it makes sense to ask the question, what consequences will my actions have on those involved? Can we afford to ignore what the results of our actions might be?

On the other hand, we could also then argue that if a piece of research carried the potential for great benefits for the majority but in order to get there a small group or even an individual might have to suffer unpleasant consequences does that mean that we simply say, well as long as the majority will benefit it is the right thing to do? Or do we say, the cost versus the benefits for the individual or individuals concerned is too high, therefore we should not do the research? The problem is that a strict utilitarian approach does not readily supply an answer to such questions.

Indeed we might also ask, what do we mean by 'the majority'? Who determines the nature and range of this group? Do we mean for example, the majority of people of a certain age, race, gender or social class? It is all too easy with this approach to lose sight of what this term 'majority' actually means and how this can be put to the service of particular interests.

## Existentialism and morality

An important dimension of a discussion of morality has to be the degree to which people are responsible for their actions. If we accept that either nature or nurture importantly determine our behaviour then we might conclude that the degree to which people are morally responsible is limited or even that there is no such thing. Moral responsibility requires free will.

John-Paul Sartre argued that we are 'condemned to be free'. In other words, even if there are elements in our society or even in our biological make up that push us towards particular actions, it does not alter the fact that when we act we make choices; we are responsible for what we do.

So we carry full moral responsibility for our actions no matter what the circumstances might be.

**Existentialists** take the view that there are two levels of ethical or moral behaviour: on the one hand there is the generally accepted social idea of what constitutes ethical behaviour (and indeed there are formally constructed sets of ethical guidelines developed by professional organisations); and then there is the individual's own view of what is morally and ethically right. Since we are all individually responsible for our actions, we cannot blame others. We can't claim; for example, that because a particular act was sanctioned by the ethical standards of the organisation we work for or the society in which we live, that is enough to justify what we do. In order to be *authentic*, that is, a fully realised human being, we need to satisfy ourselves that what we do is right, and we need to accept the consequences of our actions.

In research terms existentialism focuses on the meaning of experience for the individual. For this reason it is often about **qualitative** research that explores the nature of individual experience and the meaning taken from that experience rather than looking at the general picture.

So when we engage in research, we have to accept that each of us carries responsibility for what we do. It does not matter, ultimately, if some authority or system requires an action of us that changes nothing. It does not reduce our personal responsibility. This presents us with the challenge of having to decide for ourselves what is right and what is wrong when we conduct research, and it means that we cannot blame anyone else for our own actions.

In some respects then existentialism is a harsh perspective; we can't claim refuge in absolute moral rules and we can't excuse actions (or lack of action) because of circumstance. We are left with the view that every action a person undertakes is a product of free choice and the consequences, good or bad, must be accepted for what they are.

In practice that can mean that when we undertake research, when we, for example, explain to respondents that information will be published about them or that being observed may in some ways be uncomfortable, the choice is theirs to participate or not. But if the outcome is negative in some way, we cannot avoid the responsibility that we carry. Being

authentic carries the responsibility of being honest with others and with ourselves.

## Making it difficult

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We have looked at a range of ethical or moral perspectives, but it is only fair to add that the positions are perhaps somewhat more complex than has been outlined here. Important thinkers in the history of moral philosophy are inconveniently complicated. Whenever major moral positions are laid out inevitably they are to some extent simplified. Utilitarian morality, for example, has been around for a while and has been importantly refined and modified. Even so, there is a value in laying out the basic elements of different moral positions, which is what we have done here.

It is also fair to point out that applying very broad moral theories to specific examples is not always helpful. The real complexity of moral views can mean that when it comes to particular situations, interpreting them through the lens of these perspectives is more complex than we can detail here. This is just a starting point.

Looking at different moral perspectives does not make things simpler for the practitioner or researcher. But what it does do is help to alert us to some of the important issues we face and it raises our awareness of the complications and difficulties that can and do arise in the course of our professional practice. Moral theories may not present us with answers, but they do help us to think about what the important questions are, and that does have great value in shaping our thinking and action.

Perhaps it is an important point to make that irrespective of what we think about ethics and morality, the important thing is what we do. In carrying out research it is perhaps less significant to construct justifications for action and more important to consider the nature and impact of our practice.

It might be useful to sum up the main points so far. See Figure 8.1.

Consequentialist	Virtue ethics	Non-Consequentialist
Utilitarian ethics: Work out the costs and the benefits of an action	Adhere to key moral principles or attitudes such as 'have respect for others'	There are absolute moral rules such as 'do not lie' that we must not break
Relativism: It's all about the circumstances	Do not ignore circumstances, but be consistent	We should never allow circumstances to change how we behave
You need to think about what is best for people and society in a given situation	You need to apply the right moral attitudes in order do the right thing	Never do that which you could not do in all circumstances
Advantages: Realistic – deals with what people actually do Practical – can be a way to think clearly and make difficult decisions	Advantages: Morally consistent behaviour without being limited by over-rigid and prescriptive ethical 'rules' Flexible and allows for judgement about what is acceptable in different circumstances	Advantages: Clear moral guidance, we know what we must do at all times Consistent – our behaviour is always the same
Disadvantages: Does not give clear moral guidance Can seem cold and ruthless to determine actions on the basis of what benefits the majority	Disadvantages: How do we know which are the correct moral principles or virtues? What do you do when two principles clash?	Disadvantages: Very rigid set of standards Takes no account of the cost of actions on the individual or society

Figure 8.1 The Ethics Table

Existentialism has been omitted from the chart (above) because it does not really lend itself to a neat summary.

## Ethics and research

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Let's look at some ethical principles that guide and determine the actions of researchers in conducting their work.

### Voices

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#### Christine

*"When I was doing some qualitative research for a project I was working on I interviewed a client as part of the work. The interview was open-ended, I was just supposed to listen and let the client talk about their experiences of counselling, but I found it very frustrating. The client was saying things that I knew were not true. The whole value of their counselling experience was ignored. As a result the information I got from the interview was really useless and I wanted to ignore it or carry out an interview with someone else to get better data, but can you do that? Is that ethical?"*

Research often throws up data that is in various ways inconvenient. More often than not, the results of interviews and for that matter surveys do not accord with what we expect or want. Can we simply ignore data that does not agree with our view?

To some extent scientists have always done this. When results do not confirm our expectations it can be positive, it can make us re-evaluate, change views and question theories. Sometimes however, it is merely about the issues that are thrown up when we carry out research in the real and messy world.

The object of research in counselling is the person; the human being and human beings are (as we have noted before) complicated. Research can often be about recognising the difference between what people say and what people do. How a client internalises and conceptualises their experience can be different to what actually happened. If, in the course of

carrying out qualitative research, a client provides a response that does not seem to accord to the reality of the situation the researcher can:

- discuss the content of the interview with other members of the research team to evaluate how useful or relevant it might be.
- compare the data provided in the response with other information provided by the client.
- consider the extent to which the data is useful and meaningful in relation to the research questions being asked in the project.
- set aside the data from an interview if it does not seem to be valid or meaningful.

The question raised by Christine is based on the view that research must be honest, unbiased, **objective** and rigorous. That being the case, researchers should not reject evidence just because it does not accord with the views of the researchers. However, when data is gathered, particularly when using qualitative methods, it is also legitimate to interrogate that data by examining the response to ensure that it is honest and complete. Just because a respondent said something, this does not mean that it is accurate or meaningful, sometimes it is neither.

## The interests of the client

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In the chapter on the impact on clients we discussed the importance of principles such as confidentiality and informed consent. Let's look at the principle of confidentiality through the lens of different ethical perspectives.

A deontological approach – that is to say one that starts with the view that the 'rules' of moral behaviour can never and should never be compromised – would lead us to conclude that the confidential nature of the relationship between counsellor and client can never be breached. It is absolute, no matter the consequences. Of course we raised the issue earlier that the difficulty here can be over what to do when two moral imperatives clash. What does the practitioner do when a client reveals information that they have done something illegal (and immoral)? Which moral rule should be followed? One version of Kant's rule is that any action that is contemplated should be the right act – no matter the circumstances. We should subject our decision to the principle of universalisation and ask, would it be right to do something in every potential situation? Is it, for example, always and in every situation the right thing to do to maintain the rule of confidentiality when a client has revealed that they have done something illegal and immoral?

If you are uncertain about the answer to that question then there is a problem. Remember, for the deontological perspective there are no grey areas, you must do the right thing no matter what the consequences might be of doing so. It might be useful to look back at some of the ethical codes mentioned earlier.

What about virtue ethics? Here we do not necessarily have a simple or direct path to follow. As a counsellor we might take the view that we have the guiding moral principle that the interests of the client should come first and if we take a person-centred perspective, we might have to face the uncomfortable necessity of doing nothing.

## Moral responsibility

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When it comes to involvement in research the practitioner can face difficult moral questions. Knowing about different moral theories does not necessarily simplify the matter. However, discussing different moral perspectives should also make it clear that it sometimes is not enough to just fall back on the accepted ethical codes and standards set out for the profession. At the end of the day the counsellor must work out what they think is the right thing to do and adhere to their ethical framework. But that can be challenging.

Are counsellors morally responsible for what happens to clients during the course of a research project? Clearly because of the professional role that counsellors have in relation to clients there is an important degree of moral responsibility to ensure that good practice is followed. At the same time, as long as the principle of informed consent has been followed properly in the course of initiating research work, clients must also share a degree of moral responsibility. It is up to them how much they get involved and what they choose to share with researchers.

### Activity: Check your understanding

1. What is the difference between the terms ethics and morality?
2. What are the three basic positions on morality?
3. What does it mean to take an existentialist position on morality?
4. Look at established ethical codes for counselling. What kind of moral theory informs those codes?
5. What do you think are the key ethical positions that must be taken in relation to research in counselling?

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## Key points

- There are different perspectives on morality and ethics that are useful to know about.
  - We have identified three moral theories: the deontological view, the utilitarian view and virtue ethics. We have also included a brief discussion of existentialism and morality. Knowing about these different views on ethics and morality may not make matters any easier, but it is important to be aware of alternative perspectives.
  - In terms of research, it is important that researchers are honest, treat respondents with respect and operate on the basis of informed consent.
  - Practitioners do carry a degree of moral responsibility for the manner in which clients are treated in the course of research projects, but as long as clients are fully informed and consent to be part of a project, they too must carry a measure of responsibility for what they choose to do and to reveal during research work.
  - Everyone involved in research needs to remain aware of potential ethical issues and try as far as possible to ensure that every effort is made to adhere to accepted ethical standards.
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## Further reading

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BACP Ethical Framework

[http://www.bacp.co.uk/ethical\\_framework/](http://www.bacp.co.uk/ethical_framework/)

Barnes, F. and Murdin, L. (2001) *Values and Ethics in the Practice of Psychotherapy and Counselling*. Buckingham: Open University Press.

British Psychological Association (BPA) (1994) *Code of Conduct, Ethical Principles and Guidelines*. Leicester: BPA.

BPA Ethical Framework

<http://www.bps.org.uk/what-we-do/ethics-standards/ethics-standards>

Counselling and Psychotherapy in Scotland; *Ethics and Code of Practice*

<http://www.cosca.org.uk/newdocuments.php?headingno=2&heading=Ethics>

Gabriel, L. and Casemore, R. (2010) *Guidance for Ethical Decision-Making: A Suggested Model for Practitioners*. Lutterworth: BACP.