

Chapter 1

INTRODUCTION

The introduction of ethical reasoning and decision making in the professional practice of counseling has grown dramatically during the past 15 years (Bradley & Hendricks, 2008; Bryceland & Stam, 2005; Corey, Corey, & Callanan, 2007; Detert, Trevino, & Sweitzer, 2008; Houser, Wilczenski, & Ham, 2006; Welfel, 2006). In addition, there are several textbooks that address ethics in counseling (Corey et al., 2007; Cottone & Tarvydas, 2006; Welfel, 2006). These ethics texts typically focus on ethical issues and give little attention to ethical theories and decision making. The American Counseling Association (1996) provided a brief guide for practitioners on ethical decision making. The guide includes a discussion of ethical principles such as beneficence, justice, and fidelity and proposes a model of identifying the problem, applying codes, and identifying courses of action. It is presented as a linear decision-making model: Step 1 being identify the problem, Step 2 being apply codes of ethics, and so forth. One step is considering the nature and dimensions of the problem, and this may involve consulting the professional literature. The problem for the counselor is that he or she may be confronted with a dilemma that requires a rather immediate response, and multiple factors may require a more simultaneous review of relevant issues and the dimensions of the ethical issue. Also, an ethical dilemma may be seen from a different perspective once additional information is gathered, and the initial conclusion that it was an ethical issue may be removed.

Others have noted the limitations of teaching and making ethical decisions based only on limited and narrowly focused guidelines such as professional codes of ethics and laws (Cottone, 2001; Cottone & Claus, 2000; Lunt, 1999). Freeman (2000) stated that “ethical standards are self-imposed regulations that provide rough guidelines for professional behavior and attempt to specify the nature of the ethical responsibilities of the members, at least minimally” (p. 19). Others have suggested that stringent application of professional codes and structuring of

the counseling relationship through professional codes can have a negative impact on the counseling relationship (Bryceland & Stam, 2005). Knapp, Gottlieb, Berman, and Handelsman (2007) stated, “Psychologists may need to choose between following the law and protecting the welfare of their patients, or an ethical value” (p. 58). It is clear that simply using professional codes and/or laws to guide practice is limiting and does not provide a solid foundation to make ethical decisions that are founded on sound ethical reasoning. Frame, Flanagan, Gold, and Harris (1997) wrote that not only is making ethical decisions “complex, but it is also a potential mine field” (p. 107). Counselors on a daily basis make decisions about clients that involve ethical decisions and potentially can harm the client and/or others (family members). An important underlying question is, How does one provide a framework and/or a model for training or developing an ethical identity and behaving in an ethical way, for example, making reasoned, sound ethical decisions.

Before answering the above question about a framework for making sound ethical decisions, it is important to start with a definition of ethics and morals. *Ethics* and *morality* are common terms in both our everyday lives and our professional lives. The definitions of *ethics* and *morals* may not be as readily distinguishable. *Ethics* has been defined as “a generic term for several ways of examining the moral life” (Beauchamp & Childress, 1989, p. 9). *Merriam-Webster’s Collegiate Dictionary* (2005) defines *ethics* as “the discipline dealing with what is good and bad and with moral duty and obligation. A set of moral principles.” Corey et al. (2007) stated, “Ethics pertain to the beliefs we hold about what constitutes right conduct. Ethics are moral principles adopted by an individual or group to provide rules for right conduct” (p. 12). Professional associations typically establish the ethical standards for a profession. Rest (1983) defined morality as “standards or guidelines that govern human cooperation—in particular, how rights, duties, and benefits are to be allocated” (p. 558). Corey et al. (2007) wrote that morality is “concerned with perspectives of right and proper conduct and involves an evaluation of actions on the basis of some broader cultural context or religious standard” (p. 12). Houser et al. (2006) noted that

a difference between these two concepts concerns to some degree the objective versus subjective interpretation of right behavior, in the case here professionally acceptable or desirable behavior. Ethics, theoretically, is generated from a more general standard set of guidelines outlined and set forth by professional organizations, whereas morality is more narrow and based on cultural and possibly religious beliefs. (p. 1)

Professional organizations have used broad ethical theories to develop codes that have been based to a significant extent on cultural and religious beliefs (morality).

Storch and Kenny (2007) recalled the development of early medical ethics and the influence of religion on medical ethics. Medical ethics have influenced psychology and counseling ethics. Based on the premise that morality has influenced the development of ethics, we want to suggest that ethics includes morality. Consequently, ethics are founded in part on cultural and religious beliefs, as well as broader perspectives that are sanctioned by professional organizations, including professional ethical codes. We will discuss ethics as the primary focus of this text, but simultaneously we will use research and writings about the influences of morals on professional ethics.

The definitions offered above of ethics and morals are founded in Western perspectives. Eastern and Native American perspectives of ethics include consideration of the effects of and one's responsibility to nature. We believe it is necessary to expand the definition of ethics and morals to include being responsive to nature, which includes caring about all living things and our impact on life in general. Also, such a definition expands the view to consider how one's behavior may affect the community and the environment in which one lives. Later discussion will focus on the development of professional ethical identity, which theoretically should include a broad perspective and consideration of one's effect on nature and responsibility to the world in which one lives.

ETHICAL DEVELOPMENT AND ETHICAL IDENTITY

The intent of this book is to combine theoretical and practical understanding of ethical reasoning, counselor ethical development, and counselor professional ethical identity development. A key foundation of this book is the perspective that good counselor ethical practice is found not in teaching ethical decision making alone but in combination with the counselor's ethical development. A model focusing on counselor ethical development is grounded in the perspective that ethical practice is not a sole event such as a cognitive event utilizing reasoning alone but is developmental and stems from a dynamic interaction between the counselor's values/experiences and professional training/professional socialization. This perspective views counselor ethical development as dynamic and continuous, never stopping. Professions have recently noted the importance of developing a moral/ethical identity (Bebeau, 2008; Hamilton, 2008; Sheppard, Macatangay, Colby, & Sullivan, 2008). Bebeau (2008), for example, in describing the important role of educating professionals, stated the following: "Broad and deep understanding of the public purposes and core values of one's profession is essential to students and colleagues alike" (p. 367). Counseling has not developed a clear understanding of professional ethical/moral identity of counselors (Hendricks, 2008). Counseling

is clearly recognized as a profession (Ponton & Duba, 2009), but a clear understanding of what constitutes a moral/ethical professional identity is not clearly defined. Other professions such as law, dentistry, and medicine (Bebeau, 2008; Sheppard et al., 2008) have begun to introduce the development of professional ethical identity into the education and training of students.

The presentation of both ethical reasoning and counselor ethical development will be accomplished by providing a foundation for understanding ethical reasoning and development. The focus on counselor ethical development will include discussion of professional identity and moral identity (Hardy & Carlo, 2005; Reynolds & Ceranic, 2007). Recently, moral identity has been discussed as a major factor in motivation and behaving ethically (Hardy & Carlo, 2005; Hart, 2005). A counselor's acquisition of a strong moral identity as an ethical professional potentially plays a critical role in actions the counselor practices. There will be a careful review and understanding of the major issues confronting professional counselors including such ethical dilemmas as counselor competence, client confidentiality, informed consent, client autonomy, multicultural competence, the use of technology in counseling, supervision, professional demeanor, dual relationships, and professional codes and legal issues. The next section covers philosophical ethical theories that can be used in ethical decision making. Cases will be used throughout the text to illustrate theoretical perspectives and practical issues such as dual relationships. There are reflection questions at the end of each chapter that are important to address and that should foster your own ethical development.

MULTIDIMENSIONAL MODEL

The models of ethical decision making that have been proposed in most professional ethics texts have been linearly focused, and they have employed a problem-solving orientation. Also, the developers of these models have suggested that ethical decision making is an abstract, nonemotional analysis. The model we are proposing incorporates four important elements, three elements addressing ethical development and one focusing on ethical reasoning. The first three focus on counselor ethical development, and the fourth addresses ethical reasoning. The three that focus on ethical development are the role of social identity development (professional identity/moral identity), ethical sensitivity, and motivations to act ethically in taking ethical actions. The fourth element is ethical reasoning, which is primarily cognitive and includes a nonlinear approach, hermeneutics. All four of these elements provide a dynamic and interactional model of ethical reasoning and counselor ethical development.

Rest (1984) proposed an early ethical decision-making model. He suggested a four-component model for identifying moral or ethical behavior that can help in understanding the relevant components identified in the decision-making model proposed here, for example, hermeneutics and social comparison. The four components include moral sensitivity, moral judgment, moral motivation, and moral character. Moral sensitivity refers to an awareness of a situation involving an ethical or moral dilemma. If one does not know there is a problem, he or she will ignore cues suggesting there is or can be a problem. In part the moral sensitivity component concerns an awareness of how one's actions can affect other people. A second component is moral judgment (Rest, 1984). This component involves moral reasoning or understanding of options and choices that are to be made. The third component is moral motivation, and this involves the prioritizing of values or beliefs, what is most important versus least important (Rest, 1984). The last component of Rest's model contributing to moral behavior is moral character. Moral character concerns a person's having virtues or characteristics that contribute to moral behavior. An example of moral character is standing up for one's values against others, ethical identity. The components proposed by Rest can be helpful in understanding and explaining the four elements of the proposed ethical/moral reasoning and decision-making model presented in this text (see Table 1.1).

Table 1.1 Rest's Four-Component Model

<i>Component</i>	<i>Description</i>
Ethical sensitivity	Concerns awareness of contextual clues and ability to comprehend alternative courses of action
Ethical judgment	Involves the assessment of actions and choice of the most ethical option
Ethical motivation	Concerns the centrality of ethical values and perceptions, how important it is to act ethically
Ethical action	Involves an awareness of the steps to carry out the ethical actions necessary to behave ethically, may involve having the perseverance to follow through on an ethical action

Source: Adapted from Crowell, Narvaez, and Gomberg (2004).

The first element that provides a basis and foundation for ethical development is professional identity or moral identity (Hendricks, 2008). Hendricks (2008) proposed that ethics is part of the identity of the counselor; in other words, ethics is something that is part of the counselor and is who he or she is. Hart (2005) noted

the importance of including identity and moral identity to understanding and explaining ethical and moral behavior. Professional identity also fits with Rest's (1984) components of moral character. Socialization of the counselor into the profession includes socialization in ethics and an identity that incorporates a certain perspective. The perspective includes an understanding of emphasizing the welfare of the client and not focusing just on one's own welfare. The professional counselor is socialized into the profession and acquires the values necessary for practice. Hendricks suggested that the development of a professional identity as a counselor is influenced by ethics and ethical codes. The development of a professional identity is typically accomplished during academic training for the profession, and a focus on ethical decision making and ethics should pervade this socialization. Chapter 2, "Professional Identity and Ethics," will include a discussion of moral identity and professional identity. Differences between professional identity/moral identity and personal identity will be presented for clarification.

Chapter 3 is a discussion of ethical sensitivity and ethical motivation. The second element of a foundation for ethical development is ethical sensitivity and ethics (Haidt, 2001; Rest, 1984). Rest (1984) identified moral sensitivity as a component of moral behavior, and emotions/intuitions fit within his perspective. Rest and Narvaez (1994) believed that an awareness of one's impact on another influences an awareness in regard to ethical sensitivity. Another perspective on moral sensitivity is found in the social intuitionist model (Haidt, 2001). Much of the current theory originates from social psychology, and counseling has essentially ignored an important element of understanding how emotions affect ethics and ethical decision making. Haidt (2001) and others (Keltner & Haidt, 2003; Saltzstein & Kasachkoff, 2004; Schnall, Haidt, Clore, & Jordon, 2008) have suggested that morals are not based on reasoned thought but are more likely associated with intuition and emotion (or a gut reaction). According to the social intuitionist view, morals develop from inherent and/or inherited (evolutionary) processes (Haidt, 2001). Haidt described the primary theme of the social intuitionist model and stated, "Moral judgment is caused by quick moral intuitions and is followed (when needed) by slow, ex post facto moral reasoning" (p. 817). Essentially, moral decision making in the social intuitionist view is a gut reaction to an event or situation, more like an aesthetic judgment (Schnall et al., 2008). Reasoning enters into moral or ethical decision making only after the initial reaction and conclusion about the quality of response (moral or ethical response). This view is particularly important for counselors because if there is any truth to the hypothesis that morals or ethics is based on intuition or emotions, then counselors need to be aware of their own reactions. Second, any awareness can be followed by a reasoned decision-making approach.

The third element of the model presented here, ethical motivation, involves identification of the centrality and importance of ethics and the use of social comparison to determine ethical behavior. Moral motivation, according to Rest (1984), involves the influence and importance—the centrality—of values and beliefs. For example, a counselor may emphasize promoting autonomy as a central value. Another perspective accounting for ethical motivation is that one can be influenced to behave ethically as a consequence of comparison with others based on one's view that he or she is an ethical person. Comparison with others may either confirm or refute a professional ethical identity. Frequently, conclusions about the efficacy of an ethical decision are based on what a "reasonable person or counselor" would do in such a situation or ethical dilemma, a social comparison. Also, many have suggested that consulting with peers is a good practice in making ethical decisions (Houser et al., 2006). Novicevic, Harvey, Budkley, and Fung (2008) described the process of social comparison as it can relate to ethical decision making: "Social comparison can occur as a result of individuals' need to evaluate their positions or opinions and behavior relative to others" (p. 1064). A third influence on motivation to act ethically is the role of social responsibility and empathy. Staub (2005) proposed that the motivation to assist others originates from the process of empathy. Humans are motivated to seek approval from others for helping, avoid punishment if they do not help, expect a benefit or reciprocal benefit from helping, have a desire to reduce others' discomfort, and hold values that promote the welfare of others. There is a benefit to developing empathy skills to use in being motivated to act ethically.

The fourth element is ethical/moral reasoning (Rest, 1984), presented in Chapter 4. Ethical and moral reasoning can be traced back to Socrates, who concluded that "an unexamined life is not worth living" (Church, 1956, p. 56). More recent views on moral reasoning can be found in a variety of moral and ethical theories (C. Harris, 1997; Houser et al., 2006; Rest, Narvaez, Bebeau, & Thoma, 1999a; Shanahan & Wang, 2006) and in Lawrence Kohlberg's work on the development of moral stages (Rest et al., 1999a). Rest et al. (1999a) proposed that moral judgment and reasoning are key components of behavior and choices of action. Reflection is based in part on one's schema and stage of development. C. Harris (1997) outlined primarily Western perspectives of moral reasoning focusing on theories such as utilitarian theory, virtue ethics, respect for persons, and natural law. Shanahan and Wang (2006) and Houser et al. (2006) have expanded the view of ethical reasoning to include Eastern and Middle Eastern perspectives and theories. These broader perspectives give ethical reasoning a culturally sensitive model. In this text we will use a hermeneutic model that is nonlinear and presents ethical reasoning as interaction between relevant elements

of a horizon or elements that interact to help in understanding and making an ethical decision. Betan (1997) first suggested the use of a hermeneutic model of ethical decision making. For example, elements of the horizon in counseling and ethics may include a counselor's personal values, a supervisor's values, the client's values, professional codes, and so forth (Houser et al., 2006). Consequently the horizon provides the counselor with a picture of the elements of the ethical dilemma and facilitates the ethical decision. A key component of the hermeneutic model we propose involves variation that combines the hermeneutic model with social comparison (moral motivation) and cognitions and reasoning (moral judgment). The hermeneutic model involves the use of interpreting and decision making combined with a heavy emphasis on social comparison or consultation with others, sharing cognitions about the decision (a counselor's sharing with a supervisor or colleague his or her thoughts/cognitions in making the decision), the use of metacognition, and reflecting on the decision-making process as it is implemented. Another perspective that needs to be included in the discussion of clinical judgment in ethical decision making is a focus on intuition (Kahneman & Klein, 2009; Schnall et al., 2008). Kahneman and Klein (2009) noted that the natural decision-making approach involves an understanding of the cues and environment in which an intuitive decision is made. The hermeneutic model is consistent with this view, and there is an attempt to identify and be aware of those relevant cues in making decisions and clinical judgments.

TEXT FORMAT

A summary of the text format may be helpful. The first section of the text includes an introduction to and a discussion of the foundations of ethical reasoning and ethical development; there are four chapters. Chapter 2 involves an introduction to theories and how they apply to professional identity specifically as well as ethics. The third chapter is an introduction to ethical sensitivity. Theoretical views of various contributors to sensitivity will be presented, such as how emotions and intuitions relate to ethics and moral sensitivity. The third chapter also includes a review of motivations to act ethically and will include discussion of relevant theories, cognitive dissonance, and social responsibility and empathy. Chapter 4 is an introduction to cognitions and reasoning or moral judgment. Theory and research on cognitive moral reasoning are presented. This chapter also includes an integration of the previous chapter's theories as they relate to the integrated model of ethical decision making and reasoning through a hermeneutic approach.

The next section focuses on ethical issues in counseling. State licensure boards, professional associations, and professional journals have reported the most frequent ethical issues, and this section is an attempt to introduce and address these issues. There is a chapter on each of these frequently occurring ethical dilemmas. One ethical dilemma (see Chapter 5) facing counselors is the decision to promote autonomy (Houser et al., 2006). This concerns freedom to choose one's own course of action. A question for the counselor is the person's competency to make such decisions. Another issue or ethical dilemma involving autonomy that is a common concern for counselors is confidentiality. Confidentiality may need to be breached when issues of safety are a concern, but the decision to break confidentiality is not always clear. Informing clients of the limitations of confidentiality is important. A second issue (see Chapter 6) is a concern about dual relationships and boundaries (Houser et al., 2006). Such dual relationships may include bartering, self-disclosure, professional demeanor, and sexual relationships. Another dilemma is counselor competence (see Chapter 7) and may involve the counselor's engaging in activities for which he or she is not trained. An important question here is what constitutes an adequate level of training to be competent. A similar ethical dilemma about general counselor competence is multicultural competence (see Chapter 8). There are specific and unique issues related to multicultural competence that are different than general counselor competence. Consequently, there is a discussion and presentation addressing multicultural competence. The next ethical dilemma is the use of technology. Technology may be used in several ways in counseling, such as Internet counseling (see Chapter 9). This is a new dilemma, and many of the issues involving the use of technology are still being identified, for example, the use of cloud drives. There are unique ethical issues for both the counselor and his or her supervisor involving supervision and ethics, and these are addressed in Chapter 10. There may be issues of dual relationships, sexual relationships, and so forth that arise surrounding supervision, and ethical issues may develop. The next issue addressed in this section is the use of professional (research) knowledge (see Chapter 11). The dilemma here concerns the extent to which counselors should use and apply findings from the professional counseling literature. One expects his or her physician to be up to date in the most recent medical procedures, and a similar view is required for counselors. The last issue or ethical dilemma is the use of professional codes of ethics and adherence to the law (see Chapter 12). The interpretation and understanding of professional codes of ethics and the law are essential to the practice of counseling. For example, there are both state and federal laws that may apply to counseling, and we provide a review of how such laws and court cases apply in counseling.

The next section introduces ethical theories. We make an effort to distinguish between ethical theories that are centered on reasoning and those centered on intuition. Reasoned ethical theories are found in Western theories such as virtue ethics, natural law, and utilitarian ethics. The Western theories (see Chapter 13) presented include virtue ethics, natural law ethics, utilitarian ethics, respect for persons ethics, feminine and feminist ethics, and Native American ethics. More intuitive approaches may be found in Eastern theories such as Confucian ethics and Taoist ethics. We discuss the following Eastern theories (see Chapter 14): Confucian ethics, Taoist ethics, Hindu ethics, and Buddhist ethics. In addition, there are chapters focusing on Middle Eastern ethical theories (see Chapter 15): Jewish ethics and Islamic ethics. The last chapter, Chapter 16, involves discussion of Southern Hemisphere ethical theories such as pan-African ethics and Hispanic/Latino ethics.

We want to restate the purpose of this text, which is to provide information that is relevant to understanding counseling and ethics/morals. A second major purpose is to facilitate the development of a professional counseling ethical/moral identity. However, the process of developing a professional ethical/moral identity is ongoing and should be a continuous process throughout one's professional career. The challenge a professional counselor has is to engage and foster his or her own professional ethical identity development and to do so in a dynamic and continuous way. Most important, we are encouraging the development of ethical reasoning, not just a cookie-cutter approach to applying professional codes and laws to ethical dilemmas. Ethical dilemmas are complex and require thoughtful and reflected reasoning. Each client and circumstance requires thoughtful consideration. We hope you enjoy the challenge of discovering and promoting your own ethical development.

Additional Recommended Readings

- Burke, A., Harper, H., & Kruger, G. (2007). Moving beyond statutory ethical codes: Practitioner ethics as a contextual, character-based enterprise. *South African Journal of Psychology, 37*(1), 107–120.
- Crowell, C. R., Narvaez, D., & Gomberg, A. (n.d.). *Moral psychology and information ethics: Psychological distance and the components of moral action in a digital world*. Retrieved from <http://www.nd.edu/~ccrowell/Moral%20Psychology%20and%20IE.pdf>