

Practice and Method of Ethics II

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Theoretical Study

Abstract

The discussion about ethics in the psychotherapeutic field is increasingly broadened by the necessity to not only develop ethical guidelines, but also to deal with their application and implementation in a very concrete way. This article is not about processing and presenting individual ethics cases, but rather about describing the necessity of such a practice context and underlining the structure of a relevant procedure as a necessary component of ethics in the psychotherapeutic field. The article shows successful structures and practice of ethics by means of concrete examples. It extends the study of ethics in the psychotherapeutic field to the management of ethics in relation to the respective psychotherapeutic organization. Especially the application, the structure of the procedure and the practice of ethics bring the occupation of ethics as a method into the focus of the discourse. Ethics as a method is not to be handled arbitrarily, but as a process of discourse, an arrangement, and a joint coordination of relevant plausibilities in the respective therapeutic organization as well as in the psychotherapeutic field.

Keywords: Ethics; Psychotherapy; Practice; Psychotherapeutic organization; Abuse of power

Citation: Sollmann U. **Practice and Method of Ethics II.** Int J Body Mind Culture 2020; 7(3): 110-8.

Received: 28 May 2020

Accepted: 05 Jul. 2020

Introduction

In recent years, heated debates on professional ethics have triggered in therapeutic organizations (not only there, of course). So far, ethics guidelines have been developed, ethics committees have been established, and ethics cases have been dealt with. However, this should not hide two essential aspects. On the one hand, there are sometimes relentless debates and even disagreements that characterize the current discourse in one organization or another. On the other hand, there is a clear discrepancy between the individual psychotherapeutic institutes/organizations with regard to the understanding of ethics, the application of ethics, and a clear, unambiguous, and transparent communication in this regard.

While in one of the last issues of the *Intern Journal of Body, Mind, and Culture* I have referred to the relationship between ethics, profession, professional roles, and "helping work", this issue focuses mainly on aspects that characterize the implementation and application of ethics. Ethics and "ethics as a method" must always be considered in connection with each other from a scientific theoretical and philosophical point of view. This also underlines the necessity to deal with the organization in which professional ethics are concerned. (Body) psychotherapeutic organizations require such a consideration. After all, the respective organization is the space in which such discourses take place.

Ethics, morals, and ethos: what is at stake?

It is about a fundamental, specific value orientation as well as recommendations for action/guidelines derived from it and practice of application and implementation. Of course, it is also about determining the criteria against which the effective and convincing handling of these recommendations and guidelines can be tested. If possible incidents, irritations, discrepancies occur, a structure of the procedure is required that helps to illuminate, evaluate and regulate such incidents. Such a procedure can only work effectively, carefully and in the sense of the values if a visible structure of the procedure, the specific responsibility or role responsibility is defined and is visible to all those involved from the outset. This is an indispensable prerequisite for success.

In the field of (body) psychotherapy, "ethics" can be understood as the determination, development, and definition of various relevant values that underline one's own professional activity. These are usually laid down in the ethics guidelines. "Morality" provides the concrete, relevant framework for action in the respective personal practice and as a member within one's own professional organization, which determines and regulates the desired, appropriate, and necessary behavior (a typical example from the field of religion are the "Ten Commandments"). While "ethics" is more about a scientifically (philosophical /humanistic) founded, general determination, "morality" regulates the perspective of action and the ability to act when implementing the values. By organization, I mean associations, institutes, organizations, in which (body-) psychotherapeutic colleagues join in terms of structure and content.

"Ethos", on the other hand, refers to the personal, moral, and moral attitude of a person, or rather it describes the norms and standards/orientation to which the individual aligns his behavior. This can, but does not have to be in accordance with the respective "ethics" in the respective therapeutic organization.

Ethical guidelines and their application (praxeology)

Ethical guidelines, moral conduct recommendations and the personal, ethical

conviction of the individual are closely related to each other. The dynamics of the resulting field of tension requires a permanent discourse, a permanent further development, change, adjustment, as well as expansion of orientation, behavior, and handling of "violations" as well as sanctioning of the same. This includes, meaningfully and necessarily, the review of sanctions.

It is the task of ethics committees (EC) to act as an independent body within the institution/organization as well as a "guardian" of the professional practice of (body) psychotherapists. In this respect, the EC has a dual function. On the one hand, it watches over the "state of the art" of the respective (body-) psychotherapeutic school, and thus over the inner coherence of its orientation, behavior and alignment. On the other hand, it has an administrative, juridical function. Precisely in order to do justice to this, the independence of the organ as well as transparency regarding the structure of the procedure is required. This is comparable to the procedural code in the legal and judicial system or the rules of procedure in an association. This can be understood as a fixed structure of rules and regulations, which on the one hand serves the careful analysis and decision-making, and on the other hand gives others the orientation and certainty that generally accepted rules are followed. The latter gives those who report a question or even an incident to be dealt with the certainty of being able to rely on a professional, independent procedure.

Meanwhile, no (body) psychotherapeutic school or organization can afford to do without fixed ethical guidelines. Nevertheless, what is the situation, one might ask, regarding the practice of implementation (praxeology) when something needs to be clarified, when ethical questions arise, or even when ethical violations are reported? Is there an ethical climate in the professional associations that creates and maintains a lively debate within the association, so that the ethical guidelines are not just like a code in the association's drawer, but reflect part of the lived practice and professionalism in the association? Furthermore, it remains to be asked whether dealing with the ethics guidelines is merely part of an announcement policy or whether possible persons seeking advice or affected persons receive information about what specifically, when and how, in which sequence, is being done to clarify the reported incident and to decide on possible consequences (sanctions?).

The interplay of statutes and ethical guidelines

By analyzing the ethics guidelines and statutes of various (body) psychotherapeutic institutes/associations, the following relevant distinctions can be filtered out:

- There are ethics guidelines that primarily list the underlying value orientation. In these institutes there are ethics commissions, whereby no further, specific information is given on the role and function within the institute. Nor are any structures of procedure or rules of procedure established. (*primarily announcement policy*)
- There are institutes that define ethical guidelines, but refer to a superordinate umbrella organization in terms of their application/implementation (these are, for example, EABP, DVG, etc.) These are usually small institutes with relatively few members. One therefore refers to a superordinate umbrella organization, especially since one is interwoven within one's own institute through very different relationships and roles. This would impede the necessary independence of the ethics officer and the ethics committee (*Mixed roles, lack of independence*).
- There are institutes with ethics guidelines and conditions of execution and implementation, some of which contain contradictory statements. This can lead to irritations, conflicts of interest, and role conflicts when the respective statutes and ethics guidelines are carefully reviewed (*Role and conflict of interest*).

- There are training institutes with ethics guidelines, with differentiated descriptions of the conditions of execution and implementation, but limited to the consideration of the individual behavior of individual psychotherapeutic colleagues. A possible ethical violation by a committee of the association or members of a committee towards the association is not mentioned and/or regulated (*Structural intransparency*).
- There are institutes with ethics guidelines and conditions for application and implementation, but no specific body that, after the adoption of possible sanctions, looks at their implementation in such a way that the sanctions are actually implemented. If this is nevertheless addressed at some institutes, subtle conflicts of roles and interests emerge that are not clearly identifiable at first glance (*Treatment in good faith*).
- Finally, there are institutes with ethics guidelines, conditions of execution and implementation, as well as a clear differentiation of different committees, each of which has a specific mandate. Thus, these institutes have an ombudsman and/or ethics committee, an ethics advisory board, an arbitration committee and a body that ensures the correct administrative implementation of sanctions (*Ethically based and practically realized organizational practice*).

Example of successful structure and practice of ethics

I select two (psychoanalytical, depth-psychological) associations in order to emphasize the importance of different committees making it possible that in practice the implementation of ethics can be taken into account sufficiently and effectively, i.e. ethically meaningful. DPV and DPTV have many individual members and institutes as members. They have been in existence for many decades and continuously deal with ethical incidents. The size and history of the associations allow for an organizational structure that above all takes into account independence, discourse, and transparency. These aspects are of crucial importance in the application, enforcement, and review of ethics.

The German Psychoanalytic Association (DPV) has developed a differentiated concept of (psychoanalytic) professional ethics. This approach is comparable to that of other psychotherapeutic organizations.

In addition to the statutes, the DPV defines the ethical principles in a differentiated way. A similar procedure can be found e.g. with the DPTV (German Psychotherapists Association). A much larger part of the provisions deals with the committees and procedures that are established to regulate ethical complaints and incidents. For example, the DPV:

- A permanent forum on questions of ethics
- An Ethics Committee
- An Ethics Board
- A committee of inquiry

It is not only important for psychoanalysts to recognize and work on ethical cases, but also the DPV is also interested in remaining in constant exchange about ethics and its application and implementation within the institutes and the association. The collegial discussions on this must be maintained and developed further. Relevant events are organized through the permanent forum. It is exempt from further administrative tasks; in this respect it is an independent body. The permanent forum strives to keep the discussion about ethics alive in the organization and in the circle of colleagues. In this respect, it has a (ethics) culture-shaping function.

The ethics committee itself deals not only with complaints from training participants, clients and colleagues, but also with those from and about institutes. The ethics committee itself handles the respective cases, documents everything and, if necessary, determines possible sanctions. It informs the Ethics Council of this process. The Ethics Council is responsible for the implementation of these sanctions and not the board of the association or institute. It should be emphasized that the Ethics Committee adopts concrete rules of procedure that are transparent for everyone, both for those in the institute/association and online via the website.

The Ethics Council implements the results of the Ethics Committee, as mentioned above, but can also independently go beyond the sanctions decided upon. The Ethics Council has also adopted rules of procedure that are transparent and form the basis of its own activities.

The investigative committee is only active through an administrative and judicial capacity. It is mandated by the Ethics Council. It cannot make any new decisions of its own. However, after examining the entire process, it can return it to the Ethics Council so that the latter can implement the recommendations of the Investigation Committee. It monitors the implementation of the sanctions and compliance with them.

A psychotherapeutic professional association such as the DPV has a large number of members and looks back on decades of tradition. In this respect, a division into different areas/bodies is not only sensible but also feasible. One thing that must be emphasized at this point is particularly important: the DPV makes a clear distinction between the determination of ethical guidelines, the treatment of specific cases by another body and finally the review by another body. All of these bodies have clear rules of procedure, so the analysis of incidents, the evaluation of incidents, the determination of possible sanctions and the review of their implementation are in separate hands. This is exactly what makes the principles: independence and transparency are fully respected. Mixing roles and conflicts of interest are thus effectively prevented.

Body Psychotherapy Associations seem more like a family-like association

Professional associations or training institutes in the field of Body Psychotherapy (BPT) are very small. Sometimes there are only 30-80 members. In this respect, an organizational structure such as that of the DPV is not possible. Most of the organizations have an ethics committee. However, there are significant differences with regard to a strict separation between determination of the ethics guidelines, treatment of possible cases by a special, independent committee that is not bound by any instructions and a reviewing committee. Even if a small organization has only one ethics committee, it should at least have an arbitration committee as far as the implementation of the trial results is concerned. In any case, ethics work must be strictly separated from the organization's traditional business operations. This requires careful coordination and differentiation between the statutes and ethics guidelines and the respective roles and functions. Due to the small number of members and the fact that most of the members are and have been related to each other in different roles, a small association cannot develop a differentiated structure as in the DVP and DPTV. On the one hand, it the necessity of such a distinction of responsibilities in the ethics guidelines is emphasized. On the other hand, application/implementation should be entrusted to another, independent person/organization concerned with ethics. This could be the involvement of a judge/legal counsel or this could be an organization dealing specifically with ethics issues (ethics association, etc.). The reference to this already in the ethics guidelines

seems to be necessary, so that possible affected persons know from the outset what is in store for them, what they can expect, and how the implementation of the ethics guidelines will be designed, especially in this small institute (principle of transparency and independence).

The German Society for Body Psychotherapy (DGK) has therefore decided to develop ethical guidelines. It has handed over the treatment of possible ethics cases as well as the development of possible sanctions to the superordinate organization (European Association of Body-Psychotherapy - EABP). Small institutes that are members of the DGK can use this as a model if they themselves are not in a position to guarantee the separation of the committees and their independence as described above. They can then pass on responsibility to the umbrella organization DGK and/or EABP. The ethics guidelines of smaller institutes, which are organized in the DGK, are usually less differentiated and comprehensive, or they do not describe the concrete procedure and the presence of an arbitration commission.

Ethics and abuse of power

Ethical guidelines, which are referred to here, regulate the individual behavior of psychotherapeutic colleagues, be it towards the client/patient, his/her family, towards colleagues, the scientific field, and professional appearance in public. However, abuse of power or abuse by the organization, as an organization towards its members may, also constitute an ethical violation. Misuse of power, organizational abuse, or abuse of committees within an organization are neither usually mentioned nor specifically considered in the ethical guidelines. On closer examination of individual cases known to the author, the following organizational behavior patterns, among others, become apparent. This structurally, functionally and therefore also practically led to organizational irritation, conflict of interest and possibly to organizational abuse of power. Two typical behavioral patterns, which are fixed in the structure of the respective small organization, are as follows:

- Since abuse of power is not defined in detail in the ethical guidelines, there is no treatment of possible abuse of power. If abuse of power occurs, the respective organizations are helpless, blind, or (manipulatively) defensive. This can occur more in small organizations, especially since the members are related to each other in very different role relationships. Independence is then not given.
- If possible abuse of power is discussed or brought to the attention of the ethics committee, the organization is afraid to pursue such complaints (out of fear, rivalry, economic interests, etc.). Each one refers the matter to the courts or to higher professional associations or individualizes the possible abuse of power in order to invalidate, defuse, or even deny the complaint. Often the problem is postponed or delegated to an international organization of the respective therapeutic school. However, this organization then declares itself not to be responsible, so that a possible abuse of power cannot be treated adequately, professionally in the sense of the ethical guidelines.

Nevertheless, why, one might ask, is it so important and relevant to deal with ethics in an organization as an organization? (The film by Stephan Potting illustrates and comments on the topic of "abuse of power" in and by the organization using the example of psychoanalytic training in a forceful, impressive, and sobering way).

Some of the specific questions that arise from this are:

- Under what conditions is a (body-) psychotherapeutic organization able to align its decision-making processes with its own values and standards of responsibility, while at the same time taking into account an embedding in the psychotherapeutic

- field, in a lived collegial and professional discourse?
- Can the organization have general values, thus the "common good" of clients and patients in mind, if at the same time money is earned through training and therapy?
 - To what extent is a (body-)psychotherapeutic organization capable of learning from its own experiences, and if so, what does it need to foster such a process? How can the learning success be measured in concrete terms?
 - Why does one organization succeed better than the other?
 - How should organizational structures and practices be designed so that the ethical foundation can actually be implemented?
 - How can one recognize that such transparency, independence, dialogue, separation of roles, trust, etc. are actually lived?

Management of ethics in and in relation to the organization

There are different management models to professionally manage the interplay of ethical principles and the development of a common lived understanding of the meaning of one's own organization to an essential basis of effective, responsible, and ethical work. To ensure this, the macro level is required. This means the political processes that allow one's own profession to influence socio-political discourse (legislation, professional associations, chamber of psychotherapists, etc.). At the micro level, it is about concrete action, about how (body-) psychotherapy is practiced, so that the action takes place in the sense of one's own ethical values that are relevant to the profession.

Finally, there is the mezzo level. This shows, among other things, the interaction of the individual units within an organization. This interplay is shaped horizontally and vertically. Horizontally it goes through self-regulation, mutual coordination, and appropriate decision-making. Vertically it goes through hierarchy, representation of interests as well as power and corresponding influence.

Relevance of decisions

The implementation of ethics within a body psychotherapeutic organization is thus an interplay of self-regulation (e.g. work of the ethics committee) and hierarchical influence (e.g. by the health insurance company, board of directors). Self-regulation and hierarchical action lead to decisions. The work of an ethics commission aims at deciding how to make the best possible decision in each individual case based on the ethics guidelines and consideration of the specific case. The further reference to and consideration of this decision within the organization forms an organizational decision-making process. This reflects the ensemble of opinion formation and representation of interests and the related decision within the organization. However, a decision can only be communicated meaningfully and effectively "if the rejected possibilities are also communicated, because otherwise it would not be understandable that it is a decision at all...This routine co-presentation of the rejected combined.... reduction of uncertainty with doubts about whether it was right" . If decisions are communicated in this way in the body psychotherapeutic organization, this has an influence on the concrete, acting persons who are involved in the treatment of a concrete, ethical incident, for example. On the other hand, this also enables the maintenance and stimulation of a discourse culture in the organization. After all, the organs and members of the association regularly and continuously deal with the pros and cons, the different perspectives, and the possibilities of competent and professional evaluation. If this is successful, structures, rules, and ethics can develop transparently. Such an approach also offers the

possibility to change, modify, specify, etc. the said structures, rules and the corresponding handling. This characterizes the process of dealing with ethics cases and the stimulation of an "ethics culture" in the organization.

Profit and non-profit organizations base their professional activities on specific, defined values, a vision and a mission derived from it. KPT organizations do the same. The reference to the underlying values represents a (hopefully) permanent process of internal discussion within the organization. A closer look at such processes shows that a meaningful, value-oriented, and effective discussion is ultimately only possible through reference to the organization as a power system. The preoccupation with power and possible abuse of power therefore implicitly has a primary meaning. After all, the interplay between value orientation, power interests and power relations as well as organizational implementation is often influenced and shaped by the behavior of those who embody the respective power.

Ethics as a method - back to the roots in philosophy

Ethics guidelines are usually understood as a fixed set of rules. One tries to follow this set of rules like a binding guideline. A precise inventory of the situation is made in the course of dealing with possible incidents. The acting and related persons are questioned in detail. This is followed by an assessment and evaluation of the situation. If necessary, there may then be consequences, possibly sanctions. However, the values on which the ethical guidelines are based, such as trust, etc., are (usually?) not further and/or specifically examined, questioned, and concretized situation-specifically or in relation to the context. However, the values on which they are based and the resulting ethical guidelines should be subjected to a constant (self) critical discourse within the organization.

After all, the ethical and "moral universe" is too complex for all problems to be solved by a master principle alone. "Rather, a flexible, ethical method is needed that solves our moral problems by recourse to practical wisdom". This is in contrast to the categorical imperative of Immanuel Kant. According to Gordon, ethics must also be understood as thinking about questions of the "good life" (ethics). Consequently, ethics can never be seen without the aspect of "ethics as a method". This makes it possible "then to select the right aspect for the respective situation as determining under the essential aspects of morality. Even if there is the danger, which could be introduced by critics, that the selection itself could be arbitrary, the advantage of the ethical method is obvious as far as it takes into account the diversity of perspectives as well as the particularities of the respective context. Ethics must include such a perspective and approach in a transparent manner and provide solid justification for it.

Gordon refers, among others, to Aristotle, who concludes in the field of ethics that there can be no strict proofs, that instead we are "thrown back on having to be satisfied with plausibility arguments - i.e. within the framework of a rational discourse (without, however, being at the mercy of arbitrariness. So there is, as Aristotle can be interpreted at this point, only the possibility - because of the indeterminacy of the matter - to choose a variable measure of judgement." Gordon emphasizes that ethics, as a method certainly does not entail arbitrary action, since the ethical method as practice-oriented ethics is practiced by the following goals as appropriate to ethics, morality, and specific situation. These goals include practical relevance, interdisciplinarity, orientation function, educational function and structuring function and auditability. The latter is the developmental aspect of ethics. The ethical method thus causes ethical progress. The ethical guidelines and the practice-oriented ethics are thus two areas that cannot be separated from each other.

Instead, they function as a continuum and in the quality of their interplay.

Conflict of Interests

Authors have no conflict of interests.

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