

ETHICAL AND LEGAL MATTERS

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Summary

Psychology is both a scientific discipline and an applied profession. The former is characterized by its subject knowledge, the research undertaken to develop this, and the dissemination of findings and judgments based on the research. The latter concerns the application of those findings in a societal context, the delivery of the psychological services to the public.

This article will address legal and ethical dimensions of psychology. These will be considered with respect to psychology as a science and a profession, in a context of two major elements of variance—time and nationhood. Analysis of these ethical dimensions and their implications leads to the question of ethical codes and the degree to which these represent universal or context-constrained rules of operation. Codes provide the guidance and basis for evaluating psychologists' behavior but it is also necessary to have investigatory and disciplinary procedures to deal with complaints of ethical transgressions. These frequently produce ethical dilemmas, which may also lead to ethical-legal dilemmas. Consequently, there is a need for a decision-making approach that comprises not only formalized codes but also heuristics for ranking and deciding between the relative importance of different, possible competing, elements. Finally, the relationship between psychology, ethics, and the law will be considered.

1. Psychology as a Science

As a science, psychology has much in common with other subjects. Research in psychology may include either human or non-human participants. This raises questions about the generalizability of models of species and their location in an ethical hierarchy. Put simply, should our concerns for researching humans differ from those when

researching earthworms or rats? If so, on what basis will this be justified: is there a scale from lower to higher animals (including humans)? If so, where does each species sit, and what is appropriate or inappropriate for each?

This issue has led to differing positions that highlight two aspects. Firstly, ethics and hence the determination of appropriate behavior by psychologist researchers is grounded in values. Secondly, values are themselves linked to and determined by factors including religion, beliefs, and culturally influenced expectations. This being so, it is necessary to undertake research within a framework that has acceptability in the host society. Such acceptability may change over time and differ between cultures.

As a discipline, psychology cannot be viewed as “value free.” While some research may raise relatively few and fairly minor ethical issues other research may concern substantial and contentious ethical questions. An example of the former might be conducting reading tests with 11-year-old students, while the latter might comprise the investigation of religious beliefs, sexual behavior, or voting patterns.

The ethical issues raised in research concern the topic, the arrangements for conducting the research, publication and dissemination of results, and interaction effects.

1.1. The Topic

Psychology as the study of behavior and the mind covers a vast range. Consequently, the context of each particular research will raise different ethical questions.

It is not easy to categorize which topics are likely to pose fewer or more ethical problems, and these judgments might change over time. For example, research has been conducted that has examined basic cognitive processes, how these relate to each other, and how they are applied in natural settings. While laboratory studies of reasoning may pose little ethical concern, the results of studies collectively may pose challenges. This is exemplified by findings that indicate mean differences between racial or ethnic groups in such abilities. The scientific issues concern the rigor of the studies, and validity and usefulness of the findings. In this example, the concept of race is now seen as contentious, affecting the scientific validity of findings. This in turn raises ethical questions regarding dissemination of findings from such studies. But there is a further ethical concern: should such research be undertaken at all? The work of Jensen and Eysenck, for example, was attacked not so much for the pure science but for the implications that might be drawn, and consequent impact on, in this case, race relations.

1.2. Conduct of the Research

Research methods in psychology cover a very broad field. At one end of the continuum there are invasive surgical procedures (e.g. planting electrodes in the brains of animals in order to examine the relationship between behavior, thought, or perception with brain activity). Here the technique is invasive and undertaken for the purpose of the experiment. This may be compared with research into brain activity in patients undergoing surgery for therapeutic purposes.

At the other end of the continuum may be placed interpersonal experimental techniques. One with a low degree of invasiveness is the completion of questionnaires, particularly in a large group. Compare this with a study by interview where researchers ask probing and challenging questions about the participants' personal behavior and views.

These examples imply at least two dimensions: physical–interpersonal and low–high intrusiveness. Hence, intrusion may be conceptualized as either physical (e.g. surgery) or by questioning. Each of these has implications for the well-being of participants that may also be considered with respect to physical and psychological health. That is, not only does physical intrusion pose potential ethical questions, so also does questioning.

An example that also suggests how attitudes to what is permissible in experiments change concerns an experiment by Landis in 1924. Twenty-five “subjects” mainly adults but including a 13-year-old boy, a hospital patient with high blood pressure, were exposed to various conditions to produce emotional responses, the purpose being to assess facial expression of emotions. The 17 situations included the playing of jazz, reading from the Bible—probably regarded as fairly benign depending on one’s views of jazz or the Bible. However, other conditions included deception (e.g. sniffing ammonia rather than the “syrup of lemons” as indicated). Other tasks involved presenting a set of French pornographic photographs; asking a person to cut off a rat’s head; and requesting participants to put their hand into a covered pail, without looking, and feel around. While doing so, a strong electric shock was delivered, and the pail contained several inches of water and live frogs.

A fourth dimension implicit here is the vulnerability of the participants, with respect to their developmental status, both age and intellectual ability, and their physical and psychological health and resilience.

Ethical consideration of the conduct of research therefore requires attention to several different dimensions concerning the participants, and indeed the experimenters. In addition, there are ethical concerns regarding the practicability of research, including consent, verification of the participants, and the validity and reliability of measures. While these may often be seen as technical matters, they have an ethical dimension: invalid data pose potential problems for the competence and integrity of the research findings and reputation of the researchers.

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Biographical Sketch

Professor Geoff Lindsay is director of the Centre for Educational Development, Appraisal and Research at the University of Warwick, England. He is past president of the British Psychological Society (BPS), and was chair of its Investigatory Committee. He was chair of the BPS Working Group on the Statutory Regulation of Psychologists and now a member of the President's Working Group on Statutory regulation, a member of the Disciplinary Board, and convener of the Standing Committee on Ethics of the European Federation of Psychologists' Associations.