

Are Psychological “Ethics Codes” Morally Oblique?

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The question is raised whether the American and Canadian codes of ethics for psychologists (codes) are able to address some of the most important moral issues that have plagued the discipline of psychology in recent history. Applying Habermas’s distinction between pragmatic, ethical, and moral reasoning, the codes are challenged on moral grounds and calls for reflexivity are articulated. Using examples from academia and psychological practice, lacunae of the codes are disclosed. First it is argued that the ethics codes are not equipped to deal with epistemological violence that is expressed in some research articles. Second it is suggested that the codes, despite their apparently clear articulation, are not immune to ideological changes that have been observed on the background of the “War on Terror.” Finally, it is argued that the codes ignore and provide no ethical guidelines when dealing with work that is based on financial conflicts of interest that afflict recent versions of the *Diagnostic and Statistical Manual* (DSM). Reflections on the possibility for postconventional codes are included.

Keywords: conflict of interest, critical psychology, epistemological violence, interrogation, postconventional morality

“What ought I to do?” is not a question of theoretical but practical reason. In the philosophical tradition, particularly the Kantian one, *theoretical reason* pertains to problems of the truth of propositions, whereas *practical reason* refers to pragmatic, ethical, and moral decisions (Habermas, 1991, 1993). Thus, the question “what should I do as a psychologist?” can be answered pragmatically, ethically, or morally, whereby these three domains demand different types of justifications, arguments, and discourses, according to Habermas (1993). He associates pragmatic arguments with the utilitarian tradition in philosophy, ethical deliberations with the Aristotelian framework, and moral judgments with Kantian theory.

For Habermas *pragmatic discourses* follow a rationality of purposes that focuses on developing techniques, strategies, and programs to solve a problem. Pragmatic debates have an affinity to empirical discourses because knowledge is related to preferences and ends, and

consequences of decisions are assessed. Pragmatic discourses refer to conceivable applications but there is no intrinsic relationship between reason and will. Applied to the *Ethics Codes*¹ (American Psychological Association, 2010; Canadian Psychological Association, 2000) one could ask: “How do I make sure that I comply with a Code?” “What ought I to do in order that my research proposal follows a Code and is accepted by an ethics board?” “How do I formulate an informed consent declaration that follows a Code?” “How do I deal with personal conflict of interest situations?”

But as Habermas points out not all questions of “what I should I do?” can be answered in the realm of pragmatics. As soon as values themselves become problematic one needs to go beyond pragmatic rationality. *Ethical questions* since Aristotle concern the meaning of a good life (see also Fowers, 2012). Ethics is not about addressing particular purposes; rather, it is about asking questions about the value of the “good.” In ethical discourses the rational question of “what should I do?” is intrinsically con-

This research was supported by the Social Sciences and Humanities Research Council of Canada.

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¹ In this paper, the terms *Codes* or *Ethics Codes* refer to the *American Ethical Principles of Psychologists* (American Code, APA Code) or the *Canadian Code of Ethics for Psychologists* (Canadian Code, CPA Code).

nected to the will and the ability to make good decisions. Ethical discourses refer to what it means to be a good psychologist and how a Code can guide “me” to become an authentic professional, because for Habermas (1990, 1993), ethical questions are also linked to existential inquiries. Ethical reflections and justifications are a source for guiding *me* in a better direction. The main issue is not about asking what I need to fulfill to be considered a responsible psychologist; rather, it is about being a responsible psychologist because it is what I want to be.

The question of “what should I do?” changes its meaning again as soon as my actions impact others and lead to conflicts that must be solved from moral points of view. A principle can be ethical but at the same time unjust when it does not serve, in principle, all of humanity (see Habermas, 1993). Thus, within moral discourses the question of “what should I do?” turns into the question of “what ought *one* do?” Answering this question requires principles of justice that invoke the duty to reason and act in a certain way. In moral discourses reason and will are united, and problematic issues are addressed within moral-practical inquiries. Solutions in the moral domain demand a break from seemingly self-evident actions that we engage in, for instance, as psychologists. Applied to psychological ethics the following question could be asked: “What does it mean to do the right thing as a psychologist?” Answering this question requires intersubjectivity and the involvement of the *Other* (student, client, patient, participant, etc.), at least in Habermas’s (1990) discourse-ethical reinterpretation of Kant (1788/1968).

In light of the above, the first task is to assess whether the *Codes* are primarily written, intended, and used as a pragmatic, ethical, or moral document, an assessment that can be achieved through theoretical and empirical means. An empirical study could focus on how a Code is actually taught, used, or applied by psychologists. Theoretical analyses focus on the documents themselves and show that the North American Codes (in the United States and Canada) contain elements of all three discourses but that there is a strong pragmatic-practical underpinning. Such an assessment is supported by the fact that an articulated moral philosophy, whether based on a utilitarian, Aristotelian, or

Kantian tradition, is missing. Because a moral philosophy is not clearly articulated, and psychologists have not been taught the “procedural” tools to make them moral psychologists, the Code lends itself to being used as an instrument for solving issues that are demanded by a professional organization, in order to fit with or to be accountable to the larger culture (i.e., a quasi-legal text rather than a text of moral justification and debate). Thus, the Codes, primarily appropriating pragmatic reason, are useful instruments for psychologists in our time and place.

Following the distinctions discussed, the title of this article reflects the problem of whether the Codes are *morally oblique*, meaning whether moral issues are addressed or can be addressed by the existing Codes. Yet, the argument that a conflict exists between pragmatics on one side and morality on the other goes further: I suggest that because of the moral obliqueness of the Codes, the Codes as pragmatic tools may turn ineffective for that very reason. I argue that the Codes are ill equipped to deal with some of the most important moral issues that have plagued psychology and as such have put the moral character of the discipline at risk. The following three examples pertain to research, applied, and clinical areas of psychology.

Case 1: Research Psychology and Epistemological Violence

Throughout its history empirical psychology has produced research that must be labeled as racist, classist, and sexist (Teo, 2014). Empirical methods and verbal commitments to “objectivity” have not prevented the reality that racialized minorities, women, gays and lesbians, subaltern groups, people living in poverty, and people with disabilities have been constructed as inferior or problematic when differences have been found. I have argued that harmful empirical “knowledge” consisting of results and interpretations that are disseminated in academic work on race, gender, class, disability, homosexuality, and so on can be understood as a form of *violence*, especially from the perspective of persons or groups who are constructed in negative ways (Teo, 2008, 2011).

The term “epistemological violence” is applied to the *context of interpretations* of empir-

ical data in psychology (Teo, 2008). Knowledge that is produced in psychological studies contains empirical results and theoretical interpretations. Such interpretations are not determined by data and require a hermeneutic process. For example, if one finds differences in IQ between two groups, which may be an empirical result, the interpretation that this difference is a result of nature is an interpretation that is not determined by data showing empirical differences. This interpretation is underdetermined by the data. Thus, epistemological violence does not refer to the misuse of research in general but refers to theoretical interpretations of empirical results that produce harm for the *Other* in a given community. Indeed, interpretations of inferiority or the problematizations of groups are not determined by empirical data.

In a critical sense, interpretations are actions of a subject against a "subject." These actions are violent when they produce harm (see also Waldron, 2012). The word *epistemological* in the concept suggests that theoretical interpretations are framed as *knowledge* about the *Other* when in reality they are *interpretations*. The term *violence* denotes that this 'knowledge' has a negative impact on the *Other* or that theoretical interpretations are produced to the detriment of the *Other*. The negative impact can range from misrepresentations and distortions to a neglect of the voices of the *Other*, or from propositions of inferiority to the recommendations of adverse practices or infringements concerning the *Other*.

Epistemological violence refers to the speculative interpretations of empirical results that implicitly or explicitly construct the *Other* as inferior or problematic, despite the fact that alternative interpretations based on the same data are available. Psychology has significant historical examples of epistemological violence (Gould, 1996). Even postwar authors such as Jensen (1969) speculated on genetic factors in producing differences on IQ tests between racialized groups, as did Herrnstein and Murray (1994), who also attributed differences in IQ tests to genetic differences. The Canadian psychologist P. Rushton (1995) believed that Blacks are by nature more aggressive, less intelligent, and less law abiding than Whites and Asians. However, these statements are interpretations based on a speculative hermeneutics of data. Even a seemingly compromise argument

that there is a 50% genetic cause for IQ differences between the races (Rushton & Jensen, 2005) is based on speculation and cements the constructed inferiority of Blacks.

How does the *Canadian Code* address this issue? In fact, there are several statements in the Code that pertain to harm. *Responsible Caring*, as the second principle in the Code, specifically states that "a basic ethical expectation of any discipline is that its activities will benefit members of society or, at least, do no harm" (Canadian Psychological Association, 2000, p. 15). The Code also reasons that "responsible caring leads psychologists to take care to discern the potential harm and benefits involved" (p. 15), and expects psychologists to "make every reasonable effort to ensure that psychological knowledge is not misused, intentionally or unintentionally, to harm others" (p. 16). Of course, some research psychologists would argue that truth does not harm and that psychological knowledge needs to be fact- and not value-based.

The Canadian Code even invokes cultural sensitivity when it asks psychologists to "be sufficiently sensitive to and knowledgeable about individual, group, community, and cultural differences and vulnerabilities to discern what will benefit and not harm persons involved in their activities" (p. 17). The Code also demands forms of reflexivity that could be labeled ethical when it asks psychologists to "evaluate how their own experiences, attitudes, culture, beliefs, values, social context, individual differences, specific training, and stresses influence their interactions with others, and integrate this awareness into all efforts to benefit and not harm others" (p. 17). Accordingly, psychologists need to keep themselves informed on the "impact on persons and society, through the reading of *relevant* [my emphasis] literature, peer consultation, and continuing education activities, in order that their service or research activities and conclusions will benefit and not harm others" (p. 16). Of course, research psychologists can argue that the Code does not apply to them and can easily dismiss this request by arguing that they produce the *relevant* literature.

Defenders and proponents of scientific racism or sexism can argue that research was accomplished in the name of knowledge and that the *harm argument* is irrelevant to truth. Al-

though the concept of epistemological violence shows that such an argument can be challenged within theoretical reason when pointing to the objective and epistemological problem of the underdetermination of interpretation of data, the argument should also be rejected based on practical reason. In cases of epistemological violence the ethical/moral problem is interconnected with the epistemological problem. The Code, however, is ethically/morally oblique in ignoring the fact that interpretations of group differences, for instance, are a matter for a code of ethics.

Although the Canadian Code encourages psychologists to “be open to the concerns of others about perceptions of harm that they as a psychologist might be causing, stop activities that are causing harm, and not punish or seek punishment for those who raise such concerns in good faith” (p. 20), and although the Code recognizes that harm can be physical or psychological (relationships, identity, feelings of self-worth, humiliation, interpersonal trust, self-knowledge and general knowledge; see p. 15), scientists can reject such principles by suggesting that they apply to practitioners and not to research psychologists and that invoking the harm argument in research would be tantamount to a form of censorship.

The notion of censorship is based on the problematic assumption that facts and values collide. Yet, the act of interpreting data to the detriment of a group is not only flawed epistemologically, but is also an irresponsible ethical-political undertaking. Do I not have a moral and ethical responsibility when interpreting empirical differences between human groups that have major societal-political implications? Am I a *good* psychologist when I suggest that group x is by nature less intelligent than group y, or that race x women are objectively less attractive than race y women (see Kanazawa, 2011)? Am I a psychologist who does justice to the data when differences could be interpreted in other ways but when I prefer an interpretation that is harmful, but attracts attention? What is my epistemological responsibility when using the concepts of race, intelligence, or difference, and how can I try to do justice to these categories?

Indeed, such issues cannot be solved pragmatically but need moral and ethical reflections. However, the Canadian Code does not address ethical limitations to freedom of speech in re-

search when considered as an action and as a possibility of violence. On the contrary, the Code states that “freedom of enquiry and debate (including scientific and academic freedom) is a foundation of psychological education, science, and practice” (p. 28), without consideration of the potential impacts of such activities. In my view the Code could add pragmatically that researchers have the professional duty to reflect on the epistemological adequacy and the ethical consequences of interpreting empirical results. For instance, the following statements could be included in the Code: “Psychologists must make all efforts not to produce epistemological violence.’ ‘Because data do not determine interpretations, psychologists must take responsible steps when they interpret data, particularly when data refer to human groups.’ ‘Because interpretations contain a degree of speculation, they must make a reasonable effort to ensure that their speculations do not harm people.’ ‘Epistemological responsibility means that psychologists consider the impact of interpretations on minority groups’” (see Teo, 2008, p. 61).

The *American Code* has several statements on “doing no harm” but no passage that refers to harm in research publications (American Psychological Association, 2010). As pointed out previously (Teo, 2008), researchers who are more likely to consult publication manuals than ethics codes have been given the freedom to deduce any interpretation from their results (Publication Manual of the American Psychological Association, 2001). There is no discussion in either the Canadian or American Code on the relationship between freedom and harm, a basic problem addressed by liberal philosophers as early as the 19th century. Mill (1859/1999) suggested that power could be exercised and freedom restricted if it prevents harm to others (“harm principle”). Interestingly, the German Code of Ethics from 2005 (Berufsverband Deutscher Psychologinnen und Psychologen, 2005) includes a section on research and teaching and points to the borders of freedom of research when basic rights of others are threatened. It points out that researchers have an ethical responsibility for other human beings as well as for the natural environment. Although this Code abdicates responsibility in referring to the German Constitution, an ethical responsibility in the interpretation of research results is specifically mentioned as an issue.

To address such concerns, the American and Canadian Codes would need to include statements on doing harm with research interpretations. Such statements would have an ambiguous status in academia as soon as they are perceived as impacting on epistemology, as research psychologists might invoke a “tyranny of principles” (Toulmin, 1981). Yet, such statements need to be discussed in a code while simultaneously providing insight into the necessity of those principles. Although psychologists might agree that academics should not research the heritability of diseases by looking at the extracted eyes of twins that were murdered for that purpose (see Weingart, Kroll, & Bayertz, 1988), they might not have the same attitude toward research that produces epistemological violence in interpretative speculations, as this limitation might be seen as another encroachment of ethics boards on research. In my view, such a position is neither connected to ethical/moral reflections nor to the objective hermeneutic deficit of interpretations. However, I agree that a Code would need the involvement of research psychologists in formulating such principles. Until such changes are introduced, we might describe current Ethics Codes not as wrong but as oblique when it comes to epistemological violence.

Case 2: Applied Psychology and the War on Terror

In the aftermath of 9/11 and during the war on terror American psychologists who worked in contexts of defense institutions were confronted with making significant decisions. The question “what should I do?” as an applied psychologist showed a stunning departure from moral to pragmatic decision-making. Unfortunately, the issue became problematic only for those psychologists who went beyond the pragmatic use of reason and confronted actions from a moral point of view. The questions “should I be involved in harming people for security reasons?” or “should I be involved in contexts of torture?” (or the more culturally relevant “is Jack Bauer really a role model?”) can be answered from a pragmatic perspective such as “I was following law and orders” or from a moral point of view. Although the problematic discussed applies to the *American Psychological Code of Ethics* (American Psychological Association, 1992, 2002, 2010), it raises question for the Canadian *Code* as well (see below).

ciation, 1992, 2002, 2010), it raises question for the Canadian *Code* as well (see below).

The case of torturing detainees seems to have been answered unequivocally in the APA Code (American Psychological Association, 2002). Principle A suggests: “Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons” (p. 1062). The Canadian Code states that “psychologists’ greatest responsibility is to protect the welfare of those in the most vulnerable position. Normally, persons directly involved in their activities . . . are in such a position. Psychologists’ responsibility to those indirectly involved (e.g., employers, third party payers, the general public) normally is secondary” (p. 15). In addition, the Canadian Code provides an assertion on torture as well: Psychologists should “not contribute to nor engage in research or any other activity that contravenes international humanitarian law, such as the development of methods intended for use in the torture of persons” (p. 31). From such recommendations it is obvious that American or Canadian psychologists cannot be involved in so-called enhanced interrogation techniques.

How was it possible then that psychologists participated in such practices? To answer this question we need to understand sociocultural and political-economic influences on psychology, which have always influenced the development of the discipline (Risen, 2014; Summers, 2008; Ward, 2002). Thus, it is not surprising that the American Psychological Association (to be more precise, influential groups and leaders within the association) followed the Bush administration’s policy during that time (Soldz, 2008). For example, the American Psychological Association was the first professional organization to recognize the category of *enemy combatant*, which according to the International Committee of the Red Cross (1949) and the *Geneva Convention* is not a viable category to characterize prisoners of war.

Psychologists participated in waterboarding and in other enhanced techniques that may or may not include hooding, wall standing, subjecting to noise, deprivation of sleep, stress positions, sensory deprivation, cold cells, and isolation (Aalbers, 2014; Costanzo, Gerrity, &

Lykes, 2007; Malin, 2012; U.S. Senate, Senate Select Committee on Intelligence, 2014). A utilitarian thinker could argue that if the law allows such activities, and if a professional organization is not opposed, then “I” am permitted to participate in such activities without regard to moral considerations. Psychologists participated in Behavioral Science Consultation Teams (BSCTs) that developed interrogation strategies for individual detainees and shaped the environment of detention. Psychologists have known since the 1963 CIA KUBARK manual that they can develop specific techniques based on the psychological vulnerabilities of detainees (Aalbers, 2014).

Whereas the American Psychiatric Association, the American Medical Association, and the American Anthropological Association did not allow their members to participate in these practices, psychologists found such permission from within their professional organization (Soldz, 2008). Since torture had been redefined as the *intentional* infliction of severe pain or suffering, the presence of a psychologist was understood as providing legal proof that interrogators did not intend to cause prolonged mental harm. It has been argued that waterboarding became more common after psychologists assured the security apparatus that everyone subjected to those techniques was in good mental health (Aalbers, 2014). Still, the APA Ethics Code had seemed to oppose such participations, which led the APA leadership famously (or infamously) to change the APA Ethics Code.

The relevant ethical standard 1.02 that addresses the relationship between ethics and law was changed (see also Soldz, 2008; Pope, 2011). The 1992 version of the standard, which would have applied to the responsibilities that psychologists must take in the American security apparatus, stated: “if psychologists’ ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner” (American Psychological Association, 1992, p. 1600). Yet, the 2002 version of 1.02 restated the relationship between ethics and the law: “If psychologists’ ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means,

psychologists may adhere to the requirements of the law, regulations, or other governing legal authority” (American Psychological Association, 2002, p. 1063). Whereas the 1992 principle reinforced the primacy of ethics, which is usually stricter than the law in demanding not only the avoidance of misconduct but encouraging a positive ethical stand, the 2002 version allowed for what critics have labeled justifiably a Nuremberg defense (Pope, 2011).

More generally, when comparing the 1992 and the 2002 American Codes one notices a shift from a more ethical-moral stance to a more pragmatic-utilitarian position. One observes this shift not only in the context of 1.02 but also with regard to other passages that move from a principled approach to an approach that seems to emphasize pragmatic common sense and legal authority. Reasonability, which appears often in the Code, is defined as “the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances” (American Psychological Association, 2002, p. 1061). Including the requirements of the law, regulations, or governing legal authority (e.g., governing legal authority is mentioned seven times in the 2002 version but not in the 1992 version) changed standard 1.02 but also other passages as well. For instance, standard 8.05 allows psychologists to “dispense with informed consent . . . where otherwise permitted by law or federal or institutional regulations” (pp. 1069–1070). This means that a psychologist could waive the ethical requirement for informed consent if their work has a research component and if the government of the day allows them to ignore informed consent (this statement has been kept in the 2010 revision of the Code).²

The simple test for a Code is to ask whether it can deal with some of the most outrageous human rights violations such as waterboarding. The answer is that the 1992 American Code (and the Canadian Code) would clearly not have allowed such activities. If the APA Ethics Code were truly a document of moral guidance, it would have been impossible for psychologists to participate in any of the so-called enhanced interrogation techniques. One can explain such

² I thank Dan Aalbers who pointed me to some of the changes in different versions of the Code.

changes to the APA Code if one understands it as a pragmatic tool that is open and modifiable to changes that align with, for instance, governmental policies, and its leadership as one that submits to preemptive obedience to authority (see also De Vos, 2011). The code then becomes a legitimizing instrument rather a generalizable principled benchmark against which to assess psychologists' particular behavior.

In 2002 the APA Code was developed in a direction that reduced the goal of making psychologists moral but rather allowed them to argue that as long as they follow the Code there is no need for further ethical or moral reflection. The Code became a tool for the legitimation of psychologists' actions. But such a utilitarian attitude made it possible to quickly overturn moral principles that had been contained in the 1992 APA Code. Changes to the Code in 2002 made it possible to ignore immoral actions and to delegate moral responsibility to a legal authority. In Kohlberg's (1984) terminology, the 2002 APA Code had moved from a postconventional to a conventional code. Thus, it is not surprising that the pragmatics of the APA Code changed again when the administration in the United States changed. Under President Obama the APA Code reverted back in 2010 to the earlier meaning of Principle 1.02 and included the statement that "Under no circumstances may this standard be used to justify or defend violating human rights" (American Psychological Association, 2010, p. 4). However, there is still no complete reversion to the more moral Code of 1992.

The argument that the Canadian Code is "possibly the best psychologists' code of ethics anywhere in the world" (Hadjistavropoulos, 2009, p. 4) and, thus, that the Canadian Code should be considered superior to the American Code, does not apply. If it is possible to overturn all the hypostatized ethical principles contained in a Code with the stroke of a few short statements, then safeguards are missing to prevent conventional utilitarian modifications. Although the Canadian Code precludes psychologists from participating in waterboarding, it does not include safeguards to prevent conventional changes to be made to the Code or alterations to ethics and morality. Such safeguards would require an understanding of the Code as a text of moral principle rather than as a heuristic tool of practical reason.

A code is only as good as its leadership and the moral attentiveness of its membership. I suggest that changes to the ethics codes, such as modifications that allow for pragmatic actions justified by reasons of national security, cannot be executed alone by the leadership but would require a democratic, discourse-ethical foundation. Any such changes should be guided by the highest standards of postconventional morality that are able to challenge conventional arguments. This not only means including the leadership of an association and the psychologists who work under secrecy in the defense and security apparatus, but also the critics that stand up to injustices. A code needs to include explicit guidance on the processes for making alterations to the code. A moral ethics code that challenges torture is not about being absolutistic to the detriment of complex thinking, as Suedfeld (2007) would like to suggest. Rather, such a code is about being moral when moral and not pragmatic solutions, and when postconventional and not conventional guidelines, are demanded by humankind.

Case 3: Secondary Financial Conflict of Interest in Clinical Psychology

The APA Code addresses issues of conflict of interest (3.06): "Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation" (American Psychological Association, 2010, p. 6). The CPA Code discusses conflict of interest in the context of the integrity of relationships and offers a clear definition: "Conflict-of-interest situations are those that can lead to distorted judgments and can motivate psychologists to act in ways that meet their own personal, political, financial, or business interests at the expense of the best interests of members of the public" (p. 22). But what if someone thinks that their own financial interests also benefit members of the public? Or what if a conflict of interest occurred not in a relationship but prior to it?

Further, what is the ethical and moral duty to disclose a financial conflict of interest that occurs when categories, for example, in the *Diagnostic and Statistical Manual of Mental Disorders (DSM; American Psychiatric Association, 2000, 2013)*, which is widely used by clinical psychologists, are based on such conflicts? Indeed, Cosgrove, Krimsky, Vijayaraghavan, and Schneider (2006) documented financial ties between *DSM-IV* and *DSM-IV-TR* panel members and the pharmaceutical industry. Such financial relations include honoraria, equity holdings in a drug company, principal in a startup company, member of a scientific advisory board or speakers bureau of a drug company, expert witness for a company in litigation, patent or copyright holder, consultancy, gifts such as travel, grants, contracts, and research materials. “Of the 170 DSM panel members 95 (56%) had one or more of the 11 financial links to a company in the pharmaceutical industry” (Cosgrove et al., 2006, p. 156). Among the 170 panel members 42% received research funding, 22% worked as consultants, and 16% served on speakers bureau. Each one of the panel members in the *Mood Disorders* work group, 100% in *Schizophrenic and other Psychotic Disorders* group, 88% in the *Medication-Induced Movement Disorders*, 83% in the *Eating Disorders* work group, 83% in the *Premenstrual Dysphoric Disorders* work group, and 81% in the *Anxiety Disorders* work group had such financial ties.

Similarly, Cosgrove, Bursztajn, Krimsky, Anaya, and Walker (2009) published the amount and type of financial relationships between the pharmaceutical industry and 20 work group members who authored the *Clinical Practice Guidelines (CPG)* for the treatment of schizophrenia, bipolar disorder, and major depressive disorder. The authors found that 90% of CPG authors had one or more financial relationships with the pharmaceutical industry. The CPG authors “had financial ties to companies that manufacture drugs which were explicitly or implicitly identified in the guidelines as recommended therapies for the respective mental illnesses” (p. 228). However, none of the financial ties were disclosed in the CPG. The authors chose the three CPG guidelines because in the United States “23 million people are diagnosed with MDD, bipolar disorder, and schizophrenia, and the revenue generated from sales of antide-

pressants and antipsychotics was approximately USD 25 billion in 2007” (p. 230). The authors ask for disclosure of these financial ties.

Financial conflicts of interest persisted in the *DSM-5* (Cosgrove & Krimsky, 2012). Accordingly, 69% of the *DSM-5* task force members had relations with the pharmaceutical industry, representing an increase from the *DSM-IV* percentage of 56%. The greatest conflicts could be observed in panels where pharmacological intervention is the primary treatment: 67% of *Mood Disorders* panel members, 83% of *Psychotic Disorders* panel members, and 100% of *Sleep/Wake Disorders* panel members had financial ties to the pharmaceutical industry. It appears that such financial ties play a role in the development of the discipline.

Funding effects, ranging from influences on research subject matters to biased reporting of findings to instances of scientific fraud, are well documented in science (Cosgrove & Wheeler, 2013). But the problem is not about the fabled *bad apples* but about *bad barrels* as the authors emphasize; it is about systemic corruption. The problem solution is not primarily an individualistic one where we debate whether a researcher with financial ties to big pharma can or cannot deliver unbiased research, or whether teachers should present ethical behaviors to an individual student, or whether we should improve disclosure policies to which an individual must adhere. Rather, what is required is a systemic solution where profit interests do not impede research—clearly a challenge within capitalist economies.

Applied to psychology this knowledge should raise some of the following questions: “What should I do as a psychologist about these financial conflicts of interest in the *DSM*?” “What should I do with categories in the *DSM* that are based on financial conflicts of interest?” The pragmatic answer to such questions is to suggest that the problems of psychiatry have nothing to do with one’s work as a clinical psychologist. One can even draw on literature that argues that a financial conflict of interest is not a problem (Schwid & Gross, 2005). Yet, the question is whether one has a responsibility or a duty to inform clients or patients that some of the categories that are included in the *DSM* are historical, cultural, and economic constructions that may be based on the financial interests of psy-professionals. From a moral point of view,

I would argue that we have the duty to provide this information. This position is of course counterpragmatic and might challenge not only the status of a discipline but also one's status as a professional.

In suggesting to “not exploit any relationship established as a psychologist to further personal, political, or business interests at the expense of the best interest” (p. 26) the Code is morally oblique in not discussing such *secondary* conflicts of interest, namely, the usage and application of clinical categories that are based on financial conflicts. Indeed, psychologists could take a leadership position in this debate. Even from a pragmatic point of view they could lobby against financial conflicts of interest in psychiatry and offer psychological expertise in research and training as panel members. From an ethical and moral point of view psychologists could advise on matters concerning the social, political, and economic embeddedness of some of the categories contained in the DSM, and recommend that such categories need to be treated carefully and disclosed and discussed with patients. At the very least there should be debate on this issue. Or, if one favors an ethical argument, psychologists could adopt a “humanistic, existential view of human nature—the belief that each human being has the task of learning to live by principles and by higher values, such as liberty, personal responsibility, and love—and that this effort is an essential part of the psychotherapeutic processes and life itself” (Breggin, 2003, p. 35). Of course, such a move would be subject itself to ethical debate.

Conclusion

I have argued that utilitarian ethics codes, despite some good intentions, are oblique in addressing some of the most important moral issues in psychology. To remedy these problems, codes need to be developed in such a way that they are not seen as add-on nuisances but rather as core to psychological research and practice and as essential to psychological being. Such a development would aid in transforming codes into ethical and moral, postconventional documents that influence what it means to be a good and just psychologist. Such ethical codes could be based, for example, on discourse ethics that involve researchers, practitioners, students, and clients in a democratic, collaborative effort

(see Walsh, 2015). The ethical codes should not be taught with a banking concept of education (Freire, 1997) in mind, but rather should be embedded in concrete questions and problems that need to be addressed and solved morally.

Any improved code should be procedural but also content-based—procedural in the meaning of developing frameworks that address the possibility of reaching a consensus on what needs to be included (which should be practiced as part of the education of psychologists) – and in terms of content, a code should be able to answer questions regarding, for instance, scientific racism, interrogation and torture, and financial conflicts of interest in clinical practice. More recently, the topic of income inequality has gained critical interest (Sheivari, 2014): If mental health issues are caused by inequality that is social and structural, then would it not be unscientific and immoral to suggest that we can solve such issues on an individual psychological level? Indeed, the individual horizon remains a pragmatic solution that is not necessarily moral.

My “inner critic” tells me that my own argument is *voluntaristic*. The question remains why utilitarian reason is given primacy in ethics codes and why the discipline prefers a pragmatic approach. The answer may be that both the American and Canadian Codes fit with the development of a neo-liberal society and economy (see Sugarman, 2015). Thus, it would be naïve to ask the individual psychologist or a professional organization to address the moral-psychological problems of our time if such moral engagements will “hurt” the discipline and the profession financially and in terms of power in a society where those values are cherished. Postconventional codes of ethics appear too complex to some leaders in psychology, who seem to give preference to conventional utilitarian decisions. But this line of reasoning also resonates with Horkheimer and Adorno's (1947/1982) thesis that the moral philosopher of the Enlightenment was not Immanuel Kant and his categorical imperative, but rather the philosophy of the Marquis de Sade (1740–1814), who endorsed personal–utilitarian instead of moral solutions. According to the latter's philosophy, a virtuous attitude leads to suffering and immoral behavior to success in modern society.

From a political–economic perspective, the utilitarian attitude in the Code serves the Zeit-

geist and prevents a moral struggle with difficult problems. But should the moral core of the discipline really be based on pragmatic solutions that solely benefit the discipline and profession, or should psychologists entertain ways in which their activities could form generalizable principles of moral action that transcend conventions? In my view, the standard should not be based on the notion that a psychologist needs to be unjust from time to time, just like the good person from *Szechwan* needed to be bad to do good (Brecht, 2009). In other words, psychologists have the right to demand honesty about collaborations and obfuscations and to strive for generalizable principles of moral action.

Despite real-political limitations that are grounded in history, society, and culture, I still make the case for a discipline, performed in research and practice, where both theoretical and practical reason (in all its variations) are given equal consideration. Accordingly, any epistemological achievement should be complemented by practical reason and by a code that has a strong moral, postconventional core. Such a moral code must also be able to challenge “the idolatry of the scientific method and . . . the anonymous authority of the sciences” and, from an ethical point of view, must be able to provide the conditions for the possibilities of “decision-making according to one’s own responsibility—instead of conceding that task to the expert” (Gadamer, 1975, p. 316). In short, such a code should not concede to a utilitarian conventional code that is oblique to moral considerations, but rather transcend it.

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Received January 5, 2015

Revision received January 20, 2015

Accepted January 22, 2015 ■