

## Ethics Education

### Introduction

Professional ethics and standards are a defining feature of contemporary professions. Educating, empowering and inculcating ethical professionals is a well-established practice across most professions and can take place at several stages in a professional's development. This title:

- Explains the purposes of professional ethics education
- Explores the questions of when ethics education should occur and who should provide it
- Outlines the main content typically covered in professional ethics education
- Considers the contested role of moral philosophy in professional ethics education
- Discusses pedagogical best practice for ethics education
- Reflects on the main critiques of professional ethics education.

### Why Have Professional Ethics Education?

As distinct from other service-providers, a defining feature of modern professionals is that they are bound by an ethical code, incorporating obligations towards third parties and social institutions, towards clients and their interests, and towards the profession itself (see the Ethical Codes and Professional Values titles). The primary purpose of professional ethics education is to ensure widespread knowledge of these ethical obligations and – so far as feasible – to instill the capability and desire in professionals to effectively apply their obligations in situations they face in their professional work.

The motivation (of the profession and of regulators) to develop ethics education requirements and courses can stem from a variety of sources.<sup>1</sup> Public outcry about major ethical scandals – especially if a given profession is under siege in the face of multiple high-profile controversies – can drive calls for improved ethics education.<sup>2</sup> Similarly, concerns about a profession being held in low esteem, or about its status as a profession, can increase the pressure for ethics education. In other cases, ethics education may simply stem from a desire for higher standards or a view that such education is an accepted part of initial and continuing professional education. Practicing professionals will also want to ensure that, at minimum, they have a clear understanding of the rules and standards by which they will be held to account.

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<sup>1</sup> See Hugh Breakey, 'Supply and Demand in the Development of Professional Ethics' (2016) 15 *Research in Ethical Issues in Organizations* 1.

<sup>2</sup> See, e.g., for accountants and auditors, D'Arcy Becker, Susan Haugen, and Lucretia Mattson, 'Continuing Ethics Education Is Critical to Improving Professional Conduct of Auditors' (2005) 8 *Journal of Legal, Ethical and Regulatory Issues* 13, 16-7; Ken McPhail, 'The Other Objective of Ethics Education: Re-Humanising the Accounting Profession – A Study of Ethics Education in Law, Engineering, Medicine and Accountancy' (2001) 34 *Journal of Business Ethics* 279, 280-1.

Ethics education can aim to achieve an array of distinct, but inter-related purposes, including to instill:<sup>3</sup>

- Knowledge of all relevant codes, standards, regulations and rules – and the obligations they impose
- Awareness, understanding and – ideally at least – appreciation of the professional values undergirding these codes
- The capability to apply professional codes and values effectively to concrete situations, especially those situations commonly encountered in professional work
- Knowledge of ‘consensus’ positions on specific ethical issues across the profession, and cases where reasoned dissent (and perhaps conscientious objection) is appropriate
- Understanding of philosophical ethical theory, and its relation to professional ethics.

These outcomes can be pursued through the achievement of lower-level educational objectives.<sup>4</sup> Ethics education comes at a cost in terms of necessary investments of time and resources, so the pursuit of these objectives must be tempered with considerations of other pedagogical priorities (such as other content within the curriculum) and through concerns with material factors, such as time, expense, convenience and delivery-opportunities.

### Achieving These Goals

Once the purpose of ethics education has been laid down, attention can turn to the means of achieving the desired outcomes: questions of *when* the education should occur, *what* content should it include and *how* should that content be delivered. The following discussion details the main issues and best practices on each of these issues. The discussion will concentrate on ethics education for professions generally, but different considerations – in terms of topics, practices and methods – may arise for specific professions.<sup>5</sup> The focus will be on formal educational mechanisms. However, as well as structured education, there are other practices that allow for improved self- or peer-education in ethics across the profession.<sup>6</sup>

Before proceeding, there is a caveat. In terms of best practices, strong empirical evidence on clear improvement in eventual ethical performance, caused by discrete educational initiatives, can be hard to ascertain.<sup>7</sup> None of the below-noted initiatives – or even ethics education in general – should be a ‘silver

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<sup>3</sup> See John Goldie et al, ‘The Impact of Three Years’ Ethics Teaching, in an Integrated Medical Curriculum, on Students’ Proposed Behaviour on Meeting Ethical Dilemmas’ (2002) 36 *Medical Education* 489, 490 <<http://ethicist.kmu.edu.tw/pimages/p-49/j.1365-2923.2002.01176.pdf>> (accessed 31 October 2017); Hugh Breakey and Charles Sampford, ‘Educating Ethical Lawyers’ in Hugh Breakey (ed), *Law, Lawyering and Legal Education: Building an Ethical Profession in a Globalizing World* (Routledge, 2017) 203, 203-7.

<sup>4</sup> See, e.g., McPhail, above n 2, 282-5.

<sup>5</sup> E.g., Knapp and Sturm highlight how psychologists and therapists can need, as part of their ethical training, to acknowledge subjective biases and implicit values at work in the therapy process: Samuel Knapp and Cynthia Sturm, ‘Ethics Education after Licensing: Ideas for Increasing Diversity in Content and Process’ (2002) 12 *Ethics and Behavior* 157, 162.

<sup>6</sup> E.g., professional organisations publishing and communicating information on ethics enforcement processes and decisions can keep the professional community informed on judgments and rules: Becker et al, above n 2, 18. Also, web-based resources can empower informal peer-learning and interaction: see, e.g., Marilyn Leaska and Sarah Younieb, ‘National Models for Continuing Professional Development: The Challenges of Twenty-First-Century Knowledge Management’ (2013) 39 *Professional Development in Education* 273.

<sup>7</sup> For this reason, measurements in changed behaviour may need to rely on self-reporting of previous or proposed behaviour: see, e.g., Christine Grady et al, ‘Does Ethics Education Influence the Moral Action of Practicing Nurses and Social Workers?’ (2008) 8 *The American Journal of Bioethics* 4, 10 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2673806/>> (accessed 31 October 2017). Alternatively, research may focus on the more measurable elements of ethical decision-making, such as moral judgments about cases: see, e.g., Goldie et al, above n 3, 492-3.

bullet' solution to fraught professional standards. At best, quality ethics education can stand as one critical element of an overall professional integrity system (see the Integrity Systems title).<sup>8</sup>

### **When Should Ethics Education Occur? Who Should Provide It?**

Professional ethics education can be done as part of the initial education and training prior to professional membership or as part of a professional's Continuing Professional Development ('CPD'). It may be taught by universities, as part of larger undergraduate or graduate courses. Alternatively, the ethics education may be provided by the professional organisation, private educational providers, state or regulatory offices or the professional's employing institution (including private firms, public service organizations or other places of residency like hospitals). Various combinations of institutions responsible for ethics education are possible. For example, a state regulator may require a certain number of hours of ethics education as part of CPD. The professional body might oversee and accredit these requirements, and the education itself might be provided by universities and private registered training organisations.

Each of these ethics education providers have different strengths and weaknesses – and will have different opportunities to employ the various pedagogical methods noted below. For example, ethics education by institutional employers (such as a CPA firm for accountants) will often have the advantage of being highly relevant to professionals in terms of referring to actual work-life situations, pressures and opportunities. However, the risk in this case is that genuine professional ethical education might be sacrificed to promoting corporate policies, initiatives and rules.<sup>9</sup>

Undergraduate degrees at university are an increasing source of ethics education. These have the advantage of being capable of deep and time-intensive educational programs, using an integrative approach to weave ethical thinking throughout all parts of the curriculum and being able to draw on multi-disciplinary perspectives and insights – not only those of academic philosophy (see below), but the humanities more generally.<sup>10</sup> Yet university ethics education has disadvantages too. Undergraduate education may fail to engage with the actual situations and issues encountered by professionals. It may also be debated whether university – a place of critical enquiry – is the appropriate venue for inculcating values.

Ethics education may be delivered as part of a CPD regime. Advantages here include the greater experience of existing professionals and so the knowledge and direction they bring to their learning.<sup>11</sup> CPD practices also allow the use of certain teaching methods, such as 'learn-work-learn' practices, where the professional learns certain techniques and strategies in the course, goes away and tries applying them in their professional work, and then returns to the course to report, reflect and discuss how they fared.<sup>12</sup> Sheer

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<sup>8</sup> See also Hugh Breakey, 'Building Ethics Regimes: Capabilities, Obstacles and Supports for Professional Ethical Decision-Making' (2017) 40 *University of New South Wales Law Journal* 322.

<sup>9</sup> Becker et al, above n 2, 21.

<sup>10</sup> See, e.g., Goldie et al, above n 3, 494-5; Becker et al, above n 2, 22; McPhail, above n 2, 286-7.

<sup>11</sup> Knapp and Sturm, above n 5, 163; Grady et al, above n 7, 9.

<sup>12</sup> Knapp and Sturm, above n 5, 164.

timeliness matters too. Content delivered by a recent CPD course is liable to be fresher in the mind than long past university courses.<sup>13</sup>

If the education is intended to improve ethical standards, then one consideration for the timing of educational interventions may be delineating the stage in the relevant professional population where ethical standards appear to fall. In some cases, entrants to university may be idealistic, but have their ethical standards eroded over their time at university. In others, those leaving university may have high standards, which wither in their early years of work.<sup>14</sup> Alternatively, graduates may have an overly cynical view of professional practice, which changes when they see ethical issues taken seriously by successful senior professionals.

### **What Should be Taught? Subject Matter and Curriculum Design**

A wide variety of content can be covered in ethics courses and programs. Some course content is non-negotiable. Any regime of professional ethics will need to ensure that, at some point, entrants to the profession have been informed about the codes of ethics, conduct, regulations and laws that pertain to their professional practice, and to which they will be held accountable.

While a necessary part of professional education, such knowledge is hardly sufficient. Without a greater understanding and attachment to deeper reasons, purposes and professional values, such codes will make little sense and inspire little more than grudging compliance (see the Professional Values title). Many further subjects may impact beneficially on a professional's knowledge, appreciation and understanding of their ethical roles.<sup>15</sup> A consistent refrain is to focus on case studies and explore actual dilemmas faced by professionals in their working life, rather than more abstract theorising or focusing on hot-spot ethical controversies. For example, studying professional medical ethics is not the same as studying applied bioethics.<sup>16</sup> Discussion on specific vignettes can allow students to apprehend the many ethical issues in play and to learn about strategies and alternatives in confronting dilemmas. Interdisciplinary approaches are often favoured, as these can allow students to see the wider social context of their professional work, humanising their obligations and perhaps disrupting their implicit assumptions.<sup>17</sup>

Arguably, a diversity of available content is itself desirable, allowing professionals to choose options that are relevant to their own practice, clientele, roles and circumstances.<sup>18</sup>

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<sup>13</sup> Becker et al, above n 2, 19; Grady et al, above n 7, 9.

<sup>14</sup> Becker et al, above n 2, 22.

<sup>15</sup> A different tack to ethics education at university is to 'first, do no harm'. This would require making sure the taught content does not implicitly divorce ethics from professional knowledge: Breakey and Sampford, 'Educating Ethical Lawyers', above n 3, 216-20. It might also require avoiding teaching students' strategies that might later be employed as effective tools for unethical practices: see Becker et al, above n 2, 22.

<sup>16</sup> See Rosamond Rhodes, 'Two Concepts of Medical Ethics and Their Implications for Medical Ethics Education' (2002) 27 *Journal of Medicine and Philosophy* 493.

<sup>17</sup> See, e.g., McPhail, above n 2, 286-7.

<sup>18</sup> Knapp and Sturm, above n 5, 159.

## Philosophy and Ethical Theory in Ethics Education

One area of controversy surrounds the use of philosophy and ethical theory in professional ethics education.<sup>19</sup> Given that universities have philosophy departments already teaching ethics subjects, it can seem a natural fit to use this content to teach ethics to professionals.

However, some caution is required.<sup>20</sup> Philosophical ethics is a distinct academic discipline. Its purpose is not to increase students' ethical conduct, but to subject moral issues and principles to critical examination – often using complex philosophical theories (such as those of Aristotle or Kant). While this is likely to improve students' capacities for sophisticated moral reasoning<sup>21</sup> and deepen their understanding of their profession's place in society,<sup>22</sup> there is no guarantee such learning will increase students' fealty to morality in general, or to their professional obligations in particular.<sup>23</sup> Some parts of philosophical ethics may be very abstract and practically-minded professionals may struggle to draw links to their own practice. Meanwhile, studies of applied ethics (including social ethics and bioethics) tend to focus on controversial topics like abortion and euthanasia – often at some remove from professional ethical decision-making.<sup>24</sup>

Still, such concerns should not be overplayed.<sup>25</sup> Philosophical ethics has the advantage that it puts professional values and principles squarely into focus, and empowers professionals to critically understand them, reflect upon them and talk about them. While ethical theories have their flaws, they each also have their own insights, drawing attention to diverse perspectives and areas of potential concern<sup>26</sup> – including areas of direct relevance to professional obligations. As such, while a clear distinction should be drawn between professional ethics courses and standard philosophy subjects, moral philosophy can still play a valuable role in professional ethics education.

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<sup>19</sup> University students may encounter philosophical ethics in many different courses apart from professional ethics, including in jurisprudence (in law) and in bioethics (in medicine).

<sup>20</sup> The following concerns are among those levelled in the detailed critique of professional ethics education at universities set out in Christopher Belshaw, 'The Teacher's Perspective: Teaching Ethics and Professional Ethics in Universities' in John Strain, Ronald Barnett and Peter Jarvis (eds), *Universities, Ethics and Professions: Debate and Scrutiny* (Routledge, 2009) 113. See also Hugh Breakey and Charles Sampford, 'Philosophy in Legal Education: Promises and Perils' in Hugh Breakey (ed), *Law, Lawyering and Legal Education: Building an Ethical Profession in a Globalizing World* (Routledge, 2017) 72, 79, 85-7.

<sup>21</sup> Moral reasoning is one part of the multi-stage process of ethical decision-making. See Breakey, above n 8, 324-7.

<sup>22</sup> See, e.g., Rhodes, above n 16, 501-3.

<sup>23</sup> Indeed, quite the reverse is possible: Breakey and Sampford, 'Philosophy in Legal Education', above n 20, 82-7.

<sup>24</sup> Rhodes, above n 16, 494-5.

<sup>25</sup> Rhodes, above n 16, 493; Breakey and Sampford, 'Philosophy in Legal Education', above n 20.

<sup>26</sup> For this reason, Knapp and Sturm highlight the need to teach an array of theories, and not just one popular approach (such as 'principlism' in bioethics): Knapp and Sturm, above n 5, 157. See also Charles Sampford, 'Law, Ethics and Institutional Reform: Finding Philosophy, Displacing Ideology' (1994) 1 *Griffith Law Review* 1; Breakey and Sampford, 'Philosophy in Legal Education', above n 20.

## How Should Ethics Education Be Delivered?

Many commentators argue that, in the context of ethics education, the question of how the ethics is taught is pivotal. This question has two dimensions: the *method* of teaching – the pedagogical practice employed – and (what may be termed) the *mode* of teaching – covering issues of framing and environmental.

### Methods of Teaching

The didactic method of large-group lectures is commonly employed in both university and CPD ethics education, and clearly for some content this is a sensible and cost-effective method of information delivery. However, many commentators argue for the virtues of more immersive, practical, personalised, collaborative and experiential methods.<sup>27</sup> Small-group learning, and co-operative peer-group discussion is particularly encouraged as a way of allowing students to take increased control of their own learning and to learn with and from peers. Actual clients, patients and practicing professionals may be brought into lectures, tutorials and small group discussions to humanise the impacts that are at stake in ethically charged situations and to illustrate different perspectives and priorities. Some commentators highlight the use of role-play for similar reasons of dramatising and humanising the challenges faced by clients and professionals. These role-plays may be of client-professional interactions in key situations – or of processes of adjudication (such as roleplaying an ethics board going through the process of investigating a potential breach of professional ethics).<sup>28</sup> Film and literature are likewise employed to explore professional dilemmas, failures and excellences, and to provide the basis for reflection or small-group discussion.<sup>29</sup> Other recommended approaches include the use of personal values journals – to encourage reflection and development – and the modelling of ethical decision-making by educators. While it can seem strange to require assessment on learning ethics, evidence suggests that employing assessment can help hammer home to students that ethics is not an optional extra, and that their attendance and focus is required.<sup>30</sup>

### Modes of Teaching: Framing, Composition and Environment

Students do not assimilate ethical learning purely from the content and practices of their ethical education courses.<sup>31</sup> Learning may also arise from other factors, such as the composition of the class (for example, drawn from a wide array of disciplinary perspectives, each with different priorities and ways of analysing situations).<sup>32</sup> Branding in course names and advertising, and the nature of orientation and selection practices can frame students' expectations, priming them for subsequent discussions of justice and obligations.<sup>33</sup> The social environment matters too: discussions about ethics can be controversial and even confronting, and if a

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<sup>27</sup> See, e.g., Goldie et al, above n 3, 494-5; McPhail, above n 2, 287-9; Knapp and Sturm, above n 5, 162-4.

<sup>28</sup> Knapp and Sturm, above n 5, 163.

<sup>29</sup> These types of measures also have the advantages of strengthening empathy and moral imagination – helpful qualities for ethical decision-making.

<sup>30</sup> See Goldie et al, above n 3, 495.

<sup>31</sup> Different modes of delivery will have different strengths and weaknesses. Distance and online work studies and programs may be cost-effective and convenient (perhaps pivotally so, such as for rural professionals). Such programs may struggle to incorporate the experiential and social aspects of many of the pedagogies discussed below. However, such programs can enjoy benefits in the form of allowing individualised and self-directed learning where professionals pick out the courses most applicable to them.

<sup>32</sup> McPhail, above n 2, 287. McPhail also considers other factors, including architecture and environment design.

<sup>33</sup> For e.g., Economides considers the effects of renaming law schools as 'Faculties of Justice': Kim Economides, 'Learning the Law of Lawyering' (1999) 52 *Current Legal Problems* 392, 412.

genuine dialogue is to occur – one capable of eliciting real change in people’s convictions – then participants need to know that they are safe in talking through, and hearing objections against, different responses, lines of thought and emotional concerns. The overall program (such as an over-arching CPD regime) will also structure how the learning takes place. For example, self-directed and targeted learning will be more likely in cases where the learner is in a position to select the most useful and pertinent educational resources and practices.<sup>34</sup> Finally, one of the most time-tested practices for encouraging ethics is simply to model them oneself – students are unlikely to grow ethically from an ethics class that does not itself deal appropriately with issues of, for example, academic integrity.<sup>35</sup>

## Critiques of Ethical Education

Though widespread, professional ethics education is not without its critics.<sup>36</sup> One criticism is that ethics education – such as may be taught at a university – will ultimately fail to impact on ethical conduct.<sup>37</sup> Certainly it is true that ethics education is not a panacea for a profession’s failing ethical standards and that there is no consensus on the precise pedagogical model that should be employed in any given case. However, even basic educational initiatives can help to improve awareness of issues and knowledge of standards. And the available evidence suggests that experiential learning activities, if assessed, intensive and recent, can impact on critical parts of the professional’s ethical decision-making process.<sup>38</sup>

Another criticism would be that ethics initiatives may be unhelpful because unethical traits are adaptive to professional success. Susan Daicoff argued that lawyers are, and are required to be, hard-nosed, competitive and individualistic.<sup>39</sup> Educational initiatives aiming to combat these traits would therefore be counter-productive. Again, however, the weight of evidence suggests otherwise, with ethical professionalism correlated with professional effectiveness in law no less than other professions.<sup>40</sup>

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<sup>34</sup> Knapp and Sturm, above n 5, 164.

<sup>35</sup> Breakey and Sampford, ‘Educating Ethical Lawyers’, above n 3, 213-20.

<sup>36</sup> It was noted earlier that ethical education will carry inevitable costs, such as other elements of a course not being prioritised. These costs may form part of a critique of university or CPD ethics education.

<sup>37</sup> See, e.g., the scepticism of Belshaw, ‘Teacher’s Perspective’, above n 20, 116. Belshaw also explores a number of tensions between the ethical goal of inculcating professionalism and the academic objectives of teaching and assessing theoretical and critical content.

<sup>38</sup> See, e.g., Goldie et al, above n 3, 494-5; Grady et al, above n 7, 9-10.

<sup>39</sup> Susan Daicoff, ‘Asking Leopards to Change Their Spots: Should Lawyers Change? A Critique of Solutions to Problems with Professionalism by Reference to Empirically-Derived Attorney Personality Attributes’ (1998) 11 *Georgetown Journal of Legal Ethics* 547.

<sup>40</sup> See Neil Hamilton and Verna Monson, ‘The Positive Empirical Relationship of Professionalism to Effectiveness in the Practice of Law’ (2011) 24 *Georgetown Journal of Legal Ethics* 137.

## Summary

By empowering professionals with the capabilities required to know and act on the highest professional standards, ethics education makes up a crucial element in contemporary professional integrity systems. However, providing effective ethics education is not a simple task and the literature highlights the use of immersive, practical, personalised, collaborative, and experiential pedagogical methods.

Written by: Hugh Breakey and Charles Sampford

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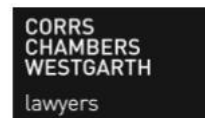


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