AUSTRALIAN ASSOCIAITON FOR PROFSSIONAL AND APPLIED ETHICS

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PRESIDENT'S REPORT
ETHICAL RELATIVISM

Stephen Cohen

Association News

The upcoming conference in Fremantle is, of course, the big event of the year for the AAPAE. This will be the Association's 20th Annual Conference, which itself is quite a landmark. There are a number of members of the AAPAE who have been members since the very beginning – and even earlier, at a conference the year before the establishment of the AAPAE, when plans and decisions were made to create the Association. From its beginning, the AAPAE has been concerned not to be merely an academic organisation and to have not merely relevance to the practical world but also a clear involvement with it. This is a tall order.

From the time of the AAPAE's creation, the annual conference has been its main event of the year. For a number of years now, it has also maintained a listserver that has functioned as communicating notes and news, and, occasionally, offering a platform for discussion of issues. In past years, the AAPAE tried to conduct mini-conferences during the year, centred around specific issues, but this proved difficult to sustain.

At its last meeting, the Executive accepted a suggestion offered by its secretary, Peter Bowden, to try to establish blogs for special interests -- for example, a blog dealing with whistleblowing (Peter's passion). The general idea would be that it would create a forum for interested people to discuss issues, concerns, problems, and news around a specific topic. Blogs would be maintained by specific moderators and might (or might not) hang off the AAPAE's website and might (or might not) have their own subscription lists. Suggestions are welcome at the AAPAE's email address: aapae@unsw.edu.au

Ethical Relativism

In the last newsletter, I offered a couple of very short discussions. These were of issues that had been bothering me for some time; and I wanted to share my worries and the causes of the worries. Here is a thought about ethical relativism.[1]

We have probably all been present when the relativism card is played. It is usually played as a way of cutting off discussion, argument, or criticism – "it's all relative, isn't it?" I believe that there are significant confusions involved when the card is played; and I actually don't really believe that the professed relativist is really an ethical relativist after all. Ethical relativism per se actually encompasses a package of views, not simply one view at all, and a person might, in fact, subscribe to one of these without the rest.

1. It might be offered as a description of something: 'the people's moral views in that culture are different from the people's moral views in that other culture'; 'their moral views are different from ours'. This is a claim about fact. As such, it isn't really telling us much at all about what we should be doing or how we should be reacting. It is pretty much like a claim about cultural relativism. It is simply asserting that there are, in fact, differences. There are a number of empirical studies that claim to show that there is not, in fact, a great divergence of values at all from culture to culture, and that the core values are pretty well universally subscribed to. Such studies claim to be a scientific refutation of relativism.[2] Whether or not these studies prove their point, notice that it would say nothing about whether a particular cultural view is a good one, a warranted

PRESIDENT'S REPORT (CONT'D)

one, one that should be respected, or one that should be even tolerated. They are claiming only that people do, in fact, share certain moral opinions. We might also notice, for instance, that some cultures believe the earth is flat. It is a fact that they do; but this neither says nor implies anything about what we should believe, whether their belief itself is creditable, how we should react to their belief, or what our opinion of them should be in virtue of their holding such a belief.

2. Normative relativism is a view, according to which ethical views differ from group to group, and those different groups are right to hold their particular views. Their views are right for them. This is separate from descriptive relativism; and, notice, it requires its own argument in order to be established. It certainly isn't established simply by pointing out that different cultures have different values, even if that is true.

3. Inasmuch as their moral views are right for them, other people should not criticise those views, because, after all, those views are just as correct in that society as some conflicting views are in some other society. Notice that this is yet a further step; and separate argument would be required for this, as well.

4. Inasmuch as their moral views have adequate credibility, it is inappropriate for others to interfere with their activities in accordance with those values. Don't interfere, and don't criticise. Yet another argument is necessary. And notice, this is a very long way from the claim in 1., that, as a matter of fact, different moral views are held.

The important point in all this is that the positions held in 1, 2, 3, and 4 are all separate. Each re-

quires its own justification. 2, 3, and 4 are certainly not entailed or implied by 1. When the 'it's all relative, isn't it?' card is played, it is always the case (at least in my experience) that the card player does not distinguish these things, and, in fact, believes that in virtue of the establishment of 1, every-

> *"Most often when the relativism card is played, what is intended to be played is the toleration card, and that is a different matter altogether ."*

thing else is part of the same package and is equally established by exactly the same evidence.

5. Who is the 'they' in 'they have views different from ours'? Is it the slaveholders?, the slaves?, Tony Soprano's crew?, the woman who is being stoned to death because she was raped?, the mob who stormed the embassy because they thought an important religious symbol of theirs had been slighted? If, of course, the 'they' refers simply to anyone who holds any view, then this would certainly be an odd position to hold – 'anyone who holds any moral opinion about anything is as right as anyone else'. Does the 'they' simply refer to those who hold the dominant view in the society? In some cases, we can, of course, speak meaningfully and fruitfully of a 'culture', which, in other discussions, is a highly contentious notion indeed. There is a lot that could be said here; but I will simply leave it all as queries.

I have a suggestion about what is

going on when people make such sweeping claims of relativism. I believe that most often when the relativism card is played, the purpose is to urge that we, who hold a different view, should *tolerate* that other value; we should tolerate people who hold that other value and the practices associated with it. Very few people would urge that *all* views and actions should be tolerated; but 'it's relative' is offered with respect to something that we believe should be tolerated. This is much like, I believe, the view about respecting a person's conscientiously held opinions, whether or not we agree with them, and whether or not we believe those opinions are justified. My suggestion is that most often when the relativism card is played, what is intended to be played is the toleration card, the card that urges respect for seriously different and sometimes unjustifiable opinions; and that is a different matter altogether from urging that 'it's all relative'.

Stephen Cohen

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[1] This is adapted from a discussion in Damian Grace and Stephen Cohen, *Business Ethics*, 5th edition (Melbourne, Oxford University Press), forthcoming, 2013.

[2] For example (among the very many), from the Josephson Institute of Ethics, 'Making Ethical Decisions' <http://josephsoninstitute.org/MED/index.html,> and 'The Six Pillars of Character' <http://josephsoninstitute.org/MED/MED-2sixpillars.html>; and M.S. Schwartz, 'Universal Moral Values for Corporate Codes of Ethics', *Journal of Business Ethics* 59 (nos. 1 & 2), 2005, pp. 27-44.

The 20ᵀᴴ ANNUAL AAPAE CONFERENCE
Fremantle, June 2013

Conference website: http://www.aapae2013conference.com.au/

Thursday 27th June — Sunday 30th June, 2013
University of Notre Dame, Fremantle.
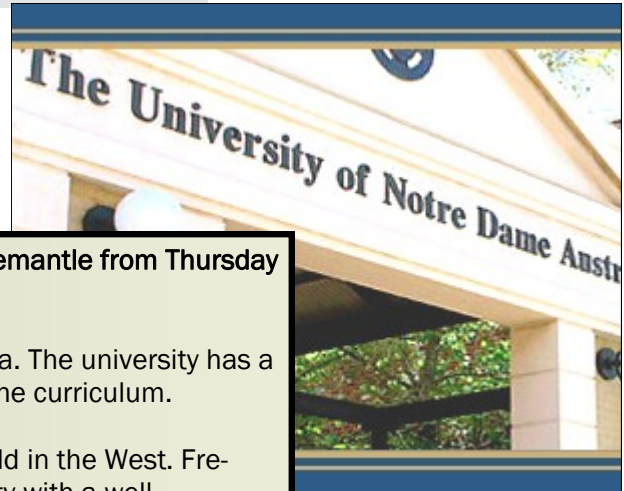
The 20th annual AAPAE conference will be held at Fremantle from Thursday June 27th to Sunday June 30th.

The host will be the University of Notre Dame Australia. The university has a strong commitment to the teaching of ethics across the curriculum.

This will be the first time the conference has been held in the West. Fremantle is a great location. Founded in 1829, it is a city with a well-preserved history and a rich mixture of cafes, old buildings and museums.

We have four excellent keynote speakers (see below) and there will be a public forum on "Integrity in Public Life" on the Friday night. For more details and the call for papers see the conference website.

We hope to see you in Freo next month!

Alan Tapper and Richard Hamilton
(Conference Convenors)

Keynote Speakers

Conference Convenors
Feel free to email with any queries about the conference or paper presentation.

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Professor Raimond Gaita, Professorial Fellow in the Melbourne Law School and The Faculty of Arts at the University of Melbourne and Emeritus Professor of Moral Philosophy at King's College London.

Professor Christine Swanton, Senior Lecturer in Philosophy, University of Auckland. She is the author of *Virtue Ethics: A Pluralist View* (Oxford, 2003).

Justice Neville Owen, Senior judge of the Court of Appeal of the Supreme Court of Western Australia. Formerly Chancellor of the University of Notre Dame Australia.

Professor Dan Wueste, Director, Rutland Institute for Ethics; Professor of Philosophy, Clemson University, South Carolina USA; President of the Society of Ethics Across the Curriculum.

ACCOUNTABILITY WITHIN THE VICTORIAN PARLIAMENT

Gordon Young

Accountability is the core of democracy. The commitment that power resides in the people, granted to government for use in the interests of those people, is what sets democracy ahead of all other political systems. But unless citizens can hold governments and MPs responsible for the use of the power invested in them, democracy degrades to a choice of who will rule us term-by-term.

In order to further research the association between politics and accountability, I conducted a comprehensive review of accountability mechanisms within the State Parliament of Victoria. This research investigated formal accountability mechanisms built into the structure of parliament and informal mechanisms designed to hold MPs accountable separate from formal channels. Distinction was also made between 'positive' and 'negative' accountability; mechanisms that encourage good behaviour versus those that police and address failures.

The results of this review were disturbing on a number of levels.

Research hit a hurdle early on when it turned out that a comprehensive ethical theory of accountability did not yet exist. Since such a theory was necessary to judge the success or failure of each accountability mechanism, I drew on relevant literature and examples to write one. A copy of this theory is available for review and comment by anyone interested.

Drawing on this theory, a comprehensive review of the Victorian Parliament identified 19 formal and 6 major informal accountability mechanisms. None of these, either singularly or in combination, were sufficient in satisfying an acceptable level of accountability between the Victorian Parliament and the citizens who grant them their power.

The Victorian Parliament's formal accountability mechanisms revolve around three core systems:

1. Elections – the opportunity for citizens to vote out (fire) MPs they feel do not act in their interests.

2. The Ministerial Code of Conduct and Register of Interests – requiring individual MPs to uphold certain standards and preventing them from voting in matters where they have a conflict of interest.

3. The new Independent Broad-based Anti-corruption Commission (IBAC) – empowered to investigate and prosecute corruption in the Victorian public service, including MPs.

While these mechanisms are well intentioned and do hold Parliament to certain rigorous standards, issues of scale and significant loopholes mean they are rarely effective in practice and can easily be bypassed by unscrupulous MPs.

While **elections** certainly hold

> "Unless citizens can hold governments and MPs responsible for the use of the power invested in them, democracy degrades to a choice of who will rule us term-by-term."

MPs and political parties to account with significant consequences, the prevalence of political parties (which are neither acknowledged nor accounted for in parliamentary mechanisms) means that while citizens may punish those they feel don't represent their interests, they have no way of ensuring their replacement is any better. The nature of elections also fails to provide any way for misuses of power to be corrected *during* an MP's term or regarding specific issues, forcing citizens to lump all their concerns into one single decision every four years.

The **Ministerial Code of Conduct** is an excellent idea that suffers from being both extremely vague and extremely brief. The Code is only two pages long; by way of contrast, the Code of Conduct for the Victorian public service is over fifty pages long. Moreover, the Code fails to define fundamental concepts such as "private interest", "public duty", "discredit upon parliament", when a conflict could "appear to exist" between public and private interests, or what qualifies as a "wilful contravention" of the Code. As such, it is almost impossible to use the Code to hold MPs to account. The only service it currently provides is a very loose positive example to

Accountability within the Victorian Parliament (Cont'd)

MPs of what they should aspire to, but those same deficiencies make it less than effective even at that.

The **Register of Interests** is perhaps the most potentially effective positive accountability mechanism, as it actively prevents MPs from voting on issues in which they have a conflict of interest. However, the effectiveness of this mechanism is entirely compromised by its failure to recognise the influence of political parties on MPs and the fact that those political parties themselves regularly come under influence. As such, anyone seeking to influence individual MPs need only approach their political party instead. **Disclosure of Political Donations** legislation seeks to prevent this influence on parties, but with a minimum disclosure value of $10,000, detection is easily avoided.

While the **IBAC** certainly holds considerable powers of investigation and prosecution for corruption by MPs, it's definition of corruption is plagued by loopholes. The IBAC demands the public service honestly perform their roles, avoid misuses and "knowingly or recklessly breaching public trust", yet since there is no position description for a Member of Parliament, nor any definition of "the public trust", nor any requirement anywhere in Parliament literature that MPs actually represent the will of their constituents, the IBAC has no capacity to ensure MP accountability unless they are literally caught with a suitcase of cash.

Other mechanisms suffer from similar problems; the **Clerks of Parliament**, **Auditor-General** and the **Ombudsman** lack jurisdiction to regulate anything other than administrative issues. **Parliamentary committees**, **Question Time**

and the **Victorian Charter of Human Rights and Responsibilities** are useful in providing guidance, but can be ignored at the government's whim, as can the limited **induction and training** provided to new MPs. **Government Advertising Guidelines** are not enforced and were found to be regularly abused by a Parliamentary inquiry, and the **Election Advertising Guidelines** were neutered by a High Court ruling to only apply to interference in the physical act of casting a ballot.

This situation means that where citizens are dissatisfied with the use of their invested power by government or an individual MP, there is nothing they can do to correct the issue except vote against them in the next election. And where a group or individual is wronged by Parliamentary decision, they have no guaranteed way to rectify this wrong unless the government transgressed the laws they themselves write.

This constitutes nothing less than a catastrophic failure of accountability, not only breaching the duty of trust between Victorian citizens and their Parliament, but undermining the core principle of democracy itself. Unless this situation is rectified, Victoria cannot legitimately describe it's government as a democracy. Substantial reform is required.

A number of reforms can be implemented to substantially improve the accountability of the Victorian Parliament. By requiring MPs to at least consult with their constituents prior to voting on issues before parliament, MPs will be aware of what the public wants, even if they choose not to

heed it. Requiring government to procure and publish objective evidence for and against proposed legislation before the Parliament, including recommended alternatives should be required, as well as a comprehensive response by government to these recommendations – citizens should further be able to launch legal action where this advice is ignored without justification.

Loopholes must be closed in all accountability mechanisms, including proper definition of terms, lowering of donation disclosure thresholds to at least $1000, a clear position description for MPs including terms for dismissal, and Government and Election Advertising Guidelines properly revised to make any and all misleading advertising a prosecutable offence. And in recognition that political parties develop and set voting lines for the majority of legislation before Parliament, they must participate in a second Register of Interests, precluding their members from voting on any issue affected by goods or services received.

Gordon Young.

A full copy of the research is available online for any interested via the following link. Reviews, advice or contributions are welcome:

https://docs.google.com/file/d/0B9WTB5hdZv0hMkEwVlVFd0xUMkE/edit?usp=sharing

> "The IBAC has no capacity to ensure MP accountability unless they are literally caught with a suitcase of cash."

The Fundamental Concepts of the Australian Society

Theodora Issa, Curtin University

At the beginning of the twenty-first century, and well before the Global Financial Crisis (GFC), Beck (2002) argued that fundamental concepts of 'modern society' must be re-examined. Household, family, class, social inequality, democracy, power, state, commerce, public, community, justice, law, history, politics must be released from fetters of methodological nationalism and must be reconceptualised and empirically established within the framework of a cosmopolitan social and political science, which remain to be developed (Beck 2002: p. 39). Almost a decade later this call continues to be relevant and necessary, and needs to be pursued.

Though Australia is a resource-rich country, it is facing significant challenges. For example, Australia suffers from skills shortages (e.g. medical and information technology specialists). In order to keep up with the overseas demand for resources underpinned by mineral wealth, Australia attracts individuals from diverse backgrounds who enhance Australia's position to meet its demands in the international markets. According to *Australian Bureau of Statistics*, the preliminary estimated resident population of Australia at 30 June 2012 was 22,683,600 people. This reflects an increase of 359,600 people since 31 June 2011 and 87,100 people since 31 March 2012. While the natural increase was on 0.5% or 800 people, the preliminary net overseas migration recorded for the year ended 30 June 2012 (208,300 people) was 22.3%. In April the population reached another landmark figure of 23,000,000 people. Migration is welcomed, and is considered necessary for meeting the needs

of skills shortages in Australia. However, although migrants would be vetted prior to being allowed in Australia, this rapid and instant increase influences and modifies the social tapestry, bringing to the forefront several challenges, not only to governments, but also businesses. Some of these challenges might be in the form of creating tensions within society that might lead to socio-ethnic problems. Other challenges that relate to the Australian economy have been recorded by the Australian Securities and Investment Commission (ASIC, 2013); the number of companies entering insolvency had increased by 158% since 1999-2000. This might be as a result of lack of knowledge by new comers of the Australian way of doing business, or the fact that those new comers might bring in their own ways of business dealings which might cause harm not only to the new comers but to the Australian society and economy.

> "This rapid and instant increase influences and modifies the social tapestry, bringing to the forefront several challenges..."

Certainly, there are moves to tackle these different challenges. There are attempts by different government departments (e.g. *Australian Public Service Commission* 'APSC')—yet these seem inadequate. APSC identifies behaving ethically as being critical in the public sector, where the public servants exercise authority on behalf of the Australian Government, with their actions directly affecting the lives and well-being of the public, who demand high standards.   While *The Australian Public Service* (APS) Values and Code of Conduct apply to all APS employees supported by necessary legislative frameworks, as public servants they must use their judgement and discretion when making decisions (APSC, 2012). These

employees need to take into account four aspects: (1) what are the rules? (2) what is their role? (3) what are their responsibilities? and, (4) what is the right thing to do? (APSC, 2012). The rules are clear, the roles and responsibilities are defined and identified in the job descriptions of these employees, with support provided in the form of legislative framework, and ethics advisory services. However, there continue to be immoral decisions being taken by not only ordinary employees or public servants, but rather high profile personalities and politicians.

These incidents occur despite the existence of a clear legislative framework and ethics advisory services that include the types of questions employees in the services sector, for example, need to ask themselves prior to taking a decision. Certainly, there might be a fault somewhere. Is it lack of proper training of ethical ways of thinking, or is it the clash of cultures? Taking a closer look at the questions proposed by APSC for staff to establish their judgment and take decisions, the fourth question 'what is the right thing to do?' might be interpreted differently by different individuals in isolation from the Code of Conduct or Legislative Frameworks. Instead, it might depend on the specific department or organizational culture, coupled and intertwined with the employee's individual values and their ethical mindsets.

We are in desperate need of conducting research on the development of a framework to examine the fundamental concepts of the Australian 'modern society', a society that has seen a wide-ranging change on the economic, societal and environmental levels. This

Fundamental Concepts of the Australian Society (Cont'd)

study will later extend to include the Asia Pacific region, where the transformation of the Asian region into the economic powerhouse of the world is not only unstoppable, it is gathering pace (Australian Government 2012). There are also great social and cultural benefits to be had from broadening and deepening our people-to-people links across the region. One of the changes that the Australian Government's October 2012 white paper anticipates has to do with the growing empowerment of individuals and non-state actors. This change will by no means be completely, or even predominantly, negative. There is a growing capacity for groups in society to organise within countries and across national boundaries. And in some regions and nations there are changing demands for better governance and more transparency from individuals who have better access to information and can share their views more easily (Australian Government 2012). Embarking on such an ambitious agenda, Australia needs to be well qualified. Our economy is strong, we survived the GFC, avoiding recession, we enjoy good relationships with China, India, Indonesia, Japan and others in the region, our institutional regional engagements are strong, and our people-to-people links are expanding as business, travel, communications and study relationships in our region continue to grow. However, we must build on all these strengths combined if we are to seize the opportunities of the Asian century (Australian Government 2012: p. iii). Indeed, we need to look at our backyard, and strengthen our governance, prior to em-

barking on such an ambitious agenda. This is very ambitious, especially with the anticipated changes between now and 2025 and 2050. While in 2010 Australia had made it to the top ten countries in the Gross Domestic Product per capita, for 2050, Australia disappears from the top ten list, giving way to Asian countries such as Singapore, Hong Kong, Taiwan, and South Korea.

Enriched by earlier literature, this research is a step toward enhancing better governance in Australia. It can act as the catalyst in assisting Australia lead the way in the Asia-Pacific region, which is known for its diverse religions, ideologies and cultures. This can be achieved by developing and testing a framework that incorporates individual level variables (e.g. age, gender, education, origin), organizational level variables (e.g. ethical climate, organizational culture), with an interest in different levels at the organization and societal level variables (e.g. increased migration to Australia, skills shortages, Australian investments in the region, the region's investments in Australia) through the application of six pillars of ethical mindsets (i.e. Aesthetic spirituality, religious spirituality, optimism, contentment, making a difference, inter-connectedness) identified by Issa (2009) as a moderating variable to examine individual and organizational value congruence. This research needs to address the current problems, recommending methods and ways that will assist in enhancing morality in businesses and societies.

While the ethical challenges in Australia are caused by its prosperity, there is an urgent need to go beyond the traditional theories, frameworks and models in relation to business

> "We need to look at our backyard, and strengthen our governance, prior to embarking on such an ambitious agenda."

ethics. Thus, this new research would be building on Issa's (2009) findings on the existence and components of 'ethical mindsets'. It aims to examine and evaluate the impact of 'ethical mindsets' on 'ethical climates' in an attempt to safeguard Australia from corporate fraud and contribute to the 'sustainable development' of Australian organizations. This assessment is anticipated to provide an understanding of how to develop a more sustainable organization, enhancing due diligence towards people, planet and profit in Australia and the Asia Pacific Region. The findings of this project will have several theoretical, practical and methodological implications.

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Understanding the Existence and Implications of Therapeutic Misconceptions in First-in-human and Early-phase Research Involving Children

Nikola Stepanov

Human research is important. It is necessary if we as a society are to overcome illness and disease. Illness and disease are understood through its study, as are interventions which may impact upon it such as medications, devices and gene transfers. Early research ideas involving these new 'agents' are typically tested in laboratories, often on cells, and then in animals (usually flies, mice, primates, and dogs). Invariably however there comes a time in clinical research when the progression of a study aiming to understand the effects of the novel 'agent' on a particular human condition, must be tested in human beings [1, 2]. These studies are known as 'early phase' or 'first-in-human' studies (EPR) and they constitute the vast majority, some 61%, of all human studies [3].

The primary objective of these early experimental studies is to test agents for their safety in human beings. They are not designed to be of any direct benefit to participants. Furthermore, published data of results of toxicity in EPR show that significant potential for harm should be expected. In general because of the grave level of uncertainty, often EPR is undertaken with participants with life-limiting or life-threatening disease or conditions. Often these participants have advanced, refractory illness, that is, all conventional treatment options have been exhausted [3-5]. As noted by Kimmelman, this preference for participants with refractory, advanced illness is

sometimes referred to as the 'oncology model' of subject selection because 'oncology phase I trials almost universally enroll such patients' [3, p. 32]. The preference for limiting exposure to risk to those volunteers already facing certain death illustrates the great uncertainty of predicting risks in early phase research. Ultimately however, the uncertainty is immeasurable.

> "The primary objective of these early experimental studies is to test agents for their safety in human beings. They are primarily not designed to be of any direct benefit to participants."

Due to the rarity of disease in children, and the lack of generalisability of results from adult studies, there is a strong research culture among pediatric clinicians [6]. This extends to include EPR [3, 6, 7]. This strong research culture has contributed to an increased likelihood that children will survive serious disease, and within the oncology setting has led to an improved five year survival rate from 20% thirty years ago, to 75% (in part also due to improvements in supportive care) [6, 8, 9]. Although researchers and paediatric clinicians employ a number of strategies to reduce harm, published data of results of toxicity in research show 17-50% of children

in phase I studies experience dose-limiting toxicities, 21% of children are hospitalised due to research induced toxicities, 5% of phase I studies are discontinued due to toxicity, and approximately 0.4-2.7% of children may die a toxic death [10, 11]. The recognition of potential for harm is also demonstrated in studies of attitudes of paediatric clinicians involved in research on children [10-13]. Estlin et al. found the greater majority of paediatric clinicians (71%) involved in early phase research expected a child to have a least a 50% chance of experiencing toxicity by participating, with the perceived risk of a life-threatening toxicity estimated at 40%, and the estimated risk of a child dying from toxicity at 16% [12, 13]. In comparison to the potential for risk, few studies adequately capture participant benefit with suggested potential for benefit remaining as low as 2% [14, 15]. In part, this may be due to the lack of a consistent, generalisable standard as what counts as a 'benefit' [15].

The nature of EPR—including the limited potential for benefit and significant potential for harm—raises significant implications for the consent process. Parents of child participants must understand and fully comprehend the uncertainty of EPR involvement. However, as noted by de Vries and colleagues, the strong culture of research among paediatric clinicians raises ethical concerns as the boundaries between clinical research and clinical care become more blurred [6]. This is particularly the case for parents who are tasked with making decisions about the care of their dying child in a very emotionally charged environ-

The Existence and Implications of Therapeutic Misconceptions (Cont'd)

ment [16, 17]. Decision-making under these circumstances is fraught with difficulty for three main reasons: (a) there may be a lack of a clear, knowable distinction between the roles of researcher and treating clinician; (b) parents may be unaware or fail to understand that the primary nature of research and the primary nature of clinical care are different, and (c) parents may simply be unable to accept that the demise of their child is inevitable. These key issues may cause parents to over-estimate the likelihood of benefit for their child, underestimate the likelihood of harm, and falsely attribute therapeutic values and expectations, a phenomenon known as a 'therapeutic misconception' [17-19]. This discrepancy in understanding or awareness of the true nature and prospects of EPR enables the construction of an altered reality of clinical research participation from that which the parent is actually consenting. Indeed, some parents enrol their child in early phase research under the mistaken belief it is another form of conventional treatment [20-22] .

A doctoral research project is currently being undertaken by the Center for Health and Society, and the Melbourne Medical School (University of Melbourne) which considers the ethical implications for the consent process when parents who hold therapeutic misconceptions agree for their child to take part in EPR. The study will also consider whether the existence of therapeutic misconceptions invalidates consent under current Australian laws.

Primarily the justification for the study is a concern that any therapeutic misconceptions about research participation, as perceived by the parents of child participants, may impact on their ability to deliberate and make a meaningful, valid decisions about their child's involvement in EPR [23, 24]. This is particularly the case for parents

> **"These key issues may cause parents to over-estimate the likelihood of benefit for their child, underestimate the likelihood of harm, and falsely attribute therapeutic values and expectations."**

deliberating about enrolling children with refractory disease in experimental clinical studies that may involve limited potential for benefit but great potential for uncertain risks and harms.

Nikola Stepanov

Nikola Stepanov is a Lecturer in Medical Ethics and Law with the UQ School of Medicine; and a doctoral scholar (philosophy/law) with the Melbourne Medical School and the School of Population & Global Health, The University of Melbourne. Primarily Nikola's research interests are in ethics and law of health care involving 'minors' (from conception until early adulthood), with particular focuses on clinical ethics, end-of-life care, consent and capacity, and research involving children.

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THE RESTRAINT PROJECT: RECOVERING THE VIRTUE OF SELF-CONTROL

Note by James Franklin

In 2006-8, the ARC Discovery grant 'Restraint: Recovering the Virtue of Self-Control or Temperance to Strengthen the Australian Social Fabric' supported philosophical and historical work on the "Restraint Project" on temperance and self-control in Australia (http://web.maths.unsw.edu.au/~jim/restraintproj.html).

One focus of the work was on the causes of the high levels of violence in remote indigenous communities. The project supported the initial work of Dr Stephanie Jarrett on that topic. Her work has resulted in a just-published book, Liberating Aboriginal People from Violence (Connor Court). The book argues that high levels of violence were endemic in indigenous communities in pre-contact times and that traditions of violence have persisted to the present, exacerbated but not fundamentally caused by added factors such as alcohol. Suggested policy responses include strategies for integration of remote indigenous people into the wider society.

Liberating Aboriginal People from Violence

Stephanie Jarrett

"We need to support those who tell the truth"
Bess Nungarrayi Price

The Existence and Implications of Therapeutic Misconceptions (Cont'd) By Nikola Stepanov

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Ethical Maturity in the Helping Professions: Making Difficult Life and Work Decisions

Michael Carroll and Elisabeth Shaw
Melb.: PsychOz Publications 2012
UK: Jessica Kingsley Publications 2013

Professionals in the helping professions are faced with a myriad of ethical issues in their work related to duty of care provisions, duty to clients, themselves, the public and their profession. These may be heightened or different when working with vulnerable populations, people with complex needs, or those from diverse cultural or religious backgrounds. When faced with such challenges, two things commonly happen: they seek out their supervisor's counsel, or their consult their code. Often this feels insufficient. Further, the practice of counselling and psychotherapy for example, occur with a sole worker and a sole family/client. Often times the worker has to think on his/her feet, to have a readymade and practiced approach to ethical responsiveness and decision making. These are skills that don't arrive "out of the blue", but require conscious moral deliberation. Ideally this is honed and expanded issue by issue, response by response, as a person evolves their professional, ethical practice.

In our view, many ethical texts focused on community services are focused on content areas related to key principles of practice, and offer guidelines for their management. Our goal was to provide a book for individual reflection on developing one's own ethical maturity: honing one's moral sensitivity, understanding moral development and influences, fostering effective decision making in line with core values, feeling confident in responding ethically and being able to live peacefully with one's decisions. In this enterprise, we wanted to look at the key philosophical traditions, but to also consider research in the last fifteen years on the influences of neuro-

science, education, psychology, and organizational behaviour on moral development and decision making.

MICHAEL CARROLL, Ph.D. is a Chartered Counselling Psychologist. His contribution to the development and definition of supervision in clinical and both workplace settings is universally acclaimed. He is visiting Industrial Professor in the Graduate School of Education, University of Bristol, and the winner of the 2001 British Psychological Society Award for 'Distinguished Contributions to Professional Psychology'. Michael works with individuals, teams and organisations, specialising in the theme of learning. He supervises, coaches and trains nationally and internationally and runs the Centre for Supervision Training, UK. He is the author/coauthor of many books, including: Training Counselling Supervisors; The Handbook of Counsel-

ling in Organisations; Counselling Supervision; Integrative Approaches to Supervision; On Being a Supervisee.

ELISABETH SHAW BA (Hons) MCFT, M.Mgt, M.Prof.Ethics is a clinical and counselling psychologist who specialises in relationship and family therapy. She supervises individuals and teams across diverse industry groups in the public and private sectors, and also provides executive development and ethical development coaching. Elisabeth teaches ethics in counselling and psychotherapy programs, supervises at the St James Ethics Centre in Sydney and participates on ethics committees for a number of professional associations. She is co-editor of Couple Therapy in Australia: Issues Emerging from Practice, and writes a column for Psychotherapy in Australia on ethical issues entitled "Sacred Cows and Sleeping Dogs."

Reviews

Professor Tim Bond, Head of the Graduate School of Education, University of Bristol : "For me, one the hallmarks of a good book are whether I feel more engaged in its topic and more actively observing what is going on in my life around that topic. A really good book renews me with new insight and a sense of vitality. This book has delighted me with these qualities."

Dr Simon Longstaff, Executive Director, St James Ethics Centre: "Drawing on a sound understanding of both philosophy and psychology and grounded on the firm footings of practical experience, this important book encourages us to grow into our humanity. This book illuminates not only the theory but also the practice of living an 'examined life'; challenging and ultimately rewarding the reader hoping to flourish within the context of both individual and organisational life."

Harry Greenwood, Book Review in *Colloquium*: This book is a thought provoking and engaging presentation of a unique and exciting area of applied professional ethics. The authors' non-authoritarian tone and accessible language make for an illuminating journey into the area of ethical maturity. Carroll and Shaw confront the reader and one cannot help but engage in the material in the form of self-assessment and reflection. Most importantly, they manage to inspire readers to reach new heights in their own personal, emotional and ethical development.

AAPAE

AUSTRALIAN ASSOCIATION FOR PROFESSIONAL AND APPLIED ETHICS

"Making the right moves....."

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The broad purpose of the AAPAE is to encourage awareness of, and foster discussion of issues in, applied and professional ethics. It provides a meeting point for practitioners from various fields and academics with specialist expertise and welcomes everyone who wants or needs to think and talk about applied or professional ethics.

The AAPAE fosters and publishes research in applied and professional ethics as well as attempting to create connections with special interest groups. The AAPAE does not endorse any particular viewpoint, but rather aims to promote a climate in which different and differing views, concerns, and approaches can be expressed and discussed.