

## FACILITATING CASE DISCUSSIONS

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This article presents an approach to teaching and learning ethical decision-making skills that relies on the use of ethics cases.<sup>i</sup> Case studies have become a very popular tool in adult learning. Yet, the use of cases sometimes amounts to little more than a public “opinion swap” or “verbal swordsmanship.” What follows is a quick survey of some of the legitimate uses of cases in ethics education.

### *Cases Studies as Inductive Research*

Particularly in business ethics, it is not unusual to see cases used inductively. Individual cases – like the failure of the Enron corporation – may be researched in detail to extract ethical lessons or insights (Wood, 2004). Several cases may be used in an effort to identify patterns or generalities. Such cases are typically based on real life incidences, even if the process of writing a case yields a literary product that is necessarily selective. Often, such an approach is viewed as a development of the casuistic tradition in ethics (Jonsen & Toulmin, 1988).

In the field of research ethics, Moreno’s *Undue Risk: Secret State Experiments on Humans*, provides an inductive approach to the ethical conclusion that “Government secrecy is corrosive to democracy, constitutes a true threat to our way of life, and – although it cannot be eliminated in our dangerous modern world – it must be minimized” (2000, p. xvi).

### *Case Vignettes as Illustrative*

In professional psychology education, short vignettes are sometimes used to illustrate general points (Koocher & Keith-Spiegel, 1998). Similarly, cases are often used deductively in medical ethics to illustrate specific applications of ethical principles (Jonsen, Siegler, & Winslade, 2002).

### *Cases as Tools for Fostering Cognitive Dissonance and Development*

Moral developmentalists, building upon a tradition initiated by Lawrence Kohlberg (Kohlberg, 1981), frequently discuss moral dilemmas in group-settings. The point of these discussions is not to arrive at a satisfactory answer, but to air a variety of different moral justifications for a decision (Bebeau, 1995; Rest & Narvaez, 1994). Through the process of hearing other viewpoints, it is assumed that participants might recognize discrepancies between new pieces of moral information and their current moral schemas (Rest, Narvaez, Bebeau, & Thoma, 1999). This cognitive dissonance leads participants to develop high-order moral schemas (Brookfield, 1998).

Another advantage of this approach is that it may help participants to recognize the possibility of “unwarranted certainty,” which may lead people to follow rote solutions even in novel situations where they will not work (like getting an informed consent form signed when doing so might foster mistrust or might create the only threat to anonymity).<sup>ii</sup>

### *Cases as Tools for Fostering Decision-making Skills*

Cases may also be used to foster ethical decision-making skills. While each of the above uses might contribute to decisions-making skills indirectly, none of them offers a wholistic approach to solving ethical problems. At the same time, an approach to cases that fosters decision-making skills may also foster moral development by heightening sensitivity to moral

issues and enabling an exchange of viewpoints that causes people to look for higher-order solutions.

EMHR.net has posted two companion articles, “A Framework for Analyzing Ethics Cases” and “Justifying Ethical Decisions When Values Clash,” which together present a structure that can be used to promote the development of ethical problem-solving skills. EMHR.net additionally contains numerous cases in mental health research ethics that are designated as “decision-making cases” and are suitable for use in classrooms.

### **USING ANALYSIS AND JUSTIFICATION FRAMEWORKS**

Decision-making frameworks can lend structure to discussions and help participants to identify ethically important aspects of a situation and to justify controversial or difficult decisions. Without a framework, discussion often wanders and participants may wonder what was accomplished. Nevertheless, using a framework in an overly rigid manner can come across as pedantic and may stifle creative problem solving. (It is perhaps worth informing students of this before they attempt to impose such structures on their next IRB or ethics committee meeting!)

One solution to this problem is to follow the frameworks fairly strictly once or twice to illustrate them, but subsequently to allow free discussion of cases. Frameworks can still be used while permitting free discussion if the facilitator writes participants’ comments on a board within specific categories or summarizes key components near the end of the discussion. Because the analytic categories and the justification criteria are things that people naturally tend to examine (even if only tacitly and unsystematically) when building ethical arguments it is usually possible to fit comments into the structure after the fact.

Case discussion can occur fruitfully in almost any size group. However, the more active participants are – the more they genuinely attempt to solve ethical problems – the more likely they are to develop new skills and heightened sensitivity to ethical issues (Bebeau, 1995). This can be accomplished by working in smaller groups and seeking to elicit participation from all members. This requires that facilitators establish a “safe” environment in which ideas and not people are discussed critically. Facilitators should resist criticizing ideas. An idea that seems, say, preposterous might receive a response like “O.k., but can you imagine any problems that might result if we consistently made such decisions?” If the participant can’t imagine problems, peers will usually be willing to offer assistance, enabling the facilitator to refrain from criticism. Note that refraining from criticisms is not the same as being neutral. While some facilitators will want to remain neutral on cases, others will want to take a stance. Taking a stance can be appropriate if one has relevant expertise on the subject and seeks to dispel the relativistic impression that all answers are equally valid. However, it should be done only after the group has discussed the topic. Substantive interventions by the facilitator during group discussion should be limited to providing information that is needed by the group to address the case adequately.

However, getting everyone to participate is often very difficult. For this reason, Bebeau recommends that students be required to write an analysis of a case prior to group discussion, and then re-write their analysis following group discussion. This requires everyone to think through the issues themselves and to respond to the input others offer. Students learn more quickly when instructors provide feedback on at least one set of written case analyses (Bebeau, 1995). Because her approach involves discussion and two writing periods, she recommends that only one case be analyzed during a session (which may easily last from 45 minutes to 1.5 hours). When the written assignments are not given, more than one case can and often should be discussed.

### **FRAMEWORKS AND ASSESSMENT**

The frameworks are also useful in lending structure to graded case assignments. EMHR.net contains a case analysis assessment tool that is available to teachers and students at no cost. The assessment tool provides users with a series of prompts to elicit analytical and justification responses. The reason why prompts are given is because the tool is intended to be used as both a post-test and a pre-test that can establish baseline abilities. Without prompts, experts – who are often more efficient

– may not “show their steps” and may be unfairly penalized. That being said, instructors who teach the case frameworks in class may want to invite students to write their own case analyses without any prompts in order to assess whether students have mastered the frameworks.

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<sup>i</sup> Using cases studies alone may fail to provide participants with adequate knowledge of the subject area. For this reason, in class case discussion is usually combined with readings and/or lectures that provide information needed to solve problems adequately. EMHR.net contains a teacher’s manual for the textbook *Ethical in Mental Health Research* and the DVD *Dialogues on Ethical Research in Behavioral Health*. The teacher’s manual discusses different course formats that can be effective with traditional college students and professional adult learners.

<sup>ii</sup> I thank Joan Sieber for this point. Some evidence supporting this claim is found in Stanley, Sieber and Melton (1996).