

Professionell Ethics for Psychoanalysis...

For The German Psychoanalytical Association[1],2 _____

Contents

Preamble

- A. Basic ethical principles
 - I. The psychoanalytical method as the foundation of professional ethics
 - II. General principles
 - III. Specific principles
- B. Permanent forum for ethical issues
- C. Procedure for handling ethical complaints
 - I. Ethics Committee
 - II. Committee of Inquiry
 - III. Council of Ethics

Preamble

The psychoanalysts of the German Psychoanalytical Association (DPV) and their institutes are committed to the following professional ethics, as well as the principles and procedures deriving from it.

A. Basic principles

The ethical guidelines follow the humanistic values inherent in psychoanalytical thinking. They lead to ethical obligations regarding patients, colleagues, and the public.

The principles are to be continuously re-evaluated, in view of scientific developments and findings. They supplement the Statutes and Bylaws of the DPV. They are applicable to all members, training participants

and candidates, as well as to "permanent guests" of the DPV.

I. The psychoanalytical method as the foundation of professional ethics

The professional practice of psychoanalysis is based on the application of the psychoanalytical method in various modalities of psychoanalytical treatment. The commitment to the conditions of the psychoanalytical method is at the heart of the psychoanalyst's ethical position, forming the basis of the professional ethics for psychoanalysis. It ensures the preservation and the development of the professional standards in practice and research, promoting the culture and the science of psychoanalysis and effecting its various institutions.

The psychoanalytical method both facilitates and limits a particular emotional relation between the patient and the analyst. Psychoanalysts are required to have a keenly trained perception of preconscious and unconscious processes, in connection with a methodically reflected attitude and discipline. They have to be competent when handling the phenomena of regression, resistance, and transference/countertransference, in order to do justice to the particular need for protection of all parties involved.

Despite the fact that all psychoanalysts have a subjective understanding of the method and need to develop their personal treatment technique, there are indispensable ethical principles for the psychoanalytical practice.

II. General principles

Psychoanalysts are obliged to conduct themselves professionally in a way that guarantees their patients' or analysand's dignity and their right to physical and psychic integrity. They have to consider the particular need for the protection of all forms of experience and behavior which develop through the dynamic of the unconscious in the psychoanalytical process.

III. Specific principles

1. Confidentiality

Psychoanalysts are obliged to treat confidentially all statements from a patient/analysand, as well as information about themselves and others. This obligation to confidentiality ensures the protection of the patient, and the protection of third parties and of the psychoanalyst collecting the information. It also refers to scientific publications, supervisions, exchanges among colleagues (e.g. intervision) and preventive data protection in case of disease, death, or other causes of permanent inability to work.

In case of a dilemma between the psychoanalyst's obligation to confidentiality and his or her obligation to abide by the law, the psychoanalyst has to give special consideration to the need for protection in the psychoanalytical work relationship.

2. Authenticity and obligation to disclose

Adhering to the abstinence mandated by the method, psychoanalysts are obliged to maintain an authentic and tactful-open relationship with their patients/analysands, and not to abuse for personal advantages the suggestive effect of their personal authority and their professional competence. It is part of the obligation to authenticity to inform a patient/analysand at the beginning of the treatment about the particular conditions and rules of the future cooperative work. The obligation to inform and disclose relates also to the organizational and the contractual conditions of the medical health service system under which the treatment is conducted.

3. Abstinence

The safety of psychoanalytical activity requires the competence to maintain discipline and abstinence in all verbal and non-verbal communication. Verbal attacks (e.g. tactless and hurtful-disparaging comments) are damaging the psychoanalytical work in the same way physical harassment does. Psychoanalysts are therefore obliged not to abuse their competence and their personal authority in order to satisfy their own narcissistic, erotic, or aggressive needs. This obligation to abstinence applies beyond the cessation of the analytical work relationship.

4. Agreements

Agreements (e.g. about time and place of the treatment, vacation planning, fees, method of payment, compensation for cancelled sessions) become constitutive conditions of the analytical process, which have to be agreed upon before the treatment begins. The agreement has to take into account the individual life conditions of both partners, and any changes have to be announced in time and in view of the consequences for the psychoanalytical process. All other business agreements between psychoanalysts and their patients/analysands or their relatives are not permitted.

5. Preservation and securing of the psychoanalytical competence

Psychoanalysts are required to be especially sensitive to any disturbance in their emotional-physical stability. The reflection of their clinical work should be self-motivated, related to their practical work, and directed methodically (supervision and intervision) to build the premise for the preservation of their psychoanalytical competence.

B. Permanent forum for ethical questions

1. The permanent forum for ethical questions (SFE) is held regularly as a public function during DPV Annual Conferences. It is managed and directed by two moderators, who are elected by the member assembly for two consecutive years. A second term is possible.
2. The SFE is a discussion forum for the DPV members, and is independent of administrative connections. It has the task to discuss ethical questions in the professional practice at all stages of training, thus promoting the standards of professional ethics.
3. The SFE regularly reports to the members on its work, at least once per electoral term.

C. Procedure for handling ethical complaints

For the process of clarifying, counseling, and evaluating - and possibly sanctioning - in case of concrete complaints about ethical improprieties, it is crucial to make a distinction between psychoanalytical-reflexive and administrative-adjudicative procedures.

I. Ethics Committee

1. Tasks

It is the task of the Ethics Committee to handle questions and complaints about psychoanalysts' possible ethical improprieties and violations, as far as they concern their psychoanalytical practice, research, or public functions, or might have consequences for their work as psychoanalysts. Should after the committee's initial examination a charge or complaint turn out to be severe enough to necessitate further

investigation in preparation of a possible exclusion, the entire procedure is referred to the Committee of Inquiry by way of the Ethics Council. The chairman of the Ethics Committee has to make sure that the complaining party, if he or she so desires, is guided through the ensuing procedure.

The work of the Ethics Committee is psychoanalytical-reflexive, as well as problem-oriented and clarifying, based on the involved parties' willingness to cooperate. Their approach is thus different from an administrative-adjudicative procedure. In individual cases, the chairman of the Ethics Committee can make appropriate decisions about the possibilities and limits of a psychoanalytical-reflexive working process.

The Ethics Committee is obligated to sufficiently inform all involved parties about its procedure, to document the process, to compile a final report, and then send it to the Ethics Council, keeping in mind at every step the protection of data.

The work of the Ethics Committee pursues two separate objectives:

A) To provide the complaining party with respectful and adequate assistance, from a competent and independent third-party perspective.

B) To engage with the accused colleague in a critical discourse about his or her work, and, if necessary, to arrange steps that can restore or improve his or her psychoanalytical competence. Such steps could be supervision, intervention, or further education and training.

Should it be impossible to agree on the steps to be taken, or should the agreed-upon steps not be followed, the Ethics Committee can refer the process to the Ethics Council. The Ethics Council is then responsible for the implementation of the recommendations of the Ethics Committee.

In individual cases it may be necessary that the Ethics Council make further resolutions regarding member status.

Should a psychoanalyst without compelling reasons refuse to cooperate in the resolution of the charges leveled against him, the Ethics Committee can refer the procedure by way of the Ethics Council to the Committee of Inquiry. In case of reasonable suspicion of severe violation of boundaries, such a referral is mandatory.

All other aspects are regulated by the Procedural Code of the Ethics Committee.

2. Composition

The Ethics Committee consists of a chairman and four other members. The chairman and the other members are elected by the member assembly for five years (term of the chairman) and four years (term of the members). A second term is not possible.

2. Committee of Inquiry

1. Tasks

It is the task of the Committee of Inquiry to examine the necessity of a member's exclusion from the Association, to conduct all required investigations and, if necessary, make preparations for a vote by the member assembly about the member's exclusion.

The Committee of Inquiry becomes active by request and on the order of the Ethics Council. Its activity is

exclusively administrative-adjudicative.

The specific results of the Committee's investigations are to be documented and sent to the Ethics Council.

Should after the examination the Committee of Inquiry come to the conclusion that a member has gravely violated the statutes or interests of the Association, or that a member has shown a dishonorable and unprofessional behavior towards colleagues or patients, a behavior which might diminish the reputation of the profession and/or the Association, the Committee can recommend to the President of the Association - by way of the Ethics Council - to have the members prepare an exclusion procedure, according to § ... of the Constitution.

Should the Committee of Inquiry, after its examination of the entire situation, come to the conclusion that exclusion is not warranted, but that ethically inappropriate behavior of the accused member occurred to the point where measures other than threat of exclusion are necessary, the Committee can give recommendations to the Ethics Council, which the Council then has to implement. Such recommendations may change the status of a member within the Association, without excluding the member.

2. Composition

A) The Committee of Inquiry consists of a chairman and two assistants.

B) The chairman needs to be qualified for the office of a judge and have several years of practical experience. He or she must not be a psychoanalyst. The two assistants must not belong to the board. They need to have several years of practical psychoanalytical experience, and they need to have proven their competence in handling ethical questions by attending training programs which are recognized by the DPV Committee for Further Education.

3. The chairman is appointed by the entire board for a period of two years. Choosing the best-suited candidates for each individual case, the chairman selects the assistants from a list, for which each Institute elects a member as prospective assistant for two years. A second appointment or term is possible.

4. The specifics of the activity of the Committee of Inquiry are regulated by its Procedural Code.

III. Council Of Ethics

1. Tasks

Upon request, the Ethics Council serves in all matters as an adviser to the SFE, the Ethics Committee, and the Committee of Inquiry.

Upon request, the Council examines scientific projects (e.g. research projects, surveys, publications) to make sure they are following basic ethical principles.

The Council receives the final report of the Ethics Committee, and responsibly implements its recommendations.

The Council receives the recommendations of the Committee of Inquiry and responsibly implements them. The recommendations may change the status of a member, without justifying exclusion.

Some of these changes in status may be:

a) suspension of membership for up to a year

- b) relief of offices and functions for a period of up to two years
- c) loss of general assignments for conducting training analyses
- d) loss of assignments in individual cases for conducting training analyses
- e) suspension of supervisions

2. Composition

The Ethics Council consists of:

- 2.1 The out-going chairman of the Ethics Committee
- 2.2 A member of the Executive Board (as liaison officer)
- 2.3 The leader of the Central Training Committee (as liaison officer)
- 2.4 A member of the Committee of Inquiry (to report)
- 2.5 A representative of the DPV members sent by the member assembly, who runs the affairs of the Ethics Council and who at least once an electoral term reports to the members about the work of the Ethics Council. The representative is elected for five years, along with the chair of the Ethics Committee.

The Committee for the Establishment of Ethical Guidelines

February 2006

[1] Presented by the "Committee for the Drafting of Ethical Guidelines", initiated by Georg Bruns and confirmed by a resolution from DPV members on November 20, 2003. The members of this committee are: Ekkehard Gattig, Irene Misselwitz, Raimar Schilling, Peter Wegner, and Gabriele Weidenfeller.

2See "Principles and guidelines for professional ethics for Psychoanalysis". Sixth draft of the Ethics Committee - initiated by L. Schacht - submitted by W. Baumann, H.U. Christ, and J.F. Danckwardt, from September 18, 1993. See also "Ethical principles for the IPV", effective since December 31, 1999.