

Justice, Conflict, and Wellbeing Initiative

Ethics Center Brownbag, 10/26/2011

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The UNL Law and Psychology Program, in conjunction with the Weibling Project for the Psycholegal Study and Treatment of Discrimination, is developing a new effort aimed at furthering interdisciplinary social science scholarship focusing on empirical investigation. The cluster of faculty currently studies formal and informal methods of conflict resolution that promote justice and wellbeing at multiple levels of social organization. The new group of collaborators working under the rubric of Justice, Conflict and Wellbeing (JCW) include researchers from 3 Colleges at UNL: Arts and Sciences (Departments of Sociology, Political Science, and Psychology), Education and Human Sciences, and Law. The focus of this collaboration includes research about conflict resolution at multiple levels of analysis, starting with the interpersonal interactions among and between children and adults in their everyday environments and small group functioning such as bullying and other forms of spontaneous aggression erupting among temporary groups. Our work in each of these levels of analysis includes (1) organizational studies of mental illness, (2) workplace violence, (3) hate crime, (4) threats of terrorism, and (5) forms of traditional and alternative dispute resolution in the public and private sectors. The efforts of all involved come together for the purpose of understanding how various social actors resolve conflict in ways that further (or impede) the aims of justice and increase (or decrease) individual and group wellbeing.

The research topics studied by JCW faculty raise a host of ethical issues, both as a substantive focus of study and in terms of conducting the research. For illustrative purposes, consider the following three projects:

Discrimination (Wiener)

The Weibling Project for the Psychological Treatment and Study of Discrimination addresses the reciprocal links between mental illness and discrimination at work, school, and in the community. Weibling Project staff invites all clients who seek services (legal or psychological counseling) to participate in our ongoing research projects regarding the experience of discrimination. The clients complete several psychological inventories regarding their functional well-being, their cognitive and emotional appraisals of the events that they have described, their motivational or regulatory focus with respect to the allegations (how they wish to resolve them), and their lay understandings of the type and severity of the discriminations that they believe that they have experienced. These data serve two purposes. The staff uses the data for legal and psychological assessment and intervention planning and they use them for research purposes. The goal of the research is to develop a more thorough understanding of discrimination

antecedents and outcomes both for the purposes of assisting people to respond in the most effective way possible to unfair treatment; and learning how discrimination disturbs people's emotions, motivations, and general well-being. Many of the clients that come to the project do not have viable legal cases but are still distressed at what they believe is unfair treatment.

Discussion Questions: After the data are collected, many clients learn that they do not have a viable legal claim (They all do have access to psychological services). At what point in the process should we obtain informed consent from the clients to collect research data? Before we collect the data or after we collect the data, explaining that we wish to use the data for research purposes? Why?

Attorney Wellbeing (Bornstein)

Lawyers suffer from an unusually high level of stress, depression and substance abuse, marital/family problems (Schiltz, 1999), and job burnout. This distress can be extremely costly to the legal system and therefore steps should be taken to minimize attorney distress. This pattern begins in law school and continues throughout lawyers' career. Furthermore, attorneys are often challenged with ethical dilemmas and legal role conflicts, which can lead to distress. Attorney distress can have a significant impact on not only the attorney personally, but also the legal system as a whole. Psychological problems, such as depression and substance abuse, account for a large proportion of disciplinary proceedings within the legal field. Young attorneys and law students might be especially reluctant to report problems or seek help, due to concerns about stigma and professional status (e.g., bar admission).

Discussion Questions: How to study attorney (and law student) wellbeing and obtain reliable data on stigmatized behaviors? What are researchers' reporting vs. confidentiality obligations? Should these issues be part of legal education (e.g., professional ethics)?

Violence Prevention (Scalora)

Given recent attention to acts of targeted violence (e.g., workplace violence, terrorism, campus violence), substantial efforts have been made regarding violence prevention. Several ethical issues arise related to various outreach, assessment and intervention activities inherent with any prevention strategies addressing such low-occurring but high impact activity.

Discussion Questions: What sorts of interventions are appropriate? Does outreach/assessment contaminate the research question? What role (if any) should political considerations have (e.g., terrorism research)?