The Unique Challenge of Articulating the Behavior Analysts' Ethical Obligations and the Case of Punishment

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Abstract

There is a long-standing debate about the place for technical versus colloquial language in applied behavior analysis; however, this debate has yet to be considered within the context of a professional code of ethics for applied behavior analysts. In this article we discuss the limitations of technical language in articulating the applied behavior analyst's ethical commitments, illustrating this point by considering the use of the term *punishment* in the *Professional and Ethical Compliance Code for Behavior Analysts* (Behavior Analyst Certification Board, 2016). The ethical concerns regarding the use of punishment may be more accurately stated in terms of the need to avoid techniques that cause pain or discomfort rather than techniques that meet the technical definition of punishment. In summary, more consideration should be given to the use of subjective terminology in behavior analysts' ethical discussions.

Keywords Ethics · *Professional and ethical compliance code for behavior analysts* · Punishment · Mentalism · Subjectivism · Operationalization

The extent to which applied behavior analysts should prioritize the use of technical language over colloquial language has been the subject of substantial debate within the field of applied behavior analysis (ABA). Although some advocate for making the discipline more accessible to the general public (Bailey, 1991; Becirevic, Critchfield, & DiGennaro Reed, 2016; Diller, Salters-Pedneault, & Gallagher, 2014; Foxx, 1996; Friman, 2006; Poling, 2010), others hold that the language of ABA should prioritize technical accuracy over accessibility in order to preserve the discipline's scientific rigor (Barnes, 1996; Branch & Vollmer, 2004; Field & Hineline, 2008; Hineline, 1980; Holth, 2001). This article aims to extend this conversation by considering the appropriate place for technical language in professional ethics for applied behavior analysts. We will argue that, because ethical terminology cannot accurately be

applied to types of behavioral interventions, subjective or mentalistic terminology may be required to capture the applied behavior analyst's ethical obligations. We will illustrate this claim by considering the ethics of punishment.

The Mismatch between Operationalized Language and the Language of Ethics

Skinner was deeply suspicious of subjective terminology, holding that, at best, descriptions using subjective terminology are inaccurate (Skinner, 1984). This skepticism is consistent with the predominant contemporary attitude toward mentalism in ABA (Cooper, Heron, & Heward, 2007). Grounded in a commitment to operationalization, the technical language of ABA avoids subjective (or mentalistic) terminology (Cooper et al., 2007).

By contrast, the language of ethical theory is replete with subjective terms. Ethical judgments rely heavily on inferences about subjective states. Common ethical discourses discuss *intentionality*, whether someone *feels remorse*, whether an action caused *pain*, and so on. It is generally thought that ethical theory aims to systematize our intuitive ethical judgments (Enoch, 2011; McMahan, 2002; Rawls, 1971; Scanlon, 2014). It is thus unsurprising that, among those who specialize

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in ethical theory, there is widespread agreement that ethical theorizing requires the use of subjective terminology (Haybron, 2008; Kant, trans. 1998; McMahan, 2002; Mill, 1861/1998; Parfit, 2011; Plato, trans. 2004; Rachels & Rachels, 2003; Shafer-Landau, 2014).

For a time, many hoped that subjective terminology could be successfully translated into purely behavioral terms (see, e.g., Ayer, 1946; Harzem & Miles, 1978; Ryle, 1949); however, it was not long before it was widely accepted that no such translation could be successful (Block, 1981; Boyer, 1984; Chisholm, 1957; Geach, 1957; Putnam, 1980). There is not room in this article to review the arguments that led to this consensus; however, it should be noted that, for those suspicious of subjective terminology, the inability to translate between operationalized and subjective terminology should be welcome news. If such a translation were possible, operationalized terms could be neither more precise nor more accurate than subjective terminology. When one translates a sentence (e.g., “I have a dog.”) into another language (e.g., “Tengo un perro.”), one has neither added nor lost precision or accuracy. The failure of attempts to translate between subjective terms and operationalized terms is a prerequisite for the scientific superiority of operationalized terminology.

Subjective language is central to ethical theory, and one cannot translate directly between behavioral and subjective terminology. It immediately follows that the language of ethics can express ideas that the language of ABA cannot, whereas the language of ABA can express ideas that the language of ethics cannot (cf. Hayes & Tarbox, 2007). Consequently, the technical language of ABA is limited in its ability to capture the applied behavior analyst’s ethical obligations.

Although it is true that many disciplines, such as engineering, use a technical language devoid of subjective terminology, ABA’s relationship to ethical theory is particularly fraught. Although engineers may not, in their professional work, rely on subjective terminology, there is nothing preventing the engineer from combining the language of engineering and the language of ethics when engaging in engineering ethics. By contrast, the language of ABA is rooted in a rejection of subjective terminology. Yet subjective terminology is central to the language of ethics. The applied behavior analyst is thus committed to eschewing subjective terminology in his or her professional life yet must use subjective terminology if he or she wants to discuss the intersection of ethics and ABA.

The Prohibition on Punishment as a Case Study

Prefatory Remarks

This section will use the ethics of punishment as a case study to illustrate the challenge developed in the previous section.

To briefly foreshadow, in light of the centrality of subjective terminology to ethics, punishment is likely not an appropriate target for ethical evaluation. This conclusion can be easily misinterpreted. We are not advocating for punishment, nor are we suggesting that behavior analysts should cease to be wary about punishment. Protection of clients, and an ethics code that facilitates this protection, is nonnegotiable. There is, however, room for disagreement regarding the linguistic practices that best facilitate the protection of clients. The following discussion is predicated on the shared understanding that the protection of vulnerable populations is ethically paramount. The question is not if but rather how behavior analysts can best capture their ethical obligations and enshrine safeguards for their clients.

Background

The recently published (2014) and revised (2016) *Professional and Ethical Compliance Code for Behavior Analysts* (henceforth, “the Code”) provides an apt example of the challenge behavior analysts face when attempting to articulate their ethical obligations. Clause 4.08.a of the Code reads, “Behavior analysts recommend reinforcement rather than punishment whenever possible” (Behavior Analyst Certification Board, 2016, p. 13). Though the Code recommends that applied behavior analysts avoid punishment, it does not hold that punishment is always impermissible. Rather, the Code holds that there is a strong moral presumption against punishment procedures, though other morally relevant variables can override this presumption (e.g., if a punishment procedure is the only treatment likely to be effective). Therefore, in what follows, we will refer to the Code’s stance as an “ethical restriction on punishment.”

The Code’s stance on punishment reflects an attitude that is common in ABA. For example, Cooper et al. (2007) hold that treatments involving positive punishment should be used as a last resort. Furthermore, survey research suggests that a similar attitude toward punishment is relatively widespread among applied behavior analysts (DiGennaro Reed & Lovett, 2007).

For the purposes of this article, we will set aside two ethical objections to punishment. First, ethical objections to punishment have been raised on the grounds that punishment can produce unwanted side effects (e.g., Cooper et al., 2007; Leslie, 1997).¹ Second, concerns have been raised that punishment is morally problematic because it does not constitute the least restrictive treatment option (Cooper et al., 2007). If these are the only objections to punishment, punishment qua punishment is not ethically problematic. Rather, ethical concern should be directed toward interventions likely to cause

¹ It is important to note that there is some controversy regarding the extent to which punishment leads to unwanted side effects (Critchfield, 2014).

unwanted side effects (see clause 2.09.c of the Code) and interventions that are not the least restrictive alternative (see clause 4.09 of the Code).

The subsequent discussion will consider whether the Code's ethical restriction on punishment accurately captures applied behavior analysts' ethical obligations. It should, however, be noted that accuracy is only one desiderata of a code of ethics. Codes of ethics serve a variety of functions, including specifying grounds for censure (Cooper et al., 2007), improving the relationship between a profession and the lay public (Jacob, Decker, & Lugg, 2016), and changing incentive structures so as to avoid potential conflicts of interest (Jamal & Bowie, 1995). The discussion that immediately follows will focus on the accuracy of the Code's ethical restriction on punishment. Consideration of the pragmatic implications of an ethical restriction on punishment will wait until the final sections of the article.

On the Permissibility of Punishment

Despite the fact that many applied behavior analysts believe that punishment is morally problematic, given the technical definition of punishment, it is not clear that this is the case. By way of demonstration, we will briefly consider two cases in which punishment appears to be morally unproblematic:

1. Jane's nail-biting: Jane engages in habitual nail-biting. As part of a habit-reversal program, Jane and her best friend decide to work together to increase Jane's awareness of her nail-biting. Jane's friend verbally notifies Jane each time she sees Jane engage in nail-biting. These verbal notifications are contingent on Jane engaging in the target behavior and decrease the future frequency of nail-biting, qualifying the intervention as a punishment procedure (per the definition given by Cooper et al., 2007). Jane feels relief and comfort knowing her friend is working with her to decrease nail-biting and would not prefer a different procedure.
2. Jerry's daydreaming: During class, Jerry has a tendency to become distracted and stare out the window. This often results in him missing course material. Jerry asks his friend to tap his shoulder each time she sees him staring out the window. The shoulder tapping is contingent on Jerry staring out the window and decreases the future likelihood of Jerry engaging in this behavior in class, therefore qualifying it as a punishment procedure (per the definition given by Cooper et al., 2007). Jerry is grateful to his friend for helping him to stay focused during class and is proud of the academic progress he is making.

Among professional ethicists, it is widely accepted that morality is fundamentally about reasons for action (see, e.g., Scanlon, 2014). Thus, if either Jane's or Jerry's intervention is

ethically problematic, Jane and Jerry must have some reason to prefer alternative interventions. Jerry's and Jane's hypothetical interventions are effective and personally selected and produce positive affect. Thus, Jane and Jerry appear to lack any reason to request a reinforcement procedure.² It follows that, in at least some cases, there should be no ethical restriction on punishment.

Yet if there are some cases in which there should be no ethical restriction on punishment, it further follows that punishment *qua* punishment is not morally problematic. If punishment (as an action type) has negative moral valence, each instance of punishment should inherit this valence (even if the valence ends up being swamped by other considerations). But Jane and Jerry lack any reason to prefer a reinforcement procedure. It follows that the punishment procedures in these cases lack negative moral valence, and consequently, punishment (as an action type) lacks negative moral valence. (This is, of course, not to deny that particular instances of punishment are morally problematic.)

Given the theoretical concern developed at the outset, this result should not be a surprise. Subjective states are generally at the heart of moral evaluation (e.g., an action was wrong because it was intended to cause pain). But the technical terms of behavior analysis, like *punishment*, are explicitly nonsubjective. Lacking any subjective content, punishment (as an action type) is not the kind of thing generally evaluated by ethical theory. It should thus come as no surprise that there is no widely accepted moral theory that would hold that punishment, *qua* punishment, is morally problematic.³

This result is not unique to punishment but is entirely general. Subjective states are central to ethical evaluation, yet subjective states play no role in the individuation of types of behavioral interventions. Therefore, types of behavioral interventions are not appropriate for ethical evaluation. Nonetheless, particular inventions may be morally impermissible or morally obligatory. Herein lies the unique challenge

² If there is a comparatively more effective reinforcement procedure, Jane and Jerry might have reason to prefer a reinforcement procedure to a punishment procedure. For the purposes of this discussion, however, we can ignore the possibility of a comparatively more effective reinforcement procedure. As noted earlier, if the Code's ethical restriction on punishment is justified via considerations related to treatment efficacy, there is no reason for the Code to include a prohibition on punishment procedures. Rather, the prohibition on punishment should be subsumed under the Code's requirement that behavior analysts "advocate for . . . most-effective treatment procedures" (Behavior Analyst Certification Board, 2016, p. 8). That the discussion of punishment occurs in an entirely distinct section of the Code indicates that the Code endorses an ethical restriction on punishment that goes beyond the obligation to provide the most effective treatment. Ignoring the possibility of a comparatively more effective reinforcement procedure allows us to focus in on the Code's ethical restriction on punishment without muddying the conceptual waters by introducing orthogonal moral considerations. Though it would be inappropriate in a clinical context, this bracketing of issues is essential for theoretical progress (Hake, 1982).

³ There are, of course, many reasons a particular instance of punishment might be wrong—for example, because it causes pain. But these reasons are (a) extrinsic to punishment and (b) rooted in moral evaluation of subjective states.

for articulating behavior analysts' ethical obligations. General ethical guidelines are needed to help sort permissible interventions from impermissible interventions; however, in order to accurately capture the behavior analyst's obligations, these general guidelines should not make claims about the moral valence of types of behavioral interventions.

Communicating with Clients and their Families

Although mentalisms are central to the language of ethics, the language of behavior analysis is careful to avoid mentalistic terminology. The result is a linguistic divide whereby types of behavioral interventions are not appropriate targets for ethical evaluation. The Code's ethical restriction on punishment serves as a case study. Because mentalistic terms play no role in the definition of *punishment*, punishment (understood as a type of behavioral intervention) is not an appropriate target for ethical evaluation.

These theoretical considerations have immediate implications for communicating with clients and their families. Behavior analysis is often viewed negatively by members of the lay public, and building rapport with clients and their families may require overcoming initial hesitation (Freedman, 2016). Expression of the behavior analyst's ethical commitments can play an important role in this process by helping to reassure clients and their families that the behavior analyst has the client's best interest at heart. Yet attempts to express the behavior analyst's ethical obligations in mentalistic-free language may do as much harm as good.

Mentalisms are ubiquitous when members of the general public discuss ethics. Thus, expressing a commitment to "avoiding punishment," "not using aversive stimuli," or "avoiding invasive interventions" will likely come across as distant or cold to non-behavior analysts. Rather, families likely want to hear the following: "We want to make your child's life better," "Your child is safe with us," and "Behavior analysts think that it is wrong to do to anything that would hurt a child, unless it's absolutely 100% necessary to avoid some greater harm." Families want to know that the behavior analyst cares about their child, and mentalisms are central to the laity's conception of ethics. Consequently, in avoiding mentalistic terminology when discussing ethics, behavior analysts distance themselves from the popular conception of the health care provider's ethical obligations and, in so doing, likely fail to address the concerns of clients and their families.

In order to more effectively communicate about ethics with clients and their families, behavior analysts would do well to integrate mentalistic terminology into their conversations. But how can a behavior analyst know what mentalistic terminology to use? Once more, consideration of the ethics of punishment can be helpful.

Justifications offered for avoiding punishment often use subjective language, referencing the need to avoid *harm*, *pain*, or *discomfort* (Cooper et al., 2007; Gerhardt, Holmes, Alessandri, & Goodman, 1991; Matson & Kazdin, 1981). If the ethical restriction on punishment is justified via subjective terminology, the prohibition may be replaced with its justifiers. Thus, rather than talking about an ethical restriction on punishment, behavior analysts may more effectively convey their ethical obligations by talking about a commitment to avoiding interventions that cause harm, pain, or discomfort.

This rough procedure should be effective for generating potential replacements for other attempts to ethically evaluate types of behavioral interventions. The language of ethics relies on mentalisms. Thus, attempts to explain the ethical evaluations of types of behavioral interventions will generally involve mentalistic terminology. These mentalistic justifiers can then serve as replacements for otherwise potentially alienating attempts to apply ethical terminology directly to types of behavioral interventions.

Pragmatic Considerations and the Code

Whereas ABA is grounded in a rejection of subjective terminology, subjective terminology is central to ethical theory. Consequently, ethical theory cannot be straightforwardly used to evaluate behavioral interventions unless subjective terminology is added to the mix. Whereas the previous section considered implications for how behavior analysts should communicate with clients and their families, the current section will consider the potential implications for the Code.

As noted earlier, from the perspective of ethical theory, the Code's restriction on punishment is likely inaccurate. However, accuracy is only one goal of professional ethics (Cooper et al., 2007; Jacob et al., 2016; Jamal & Bowie, 1995). Thus, even if the ethical evaluation of types of behavioral interventions involves some inaccuracy, this inaccuracy may be outweighed by pragmatic considerations.

In attempting to determine when pragmatic considerations favor ethical evaluation of types of behavioral interventions, it will be helpful to have some sense of the kinds of pragmatic factors one ought to consider. In this section we will consider the pragmatic strengths and weaknesses of the Code's ethical restriction on punishment. The goal of this discussion is to highlight pragmatic factors that should be taken into account when considering whether an ethics code for behavior analysts should evaluate types of behavioral interventions. Though not the explicit focus of discussion, much of what follows will also be relevant to communicating with clients and their families about the ethical obligations of behavior analysts.

Clarity

The technical language of behavior analysis allows for a greater degree of both clarity and precision than is generally available when speaking colloquially (Cooper et al., 2007). Among behavior analysts, there is widespread agreement about the meaning of foundational technical terms. Thus, clarity is one of the notable strengths of the Code's ethical restriction on punishment. The technical definitions of both punishment and reinforcement guarantee that there is little ambiguity regarding which interventions the ethical restriction targets.

Although the technical language of behavior analysis allows for both precision and clarity, it is also often difficult for lay audiences to understand. The Code's ethical restriction on punishment thus involves a trade-off. Whereas the use of technical language in the ethical restriction on punishment affords clarity for behavior analysts, it likely hampers the comprehension of lay audiences.

Unintended Clinical Consequences

As foreshadowed in the previous hypothetical case examples (Jane's nail-biting and Jerry's daydreaming), the ethical restriction on punishment may threaten client autonomy. Drawing on Owens (1995), Leslie (1997) suggests that behavior-analytic services should integrate the clients' preferences regarding both treatment goals and methods, a sentiment reiterated in clause 2.09.c of the Code. Yet clients sometimes prefer punishment procedures. For example, Hanley, Piazza, Fisher, and Maglieri (2005) found that, when given the choice between functional communication training (FCT), FCT plus punishment, and punishment only, participants (children with mild to moderate intellectual disability) preferred FCT plus punishment. Similarly, other researchers have found that children in general education classrooms sometimes prefer punishment procedures over reinforcement procedures (see, e.g., Donaldson, DeLeon, Fisher, & Kahng, 2014, and Jowett Hirst, Dozier, & Payne, 2016). In light of this research, the ethical restriction on punishment may be in tension with honoring client preference.⁴

Unintended Linguistic Consequences

The ethical restriction on punishment may result in increased misuse of behavior-analytic terminology, in both the public and the professional realms. The technical language of ABA is not easily mastered (Cooper et al., 2007; Friman, 2006), and

⁴ It is worth noting that *preference* as used in the technical terminology of behavior analysis does not have the same meaning as *preference* as used in the vernacular. Thus, we should take some care in moving from the technical meaning of *preference* to the vernacular meaning of the term. That said, at least under normal conditions, we can expect a client's preference (technical) to reliably covary with a client's preference (vernacular).

relatively elementary terms such as *treatment* are often used incorrectly (Deitz & Arrington, 1983, p. 119). This phenomenon has been explained by the following facts: (a) many behavior-analytic terms have homographs in colloquial English (Deitz & Arrington, 1983), and (b) the majority of individuals with whom behavior analysts interact are not, themselves, behavior analysts, with the result that the colloquial use of homographs is frequently reinforced whereas their technical use is often punished (Skiba & Deno, 1991).

This concern is particularly relevant in the context of an ethics code for applied behavior analysts. When used colloquially, *punishment* has both normative and subjective connotations (Deitz & Arrington, 1983; Foxx, 1996; Harzem & Miles, 1978). Furthermore, the colloquial use of *punishment* fits better with the language of moral theory than does the behavior analyst's technical use of the term. Thus, prior verbal conditioning may lead to a greater overall amount and/or potency of reinforcement for the colloquial use of *punishment* than for its technical homophone, especially in conversations about ethics. Consequently, the ethical restriction on punishment may have the unintended consequence of blurring the distinction between the colloquial meaning of *punishment* and the technical meaning of the term.

Unintended Research Consequences

The ethical restriction on punishment poses a challenge for researchers interested in investigating punishment procedures.⁵ Human subjects research on interventions that cannot be justified in clinical contexts is morally problematic (US Department of Health and Human Services, 2009). If we are morally required to avoid punishment procedures in the clinic, there is little by way of clinical justification for investigating the use of punishment procedures whenever an alternative reinforcement procedure is available and clinically relevant. As a matter of fact, research regarding punishment is limited (Cooper et al., 2007; Lerman & Vorndran, 2002; Lydon, Healy, Moran, & Foody, 2015). Indeed, "since 1990, punishment procedures have been used in less than ten published articles each year" (Lydon et al., 2015, p. 481). Hanley et al. (2005) hypothesize that this dearth of research is likely a consequence of the low social acceptability of punishment procedures.

Protection of Vulnerable Populations

Individuals with developmental disabilities and/or challenging behavior are, all too often, the victims of abuse (Mandell, Walrath, Manteuffel, Sgro, & Pinto-Martin, 2005;

⁵ This concern predates the development of ethical guidelines for behavior analysts. For example, Stolz (1977) writes, "specific prescriptive and proscriptive guidelines could have a stultifying or freezing effect on developments within [behavior analysis]" (p. 43).

Wigham & Emerson, 2015). Unfortunately, ABA practitioners have sometimes perpetrated this abuse (Rosenthal & Ahern, 2012). The ethical restriction on punishment functions to protect vulnerable populations from receiving unnecessarily aversive procedures. Protections from abuse are nonnegotiable. The ethical restriction on punishment must not be removed from the Code unless it is replaced by a clause that similarly serves to protect clients from inappropriate and abusive interventions.

Summary

In considering the Code's ethical restriction on punishment, six distinct pragmatic considerations relevant to evaluating a clause in a code of ethics were identified:

1. How clearly does the clause communicate its message to applied behavior analysts?
2. How clearly does the clause communicate its message to the lay public?
3. Does the clause have unintended linguistic consequences?
4. Does the clause have unintended clinical consequences?
5. Does the clause have unintended consequences for research?
6. Does the clause help protect vulnerable populations?

Though types of behavioral interventions are not appropriate targets for direct ethical evaluation, pragmatic considerations may nonetheless make it appropriate for a code of ethics to take a stance on a type of behavioral intervention. The Code's ethical restriction on punishment appears to fair well along some pragmatic dimensions while faring poorly on others.

The Pragmatics of Mentalism in Behavioral Ethics

Though it is important to consider the pragmatics of the ethical evaluation of types of behavior interventions, it is equally important to consider the pragmatics of alternative formulations of the behavior analyst's obligations. The inclusion of a clause in a code of ethics depends not just on the pros and cons of that clause but also on the pros and cons of alternative clauses that might serve as replacements.

Generating Replacement Clauses

In considering how behavior analysts can more effectively communicate about ethics with clients and their families, a method for introducing mentalisms into communication about ethics was proposed. Because ethical theory relies on mentalisms, attempts to justify the ethical evaluation of types of behavior interventions will likely involve mentalistic

terminology. These mentalistic justifiers can then serve as replacements for mentalism-free attempts to capture the behavior analyst's ethical obligations. This same method can be used not only to enrich communication with clients and their families but also to generate replacement clauses for a code of ethics.

Unintended Linguistic Consequences

Although clauses containing mentalisms must be evaluated on a case-by-case basis, the thought of introducing mentalistic terminology into a code of ethics may give rise to overarching concerns. In a discipline dedicated to the study of the observable, the idea that professional ethics codes should replace some behavior-analytic terminology with subjective terminology may seem like a significant departure from behavior-analytic tradition. In particular, one may be concerned that the use of mentalisms in a code of ethics would lead to behavior analysts being reinforced for using subjective terminology in a professional context. Were this behavior to generalize, it would do so at the cost of the linguistic and conceptual rigor of behavior analysis.

It is worth noting that subjective terms, in the form of social validity metrics, are already well established in ABA.⁶ In his seminal article, Wolf (1978) wrestled with the implications of including subjective measures in behavior-analytic publications and ultimately concluded that "if those things described by subjective labels were the things that were most important to people, then those were the things . . . that we should become more concerned with" (p. 206).

Social validity measures are generally kept distinct—conceptually and in practice—from the behavioral interventions for which they are developed (Horner et al., 2005). Consequently, the subjective terminology associated with social validity measures are separate from the core research methods and technology of ABA. If subjective terminology is going to be added to professional codes of ethics, a similar partition should be maintained. If such a partition is maintained, just as the use of subjective terminology in social validity measures has not led behavior analysts to use mentalistic terminology in other facets of their work, there is similarly little reason to think that the use of subjective terminology in a code of ethics would lead to more widespread use of mentalisms by behavior analysts.

Clarity

Even if the use of subjective terminology would not generalize beyond ethical discussion, the lack of clarity associated with

⁶ It should be noted that there have been recent moves in the direction of objective social validity measures (e.g., Hanley, 2010). Social validity nonetheless serves as a useful precedent; the introduction of subjective social validity measures did not lead to a slippery slope whereby subjective terminology became widely used in the core behavior-analytic technologies.

mentalistic terminology may be cause for concern. The Code serves as a set of enforceable professional norms for applied behavior analysts (Behavior Analyst Certification Board, 2016). In order for the Code to be enforceable, some method is needed to determine when a violation has occurred. If clauses of the Code include subjective terminology, determining if a violation has occurred will require determining the subjective states of individuals. This is a notoriously challenging task. It is, however, unclear to what extent this poses a problem for the use of subjective terminology in a code of ethics. Subjective terminology pervades both our legal system and professional codes of ethics. Though far from perfect, the status quo suggests that the inclusion of subjective terminology in legal and ethical codes does not present an insurmountable challenge to enforcement.

Furthermore, in contrast to the long-standing use of subjective terminology in professional and legal codes, the Code was originally written in 2014 and only became enforceable in 2016 (Behavior Analyst Certification Board, 2016). The Code, self-consciously modeled after previously existing professional codes of ethics (Behavior Analyst Certification Board, 2016), may one day eclipse its predecessors; however, for the time being, the Code should be counted as a success if it functions on par with the professional codes on which it was modeled.

Future Directions

The introduction of subjective terminology into a code of ethics gives rise to two general concerns. It is unclear if either concern should give one pause. Nonetheless, clarity and the potential for unintended linguistic consequences are only two of many pragmatic considerations that should be taken into account when considering a potential clause for a code of ethics. Furthermore, the preceding discussion only considers very general concerns that arise from the introduction of subjective terminology into a behavioral code of ethics. In order to determine their pragmatic strengths and weaknesses, each candidate clause for inclusion in the Code must be considered on its own. Thus, if behavior analysts' ethical discussions are going to increasingly make use of subjective terminology, it will be important to assess the pragmatic implications of each attempt to capture the behavior analyst's obligation using mentalistic terminology.

Conclusion

This article aims to lay the grounds for a broader discussion about the place for subjective terminology in behavior analysts' ethical conversations. The task of determining best practices for communicating about ethical obligations is, to a significant extent, empirical. The continued refinement of our

understanding of the ethics of ABA should proceed hand in hand with the empirical study of the pros and cons of including subjective terminology in ethical discourse.

Applied behavior analysts are committed to improving quality of life for their clients and protecting clients from harm; however, the technical language of ABA is not always well suited to capture the applied behavior analyst's ethical obligations. In order to more precisely capture these obligations, further discussion about the place of subjective versus technical terminology in a professional code of ethics is warranted.

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Compliance with Ethical Standards

Conflict of Interest Abraham Graber declares that he has no conflicts of interest. Jessica Graber declares that she has no conflicts of interest.

Ethical Approval This article does not contain any studies with human participants or animals performed by any of the authors.

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