

# When the Political Is Professional: Civil Disobedience in Psychology

Anthony W. P. Flynn<sup>1</sup>, Sergio Domínguez Jr.<sup>1</sup>, Ree Ae S. Jordan<sup>1</sup>, Rachel L. Dyer<sup>1</sup>, and Ezra I. Young<sup>2</sup>

<sup>1</sup>Department of Counseling Psychology, University of Wisconsin–Madison

<sup>2</sup>Law Office of Ezra Young, New York, New York, United States

Activists use civil disobedience as a means of putting social justice into practice. Psychologists can engage in civil disobedience to enact psychology's ethical principles, support marginalized communities, promote social welfare, and contest injustice. Drawing from the work of minoritized scholars within and outside of psychology, the American Psychological Association (APA) Ethics Code, social constructionism, intersectionality, and social justice movements, our article aims to empower psychologists to understand and use civil disobedience and advocates for expanding civil disobedience in the profession. Because psychologists' identities and contexts will inform their own civil disobedience, we utilize a social justice issue germane to our own work supporting transgender people as an exemplar where our ethical principles would conflict with law; thus, warranting civil disobedience. This example concerns Ohio House Bill 658, which, if enacted, would have mandated that psychologists "immediately notify, in writing, each of [a] child's parents if the child shows symptoms of gender dysphoria or otherwise demonstrates a desire to be treated in a manner opposite of the child's biological sex." We return to Ohio HB 658 and explore other contemporary social justice issues throughout to reveal how psychologists can conceptualize and enact civil disobedience in pursuit of transformative change.

### Public Significance Statement

This article draws from the work of historically marginalized scholars, activists, and social justice movements to help psychologists understand and employ civil disobedience as a practice for transformative change. Additionally, it advocates for expanding the capacity for civil disobedience in professional psychology.

*Keywords:* civil disobedience, social justice, professional ethics, trans youth

Five decades ago, at a time of heightened social tumult and change, Dr. Martin Luther King, Jr. addressed the American

Psychological Association's (APA) 75th annual convention. King (1968) described racism in the United States as "gigantic in extent, and chaotic in detail," and urged psychologists to play an active role in ending it: "there are some things in our society . . . to which we should never be adjusted. There are some things . . . to which we must always be maladjusted if we are to be people of good will" (King, 1968, p. 11). King believed that psychologists have an important role to play in sustaining the civil rights movement through civil disobedience (King, 1968). Roughly, civil disobedience comprises intentional violation of policy or law in service of higher principles or interests. Communities who face exploitation, marginalization, powerlessness, cultural domination, or violence have used civil disobedience to reorient society's moral parameters, contest entrenched power structures, and exact concessions in support of social justice (Chenoweth & Stephan, 2011). In his plea to psychologists, King advocated for "study and analysis to avoid mistakes of the past when [civil disobedience] was employed on too small a scale and sustained too briefly" (King, 1968, p. 2). Nested in historic and contemporary currents of

*Editor's Note.* This article is part of the special issue "Public Psychology: Cultivating Socially Engaged Science for the 21st Century" published in the November 2021 issue of *American Psychologist*. Asia A. Eaton served as lead guest editor, and Patrick R. Grzanka, Michèle M. Schlehofer, and Linda Silka served as guest editors, with Alexandra Rutherford as advisory editor.

Anthony W. P. Flynn  <https://orcid.org/0000-0002-4426-5102>

Sergio Domínguez Jr.  <https://orcid.org/0000-0003-1157-8599>

Ree Ae S. Jordan  <https://orcid.org/0000-0002-6524-1812>

Rachel L. Dyer  <https://orcid.org/0000-0003-0073-3442>

Ezra I. Young  <https://orcid.org/0000-0003-3560-5280>

Ezra I. Young is now at Cornell University Law School.

Correspondence concerning this article should be addressed to Anthony W. P. Flynn, Department of Counseling Psychology, University of Wisconsin–Madison, 327 Education Building, 1000 Bascom Mall, Madison, WI 53705, United States. Email: [awflynn@wisc.edu](mailto:awflynn@wisc.edu)



**Anthony W. P. Flynn**

social justice, this article aims to heed King's call by emboldening civil disobedience in psychology as a practice for transformative change.

Both before King's speech and in the decades since, racial and ethnic minority, feminist, queer and trans, and disabled activists and psychologists have led efforts to expand social justice in our field (Nadal, 2017). Despite historic marginalization (Fine, 2018) these efforts have broken into the mainstream of psychology in recent years (Nadal, 2017; Thomas, 2004). Indeed, preceded by efforts in feminist and multicultural psychology (Enns et al., 2013), public psychology entails a groundswell within our professional mainstream to promote social transformation (Nadal, 2017) through critical research methodology (e.g., Fine, 2018), clinical practice (e.g., Enns et al., 2013), education, systemic intervention, and public advocacy. APA has shown a propensity toward social justice and public psychology across multiple past presidents, divisions, initiatives, and within its bylaws and ethical principles (Vasquez, 2012). Contemporary research on the social determinants of health calls for structural intervention to address disparities that emerge from historic oppression (Chavez et al., 2007). Scholars of social constructionism critically examine the oppressive effects of meaning-making processes (Berger & Luckmann, 1966).<sup>1</sup> Elsewhere, psychologists using intersectionality leverage critical methods to confront structures that systematically marginalize groups of people (e.g., racism, sexism, transphobia; Adames et al., 2018; Cole, 2009; Lewis et al., 2017).<sup>2</sup> Indeed, intersectionality offers powerful analytical frameworks (Crenshaw, 1991) for psychology (Cole, 2009). Even the present special issue of *American Psychologist*

reflects an emergent mainstream commitment within our field long held by minoritized scholars: to promote social justice. To actualize that commitment, psychologists will need effective practices (Bautista et al., 2019). Given civil disobedience's historic role in societal transformation, it offers an impactful practice for public psychology.

In the era of Black Lives Matter, it is critical that psychologists proactively take account of how antiracist demands align with our discipline's social justice values (Mosley et al., 2020). Other recent events, such as Immigration and Customs Enforcement's weaponization of confidential psychotherapy notes against undocumented youth (APA, 2020) highlight that psychologists' core ethical commitments can and often do conflict with policy or law (Knapp et al., 2007; Pope, 2008). These instances may warrant civil disobedience to enact psychology's ethical principles (e.g., Justice, Nonmaleficence; APA, 2017a), to protect our clients, students, research participants, and communities, and to promote social welfare. While (albeit antiquated) data suggest that psychologists support and engage in civil disobedience (Pope & Bajt, 1988), mainstream resources to support them in this practice (e.g., APA's ethical principles; APA, 2017a) are often vague, contradictory, or otherwise limited. Despite demand from trainees, programs of study in psychology often overlook social justice activism (Nadal, 2017) and conflicts between law and ethical principles (Pope & Bajt, 1988). Noting these gaps, we conclude that existing insights toward civil disobedience in psychology provide necessary but insufficient guidance. To put public psychology into practice, psychologists will require further support and resources for civil disobedience in the profession.

To that end, this article synthesizes existing perspectives on civil disobedience in psychology, explores how APA's Ethical Standards for Psychologists and Codes of Conduct (hereinafter referred to as the Ethics Code; APA, 2017a) succeeds and fails to speak to the ethical contours of civil disobedience, shares insights on civil disobedience from social constructionism, intersectionality, and contemporary social justice movements, and provides additional recommendations for psychologists and APA toward expanding civil disobedience in psychology. At this threshold, we acknowledge the rich literature exploring the psychology of obedience and unjust authority (e.g., Bocchiaro & Zimbardo, 2017). While we recognize that there are a variety of complex human factors that influence how psychologists, like all people, make decisions to disobey, our focus is more narrowly about

<sup>1</sup> A theory of knowledge that posits that meaning is created socially, rather than individually or universally (Berger & Luckmann, 1966).

<sup>2</sup> Rooted in Black feminist activism and scholarship, this term describes the study and critique of complex social inequities across convergent systems of oppression and privilege, including race, gender, sexuality, social class, nation, age, religion, and ability (Cole, 2009; Crenshaw, 1991).



**Sergio Domínguez Jr.**

facilitating psychologists and APA to respond to injustice by embracing civil disobedience.

Given that psychologists' identities and professional contexts will inform their civil disobedience, we further highlight an ethical dilemma raised by Ohio House Bill 658 (HB 658; [Ohio House Bill 658, 2018](#)) because of its relevance to our own work supporting transgender people.<sup>3</sup> Under the guise of protecting vulnerable kids, HB 658 aimed to carve out dangerous exceptions to privacy, education, and health laws that put trans youth in peril by requiring psychologists to, "immediately notify, in writing. . . [a] child's parents if the child shows symptoms of gender dysphoria or otherwise demonstrates a desire to be treated in a manner opposite of the child's biological sex" ([Ohio House Bill 658, 2018](#), p. 3).<sup>4</sup> HB 658 would have mandated that providers harm trans youth and treat them differently than other clients ([O'Hara, 2018](#)). Although HB 658 failed to pass, state legislators continue to introduce others like it ([Levin, 2020](#)). These bills will conflict with the ethical principles governing psychology ([Bizub & Allen, 2020](#)) and present opportunities for psychologists to respond with civil disobedience. Along with returning to HB 658 throughout, we uplift other contemporary issues germane to both clinical and nonclinical psychologists who engage in civil disobedience. Our aim here is twofold—to acknowledge diverse contexts that raise ethical dilemmas in psychology, and to inform and empower psychologists to respond to those dilemmas with civil disobedience.

To that end, as you read this article, we encourage you to consider the following scenario. Imagine that you have been treating a minor client for three weeks. Their mental health symptoms include nonsuicidal self-injury, disordered

eating, lethargy, and substance misuse. While you would ordinarily suspect a mood disorder when encountering these symptoms, this client feels different. After talking with the client further, they disclose that they are transgender, and their symptoms relate to gender dysphoria they are experiencing. After learning from your client that they are transgender, you experience a pang of anxiety because you recall that state law requires you to disclose the minor's gender identity to their parents. Based on your client's disclosures, you believe that if their parents learn that their child is transgender, they would respond with rejection or even violence. You are ultimately faced with two options: (a) obey the law by informing the client's hostile parents, putting the client's confidentiality, safety, and welfare at risk ([Klein & Golub, 2016](#)); or (b) disobey the law by protecting the client's gender-related information, putting yourself at risk for felony charges.

### Constructing Civil Disobedience

APA provides a prototypical definition of civil disobedience: "public, nonviolent opposition or protest, usually on the grounds of conscience, to a government or its policies that takes the form of refusing to obey certain laws" ([APA, n.d.](#)). However, this narrow definition obscures the roots of and establishes rigid prototypes for civil disobedience, limits psychologists' conceptions of civil disobedience, and neglects contextual factors crucial in discerning what it *means* to do civil disobedience. In this section, we address limitations to popular conceptions of civil disobedience by invoking a constructionist orientation ([Berger & Luckmann, 1966](#)) and attending to nuances of context and history. Here, an account of history, context, and the social construction of civil disobedience discourse can encourage psychologists to appreciate diverse methods of civil disobedience.

Henry David Thoreau's 1848 essay "Resistance to Civil Government" introduced and popularized the term civil disobedience ([Thoreau, 1849/2014](#)). However, civil disobedience cannot—nor should it—be traced through a single intellectual or activist history. The practice of civil disobedience predates Thoreau's account and benefits from the intentional use of a wide array of methods to respond to injustice. Western audiences often invoke the Boston Tea Party, Suffragette demonstrations, Gandhi's campaign for Indian Independence, Vietnam War protests, the Egyptian Revolution of 1919, the 1989 Purple Rain Protest, and Ampo Demonstrations during the summer of 1960. However, this invocation often tokenizes such instances for their high-profile nature and civility (i.e., Nonviolence), which

<sup>3</sup> We use the terms transgender and trans to refer to people whose current gender differs from that which was assigned at birth.

<sup>4</sup> Distress related to the discrepancy between the gender they were assigned at birth and their own gendered self-image ([Ashley, 2019b, 2019c](#)).



**Ree Ae S. Jordan**

can depoliticize civil disobedience, limit its transformative power, and neglect contextual factors imperative to understanding civil disobedience across contexts (Celikates, 2016).

Within civil disobedience discourse, public perception and nonviolence remain highly controversial issues, particularly within descriptive paradigms that attempt to dictate what civil disobedience is and is not (Celikates, 2016). Notably, debates around whether civil disobedience can include specific acts perceived as violent (e.g., property damage, sabotage) have resurfaced in the wake of Black Lives Matter uprisings responding to the police murders of Daunte Wright, George Floyd, Breonna Taylor, Tony McDade, Michael Lorenzo Dean, Layleen Polanco, Dominique Clayton, Atatiana Jefferson, Eric Reason, and Tony Robinson, among unacceptably many others (Crenshaw, 2020). Here we encourage psychologists to think critically about the effects of privileging certain acts of civil disobedience over others on the basis of decontextualized tactics alone, such as the assertion that property destruction invariably denotes a protest tactic outside the bounds of civil disobedience (e.g., Yglesias, 2020). Here, it may be natural to center civility as a universal value worth defending and upholding (Bates, 2019). Nevertheless, it is important to consider that the socially constructed boundary between righteous civil disobedience and unjust violence is neither arbitrary nor consistent.

To illustrate this point, we attend to popular narratives concerning “violence” at contemporary protests. These narratives often frame the occasional destruction of property by protesters (e.g., smashing windows, graffiti) as unjust violence, while excusing or justifying violent and disproportionate state repression against those who dare challenge

the status quo (e.g., dousing protestors with pepper spray, shooting them with impact munitions, or worse; Adler-Bell, 2017) and overlooking the systemic violence that begets protest in the first place (e.g., the aforementioned police murders of Black people). While this analysis may feel less readily apparent when applied to the present, it may resonate deeper with the hindsight of history. For example, modern consensus hails Dr. King as a paragon of justice and nonviolent civil disobedience and derides violent state responses to the 1960s civil rights movement. However, during King’s lifetime, the U.S. government and a scornful public disapproved of his tactics, maligned him for property damage that sometimes accompanied protests, and levied violent repression against the movement under the guise of restoring “law and order” (Ali, 2020, p. 1). These examples encourage psychologists to consider how rigid narratives toward violence and civility are constructed by and reinforce systems of oppression (e.g., White supremacy, capitalism, and cisheteropatriarchy).<sup>5</sup> This construction vilifies actions that threaten the status quo as violent, while presenting (comparatively more severe) actions that enact, protect, and embolden systems of oppression as neutral or just (Adler-Bell, 2017).

In the context of the current movement moment (Adams & Rameau, 2016) an emphasis on civility can distract from the alarming pervasiveness of anti-Blackness while reinforcing an ongoing inability to recognize Black humanity (ross, 2020). Ironically, this preoccupation with civility can obscure countless instances of nonviolent protest that have and continue to resist social injustice (e.g., Ali, 2020). That is, emphasis on civility often fails to appreciate that when civil disobedience adheres to cultural norms of civility (as is the case for a vast majority of Black Lives Matter protests), it is often met with profound silence or even state violence (Ali, 2020; Celikates, 2016). Notwithstanding nuanced debates within minoritized communities about the utility of certain tactics over others (e.g., nonviolence; Ali, 2020), societal investment in maintaining civility can function to maintain status quos (Bates, 2019), and undermine the power of civil disobedience to build new means of *observing and contesting* social injustices.

Here, it is also important for psychologists to consider the misuse of civil disobedience rhetoric by defenders of the status quo to counter social justice movements and impede progressive change. For example, right wing groups may present armed conflict as a viable civil disobedience tactic (Jackson, 2019) to fight against reproductive rights (e.g., antiabortion clinic protestors; Arey, 2020; Lentjes et al., 2020); thereby, exercising domination and control over others’ autonomy. Elsewhere, antimask advocates invoked civil disobedience in the wake of the coronavirus disease

<sup>5</sup> Intersecting systems that privilege and reinforce power of cisgender heterosexual men through the exploitation and oppression of women and gender and sexual minorities (McLean, 2014).



**Rachel L. Dyer**

2019 (COVID-19) pandemic, framing life-saving mask mandates as an affront to personal liberty (Cox Media Group National Content Desk, 2021). Perhaps most salient in recent history is the extreme damage, physical harm, loss of life, and collective trauma of the 1/6 U.S. Capitol insurrection (see Ocasio-Cortez, 2021). Many perpetrators of 1/6 (White supremacists, neo-confederates, Proud Boys, neo-Nazis, off-duty police officers, former military, and state lawmakers among them; Diaz & Triesman, 2021), claim to have acted under the guise of civil disobedience.

Regarding 1/6, such appeals to civil disobedience conflict with a prevailing conceptualization of civil disobedience as a firebreak between the strategic poles of legal protest and insurrection (e.g., Hall, 2006). This perspective draws a sharp distinction between insurrection (particularly, violent insurrection) and civil disobedience on the basis of goals: insurrection aims to overthrow a government, whereas civil disobedience aims to beget (albeit, often radical) reforms (Keeton, 1964). Historic perspectives on civil disobedience and revolutionary movements notwithstanding (e.g., Martin, 1970), such consensus suggests that the perpetrators of 1/6 acted outside the bounds of civil disobedience, in what one commentator described as a “misappropriation of the right of democratic revolt” (Kuttner, 2021, p. 1).

Returning to the broader misuse of civil disobedience rhetoric, rather than responding to systemic injustice, such appeals feign oppression and victimhood, aim to protect or increase the power of privileged groups (e.g., attempting to nullify an election to maintain the regime of an outgoing President), and further detract from efforts to elevate minoritized communities. Here, intersectionality provides an instructive analysis of

power relations (Cole, 2009) that reveals when acts presented as civil disobedience respond to real, material, and convergent oppression (e.g., Black women’s experiences of gendered racism; Crenshaw, 1991), rather than reinforcing systems of exploitation or emboldening the interests of the powerful.

In response to these factors, two dimensions that can guide psychologists’ conceptions of civil disobedience are contestation (Celikates, 2016) and communication. How civil disobedience works depends on the context in which it is constructed, as well as how it is constructed. This dynamic construction provides an entryway for psychologists toward conceptualizing civil disobedience as something built situationally rather than merely a state of being. The real question, then, is not whether conscientious use of specific methods constitute civil disobedience in an ontological sense. Rather, two more appropriate questions are: (1) Under what conditions (*when*) do specific methods contest injustice? and (2) to what extent (*how*) do these methods communicate a desire or vision for change? We encourage psychologists to center these questions when considering civil disobedience.

Putting this analysis into practice, if the psychologist in our ethical dilemma were to protect a trans minor’s gender-related information, legislative proponents of HB 658 may deem that act as a violent affront to parents’ rights and ascribe victimhood to such parents. Further, if the psychologist were to protest HB 658 by damaging property (e.g., destroying records), such proponents may label that as violent. However, if a trans child were to experience harm under HB 658, such as a denial of services, exposure to conversion therapy, and limits to their gender identity and expression, powerful lawmakers, media, and public consensus may not be so quick to label HB 658 as violent. Such inconsistent and decontextualized perspectives on violence are built by and reinforce systems of exploitation and marginalization. In the case of HB 658, those systems include one where facilitating thoughtful decision-making and preserving personal authority is a commodity to be gatekept by health providers, rather than a human right (Ashley, 2019a, 2019b). Civil disobedience that contests pathologization and dehumanization of trans identities (Ashley, 2019a) can shift public consciousness to examine the inherent violence of limiting someone’s ability to make informed decisions while discovering, understanding, and creating gender (Ashley, 2019a, 2019b); thereby, communicating a vision for change. That same civil disobedience simultaneously disrupts the commodification of informed decision-making and communicates to others that it is possible (and necessary) to continue disrupting. In addition to creating new ways to observe and contest social injustices, this act of civil disobedience contributes to the humanization of people who, within present systems, are otherwise dehumanized (Ashley, 2019a).



**Ezra I. Young**

### The Ethics Code

While contexts surrounding their civil disobedience will vary widely, APA asserts its expectations for *all* psychologists via the Ethics Code (APA, 2017a). While psychologists may need to look beyond the Ethics Code to inform their civil disobedience, nevertheless it illuminates our *shared context* of psychology. In this section we highlight how the Ethics Code succeeds and fails to speak to the needs of psychologists who are considering civil disobedience.

### Codes of Conduct: Standards 1.02 and 1.03

The Ethics Code (APA, 2017a) consists of two structures, General Principles and Codes of Conduct. Psychologists are likely to first look to the enforceable Codes of Conduct (APA, 2017a) when they enact civil disobedience, particularly when considering actionable expectations for their behavior and the risks civil disobedience may expose them to within the profession. Here, standard, 1.02: Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority and 1.03: Conflicts Between Ethics and Organizational Demands (APA, 2017a) are particularly relevant. The current versions of standards 1.02 and 1.03 are a product of controversy and revision over the last two decades. By attending here to a history of these revisions we hope to further contextualize civil disobedience in psychology.

Less than a year after 9/11, APA's council of representatives adopted a new edition of the Ethics Code that loosened expectations for psychologists to reject institutional demands that cause harm (Hoffman et al., 2015; Pope, 2008). Under

this new edition, APA updated Standard 1.02 to read: "If . . . conflict [between law and the Ethics Code] is unresolvable . . . **psychologists may adhere to the requirements of the law, regulations, or other governing legal authority**" (emphasis added; APA, 2017a, p. 16). Further, in the new edition, APA amended 1.03 to read, "**to the extent feasible**, [psychologists] resolve [conflicts between organizational demands and professional ethics] in a way that permits adherence to the Ethics Code" (emphasis added; APA, 2017a, p. 16). Under these standards, APA endorsed deference to law or institutional demands (Pope, 2008), and discouraged psychologists from civil disobedience grounded in their ethical principles. Further, the 2002 versions of 1.02 and 1.03 ran at odds with the Nuremberg principle, a cornerstone of professional ethics that entails that members of an institution cannot set aside personal responsibility on the basis of just following laws or orders (Pope, 2008). In response to such critiques, members of APA's Ethics Committee cited consensus that "there are laws one must not follow," while also arguing that "[f]inding the right language to identify which laws one may never follow is not so easily done" (Hoffman et al., 2015, p. 455). Further, the Committee argued that previous resolutions "affirmed and reaffirmed" civil disobedience's compatibility with the Ethics Code (APA, 2009, p. 5). APA emphasized member discretion in conflicts between ethics and law by allowing, but not requiring civil disobedience (APA, 2009). Despite these responses, criticism persisted within psychology, including from APA Ethics Committee chair Kenneth Pope (2008). In 2008, Pope withdrew from APA in protest, arguing that deference to law clashed with psychology's ethical foundations and values (Pope, 2008).

The 2015 Hoffman et al. report ultimately validated Pope's criticisms, finding that the Ethics Code failed to protect the public and permitted unethical conduct from psychologists, including participation in U.S. Department of Defense torture programs. This report and ensuing outcry in psychology beget revisions to standards 1.02 and 1.03 to their current reading (Nadal, 2017). They now state that in the event of a conflict between the Ethics Code and law, regulations, governing legal authority, or organizational demands, "psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code" (APA, 2017a, p. 16). Further, both now state, "under no circumstances may this standard be used to justify or defend violating human rights" (APA, 2017a, p. 16). With the removal of "psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" (APA, 2017a, p. 16), the present standards provide greater support for psychologists dissenting to injustice than the 2002 iterations, as they no longer explicitly endorse deference to law or policy. Indeed, APA's Committee on Legal Issues argued that the revisions "have the benefit of

removing any doubt about the primacy of the Ethics Code in circumstances where the ethical standards and law [conflict]" (APA, 2009, p. 3).

The revised versions of 1.02 and 1.03 further promote civil disobedience specifically when the law or policy in question entails violation of human rights. While they stop short of mandating civil disobedience, these codes are no longer an affirmative defense for any psychologist who remains complicit in human rights violations. Accordingly, contemporary human rights standards can inform psychologists' civil disobedience. For example, responding to HB 658 you may consider turning to the Yogyakarta Principles plus 10, concerning human rights and gender identity (Grinspan et al., 2017). That said, it is important to consider that human rights are broadly contested and structures intended to maintain human rights (e.g., international standards, treaties) are often constructed and selectively enforced to serve the interests of the powerful (Shirazi et al., 2017). Further, by requiring psychologists to make known their commitment to the Ethics Code, the revised standards echo support for limited conceptions of civil disobedience as a public act. Thus, 1.02 and 1.03 may be less instructive for and affirming of civil disobedience than they initially appear.

Ultimately, our review of standards 1.02 and 1.03 can encourage psychologists to consider how history impacts the contexts where they create civil disobedience. The process of revisions to 1.02 and 1.03 demonstrates that psychologists can confront ways that our field contributes to injustice and (congruent with the aims of this article) shift our institutions to empower civil disobedience. However, despite revisions, issues persist regarding how standards 1.02 and 1.03 can inform civil disobedience in psychology. It remains unclear whether the locus of ethical responsibility and accountability belongs to individual psychologists or APA itself, and thus, whether it is appropriate for APA to require psychologists to engage in civil disobedience (APA, 2009). While the Ethics Code's introduction demands that psychologists adhere to the Ethics Code if it "establishes a higher standard of conduct than is required by law" (2017, p. 2), this requirement fails to speak to the limits of the Ethics Code as a product of its historical context and appears within the Ethics Code's unenforceable General Principles, rather than enforceable standards. Nevertheless, APA expects psychologists to consider the General Principles when arriving at an ethical course of action (Vasquez, 2012), these Principles can inform civil disobedience in psychology.

### Principle A: Beneficence and Nonmaleficence

Principle A, Beneficence and Nonmaleficence concerns psychologists' response to conflicts inherent to civil disobedience (APA, 2017a). It states, "when conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm" (APA, 2017a, p. 3). Through the lens of civil disobedience, we read this principle as encouraging psychologists to center

minimizing harm in their choice to disobey. Indeed, when psychologists choose to conscientiously disobey law, mitigating harm to their clients may be their primary rationale (Pope & Bajt, 1988). That said, Principle A offers limited guidance, given that psychologists vary in what they consider "harmful," policies often enact disparate harm, and policies intended to minimize harm can often have unintended harmful consequences. For instance, police intervention in response to mental health crises, while ostensibly meant to address clients' risk for harm, can nevertheless put them at greater risk for trauma, injury, and death, especially for those who are Black, Indigenous and Native, or people of color (Cooke, 2020). One particularly tragic example is the murder of Kayla Moore. In 2013, Moore, a Black transgender woman, was experiencing a mental health crisis. Her roommate was concerned for Moore's wellbeing and called Berkeley police. Instead of escorting Moore to a medical facility, the officers attempted to arrest her, physically overpowered her in her bedroom, and suffocated her to death in the process (Crenshaw et al., 2015, p. 17). Here it bears noting that Black and other minoritized communities have developed viable alternatives to police intervention in mental health crises (e.g., Climer & Glicker, 2021) and contemporary policing itself (e.g., Adams & Rameau, 2016), that psychologists can embrace.

Further, notions of harm in psychology are nested in history. For example, there is greater consensus today that accumulation of scientific knowledge cannot justify harm to research participants (Yanow & Schwartz-Shea, 2018). And yet, there are myriad historic examples of researchers enacting vast (and at the time, considered acceptable) harm on participants under the guise of scientific knowledge, such as the Tuskegee syphilis study and U.S. Government human radiation experiments on prisoners and children with disabilities (Yanow & Schwartz-Shea, 2018). While today, Institutional Review Boards (IRB) still compare participant risks and benefits with anticipated gains in scientific knowledge, IRB cannot consider future application of this knowledge, such as in public policy (Yanow & Schwartz-Shea, 2018).

Harm also manifests in nuanced ways across contexts. For example, ordinarily, it could be harmful to refer to your trans client using a pronoun (e.g., she, they, he, or ze) that does not correctly reflect their gender identity. However, in our ethical dilemma concerning HB 658, if the client's hostile parents are present, using the client's correct pronouns could effectively out them; thereby, exposing them to even greater harm. This underscores the importance of, when feasible, preempting this situation by collaborating with your client to plan how to navigate pronoun use. The circumstances may demand that (with the client's prior consent) you enact momentary harm by misgendering your client to avoid the larger harm of outing them to their parents. Otherwise, an adept therapist may, with the client's prior consent, forego pronouns (e.g., use name only,

shift sentence structure) or use pronouns in a way that goes unnoticed. Ultimately, these exemplars encourage psychologists to emphasize flexibility, and to consider how history and context limit the extent to which Principle A and the Ethics Code at large speak to their needs concerning civil disobedience.

### Principle B: Fidelity and Responsibility

Principle B, Fidelity and Responsibility, states: “Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, [and] accept appropriate responsibility for their behavior . . .” (APA, 2017a, p. 3). Here, Principle B runs congruent with APA’s narrow definition of civil disobedience entailing *open and public* acts. Indeed, Knapp and colleagues (2007) endorse this public-focused framing, suggesting that psychologists who engage in civil disobedience must be prepared to accept the consequences of their actions willingly and openly. Further, they advocate for engaging in civil disobedience to a degree that minimizes violation of the law (Knapp et al., 2007). However, these open, public, and minimized approaches may inherently undermine psychologists’ ability to contest injustice or otherwise compromise the values they aim to uphold through civil disobedience (Pope & Bajt, 1988). Responding to HB 658, you cannot *publicly* refuse to disclose your client’s gender identity to their parents without undermining the client’s confidentiality or the effectiveness of your refusal. If you were to publicly refuse to obey HB 658, there may be workplace repercussions that inhibit you from practicing; your advocacy for clients requires that you be able to *have* clients. Finally, your methods of civil disobedience may rely on a degree of contestation or disruption that goes beyond minimal violation of the law. These challenges again illustrate the limits of popular conceptions of civil disobedience, and highlight connections between psychologists’ contexts, principles, and chosen methods of civil disobedience.

Elsewhere, Principle B states, “psychologists . . . cooperate with other professional institutions to the extent needed to serve the best interest of those with whom they work” (APA, 2017a, p. 3). This section affirms psychologists’ ethical commitments toward the interests of their clients, students, research participants, communities, and others, above and beyond imperatives to cooperate with institutions. Thus, in their civil disobedience, psychologists can leverage Principle B as a means of favoring the interests of who they serve over institutional demands. For example, in late September 2020, then President Trump empowered the federal government to cancel contracts that organize antiracist and other diversity trainings (Exec. Order No. 13950, 2020). Fearing a loss of federal funding, academic institutions swiftly canceled diversity and inclusion trainings (Fuchs, 2020). However, this response may have come at the detriment of multiple parties

(e.g., students, research collaborators, or the institutions themselves), presenting an opportunity for civil disobedience to maintain antiracist trainings.

Regarding such multiple parties, psychologists reflecting on Principle B when considering civil disobedience may erroneously assume they have an ethical responsibility to only one discreet person or entity (Fisher, 2009). Embodied in the question, “Who is the client?,” this framing fails to account for many psychologists’ professional settings (e.g., schools, communities) where the “client” could be multiple individuals, groups, or institutions (Fisher, 2009, p. 1). Rather, psychologists must ask “what are my ethical responsibilities to each of the parties involved?” (Fisher, 2009, p. 1). Here, following the lead of prevention professionals and community-based participatory action researchers, psychologists can also broaden the definition of whom they serve to include communities at large, and reflect on their responsibilities toward these communities to dismantle systems of oppression.

### Principle C: Integrity

Principle C: Integrity bolsters the notion that psychologists can engage in civil disobedience that entails secret (rather than open and public) violation of policy or law. While encouraging psychologists to promote honesty and truthfulness, Principle C also states: “deception may be ethically justifiable to maximize benefits and minimize harm” (APA, 2017a, p. 4). Further, it instructs psychologists to “consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from (deception, subterfuge, or intentional misrepresentation of fact)” (APA, 2017a, p. 4). While Principle C holds particular salience in the realm of research methodology (e.g., the use of confederates in experimental research), we also read it as authorizing clandestine methods to contest injustice (e.g., deception, evasion) when these methods maximize benefits and minimize harm. Further Principle C emphasizes the notion that clandestine methods of civil disobedience pose additional risks for psychologists and thus, demand careful consideration and tactful execution. Returning to the HB 658 example, we see Principle C’s emphasis on integrity as supporting your decision to refuse to disclose your client’s gender identity if, upon careful consideration, you conclude it will protect the youth’s wellbeing.

### Principles D: Justice and E: Respect for People’s Rights and Dignity

Principle D, Justice, states, “Psychologists recognize that fairness and justice entitle all persons to access and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists” (APA, 2017a, p. 4). Principle D converges with Principle E (Respect for People’s Rights and Dignity), which notes,



Psychologists are aware of and respect cultural, individual, and role differences . . . based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status, and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices. (APA, 2017a, p. 4)

Principles D and E generally encourage psychologists to take on the mantle of public psychology and refuse complicity with discriminatory laws like HB 658. Further, they encourage psychologists to limit the impact of their own biases and reflect on how psychology has disparately benefited and harmed individuals across privileged and marginalized identities, respectively. Indeed, the neglect of study of certain populations (e.g., Black women), results in a faulty, inadequate, and incomplete psychological knowledge base that further entrenches injustice (Thomas, 2004). That said, while principles D and E can inform forays into civil disobedience, they are insufficient. Here, we echo criticism from representatives of the Ethnic Minority Psychological Associations that the Ethics Code fails to reflect the struggles, needs, cultural values, and sociopolitical histories of minoritized communities (Morse & Blume, 2013).

### Civil Disobedience as Professional Activity

Given that APA has traditionally viewed independent political acts as ethically protected private conduct exempt from the Ethics Code (Allen & Dodd, 2018), psychologists may ultimately question the degree to which the Ethics Code concerns politicized acts of civil disobedience. Indeed, APA asserts that the Ethics Code “applies” only to psychologists’ “professional domain,” including clinical practice, supervision, assessment, research, program evaluation, public service, and social intervention (APA, 2017a, p. 2). Thus, it may initially appear that the Ethics Code can only empower civil disobedience birthed in what are traditionally considered psychologist’ workplace contexts, duties, and roles, such as refusing to engage in mandated reporting to protect client welfare (Pope & Bajt, 1988) or sharing access to paywalled research articles. That said, limiting the application of the Ethics Code to the workplace fails to account for psychologists’ actual and potential roles in social justice work. Indeed, Allen and Dodd (2018) argue that political action in our profession challenges artificial barriers between personal and professional activity, and thus, the Ethics Code should apply to politicized activities outside of psychologists’ workplaces. Examples of civil disobedience under this domain could include disrupting traffic during an unpermitted march or sheltering community members targeted by law enforcement (Finch & Barnes, 2020).

While it is hardly exhaustive, the Ethics Code can empower psychologists to enact public psychology through civil disobedience. Given APA’s assertion that civil disobedience is “entirely compatible” with the Ethics Code (APA, 2009, p. 5), we encourage psychologists to utilize the Ethics Code to inform how they contest social injustices regardless of whether that contestation takes place on or off the proverbial “clock.” Our ethical responsibilities to clients, students, research participants, and communities do not end when we are outside of the clinic, classroom, lab, or office (see Behnke, 2008). Psychologists can look to the Ethics Code as an invitation to explore how ethics permeates all that we do (including civil disobedience) and to examine relationships between our personal, professional, and political lives (Behnke, 2008).

### Recommendations

When faced with dilemmas where ethics and legal structures conflict, we have often felt unsure of how to proceed. While the Ethics Code and other insights within psychology are instructive, at times they fail to speak to the varied contexts in which psychologists will enact civil disobedience. Accordingly, psychologists will require further guidance to engage in civil disobedience. Below, we synthesize recommendations that may be instructive to empower civil disobedience in our field. To honor Black feminists and other activists and scholars who preceded us, shape our personal understandings of identity, and model how to engage tactfully in this work, we end each recommendation with a direct quotation. Black and other minority psychologists have championed this work for decades (Fine, 2018; Nadal, 2017), but psychology’s mainstream has only embraced it in recent years (Thomas, 2004). While we draw from specific paradigms throughout this section and article at large, we humbly appreciate that other frameworks, methods, and scholars could have synthesized similar conclusions.

### Follow the Lead of, Support, and Build Equitable Partnerships With Social Justice Movements in the Pursuit of Civil Disobedience

Civil disobedience is rooted in social justice movements with long and complex histories. Justice-oriented activists and scholars have challenged oppressive systems for as long as they have existed. These very systems do not merely allow injustices to occur—they *encourage* injustices that retrospectively incite shudders and pronouncements that they will happen “never again.” We encourage psychologists to acknowledge that we stand on the shoulders of multiply marginalized activists who came before us, to stand shoulder-to-shoulder with today’s activists, and to build platforms for those who come after us. Research in itself is not activism, and neither is applied psychology. It is up to us to follow the lead of and build intentional partnerships with

activists, communities, policymakers, organizers, youth, and elders engaged in revolutionary change (Fine, 2018; Trujillo, 2018). Such partnerships demand the “circulation of capitals” to advance communities’ initiatives, both in the sense of financial support, and through social and relational investment of legitimacy, knowledge, power, protection, credibility, and status (Trujillo, 2018, p. 443). These partnerships will also demand vulnerability from psychologists: having the courage to contest injustice even when it feels like there is limited control over outcomes, acknowledging when we make mistakes in civil disobedience, proceeding with grace and humility, taking the correction, learning the lesson, and trying again (Hargons et al., 2017).

Here we encourage psychologists to consider the work of scholars who have long partnered with communities and collective movements. This includes (but is not limited to) Chavez and colleagues’ framework for community organizing to promote wellbeing (Chavez et al., 2007), Escudero and Pallares’ ethnographic field work with undocumented activists (Escudero & Pallares, 2021) that contextualizes civil disobedience in the U.S. immigrant rights movement, McKibban and Steltenpohl’s, collaboration with the YMCA Caldwell Center (McKibban & Steltenpohl, 2019) that garnered funding in support of racially and economically diverse constituencies, and Vera and colleagues’ partnerships with Chicago urban schools (e.g., Vera et al., 2007) that foster resilience among culturally and linguistically diverse youth and their families. Elsewhere, psychologists seeking more holistic ethical frameworks for social justice in psychology can turn to guidance from Ethnic Minority Psychological Associations (e.g., Association of Black Psychologists, 2019; Straits et al., 2012) the APA Multicultural Guidelines (APA, 2017b), and Nadal (2017). Further, regarding specific civil disobedience tactics, we direct psychologists to AIDS Coalition to Unleash Power (n.d.) and American Disabled for Attendant Programs Today (n.d.) for detailed guidance on nonviolent direct action and risking arrest. Finally, in an effort to honor our own contexts, we highlight two organizations doing impactful local work in Madison, WI: the Community Lab for Intentional Practice, which develops abolitionist, coconspirator, and restorative justice practices to eliminate racial disparities (CLIP, 2020) and Freedom Inc., whose civil disobedience and intersectional organizing campaigns lead to the removal of police from Madison Public Schools (Fox, 2020). Ultimately, these examples are hardly exhaustive. To contest injustice through civil disobedience, we encourage psychologists to build equitable partnerships of solidarity with communities local and beyond.

With a sense of critical optimism, by interrogating and filling in the linkages that bond global to local, history to present, and elites and quasi-elites to marginalized communities, we might begin to understand the

circuits of dispossession, but also the circuits of solidarity that need to be connected in the march toward social justice. (Fine, 2016, p. 356)

### **Challenge Prototypes for Civil Disobedience by Respecting, Turning to, and Intentionally Drawing From Diverse Methods**

APA’s Ethics Committee has previously questioned how support for civil disobedience should vary based on the methods of civil disobedience psychologists use (APA, 2009). From 54-mile marches to picking salt out of mud, activists throughout history have demonstrated that civil disobedience can be enacted by intentionally using a wide range of methods to communicate dissent and contest injustice. Rather than limiting what civil disobedience can be, psychologists and APA can appreciate a diversity of tactics (X, 1964). Civil disobedience can occur in private and public arenas, and within spontaneous moments wherever opportunities emerge. We can enact it in classroom discussions, within our teaching, the material we focus on, voices we uplift and interests we center; in personal, professional, academic, or clinical contexts; with clients, students, research participants and community members; through letters, occupations, demonstrations, strikes, boycotts, labor organizing, public speaking, mutual aid, and day-to-day acts of defiance. Civil disobedience can put a more just vision for the world into practice wherever we are able.

... people have made the mistake of confusing the methods with the objectives. As long as we agree on objectives, we should never fall out with each other just because we believe in different methods or tactics or strategy to reach a common goal. (X, 1964, p. 51)

### **Engage in Collective Acts of Civil Disobedience Intentionally and Tactfully, Taking Into Account Not Only Identities and Contexts, but Your Responsibility in Creating Structural Change**

Psychology and academia have been created by and for a limited demographic of people holding privileged identities (e.g., upper class, able-bodied, White, and cisgender; Guthrie, 2003). While psychologists are afforded a degree of privilege by virtue of their professional status, as discourse on social justice proliferates in the mainstream of psychology, an unspoken assumption may emerge: all psychologists hold the same privileges. Not so. Personal identities and contextual factors will affect how psychologists can exercise civil disobedience. For some engaging in this work, particularly Black and Brown people, there will be greater risks, including to one’s job, health, security, freedom, and even their life (Fine, 2018). These risks notwithstanding, civil disobedience as a form of activism can also empower individuals, build relationships, and promote personal and community wellbeing (Chavez et al., 2007). Accordingly, civil disobedience is complex and

flexible, especially for those of us holding multiple minoritized identities, whose mere existence in systems of power can be revolutionary. Here, we can look to the inspiration of forebears in psychology who dared to confront injustice in the face of dire consequences, including Marie Jahoda, Muzafer Sherif, Milton Schweibel, Leon Kamin, Morton Deutsch, Carolyn Payton, and Ignacio Martín-Baró (Fine, 2018). Psychologists can also bear witness to contemporary activists, including Erika Andiola, Daniela Vargas, and Lulu Martinez. Despite being at greater risk for deportation, their acts of resistance embolden immigrant communities' collective strength (Escudero & Pallares, 2021). Invoking intersectionality, Zheng (2018) further encourages us to "take seriously the variety of oppressions that make up structural injustice [and] the ways in which the same agent may be simultaneously perpetrator, bystander, and victim, and hence possess cross-cutting and different degrees of power, privilege, interest, and collective ability" (p. 879). Thus, civil disobedience will be both personal and social as psychologists simultaneously act within and recreate systems of inequity.

While reflections on individual identity dimensions and biases can inform and empower civil disobedience, we challenge psychologists to further consider the ways that systems of power and oppression are maintained through institutions, influence each of us within those institutions, and in turn how we each contribute to structural processes of injustice (Zheng, 2018). While potentially anxiety-evoking, this perspective can help psychologists recognize our ethical and moral responsibilities to respond not just to discrete events (e.g., a police shooting), but to the social and institutional structures that allow those events to take place (e.g., anti-Black stereotypes, racial ghettoization, austere economic conditions in which poverty begets crime; Zheng, 2018). Structural analyses of power will be critical to address systemic impediments to wellness that psychologists see throughout their work (e.g., Chavez et al., 2007). Rather than simply designating, diffusing, or shifting responsibility away from privileged individuals or groups, all parties are responsible for cultivating structural change (Young, 2011). However, the beauty of a structural analysis is that no single individual is held responsible for fixing an entire structural injustice; that responsibility is held collectively (Young, 2011). Thus, we encourage psychologists to consider their personal (and psychology's collective) responsibility to interrogate, contest, and disrupt structural injustice (e.g., ableism, classism, racism). All institutions in the United States are born from White supremacy and capitalism among other systems of oppression (Abrams, 2020). Psychology and academia are no exceptions (Guthrie, 2003). These truths encourage us to confront injustice within and outside our field and build more just institutions. Civil disobedience is an impactful practice for psychologists to do so.

Let us not pay tribute to Europe by creating states, institutions and societies that draw their inspiration from it . . . for ourselves, and for humanity . . . we must make a new start, develop a new way of thinking, and endeavor to create a new [hu]man. (Fanon, 1961, p. 250)

### Leverage the Power of APA to Expand Civil Disobedience in Psychology

APA can leverage its power by uplifting and materially supporting social justice efforts, take additional steps to expand support for civil disobedience in psychology, and in turn, expand psychologists' capacities to enact social transformation. First, we echo the calls of Ethnic Minority Psychological Associations for reflection on the Eurocentric construction of psychology's values and revision of the Ethics Code with particular emphasis on long-silenced ethical tenets of collective community responsibility, connection to nature, the significance of relationships, spirituality, and the effects of colonialism and historic trauma (Morse & Blume, 2013). Doing so would expand capacity for civil disobedience within psychology by providing a more comprehensive landscape of the ethical needs of psychologists working in minoritized communities. Further, centering these values can facilitate the aforementioned analysis of intersecting power relations that can guide psychologists toward impactful paths of resistance.

Echoing Allen and Dodd's assertion concerning political activity in psychology (Allen & Dodd, 2018), civil disobedience may push the limits of the Ethics Code's current artificial boundaries between personal and professional activities. Thus, a more contemporary vision for the Ethics Code could apply its standards and aspirational principles to psychologists' politicized activities (e.g., civil disobedience) outside of the workplace. Accordingly, APA can facilitate difficult conversations on the interplay of ethics, values, morals, policy, and law, and (with careful consideration for psychologists' autonomy and labor rights) consider clarifying and perhaps winnowing artificial distinctions between professional and personal activity germane to civil disobedience.

Complementing existing efforts to embolden social justice training in psychology, we further call upon APA to promote education and training on civil disobedience. Here, we encourage APA to consult with activists and organizations to develop workshops, curricula, and continuing education opportunities for psychologists centered around the history and practice of civil disobedience. Further, for psychology trainees, we identify foundational ethics course work mandated by APA's standards of accreditation as an avenue to expand civil disobedience education. This point is particularly salient for many of the authors of this article, which began as a project in our own foundational ethics course. We are grateful for the opportunity to explore civil disobedience in our own training, and in turn, we hope that

this article can inform educators and trainees who share our goal to empower civil disobedience in psychology.

Recognizing that civil disobedience is contextually dependent and poses unique and disparate risks to psychologists across contexts and identities, APA may elect to eschew sweeping mandates that psychologists break the law (see APA, 2009). However, this need not mean that APA limits itself to simply condemning injustices (e.g., APA, 2020). Rather, APA can proactively speak out about injustices, highlight discrete instances where it supports civil disobedience, and provide material support for civil disobedience in the profession, such as consultation and legal support funds. When psychologists engage in transformative civil disobedience it will be crucial for them to know that APA *has their back*, particularly when there may be negative legal consequences. As the largest professional association for U.S. psychologists, APA has considerable power to establish professional norms and advocate for policies at national and state levels. Among other things, APA could spearhead complementary policies to ensure that psychologists who disobey unjust laws do not lose their licenses to practice and urge malpractice insurers to cover necessary legal fees attendant to criminal and civil charges stemming from civil disobedience.

We acknowledge that these recommendations could evoke perennial debates over the degree to which APA should take a stand on contentious issues (e.g., Payton, 1984). Here, we are drawn to Dr. Carolyn Payton's words from decades ago: "those who argue against the APA's getting involved in social issues are really suggesting that the status quo be maintained" (1984, p. 395). Maintaining the status quo is incompatible with psychology's values. By empowering civil disobedience in psychology, APA can take a meaningful stand in support of justice.

APA cannot remain a vital, dynamic organization by narrowing the confines of its participation in historical events. The organization cannot prosper while worrying more about the limits of the remedies than about the wrongs that are being addressed in the first place. (Payton, 1984, p. 395)

### Challenges, Recommendations in Practice: Returning to HB 658

Applying our recommendations, we return to HB 658, a bill that sought to force psychologists treating trans youth to disclose sensitive information about their clients' gender identity, irrespective of whether those disclosures would imperil youth's mental or physical wellbeing. If you find yourself confronted with laws akin to HB 658, you have options and, ultimately, important choices about how to proceed. We encourage you to thoughtfully consider whether you will comply with a law that you sincerely believe is an affront to your client's dignity, treatment needs, wellbeing,

and human rights. In this consideration, we further encourage you to place a particular focus on your own social locations within institutions. The Ethics Code, including its principles of beneficence, nonmaleficence, fidelity, responsibility, justice, integrity, and respect for clients' rights and dignity may also inform your response. However, you could very well determine that the Ethics Code does not speak to the situation you find yourself in—that time, place, and history limits its grasp of your predicament. Here, you could turn to other communities to inform how you approach this dilemma (e.g., activists, advocates, lawyers, and scholars). Through this process, you can choose not to disclose the client's gender identity despite the risks this choice entails.

We recognize that even the most considered decision to disobey a law entails risk that will be disparate to psychologists depending on their contexts. While your decision may evoke a sense of fear and uncertainty—for yourself, your client, and others—you can nevertheless channel that fear to ensure you are tactful in your execution of civil disobedience. You can share the contours of your dilemma with your client, explain the reasons why you are disobeying the law, and center the client's needs in your response. This situation presents an opportunity to demonstrate your commitment to their welfare as well as an object lesson in how to refuse complicity in structural transphobia, which may be key to affirming and empowering your client at a critical stage of their development. You can also reflect on the ways that psychology has enacted structural transphobia, and endeavor to change them with your actions.

We also recognize that if you choose to disobey an unjust law like HB 658 you may have to do so clandestinely. That is, you may be unable to publicly communicate about your civil disobedience, as it would undermine your client's confidentiality and welfare. Even if done surreptitiously, your refusal to comply strikes a blow against legal regimes that seek to single out and harm vulnerable trans youth. A law like HB 658 cannot harm trans youth if the adult professionals it charges refuse to comply. Alternatively, you can elect to be more vocal about your opposition to laws like HB 658. Particularly for those who enjoy relative privilege, consider raising your voice against injustice. Speaking out against unjust laws that harm our clients can reaffirm your commitment to doing justice by the most vulnerable among us, and can encourage your peers to explore how to foster a better world through their own acts of civil disobedience.

### Authors' Subjectivity and Conclusions

Subjectivity is an inevitable component of all academic endeavors (Peshkin, 1988; Schweber, 2007). Notwithstanding the specific methods used, researchers bring with them personal qualities that filter, skew, shape, block, transform, construe, and misconstrue various facets of the research process (Peshkin, 1988). Thus, we reflect not on "whether

subjectivity is unitary or multiple, but when, and not whether the research itself is affected by a single-seeding or cross-pollination of theory metaphors, but how” (Schweber, 2007, pp. 79–80). The five of us intentionally create civil disobedience and pursue social justice, yet our identities and the methods we use vary widely—we march on the streets, donate time and resources for community wellbeing, work on justice-oriented public policy, organize actions, and sometimes contest injustices quietly to protect others and ourselves. Our personal qualities cannot be divorced from the theories we chose to draw from for this article. Inspired by Crotty’s (1998) methodology, we fostered a constructionist approach to examine assumptions about knowledge production, power relations, strategies, and techniques embedded in civil disobedience discourse. We further drew from the Ethics Code, Black feminist conceptions of intersectionality, and social justice movements to form an orientation to civil disobedience that is flexible and responsive to psychologists’ varied contexts.

We hope this orientation proves fruitful as psychologists explore how to foster public psychology and integrate civil disobedience into their professional identities. Going forward, we hope that psychologists and APA heed Dr. King’s call for expanding their analysis of and support for civil disobedience, to ensure that it is not used on too small a scale or sustained too briefly in our field (King, 1968). Given the current political moment, this hope is all the more urgent. Marginalized communities across the nation are rising up and demanding change. The ethical principles of our profession command us not only to hear to their demands, but to act in solidarity. In turn, a growing mainstream consensus is beginning to heed the calls minority psychologists have been making for more than half a century. We cannot resign ourselves to simply understanding our social world—we must work to change it.

## References

- Abrams, Z. (2020). *A time for reckoning and healing: Psychologists have a role to play in addressing inequities and achieving true systemic change*. [bit.ly/2MvgXEh](https://doi.org/10.1037/teo0000077)
- Adames, H. Y., Chavez-Dueñas, N. Y., Sharma, S., & La Roche, M. J. (2018). Intersectionality in psychotherapy: The experiences of an Afro-Latinx queer immigrant. *Psychotherapy: Theory, Research, & Practice*, 55(1), 73–79. <https://doi.org/10.1037/pst0000152>
- Adams, M., & Rameau, M. (2016). *Black community control over police: Wisconsin Law Review*. [bit.ly/2MaayPh](https://doi.org/10.1037/pst0000152)
- Adler-Bell, S. (2017, November 13). “it’s a police state mentality” — j20 and the racist origins of criminalizing protest. *Mask Magazine*. [bit.ly/2YkOWSN](https://doi.org/10.1037/pst0000152)
- AIDS Coalition to Unleash Power. (n.d.) *Civil disobedience training*. Retrieved from [bit.ly/39m719l](https://doi.org/10.1037/pst0000152)
- Ali, S. S. (2020, September 27). ‘Not by accident’: False ‘thug’ narratives have long been used to discredit civil rights movements. *NBC News*. [http://nbcnews.com/health/36cnZoA](https://www.nbcnews.com/health/36cnZoA)
- Allen, L. R., & Dodd, C. G. (2018). Psychologists’ responsibility to society: Public policy and the ethics of political action. *Journal of Theoretical and Philosophical Psychology*, 38(1), 42–53. <https://doi.org/10.1037/teo0000077>
- American Disabled for Attendant Programs Today. (n.d.). *The ADAPT activist handbook*. Retrieved from [bit.ly/2M9vRjX](https://doi.org/10.1037/teo0000077)
- American Psychological Association. (2009). *COLI response to call for language amending ethical standards 1.02 and 1.03*. [bit.ly/3pniUBv](https://doi.org/10.1037/teo0000077)
- American Psychological Association. (2017a). *Ethical principles of psychologists and code of conduct*. [bit.ly/3pqweFf](https://doi.org/10.1037/teo0000077)
- American Psychological Association. (2017b). *Multicultural guidelines: An ecological approach to context, identity, and intersectionality*. [bit.ly/2YiSDbp](https://doi.org/10.1037/teo0000077)
- American Psychological Association. (2020, February 17). *American Psychological Association calls for immediate halt to sharing immigrant youths’ confidential psychotherapy notes with ICE* [Press release]. [bit.ly/2Yhk3hZ](https://doi.org/10.1037/teo0000077)
- American Psychological Association. (n.d.). *Civil disobedience*. APA dictionary of psychology. Retrieved from <https://dictionary.apa.org/civil-disobedience>
- Arey, W. (2020). Real men love babies: Protest speech and masculinity at abortion clinic in the Southern United States. *International Journal for Masculinity Studies*, 15(3–4), 205–220. <https://doi.org/10.1080/18902138.2020.1778311>
- Ashley, F. (2019a). Gatekeeping hormone replacement therapy for transgender patients is dehumanising. *Journal of Medical Ethics*, 45(7), 480–482. <https://doi.org/10.1136/medethics-2018-105293>
- Ashley, F. (2019b). The misuse of gender dysphoria: Toward greater conceptual clarity in transgender health. *Perspectives on Psychological Science*. Advance online publication. <https://doi.org/10.1177/1745691619872987>
- Ashley, F. (2019c). Thinking an ethics of gender exploration: Against delaying transition for transgender and gender creative youth. *Clinical Child Psychology and Psychiatry*, 24(2), 223–236. <https://doi.org/10.1177/1359104519836462>
- Association of Black Psychologists. (2019). *Ethical standards of Black psychologists*. [bit.ly/3iRDCHd](https://doi.org/10.1177/1359104519836462)
- Bates, K. G. (2019, March 14). When civility is used as a cudgel against people of color. *NPR*. [n.pr/2YfraYn](https://doi.org/10.1177/1359104519836462)
- Bautista, E. C., Cadenas, G., Falughi, R., Green, C., Mosley, D., Nikalji, A., Reynolds, A., & Singh, A. (2019, October 23). *Building a counseling psychology of liberation: Exploring liberation principles in our own lives* [Webinar]. APA Division 17. [bit.ly/3iORr9j](https://doi.org/10.1177/1359104519836462)
- Behnke, S. H. (2008). The intersection of psychologists’ personal and professional lives. *Monitor on Psychology*, 39(10), 66.
- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise on the sociology of knowledge*. Anchor.
- Bizub, B., & Allen, B. (2020). A review of clinical guidelines for creating a gender-affirming primary care practice. *Wisconsin Medical Journal*, 119(1), 8–15.
- Bocchiaro, P., & Zimbardo, P. (2017). On the dynamics of disobedience: Experimental investigations of defying unjust authority. *Psychology Research and Behavior Management*, 10, 219–229. <https://doi.org/10.2147/PRBM.S135094>
- Celikates, R. (2016). Rethinking civil disobedience as a practice of contestation - Beyond the liberal paradigm. *Constellations: An International Journal of Critical and Democratic Theory*, 23(1), 37–45. <https://doi.org/10.1111/1467-8675.12216>
- Chavez, V., Minkler, M., Wallerstein, N., & Spencer, M. S. (2007). Community organizing for health and social justice. In L. Cohen, V. Chavez, & S. Chehimi (Eds.), *Prevention is primary: Strategies for community well-being* (pp. 95–119). Wiley.
- Chenoweth, E., & Stephan, M. J. (2011). *Why civil resistance works: The strategic logic of nonviolent conflict*. Columbia University Press.
- Climmer, B. A., & Glicker, B. (2021, January 29). CAHOOTS: A model for prehospital mental health crisis intervention. *The Psychiatric Times*. [bit.ly/3pipiKa](https://doi.org/10.1177/1359104519836462)

- Cole, E. R. (2009). Intersectionality and research in psychology. *American Psychologist*, 64(3), 170–180. <https://doi.org/10.1037/a0014564>
- Community Lab for Intentional Practice. (2020). Community Lab for Intentional Practice (CLIP). [bit.ly/3ckYvcv](http://bit.ly/3ckYvcv)
- Cooke, A. (2020, June 23). Recent deaths prompt questions about police wellness checks. *CBC*. [bit.ly/2KQ5P11](http://bit.ly/2KQ5P11)
- Cox Media Group National Content Desk. (2021, July 18). Anti-mask protesters rally across the nation. *KIRO 7*. <https://bit.ly/3tnfmRS>
- Crenshaw, K. W. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299. <https://doi.org/10.2307/1229039>
- Crenshaw, K. W. (2020, August 13). Fear of a Black uprising: Confronting the white pathologies that shape racist policing. *The New Republic*. [bit.ly/2KU7fLu](http://bit.ly/2KU7fLu)
- Crenshaw, K. W., Ritchie, A. J., Anspach, R., Gilmer, R., & Harris, L. (2015). *Say her name: Resisting police brutality against Black women*. African American Policy Forum.
- Crotty, M. (1998). *The foundations of social research: Meaning and perspective in the research process*. SAGE Publishing.
- Diaz, J., & Triesman, R. (2021, January 19). Members Of right-wing militias, extremist groups are latest charged in Capitol siege. *NPR*. [n.pr/3fa12Bt](http://n.pr/3fa12Bt)
- Enns, C. Z., Williams, E. N., & Fassinger, R. E. (2013). Feminist multicultural psychology: Evolution, change, and challenge. In C. Z. Enns & E. N. Williams (Eds.), *The Oxford handbook of feminist multicultural counseling psychology* (pp. 3–26). Oxford University Press.
- Escudero, K., & Pallares, A. (2021). Civil disobedience as strategic resistance in the US immigrant rights movement. *Antipode*, 53(2), 422–444. <https://doi.org/10.1111/anti.12675>
- Exec. Order No. 13950. Fed. Reg. 60683, 85 (2020). <https://www.federalregister.gov/documents/2020/09/28/2020-21534/combatting-race-and-sex-stereotyping>
- Fanon, F. (1961). *The wretched of the earth*. MacGibbon and Kee.
- Finch, J., & Barnes, S. (2020, June 2). Protesters shelter in DC home overnight after being ‘corralled,’ pepper-sprayed by police. *NBC Washington*. [bit.ly/36iC4Rz](http://bit.ly/36iC4Rz)
- Fine, M. (2016). Just methods in revolting times. *Qualitative Research in Psychology*, 13(4), 347–365. <https://doi.org/10.1080/14780887.2016.1219800>
- Fine, M. (2018). Bear left: The critical psychology project in revolting times. In P. L. Hammack (Ed.), *The Oxford handbook of social psychology and social justice* (pp. 429–440). Oxford University Press.
- Fisher, M. A. (2009). Replacing “who is the client?” with a different ethical question. *Professional Psychology, Research and Practice*, 40(1), 1–7. <https://doi.org/10.1037/a0014011>
- Fox, M. (2020, June 29). Madison School Board votes to end contract with Police Department. *WPR*. [bit.ly/3chphT9](http://bit.ly/3chphT9)
- Fuchs, H. (2020). Trump attack on diversity training has a quick and chilling effect. *The New York Times*. [nyti.ms/3qUsM5V](https://nyti.ms/3qUsM5V)
- Grinspan, M. C., Carpenter, M., Ehrst, J., Kara, S., Narrain, A., Patel, P., Sidoti, C., & Tabengwa, M. (2017). *The Yogyakarta Principles plus 10: Additional principles and state obligations to the application of international human rights law in relation to sexual orientation, gender expression, and sex characteristics to complement the Yogyakarta Principles*. United Nations. [http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf)
- Guthrie, R. V. (2003). *Even the rat was white: A historical view of psychology* (2nd ed.). Allyn & Bacon.
- Hall, M. R. (2006). Guilty but civilly disobedient: Reconciling civil disobedience and the rule of law. *Cardozo Law Review*, 28, 2083–2097.
- Hargons, C., Falconer, J., & Faloughi, R. (2017, January 20). *Believing black lives matter: Putting strategy and spontaneity in social movement for students and early career professionals* [Webinar]. APA Division 17: Counseling Psychology. [bit.ly/3pnqbkO](http://bit.ly/3pnqbkO)
- Hoffman, D. H., Carter, D. J., Lopez, C. R. V., Benzmilller, H. L., Guo, A. X., Latifi, S. Y., & Craig, D. C. (2015). *Report to the Special Committee of the Board of Directors of the American Psychological Association: Independent review relating to APA Ethics Guidelines, national security interrogations, and torture (revised)*. Sidley Austin LLP.
- Jackson, S. (2019). Nullification through armed civil disobedience: A case study of strategic framing in the patriot/militia movement. *Dynamics of Asymmetric Conflict*, 12(1), 90–109. <https://doi.org/10.1080/17467586.2018.1563904>
- Keeton, M. (1964). Morality of civil disobedience. *Texas Law Review*, 43, 507–509.
- King, M. L., Jr. (1968). The role of the behavioral scientist in the civil rights movement. *American Psychologist*, 23(3), 180–186. <https://doi.org/10.1037/h0025715>
- Klein, A., & Golub, S. A. (2016). Family rejection as a predictor of suicide attempts and substance misuse among transgender and gender nonconforming adults. *LGBT Health*, 3(3), 193–199. <https://doi.org/10.1089/lgbt.2015.0111>
- Knapp, S., Gottlieb, M., Berman, J., & Handlesman, M. M. (2007). When laws and ethics collide: What should psychologists do? *Professional Psychology, Research and Practice*, 38(1), 54–59. <https://doi.org/10.1037/0735-7028.38.1.54>
- Kuttner, R. (2021, January 15). On civil disobedience: What it is—and what it never was. *The American Prospect*. [bit.ly/3uONupX](http://bit.ly/3uONupX)
- Lentjes, R., Alterman, A. E., & Arey, W. (2020). The ripping apart of silence”: Sonic patriarchy and anti-abortion harassment. *Resonance: The Journal of Sound and Culture*, 1(4), 422–442. <https://doi.org/10.1525/res.2020.1.4.422>
- Levin, D. (2020, March 12). A clash across America over transgender rights. *The New York Times*. [nyti.ms/3r7Kgw3](https://nyti.ms/3r7Kgw3)
- Lewis, J. A., Williams, M. G., Peppers, E. J., & Gadson, C. A. (2017). Applying intersectionality to explore the relations between gendered racism and health among Black women. *Journal of Counseling Psychology*, 64(5), 475–486. <https://doi.org/10.1037/cou0000231>
- Martin, R. (1970). Civil disobedience. *Ethics*, 80(2), 123–139. <https://doi.org/10.1086/291760>
- McKibban, A. R., Steltenpohl, C. N. (2019). Community psychology at a regional university: On engaging undergraduate students in applied research. *Global Journal of Community Psychology Practice*, 10(2), 1–14. [https://www.gjcpp.org/pdfs/1-McKibban\\_Steltenpohl-Final.pdf](https://www.gjcpp.org/pdfs/1-McKibban_Steltenpohl-Final.pdf)
- McLean, S.-A. (2014, December 30). Patriarchy and gender. *Decolonize All the Things*. [bit.ly/2Mw2Pe0](http://bit.ly/2Mw2Pe0)
- Morse, G. S., & Blume, A. W. (2013). Does the American Psychological Association’s Code of Ethics work for us? *Journal of Indigenous Research*, 3(1), 2. <https://doi.org/10.26077/jytj9-a692>
- Mosley, D. V., Hargons, C. N., Meiller, C., Angyal, B., Wheeler, P., Davis, C., & Stevens-Watkins, D. (2020). Critical consciousness of anti-black racism: A practical model to prevent and resist racial trauma. *The Counseling Psychologist*, 68(1), 1–6. <https://psycnet.apa.org/doi/10.1037/cou0000430>
- Nadal, K. L. (2017). Let’s get in formation”: On becoming a psychologist-activist in the 21st century. *American Psychologist*, 72(9), 935–946. <https://doi.org/10.1037/amp0000212>
- O’Hara, M. E. (2018). *An Ohio bill would charge therapists with a felony if they don’t out Trans. kids to their parents*. Them. [bit.ly/3ojmNWF](http://bit.ly/3ojmNWF)
- Ocasio-Cortez, A. [@aoc]. (2021, February 2). *What happened at the Capitol* [Instagram video]. [bit.ly/3wSGmdP](http://bit.ly/3wSGmdP)
- Ohio House Bill 658. (2018). *132nd General Assembly, 2017-2018 Reg. Sess.* [bit.ly/3qVUBLq](http://bit.ly/3qVUBLq)
- Payton, C. R. (1984). Who must do the hard things? *American Psychologist*, 39(4), 391–397. <https://doi.org/10.1037/0003-066X.39.4.391>
- Peshkin, A. (1988). In search of subjectivity—One’s own. *Educational Researcher*, 17(7), 17–22. <https://doi.org/10.2307/1174381>
- Pope, K. (2008, February 7). *Why I resigned from the American Psychological Association* [Press release]. [bit.ly/3cfACmQ](http://bit.ly/3cfACmQ)

- Pope, K., & Bajt, T. (1988). When laws and values conflict: A dilemma for psychologists. *American Psychologist*, 43(10), 828–829. <https://doi.org/10.1037/0003-066X.43.10.828>
- ross, KM. (2020, June 4). Call it what it is: Anti-Blackness. *The New York Times*. [nyti.ms/3a4YOF](https://www.nytimes.com/2020/06/04/opinion/anti-blackness.html)
- Schweber, S. (2007). Donning wigs, divining feelings, and other dilemmas of doing research in devoutly religious contexts. *Qualitative Inquiry*, 13(1), 58–84. <https://doi.org/10.1177/1077800406295483>
- Shirazi, N., Johnson, A., & Barrau-Adams, F. (2017, September 6). *The human rights concern troll industrial complex* [Audio podcast episode]. Citations Needed. [bit.ly/2YolUKZ](https://www.youtube.com/watch?v=2YolUKZ)
- Straits, K. J. E., Bird, D. M., Tsinajinnie, E., Espinoza, J., Goodkind, J., Spencer, O., Tafoya, N., & Willging, C., & the Guiding Principles Workgroup. (2012). *Guiding principles for engaging in research with Native American communities*. UNM Center for Rural and Community Behavioral Health & Albuquerque Area Southwest Tribal Epidemiology Center. [bit.ly/3f1rm7Z](https://www.youtube.com/watch?v=3f1rm7Z)
- Thomas, V. (2004). The psychology of Black women: Studying women's lives in context. *The Journal of Black Psychology*, 30(3), 286–306. <https://doi.org/10.1177/0095798404266044>
- Thoreau, H. D. (2014). *Civil disobedience*. Libertas Press. (Original work published 1849)
- Trujillo, D. (2018). Multiparty alliances and systemic change: The role of beneficiaries and their capacity for collective action. *Journal of Business Ethics*, 150(2), 425–449. <https://doi.org/10.1007/s10551-018-3855-9>
- Vasquez, M. J. T. (2012). Psychology and social justice: Why we do what we do. *American Psychologist*, 67(5), 337–346. <https://doi.org/10.1037/a0029232>
- Vera, E. M., Caldwell, J., Clarke, M., Gonzales, R., Morgan, M., & West, M. (2007). The choices program: Multisystemic interventions for enhancing the personal and academic effectiveness of urban adolescents of color. *The Counseling Psychologist*, 35(6), 779–796. <https://doi.org/10.1177/0011000007304590>
- X, Malcom (1964). *The Black revolution* [speech transcript]. [bit.ly/3cgjs8I](https://www.youtube.com/watch?v=3cgjs8I)
- Yanow, D., & Schwartz-Shea, P. (2018). Framing “deception” and “covert” in research: Do Milgram, Humphreys, and Zimbardo justify regulating social science research ethics? *Qualitative Social Research*. Advance online publication. <https://doi.org/10.17169/fqs-19.3.3102>
- Yglesias, M. (2020, June 4). Vandalism and theft aren't helping. *Vox*. [bit.ly/39kZaJ6](https://www.vox.com/2020/6/4/21593936/vandalism-theft)
- Young, I. M. (2011). *Responsibility for justice*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195392388.001.0001>
- Zheng, R. (2018). What is my role in changing the system? A new model of responsibility for structural injustice. *Ethical Theory and Moral Practice*, 21(4), 869–885. <https://doi.org/10.1007/s10677-018-9892-8>

Received September 1, 2020

Revision received April 14, 2021

Accepted April 16, 2021 ■