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Abstract

Kantian Deontological Ethics concerns itself with the will as grounded in universalisable maxims. Such maxims are in turn based on rationally conceived laws that, in a professional setting, find expression in the autonomously made agreements constituting professional protocols and regulations. When applied to a case-study wherein public safety has been possibly jeopardised by company products, we can argue for priority in the agreed-to responsibility towards the good of professional autonomy, expressed as a rational mandate of nondisclosure of confidential product information, over that of the good of public safety. This priority persists regardless of whether the good of truth, such as the disclosure of confidential product information, has its value grounded in itself or the good of safety. Nevertheless, company and individual professional responsibility may prioritise safety over autonomy, but how this prioritisation is made must be sensitive to the autonomously willed choice of the employed professional.

Cover Page Footnote

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Professional Responsibility: A Deontological Case-Study Approach

Iñaki Xavier Larrauri Pertierra

I. Case-Study

You are a researcher in a pharmaceutical company and are part of the R&D team behind a brand-new vitamin pill that has been released into the market. After a few weeks, reports pop up from different places of people dying from pneumonia. These reports are few enough to not attract any significant attention from the public, yet what the victims have in common, among other factors, is that they had all consumed the company's new vitamin pill. You are privy to this information and are reasonably perplexed, for your team had followed safety and testing protocol to the letter, and none of those who were engaged in the human safety trials had shown any severely negative reactions, let alone had died. You surmise that one of two possibilities must obtain: one, the death is not related to the pill at all, or two, there is something inherent to the vitamin that can be lethal to some. This latter situation is indeed possible, for while the human safety trials had sampled over thousands of people, the pill is now being consumed by tens of millions, and there is a greater chance for low probability outcomes to manifest in larger numbers. You inform the higher-ups in the company, but they dismiss your worries as unwarranted paranoia. You contemplate pursuing further safety trials, but you would then be putting willing participants knowingly in much more potential harm than what you could have reasonably surmised before.

You know of another alternative, however. There is a reputable source that will be able to tell with a high degree of confidence whether your company's vitamin pill did contribute to the victims' deaths by modelling the pill's symptomatology in humans. The problem is that employing this service will entail divulging your company's patented formulation for the vitamin, which they are against. You also know that if the pill is fatal, and people knew about it, then there is a high chance that the company will go down either through legal action and/or bankruptcy due to market distrust, and that those in the company will consequently lose their jobs. You are thus left with two options: either stay silent concerning the whole issue or secretly export your company's vitamin formulation for symptomatological analysis.

There is a possibility that the pill has nothing to do with the deaths, but staying silent may mean allowing the continuation of deaths caused by the company's product; giving the formulation and establishing no significant prediction between the pill and the deaths may be the best-case scenario, although you would be violating company policy; giving the formulation and establishing said significant prediction could prevent needless deaths in the future, but most likely at the expense of the company's lifespan. (Let us also say, for the sake of argument, that divulging the formulation will lead to news of the program test's results being made public regardless of whether they end up being good or bad; moreover, only you and the reliable source would be privy to the fact of your culpability in formulation divulgence.) What should you choose?

II. Introduction

The above case-study can be resolved through Kant's deontological ethics. In this essay, I explore the relationship between deontology and different aspects of public goods, and between deontology and the idea of professional responsibility. Whereas other ethical systems may approach the case-study from the consideration of virtue, consequence, or the prioritisation of natural goods, deontology prizes autonomy and the respect of people's autonomously rational choices as expressions of their reasoned will. What becomes clear by the end, however,

is that how the case-study is resolved deontologically may depend greatly on one's conception of professional responsibility in a company setting. I first rationalise pharmaceutical work as professional work in Section III.A before discussing in general terms the ethical relation between professions and the public they serve in Sections III.B/C. I then introduce Kantian deontology (Section IV) and apply it to professional responsibility (Section V). Before discussing the case study in detail (Sections VII/VIII) I first justify a deontological reading of professional responsibility over other ethical systems, such as utilitarianism and virtue ethics (Section VI). Lastly, I offer concluding remarks in Section IX.

III. Profession and the Public

A. Pharmacy as a Profession

We can construe pharmacy as a profession in three ways.[1] One, members within a profession "control recruitment, training and the work they do."[2] This can occur via the implementation of variably strict standards for quality research and practical work, (e.g., requirements for adequate university training, research protocols, quality standards in academic journals, professional guidelines describing what constitutes good practice, etc.) that prospective members must demonstrate their capacity to meet if they are to qualify for recruitment within the profession, usually from the attainment of a relevant degree, and/or afterwards consistently meet if they are to persist within it as a valid member. Two, relatedly, "professional work is represented as work that requires the exercise of discretionary judgment . . . [and] formally organized, theoretical or abstract knowledge for its adequate performance."[3] A brief glance at the numerous scientific journals dedicated to pharmaceutical research, relevant university degrees, as well as guidelines and protocols outlined in various nation's pharmaceutical associations evinces how pharmacy meets the above two criteria. Lastly, three, professional members, by having "near-exclusive jurisdiction … over particular kinds of tasks", ensure "that only they have the right to perform them."[4] The existence of professional associations for pharmacists that oversee licensure processes contributes to the profession's 'near-exclusive jurisdiction' over the tasks commonly associated with pharmaceutical work, for the lack of a license invalidates – at least to the members of the profession and those looking to employ credited pharmacists – non-license holders' work as legitimate pharmaceutical work.[5]

B. Justification of Professional Existence

This fact of near-exclusive jurisdiction over professional work is significant here for structuring a profession's justification for their existence, especially if the members envision the dynamics of their work as outside the strictures of free-market forces, i.e., they envision that professions do not *go out of business* the way that other occupations do when they are not profitable. This is because maintaining a market monopoly that is not justified solely on monetary grounds must attain its justification elsewhere. Larson, for example, notes how professions often appeal to the "antimarket" theme of public "service" as a source for justifying

[1] These are taken from Elion Freidson, "Theory and the Professions," *Indiana Law Journal* 64, no. 3 (1989): 425-6.
[2] Freidson, "Theory and the Professions," 425.
[3] Freidson, 425.
[4] Freidson, 426. Footnote omitted.
[5] To avoid confusion, use of the term 'pharmacist' in this paper applies to those engaging in pharmaceutical research and/or pharmaceutical manufacturing, and not to those employed solely to sell and distribute over-the-counter drugs in pharmacy/chemist outlets.

their existence.[6] However, service done poorly is importantly different to service done well, so there must also be a meritocratic element to the above justification, in that professional practice must serve a public good (e.g., the good of health for pharmaceutical work) and the better the service, the more optimistic a profession's prospects are for its continued existence. As such, there is an initial appeal to merit (e.g., skill in professional work) that must translate to a subsequent appeal to the *value* of that merit for public service.[7] If this value is not being met, then a profession runs the risk of antagonising their relationship with the public. This essentially all boils down to trust, as the public must trust that a profession has their best interest in mind if they are to continue to view the profession as a legitimate enterprise for the public good. Otherwise, if they cannot do so, but the public can no longer exploit the usual free-market incentive structures by which non-professional occupations are motivated into compliance, then redress will often come through the much slower process of legislative mandates that seek to coerce such compliance.

That redress via legislation is much slower than involvement within a free-market incentive structure is not primarily due to some idealised distinction in efficiency between free-market and governmental actors. The slowness is more so a consequence of what a profession's public trust allows that profession to get away with. Remember that a profession's existence is justified concomitantly with a justification for its market monopoly, but in tandem with this latter fact is also a profession's "claim of total and exclusive authority to judge professional performances".[8] This must be the case since without this claim the relevant market is no longer exclusively held by the profession; instead, it becomes 'open' to legitimate dealings with those outside the profession who yet still claim to perform its typical tasks. Nevertheless, this appeal to an *evaluative* monopoly permits, according to Gouldner, a profession to "conceal its failures and any resulting disparity between its performances and its incomes."[9] In other words, efficiency of performance is no longer wedded to income in a monopolised market, given that evaluation of professional practice is grounded on standards that do not have to abide by the usual optimisation considerations an occupation would find compelling for continued involvement in a free market. This evaluative monopoly concerning professional performance grants a profession autonomy over its knowledge processes, including those that characterise the profession's abstract and technical intellectual body, for 'performance' can be construed in both practical and theoretical terms.

As such, according to Larson, "[t]he more autonomous the knowledge on which the skill is based, the more the *value* of the skill appears to be independent from the [free market] relations its holder enters after having sold his labor."[10] One such relation that is relevant to our case is public awareness of how a pharmaceutical profession's body of knowledge affords it efficiency in serving public health; part of how a pharmaceutical body of knowledge attains its free-market autonomy is through a reduced public awareness regarding that knowledge's efficiency in serving public health, meaning that the awareness cannot be appealed to for mobilising public pressure to modulate said knowledge.

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[6] Magali Larson, "Professionalism: Rise and Fall," *International Journal of Health Services* 9, no. 4 (1979): 609. https://doi.org/10.2190/68JG-4BT4-JDW9-0LHR.

[7] MacDonald, for instance, remarks that even when considering the "self-seeking" function of a profession's desire for self-perpetuation, "the profession must be able to persuade the public … that there is a reasonable quantum of altruism and public spirit in their motivation [for self-perpetuation]". Keith MacDonald, *The Sociology of the Professions* (London: SAGE Publications, 1995), 35.

[8] Larson, "Professionalism," 612.

[9] Alvin Gouldner, "The New Class Project, I," *Theory and Society* 6, no. 2 (1978): 171.

[10] Larson, "Professionalism" 615.

Now, the abovementioned skill value is still meritocratically derived, insofar as merit is based on technical and theoretical knowledge, but the more this knowledge is extricated from a market-based determination of its existence (and by association, the profession's existence), then the greater the separation becomes between that merit and the public's involvement in its characterisation. What ends up taking the place of this involvement is a sort of persuasive performance on the part of the representative members of a profession, from which the public's acknowledgement that the profession's knowledge "will be used in the public interest rather than for purely selfish purposes" is motivated in some fashion.[11] Only then will a public trust in a profession's capacity for effective service be established, because even if the public cannot be privy to the specific inner logic structuring a profession's body of theoretical and practical knowledge, a persuasive enough performance can still win over the public's expectation that practicing professionals will not take advantage or exploit them for personal gain.[12] A professional performance on this matter must therefore involve clear indication of "concern with the possible abuse of [the] privilege" that is being granted by the public's trust, as well as clear "guidelines for evaluating and taking action against [abuse]."[13] It is here where formal codes of ethics become relevant, inasmuch as they function in providing those clear indications and guidelines significant to gaining and maintaining public trust.

C. A Possible Breach of Trust

Now, what happens when that trust has been possibly breached, say, through the potential realisation of public harm, such as in our case study? How may those responsible for manufacturing the drug ethically respond, especially if we regard the drug manufacturing as involving processes well within the purview of professional work? Certainly, if public trust is constituted by continued professional performances that motivate it, then, unless the trust is built on duplicity, the performance ought to be transparent regarding how public harm, if any, has occurred, and by what means, within a profession's jurisdiction. This may even apply to a situation wherein no clear correlation between drug product and public harm has been established, whereby a requirement for transparency may be met by giving out a public warning that the vitamin pill *could* be harmful. The issue then becomes: how is this requirement for transparency construed given particular forms of ethical codes? Is transparency more urgent, or even mandated at all, if such codes are conceived under a utilitarian or deontological light? What about a code based on virtue ethics?

I discuss the case study's issue of the call to transparency within a context of competing goods in Section VIII. However, we should note that, more generally, the issue is not that clear-cut as to who ultimately is responsible, for drug manufacturing is often both a professional and bureaucratic endeavour, especially within the context of a private pharmaceutical company. We must then ask whether potential public harm caused by harmful elements within a privately manufactured drug implicates the company in its *professional capacity* or *in its capacity as a private trader of goods*. In other words, is regulation of drug safety within the moral jurisdiction of the pharmaceutical profession or a non-professional quality control team employed by the pharmaceutical company? There are differences at play here between a company as a bureaucracy, and a company as a profession. For Goode, bureaucracies "embody a control

[11] Freidson, "Theory and the Professions," 427.
[12] See, Kathleen Montgomery, "How Institutional Contexts Shape Professional Responsibility," in *Professional Responsibility: The Fundamental Issue in Education and Health Care Reform*, eds. Douglas E. Mitchell and Robert K. Ream (Cham: Springer International Publishing, 2015), 79n, for a discussion on the nature of trust relevant to our purposes here.
[13] Freidson, "Theory and the Professions," 428.

system which diminishes the range of possible effort on the part of the individual worker" in order to "lower the chances of catastrophic individual failure by the inept".[14] A profession, according to Larson, on the other hand "protects its members collectively and thereby absolves the reciprocal function of protecting the inept".[15] Thus, regulation of product safety seems more of a bureaucratic than a professional function if regulation is meant to diminish flaws caused by ineptitude. Still, what if non-professional members falter in their safety obligation? Is it then up to the professional to 'cross lines' and enact accountability not typically associated to their professional capacity? Maybe, for "[w]here bureaucracy ends, or fails, professionalism can take over".[16]

However, perhaps we do not have to pass through this detour in our efforts to allocate responsibility, for drug safety testing is a crucial component in a drug's R&D stages. Therefore, insofar as R&D is properly within the *professional* purview of pharmacy work, then any safety failures with a drug is properly the profession's matter to address, specifically that of the professional(s) directly involved in its manufacture.[17] Still, concerning our case study, this does not answer whether a professional's *specific* moral obligation to the public, for the sake of redressing a possible breach in public trust, is to be transparent about such a possibility by divulging private information to discover likely causality.

Thus, would the pharmacist be right in divulging company-specific information for the sake of allowing the public to know whether it was their drug that caused the harm? Indeed, the fact that the public does not automatically have access to this means of knowledge permits its being hidden away, or some other kind of disinformation, by those who would choose to value their own public perception over transparency. Oppression of the public here would be through a monopolisation of knowledge, in which case a seemingly obvious solution would be to distribute this knowledge to the public.[18] Some worry, however, that allowing this solution would naturally lead to a tyranny of the masses, whereby public trust is no longer garnered through performance on the profession's part, but instead is given if a profession allows themselves to become beholden to input from the public, even those wholly unqualified to provide such input.[19] Nonetheless, if oppression through disinformation is remedied by public exposure of truth, this does not entail that every form of truth must be in the hands of the public, for it may be obligatory just to expose that truth which causes significant harm. Of course, what constitutes harm is often hard to make precise, but the other option would be to keep the populace completely ignorant, which is an absurd position.

In any case, it is obvious that at least *some* degree of transparency to the public concerning knowledge directly related to public harm is ethically required on the part of professions by virtue of their capacity as a profession in keeping the public's trust. However, what obfuscates this otherwise clear picture of the ethical mandate of at least minimal public transparency on the part of the professional is when that professional is also employed, in which

[14] William Goode, *Explorations in Social Theory* (New York: Oxford University Press, 1973), 142, 140.
[15] Larson, "Professionalism," 617.
[16] Larson, 617.
[17] An anonymous reviewer mentioned that blame could be placed on the hands of the outside regulators imposing standards that the safety testing must meet for the drug to be legally approved for sale to the public. However, the issue here is whether the privately owned drug formulation should be divulged to know whether the drug imparts a statistically significant risk of death. The issue with the regulators is secondary to this issue of information disclosure, for only by divulging the information will we be able to better understand whether the imposed regulations should have allowed for the safety testing to be sensitive to a significant lethality on the drug's part.
[18] See, William Arney, *Power and the Profession of Obstetrics* (Chicago: University of Chicago Press, 1982), 14.
[19] See, MacDonald, *The Sociology of the Professions*, 182.

case divulging harm-relevant knowledge could significantly endanger the feasibility of the existence of the company with which they are directly engaged. Said differently, the professional is faced with accountability regarding a proper addressing of competing goods.

We may therefore ask how a deontological analysis can account for the reality of competing goods, and which types of goods, if any, are prioritised over others. First, however, it would help to briefly outline the salient constituents of deontological ethics.

IV. Adumbration of Kantian Deontological Ethics

A. Will and the Law

For Kant, what makes an action good is nothing other than the good will behind that action.[20] What the good will is, specifically, in deontology is an expression of one's character and reason,[21] which informs the nature of a good act as good when it is derived from said will. This is opposed to a well-intentioned act, which may be considered "good" 'because of what it effects or accomplishes or because of its competence to achieve some intended end'.[22] Intention and will are different, for Kant, in their informing of the reasoning people use to justify particular actions: to intend well is to regard the ends as justifying the means, while to will well is to consider something more fundamental than a given means-ends relation as justificatory. One must, in deontology, consider the rational will's dictates as prior to, and indeed even supplying/justifying any given means-ends relation. To illustrate further, for Kant, one could act while thinking about the act as a means conducive to realising some desired end, but if the act's rationale stops there, then the act would not exhibit moral worth; only when the rationale is sourced from the good will, even over and against any intended 'usefulness' or detested 'fruitlessness' in achieving an intended effect, will that rationale express the act's worth.[23] Additionally, one could intend for an act's beneficial effect *while* concomitantly willing it from reason, but this would only be deontologically good if the latter serves as *the* rational grounding for the act, with the former acting as some *attendant* practical sentiment, and not *vice versa*.[24]

Only when one's good intentions do not explain ultimately *why* someone acted the way they did would they be closer to acting from *duty*, which, for Kant, 'is the necessity to do an action from respect for law.'[25] The law, here, implies a grounding for action that is devoid of any consideration of an act's facility/utility, with what is ancillary to the rational grounding ideally being opposed to facility/utility as such – indeed, against even one's propensity to rationalise act from facility/utility. Having one's rationale for action be *law-sensitive* is precisely Kant's notion of respect for the *practical* law, for only through lawful respect can one allow the law to determine how one *acts* and considers how one *ought* to act.[26] This means, that, in pursuing any end of action, what affords that end its moral worth, and the attendant means employed, is if the act and what is being acted upon are brought forth in the form of a law. In other words, any intention and means/ends relation can be seen as good only if they are initially signified as *expressing* a law that grounds them, and one that has been deliberated over via reason.[27] Indeed, Kant goes so far as to assert, regarding happiness, that one 'ought to

[20] See, Immanuel Kant, *Foundations of the Metaphysics of Morals and What is Enlightenment?* trans. Lewis White Beck, 2nd ed. (Upper Saddle River, NJ: Prentice-Hall, 1997), 9-10.
[21] See, Kant, *What is Enlightenment?* 9.
[22] Kant, 10.
[23] Kant, 10.
[24] See, Kant, 17.
[25] Kant, 16.
[26] See, Kant, 16.
[27] See, Kant, 12.

promote his happiness not from inclination but from duty. Only from this law could [one's] conduct have true moral worth.'[28] Moreover, Kant even extends this reasoning to life preservation, that even if 'everyone has a direct inclination to do so', and especially if one no longer has any inclination to do so, any 'intrinsic worth' expressed in one's attempts for survival only obtains if one endeavours to survive from duty.[29]

B. Maxims – Universalisability and the End in Itself

Now, duty is respect for the law, but this does not entail equality in identity, for duty is merely an expression of law in one's dutiful actions. It would be as if the law finds its own imprint in any act that is done out of duty; this "imprinting" is expressed in Kant's notion of acts being derived from universalisable maxims.[30] Thus, for Kant, since duty is lawful respect as law-determination/sensitivity, and maxims are subjective expressions of law, then to be duty-bound is to act maxim-ally, having maxims determine one's actions/rationale for acting. What, then, are these maxims? For the purposes of this essay, the relevant maxims are Kant's famous formulations of "universalisability", i.e. 'never [acting] in such a way that I could not also will that my maxim should be a universal law';[31] and "the end it itself", i.e. respecting people as ends and not simply as means.[32]

How do we justify these maxims given what has already been mentioned above? First, for "the end in itself", Kant mentions that '[a]ll respect for a person is only respect for the law, . . . of which the person provides an example.'[33] A person "provides an example" of law because, if one ought to respect the law – indeed, *only* the law – and the law is "imprinted" or expressed in individual dutiful action, then individuals acting from duty are effectively *law-bearers* deserving of respect, of being considered as ends in themselves and having moral worth in themselves. This is, of course, considering that only the good can be morally worthy, and that 'the preeminent good can consist only in the conception of law in itself (which can be present only in a rational [individual]) so far as this conception and not the hoped-for effect is the determining ground of the will.'[34]

For "universalisability", Kant notes that since the good will is bereft 'of all impulses which could come to it from obedience to any law, nothing remains to serve as a principle of the will except universal conformity to law as such [i.e. universal maxim-al action/lawful respect]';[35] in other words, any intention and/or means/end relation that is not law-sensitive is inevitably derived from particularised subjective impulses. Still, one could counter and say that Kant's argument does not necessarily outlaw *intuited* universalities from one's impulses that are law-sensitive due to their universalised nature. However, Kant could be taken to be arguing for a more explicable form of moral reasoning, wherein subjectively intuited universalities (i.e. those relating to intention and perceived means/end relations) do not guarantee their own objective reality as law. It may be that law-sensitivity as reason-dependency (i.e. dutiful action as determined by *reason*ably considered law) is exactly what safeguards the link between object

[28] Kant, 15.
[29] Kant, 13.
[30] See, Kant, 17n*. Unless mentioned otherwise, the use of "maxim" throughout the essay refers specifically to *law-sensitive*, or universalisable maxims, for one could act from maxims influenced by particularised impulses and idiosyncrasies, which is anathema to Kantian deontology.
[31] Kant, 18.
[32] See, Kant, 40. There is one other formulation, but for the purposes of this essay, the two just mentioned are sufficient.
[33] Kant, 18n.
[34] Kant, 17.
[35] Kant, 18.

and subject necessary to justify that there actually is an objectively lawful grounding to moral action. As such, having non-reasoned out impulses of universality does not provide as certain a test for actual universality, and thus law-sensitivity, as a reasoned will does, which attributes to said impulses an essentially particularised, and thus non-deontological nature.

V. Deontology and Professional Ethics

A. Autonomy, Protocol, and the Significance of Rational Agreement

Before delving into a deontological analysis of competing moral goods, we must discuss more specifically what deontology has to do with autonomy and professional ethics. First, autonomy from a deontological viewpoint can mean rational independence, or, specifically, that people can independently use their reasoning to be effective law-bearers deserving of respect. Consequently, individual autonomy is a necessary requirement for justifying assertions of respect for other people's autonomy, as people have the freedom to evaluate autonomously willed intentions and means/end relations through law-sensitive reasoning. Stated in another way, to be autonomous is to be worthy of respect insofar as one has independent access to the law, which is the only thing objectively worthy of respect deontologically speaking.

Second, the relation to professional ethics consists in explaining how autonomy and respect for autonomy necessarily lead a professional to respect professional rules and regulations. I have hinted above that professions are not arbitrary social groupings lead on by whim and impulse; instead, they are carefully governed intellectual-social entities conditioned, for their long-term viability, by obedience to established protocols that are directed to public service in some way. Indeed, protocols do change from time to time, but what is important here is that protocol changes based on impulse and whim usually spell disaster for a profession's credibility and existence, and especially if such changes end up antagonising professional-public relations.

Furthermore, at least as far as the legitimacy of professional membership is concerned, these protocols do not just appear out of thin air but are either arrived at or taken on through explicit agreement.[36] The reality of agreement is crucial for understanding this autonomy-protocol link, for arriving in agreement to anything requires the application of one's autonomous rationality, at least for the types of agreement relevant to deontology. Now, this application of reason insufficiently grants protocols their *universalised* content, for such protocols' purview does not include everyone, given that not everyone is party to every rationally deliberated agreement.[37] Notwithstanding, the mere fact that these protocols are agreed upon implies the maxim of, "everyone should be allowed to express their reasoned professional affiliations through agreements". This means that protocols are deserving of respect because their agreement by people party to said agreement expresses the people's use of the abovementioned maxim necessary to grant the protocol the status of an act revealing the people's law-sensitive will. Consequently, rules and regulations that are forced upon people are not worthy of respect inasmuch as their implementation takes on the irrational methodology of

[36] This characterisation is of course subject to varying extents of agreement and acceptance, but the specifics are immaterial here. What is significant and, ideally, uncontroversial is that professions are defined in part by their standards, which can undergo change and amendment by the constituent members of a professional field. What standards *are* considered normatively at play for professional establishments in general, however, may be up for debate and reformulation. Michael Davis, for example, considers obedience to established *moral* standards as integral to the very idea of a profession. See, Michael Davis, "Professional Autonomy: A Framework for Empirical Research," *Business Ethics Quarterly* 6, no. 4 (1996): 449-50. https://doi.org/10.2307/3857498.

[37] See Note 67 for a relevant comment.

self-interested coercion, which is not law-sensitive at all.[38] In short, to respect protocol is to respect the universalisability of the very process of contract-making and agreement that legitimises the moral worth of the agreed-upon content by virtue of the very fact that the content was autonomously agreed upon.[39]

This is how the good of autonomy licenses the respect for professional protocol by those party to the agreement of either instantiating the protocol or taking it on. In short, given the assumption that professional protocols are agreed upon, following through with them entails respect for the profession *as constituted* by rationally autonomous individuals agreeing on matters of normative force.

The good of autonomy is also related to the concept of professional responsibility when the latter is seen as conveying the roles that someone has taken up and/or the protocols with which they have agreed to act in accordance, since these would similarly have been reasoned out and agreed upon. This is different to the concept of responsibility as implicating one as a cause for some state of affairs, which has much broader ramifications and a wider scope than the notion of responsibility as what rules/regulations one is taken to abide by. The former concept expresses that there can be a near indefinite amount of states of affairs that someone could have had at least partially influenced, yet not every one of these states has something to do with the definite and explicated roles and protocols that people agree to take up or live by in their various social settings. Given how intractable one's responsibilities could be if viewed simply as what one has caused, a notion of responsibility that limits its jurisdiction to explicitly taken-up duties may thus be a more appropriately defining feature of professional responsibility.

B. Shared Responsibility as Individual Professional Responsibility

Moreover, what an *individual* professional has taken up and agreed to act in accordance with is not only their personal, practically relevant responsibility but also that of the profession itself, inasmuch as a profession is, in part, defined by responsibilities shared by its individual professionals. This means that what any professional commits, in relation to their role as a professional, bears on the output of and implicates the profession *as a whole*, which then implicates everyone else as professionals in the committed act in question, for they have taken up what the profession requires *as a whole*: one professional's act *as* a professional impacts every other professional in the profession, in terms of what they are all responsible for, simply because they all represent the profession. Another way of putting it is that I, as a professional, am responsible for other professionals' acts *as* professionals by indirect proxy through the profession *as a whole* being affected in its credibility by its professionals' acts. What is most important to consider, though, is that this form of implication-by-association is justified from an individual's autonomous agreement to join a profession, i.e., this is what a professional has 'signed up for'. Of course, a profession could explicitly place, as a condition for membership, that an individual professional is not responsible for the actions of every other professional acting in their capacity as professionals, but this seems not to express the facet of the concept of profession that concerns its shared responsibilities. Indeed, this notion of equal distribution

[38] See, Jacquie L'Etang, "A Kantian Approach to Codes of Ethics," *Journal of Business Ethics* 11, no. 10 (1992): 743. https://doi.org/10.1007/BF00872305.

[39] See, Robert Wolff, *The Autonomy of Reason: A Commentary on Kant's* Groundwork of the Metaphysic of Morals (New York: Harper & Row, 1973), 164-7, where he makes a similar observation. Although there he applies his contract-based reading of deontology to business relations, we can apply it similarly here to professional relations. See Section V.B.

of professional responsibility has been commented on by other scholars contributing to the literature on professional ethics.[40]

We can term this collective responsibility on the part of professionals as a collective 'contract-making', whereby the commitments taken up and *expressed* by the profession also feature in the contractual obligations of its individual professionals. These obligations can be quite easily interpreted as what a professional enters into via contractual agreement with the profession and its members. However, we can also understand a profession's relation to the public as a contractual one; a profession's social legitimacy, as was discussed above, after all is contingent on a negotiated trust by the public. Therefore, when that trust is breached, that profession's existence becomes jeopardised *precisely* because a term in the contract, such as service to public health, was not met, thereby voiding the contract on which the profession's legitimacy is based.[41]

This is not to say that whenever a professional missteps in their professional capacity to serve the public, that the entire profession's contractual legitimisation becomes rescinded, just that contract voiding in the context of professional legitimacy occurs for those *party* to the contract who were also wrongful in their actions; this may implicate the entire profession, if its top-level regulative principles become anathema to the public good, but this may also just involve individual professionals if, under their capacity *as* professionals, they have harmed or at least not properly served a portion of the public with which they had dealings. Of course, with the above mention of collective responsibility, there is no hard line we can draw distinguishing personal and profession-wide culpability concerning breaches of public trust. This is made clear by the consideration that harm *consciously* caused by individual professionals morally implicates the whole profession when the latter allows them to continue with their practice. Relatedly, a professional's license being revoked can be seen as the whole profession taking collective responsibility for the actions of individual professionals.

VI. Justifying a Deontological Reading of Professional Responsibility

Now, one may wonder at this point whether professional-public relations are best construed deontologically. Let us take a moment to justify a deontological reading of such relations over either a utilitarian or virtue ethicist one.

A. Utilitarianism

A contractual analysis of professional protocols is in tension with a more rule-utilitarian construal thereof, given that, one, "utilitarian rules will only protect justice if they accord with human happiness", and two, the contractual nature of deontology denotes a concern "primarily with particular concepts of justice rather than happiness or pleasure."[42] L'Etang also notes the difficulty of precisely defining 'utility', implying that rule-utilitarianism "cannot resolve conflicts in cases where different views prevail about the nature of utility."[43]

[40] For example, see Andrew Alexandra and Seumas Miller, "Professional Role Morality," in *Ethics in Practice: Moral Theory and the Professions* (Sydney: UNSW Press, 2009), 110-11, for a harm-based argument of collective responsibility within a professional setting.

[41] What precisely counts as public service will be significant in motivating different deontologically derived conclusions. See Section VIII.

[42] L'Etang, "A Kantian Approach," 739. Rule-utilitarianism will be assessed here as opposed to act-utilitarianism insofar as what concerns us here are not professional acts *per se* but rules, guidelines, protocols, etc., that *license* such acts.

[43] L'Etang, 739.

Despite this, we may ask whether the pursuit of a maximised utility just simply is not relevant for deontology. In this context, Starr considers that rule-utilitarianism gains the upper-hand, for

> surely utility is more likely to be promoted as one intends to promote utility when performing an action. The probability of utility being maximized will be significantly increased if one has this corresponding intention. So, even though there will be mistakes on occasion, from a utilitarian perspective it is perfectly appropriate to praise one for intending to perform an action which attempts to maximize utility even if this does not occur in each individual situation.[44]

Starr is working on a justification for a rule-utilitarianism, wherein intention for utility maximisation counts in a rule of action licensing individual acts of utility maximisation, over an act-utilitarianism for formalising ethical codes, but we can easily extend this justification over and against a deontological formalisation as well.[45] This is because the promotion of utility is secondary for a deontological ethic prioritising reasoning about contractual agreements.

Nevertheless, given the usual justification of professional practice in terms of its capacity for public service, then there is nothing preventing a deontologically minded construal of professional ethical codes as sensitive to the public's desire for professional prioritisation of their interests, such as their health. Consequently, whatever disadvantages plague deontology concerning utility seem to be overplayed here, given that agreements about professional-public relations already lean towards promoting public interests anyways. However, the most obvious distinction between deontology and rule-utilitarianism is that in the formation of ethical codes, the former would permit contractual terms that diminish utility, while the latter would not. Still, if those party to a contract that explicitly attenuates utility maximisation *agree* to it, then would that really be ethically dubious? Maybe, but if we assume that the public generally would want those professions that they trust to keep their best interests in mind, then we may reasonably insist on the unfeasibility of such a utility-eschewing contractualisation of professional-public relations.

Nonetheless, there is still the issue of manipulation of such relations, due to deontology prioritising the basing of contractual relations on explicit agreements between those party to the contract, and not on utility maximisation. This leaves open the possibility of agreement being obtained even in the context of misinformation and misunderstanding on the part of one member of the contract party, thereby permitting outcomes that the party would have otherwise never signed off on. However, this worry seems to be about a blatantly *unethical* practice of manipulating someone for the sake of subjecting them to biased contractual terms. This can be remedied by allowing contracts regular periods of re-evaluation, so that no party, especially those more vulnerable, will feel as if their interests are being left out of relevant negotiations. This can help minimise predatory practices of 'gaming the system' through manipulation and misinformation.[46]

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[44] William Starr, "Codes of Ethics — Towards a Rule-Utilitarian Justification," *Journal of Business Ethics* 2, no. 2 (1983): 102, https://doi.org/10.1007/BF00381700.

[45] See, L'Etang, "A Kantian Approach," 740, for her critique of Starr's justification of rule-utilitarianism over act-utilitarianism, which is interesting here but is not all that significant for our purposes.

[46] This of course does not preclude the possibility of misunderstanding of contractual terms, in which case we may legitimately ask whether contractual agreement is based on a *rational* will expressed through *reasoned* deliberation over said terms, and thus whether the contract is even binding. My own stance is that a contractual ethic is flawed because there is no guarantee that people who sign on to a contract will always understand its terms before doing

Furthermore, this practice of contract renegotiation is already a feature in the context of professional-public relations, given what was said above about a profession's existence being based on a negotiated public trust. Here, if that trust falters, then renegotiation would have to take place. Respecting the autonomy of individuals, by allowing them to renegotiate contractual terms to rescue an undermined trust, is after all a significant factor in what constitutes deontologically moral behaviour. Indeed, even in the case wherein a portion of the public directly under the jurisdiction of a profession's practical service was not initially involved in the manifestation of that profession's ethical codes, then that public facet must be allowed to renegotiate with the professional body, mediated probably by representatives for both parties, if the profession is to attain legitimacy on deontological grounds.[47] As such, deontology attains within its regulative norms safeguards against undue dismissal of public utility through the reality of contract renegotiation and the easy assumption that violations of public interest are a strong motivator for the enactment of the public's autonomous will against future instantiations of such violations.[48]

B. Virtue Ethics

Now let us compare a deontological ethic with a virtue ethicist one. The main problem a virtue ethicist might see with a deontologically constructed ethical code is that *paramount* importance is not paid in it to the cultivation of good moral character. Here, presumably, good character helps ensure the following-through of morally praiseworthy behaviour even in times of stress,[49] which would be ensuring such behaviour in more instances than if, as in deontology, character is subordinate to a more general norm of respect for the rational will. Why this is so is because the cultivation of a virtue-ethically good moral character is tantamount to the procedural internalisation of motivational and incentive structures that better capacitate one to behave in morally praiseworthy ways.[50] Furthermore, what is more relevant for a deontological ethic is one's respect for the autonomous will *regardless of* their internalisation of such structures through which they find it easier to be motivated by respect for the will. This is not to say that deontology eschews considerations of moral character altogether, just that whatever

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so. Yet if this is the case, then *any* moral system that relies on *ad hoc* considerations, even those that feature in one's understanding of a contract and which may just be cognitively unavoidable for all practical purposes, is flawed. (These *ad hoc* considerations may even be unavoidable in other ethical systems if one cannot certify either a definition of utility or even the specifications of what constitutes a virtuous character [See Section VI.B].) Lastly, this lack of guarantee of contractual understanding attains theoretical ramifications as well, for if neither party to the contract can guarantee that they have perfectly understood the contract's terms, then neither can infallibly know what both parties are actually signing on to, which, as has been a common experience for many, is rife for exploitation. Still, perhaps the ultimate illegitimacy of a deontological reading of professional ethics is no more apparent than one based on other ethical systems. Fully fleshing out *this* argument must be pursued elsewhere.

[47] L'Etang remarks that if respect for the rational autonomous will is paramount for deontology, then deontologically minded professional codes cannot be imposed, for they must "take others into consideration" by having "the codes [be] arrived at through discussion" with those directly under their jurisdiction. L'Etang, "A Kantian Approach," 743. For professional-public relations, this includes part of the public as well, as they may be considered under the jurisdiction of ethical codes just in case they are directly affected by practice regulated by such codes.

[48] For further discussion on the importance of allowing contract renegotiations in professional-public relations, see Note 60.

[49] See, Susan McCammon and Howard Brody, "How Virtue Ethics Informs Medical Professionalism," *HEC Forum* 24, no. 4 (2012): 259-60, https://doi.org/10.1007/s10730-012-9202-0.

[50] See, Justin Oakley and Dean Cocking, *Virtue Ethics and Professional Roles* (Cambridge: Cambridge University Press, 2003), 48, where they argue that these structures ultimately embody "the substantive account of the good" that virtue ethics is primarily concerned with.

character formation takes place is not a primary concern in and of itself, but one that must be in service to the movements of the rational will.

Oakley and Cocking illustrate this distinction between respect for the will and cultivating good moral character, à la virtue ethics, by noting that acting from the standpoint of the latter may license acting "against some conflicting moral demand, such as not to tell lies."[51] They initially situate their discussion of this distinction within the context of friendship, but they correctly find applicability in regard to professional-public relations, in that

> there are distinctive [professional] role-generated obligations and sensitivities that mark the proper performance of these roles which cannot be accommodated by universalist or impartialist ethical theories . . . [and which] may license divergence from broadly accepted moral requirements in some conflict cases.[52]

Oakley and Cocking give the example of doctor-patient confidentiality, wherein a doctor

> might choose to maintain the confidentiality of her patient at the expense of the legitimate claims of some other party . . . because she is governed by a concern to maintain the trust of her patients on such matters. Moreover, her acting against the conflicting moral claim here may be justified by the governing commitments and sensitivities that define her professional role – since, for example, maintaining trust through confidentiality in such matters may be a necessary and important part of how one promotes the good of human health in general practice.[53]

In essence, a virtue ethics of professional roles pays due importance to the "input of *agent-relative* value into the regulative ideals that govern the good [professional]",[54] wherein such value is part of what becomes internalised by the professional in the formation of their good moral character.

However, note that Oakley and Cocking mention the promotion of 'the good of human health' as part of what constitutes virtuous practice within the medical profession. This mention is intriguing, for it has just been discussed above how promoting the good of public health is adoptable by a deontological pharmaceutical ethic that sensitises the process of contract formulation and renegotiation to the autonomous will of a public that argues for their own best interests. There may be worry that respecting this good of health, as expressed through a public will, may conflict with a more general moral demand, such as to not tell lies, but this would simply be a case wherein conflicting goods are present, e.g., the specific profession-based good of maintaining public health and the broader good of being truthful. Nevertheless, in a deontological ethic, prioritising the basing of normative regulations on contractual agreements allows for scenarios in which conflicting obligations arise, for people can agree on terms that license different acts for the same situation. In our case, this much is clear: the pharmacist has obligations to both her employer and to the public, but the terms of information nondisclosure and promotion of public health, respectively, conflict in the case study being analysed here. Oakley and Cocking recognise this fact of legitimate conflict between two goods as tension between "goods that would be recognised by and important to any impartialist or universalist

[51] Oakley and Cocking, *Virtue Ethics and Professional Roles*, 99.
[52] Oakley and Cocking, 95
[53] Oakley and Cocking, 100.
[54] Oakley and Cocking, 99.

ethical theories admitting of plural values."[55] This is precisely my observation as well, so this should not count against a deontological reading of professional roles.

Still, Oakley and Cocking bring up a further worry with deontology, in that within a context of one's awareness of conflicting moral goods, "a Kantian account of moral character can encourage a pernicious and self-deceptive form of role-detachment that a virtue ethics approach is able to avoid."[56] In a situation wherein the moral demands of one's profession and those of a more general nature have not been reconciled, there is worry that deontology simply licenses, as a general principle, defaulting on those more general demands as opposed to profession-specific ones, presumably because professional demands are not as *universalisable* as these general demands. Moreover, in practicing this 'one-size-fits-all' ethical policy, one risks failing to recognise the situational complexities and nuances that commonly characterise daily professional reality. If these nuances are what professional moral demands ought to account for, then paying attention to them should be part of professional responsibility. Supposedly, it just does not seem proper to deontology that said attention is important at all, yet "virtue ethics can nevertheless recognise that having internalised those demands and carrying them out are things that individuals can reasonably be held morally accountable for."[57] This also relates to another concern with deontology, that justification for acting on these seemingly narrower professional demands occurs only when explicit reflection elicits no conflict with the demands of "broad-based morality."[58] Indeed, this appeal to explicit reflection – which is an appeal to the rational will – in formulating ethical codes makes it all too easy to forego accountability for the un-reflected features of one's character that may factor in more prominently in acting out one's role as a professional.[59]

However, this critique misses the mark if it sees deontology as not being able to account for the moral status of un-reflected features that one does not reconcile with other explicit moral demands. Yes, the contractual approach of deontology demands agreement grounded upon explicit reasoning, but this reasoning is one that is at the same time expressive of an autonomous will. In characterising explicit reasoning as one's utilisation of their will, the ethical demand to prioritise such reasoning is tantamount to an appeal to the respect of the will and of one's agency. Consequently, the un-reflected features of one's character *can* feature in a deontological analysis just in case there is some relation to agency-relevant capacities. In other words, un-reflected features can still be deontologically immoral if it diminishes agency-relevant capacities in others, such as through accrual of harm. This evaluation can take place even in a *post-hoc* fashion as a retroactive moral judgment, whereby one's actions to the detriment of another's capacity as a wilful agent, even one's own capacity, can be judged immoral in deontological terms upon subsequent reflection and reasoning. The important point here, though, is that this type of *post-hoc* evaluation holds less weight than those made on actions that were *knowingly* done against contractual obligations, i.e., against expressions of an agent's will in terms of their explicit agreements. Nonetheless, it is still open for a deontological evaluation to account for these less than explicitly reflected-upon features.

Lastly, if the above critique is meant to say that ethical demands of specific professions must, under deontological lights, always be subservient to more general and *universally* derived ones, then the critique missteps as well. This is because a deontological formulation of

[55] Oakley and Cocking, 101.
[56] Oakley and Cocking, 151.
[57] Oakley and Cocking, 154.
[58] Oakley and Cocking, 168.
[59] See, Oakley and Cocking, 170n75.

professional ethical codes attains just as much universalisability as, say, the more general, 'thou shalt not lie'. It all boils down to how the appropriate *maxims* universalise over those to whom the maxims legitimately apply. In other words, even non-professionals in a way fall within the jurisdiction of professional protocols, inasmuch as the identification of what counts as a professional therein also distinguishes what counts as a non-professional. Here, professional protocols exhibit the spirit of universalisability just in case those not member to a profession *can* act on a maxim that is wilfully universalisable, i.e., actions dependent on a universalised distinction about group membership. It does not matter that non-professional members may not agree with the maxim, as long as there is no contradiction in its universal *applicability*, i.e., there is no contradiction in anyone's *potential* abiding by professional protocols, in their action or inaction, at some point in time, just as there is no contradiction in anyone's potential abiding by the maxim, "thou shalt not lie".[60]

Consequently, deontology seems a suitable candidate in analysing professional dynamics and professional-public relations.

VII. Goods at Stake

With all this out of the way, I can now commence the discussion of the case-study proper. I first outline the goods at stake. Based on the information above, we can recognise four distinct goods: Life/safety, Autonomy, Wellbeing, and Truth. First, the lives/safety[61] of the afflicted patients are/is at risk; second, the wellbeing of those in the company, especially as it relates to the fiscal opportunities provided by employment in the company, hinges greatly on your decision to divulge the formula or not; third, the truth of whether the vitamin contributes to fatal symptoms is at issue; and fourth, the autonomy of those in the company, conceptualised in terms of respecting established professional rules and protocol, should be accounted for. This fourth good was elaborated in Section V, but now, to at least start to realise how these goods factor into the case-study's ethical ramifications, we must specify three distinct situations based on your decision to divulge company secrets.

Situation 1: staying silent may respect autonomy and the wellbeing of those in the company, at least concerning the company's prolonged continuation, but it certainly foregoes truth-seeking and may leave the lives of future vitamin users more at risk. **Situation 2**: divulging the formula respects the truth, whatever it may be, and disrespects autonomy, but it also addresses the risk to any possible future victim's life, which may just be a function of taking professional responsibility for modulating life through the pill. How professional responsibility intimately ties in with your personal responsibility was discussed in Section V.B. I will, in Section VIII.C, discuss the crucially relevant relation between responsibility towards public safety and this safety's verifiable influence by the vitamin. Nevertheless, further details need to be mentioned. **Situation 2a**:[62] divulging the formula reveals its culpability in the deaths

[60] See Note 67. L'Etang, "A Kantian Approach," 742, also makes this observation in her discussion of the deontological nature of professionalisation. A more general discussion on the importance of hypothetical imperatives for Kant is found in Philippa Foot, "Morality as a System of Hypothetical Imperatives," *The Philosophical Review* 81, no. 3 (1972): 305, https://doi.org/10.2307/2184328. Nothing really turns on me explicitly taking sides with Foot's conclusion of her discussion on categorical and hypothetical imperatives, just that my use of hypothetical imperatives in analysing professional protocols as obliging behaviour by professionals should not be problematic for a deontological reading of professionalisation. After all, the professional/non-professional distinction is not a coercively enforced one if the public is permitted to engage the profession in negotiations, and it is not impossible for these to concern the very identity of a profession itself.

[61] The terms "life" and "safety", along with all other related usages, are used interchangeably in this essay.

[62] **Situation 2a** and **2b** include all considerations of **Situation 2** mentioned above.

of the patients, in which case the wellbeing of the company employees will be put at risk.[63] **Situation 2b**: if this culpability does not obtain, then the risk of wellbeing is nullified. All abovementioned situations detail which good you would be personally responsible for affecting, in each (in their attainment by others and yourself).[64] Let us now analyse the case study.

VIII. Deontology and the Case-Study

A. Setting up the Issue

How ought the pharmacist act in this situation? We can now start to answer questions such as: what explicit agreements ensure your responsibility for the lives of those consuming the vitamin pill, given the above justification, in Section V.B, of collective professional responsibility as individual professional responsibility? In other words, is it part of the profession's set of responsibilities, and thus yours, to look after your customers' lives? Did the company, in its capacity as a private trader of goods, and its customers also make an explicit *agreement* concerning not only the responsibility of life preservation but all its implications as well, such as the pursuit of truth of potential vitamin lethality? If yes, then how would one deontologically prioritise between the agreement of public safety and that of non-divulgence of company formulations? Would your identity as a professional mandate divulgence of private information as a way to take responsibility for one's service to the public, even in the context where there was no abovementioned explicit company-public agreement? Answering these questions would resolve the case-study.

B. The Good of Safety and The Diminished Relevancy of the Good of Wellbeing

First, we must note that, under this deontological framework, employee wellbeing in the company, even those of the other professionals, is not as important a factor as the other goods *from the perspective* of a profession. This is because, as hinted at above, 1) it is not apparent that professions mandate looking after their members *over and above* a beneficial orientation to society at large,[65] and 2) presumably professions generally that do not consider public safety as of greater moral weight than the monetary wellbeing of its professionals dangerously neglect the maxim of treating everyone as ends in themselves and not just as a means for monetary gain. As such, we may regard it uncontroversial that this public-individual professional hierarchy of the good of safety is a rationally accepted professional protocol.

Still, in terms of the universalisable process of agreement, a profession could agree to not bother with the lives of customers, but this may go against the very definition of pharmacy as a profession, given its close ties with the medical profession, which, as a whole, is defined by safeguarding the health and lives of the public.[66] We may even regard the process of agreement as one that justifies not non-universalisable content over a limited scope of applicability, but

[63] Any employee taking the pill would also be put at risk, but to remain consistent, wellbeing here strictly refers to the advantage of continued employment on the employees' fiscal opportunities/outcomes.

[64] This will help summarise the key points of this discussion in terms of what goods one is responsible for undermining – e.g. if Life is undermined, then this will be represented as "Life (Yes)":
Situation 1 (silence): Life (Maybe), Autonomy (No), Wellbeing (No), Truth (Yes)
Situation 2a (divulge – lethality obtains): Life (Yes), Autonomy (Yes), Wellbeing (Yes), Truth (No)
Situation 2b (divulge – lethality does not obtain): Life (No), Autonomy (Yes), Wellbeing (No), Truth (No)

[65] See, Abraham Flexner, "Is Social Work a Profession?" *Research on Social Work Practice* 11, no. 2 (2001): 156, https://doi.org/10.1177/104973150101100202, for a discussion on altruism as part of the very definition of what it means to be a member of a profession.

[66] For example, see, Robert Sokolowski, "The Art and Science of Medicine," in *Christian Faith & Human Understanding: Studies on the Eucharist, Trinity, and the Human Person* (Washington, DC: The Catholic University of America Press, 2006), 237ff.

precisely a defined mode of activity (i.e. the agreed-to norms of action in a professional setting) universalised over a limited field: in terms of pharmacy, the relevant actions are universalised over those who count themselves validly as pharmacists.[67] In this way, realising the universalisability of a profession's noncommittal towards public health/safety would obtain, although at the direct expense to the very logic of the pharmaceutical profession in general. This definition of the pharmaceutical profession as informed by an orientation to public safety may be of a high enough priority, in terms of a hierarchy of protocol agreements, that agreeing to draw professional commitments away from public safety would render your profession no longer pharmaceutical in character anymore.

Now granted, not everyone who works in your company and who will be affected by disclosure of the product's formulation is part of the pharmaceutical profession itself (e.g. cashiers); however, unless it is explicated in some *non-professional* company protocol that non-professional employees will be taken care of above and beyond their customers, then employee wellbeing will not be above the priority to customer safety. Indeed, given your company's professional bend, it is also safe to assume that client safety would be higher than employee wellbeing on the list of agreed-to priorities in the non-professional setting. (Nonetheless, this does not make it necessarily as high as its status in the professional setting.) In other words, applying this noncommittal principle to public safety only to your pharmaceutical company's capacity as a private trader of goods seems irrational given the company's close ties with the pharmaceutical profession. This means that choosing between **Situations 1, 2a,** and **2b** should not be affected by considerations of the good of employee wellbeing, professional or otherwise. This leaves the goods of truth, life/safety, and autonomy (protocol agreement) to consider.

In effect, we must see commitment to public safety as an explicit contractual agreement made between your company, as private *and* professional, and the public, and as respect for the company's duty to safeguard the public's health and safety, at least when they are compromised by use of company products. This respect is also interpretable as the respect of the public's autonomy showcased by their choice to either become party to the agreement or accept its valid applicability over them. Subsequent breach of agreement in this regard would not only be morally blameworthy but also damaging to the rationally derived definitional orientation of your profession to serve public health. This consequently increases the moral worth of **Situation 2a/b** over that of **1**, yet there is a problem. If professional responsibility is towards public safety *in relation* to product use, then what if there is yet no clear connection between safety risk and product use? What if establishing that risk puts the good of autonomy (i.e. company protocol of non-divulgence) at *certain* risk? In both **Situations 2a** and **2b**, the good of autonomy is at risk, while that of product-dependent public safety is only an issue in **2a**.[68]

[67] See, Marian Eabrasu, "A Reply to the Current Critiques Formulated Against Hoppe's Argumentation Ethics," *Libertarian Papers* 1, no. 20 (2009): 10-11, for a discussion on how one can argue for a universalisable principle while restricting to whom the normative principle applies. For our purposes, restricting applicability to the relevant professionals does not violate the maxim of universalisability if membership to the profession relies, in part, on the use of one's universally applicable autonomous reasoning and power of choice without denying these from others.

[68] This uncertainty of the risk of the product also simplifies the case study's analysis, for a proven product-risk connection could allow the company to point the finger at external agents, such as regulators of product safety. With this uncertainty, the finger pointing would be too pre-emptive at this stage of the analysis. See Note 17. Also, this uncertainty helps clarify why it is relevant to a deontological analysis of a commitment to safety that the pharmacist is a *professional*. First, why the fact of the pharmacist being a professional is relevant here is insofar as contractual obligations can potentially lead one to forego a commitment to public health, in which case we would need to specify that it is part of the professional-public contract that public health be served by the professional. Second, and more importantly, even if this commitment is *empirically* nigh-ubiquitous, how it is

C. The Good of Safety as Grounded in the Good of Truth – Conflict with the Good of Autonomy

Furthermore, the good of truth is really only a motivating factor in **2a**, as the pursuit of truth is meant to serve transparency of product information, but where this information counts directly towards public safety is not ubiquitous throughout all facets of **Situation 2**. In other words, the pursuit of truth in **2b** may express transparency, but truth in this case-study is grounded in a further purpose of safeguarding public safety that is no more appropriately served than by staying silent, for product-dependent lethality would not be an issue at all in **2b**. As such, pursuing truth in **2b** needlessly jeopardises the good of autonomy, while the same pursuit in **2a** only comes about after taking a gamble on the status of the good of public safety, which is the very type of contingency-grounding from which deontology abstains. Needlessly sacrificing a good for another good is problematic here because to reach knowledge of a good that is currently only *possibly* at risk (i.e., pursuing truth to know whether life is jeopardised) one would have to knowingly undermine a good that would then *certainly* be at risk, (i.e., autonomy).[69] This consideration garners **Situation 1** more moral worth than the others. Another way of regarding the preceding argument is in terms of professional responsibility, where responsibility for the public good of life only becomes relevant when a company product is *already known to be* directly responsible for jeopardising it. Instead of pursuing the good of safety as a subordinated service to the good of truth, one ought to have the good of truth subordinate to *both* the goods of safety and autonomy so as to have safety be demonstrably jeopardised without conflicting with autonomy.

To summarise, because product lethality is known to only be *possibly* implicated in public safety risk, there is no duty by which the pharmacist is bound to act against the good of autonomy. One may of course endeavour to universalise a principle that requires action based on context-sensitive conditionals (e.g., on something like, "*if* public safety is at risk", such that its influence on moral action trumps that of the *certain* compromise of the good of autonomy) but this would problematically subject morality to the vagaries of non-demonstrable empirical claims, which is against deontology's mandate of basing action on demonstrable principles.[70] In effect, all this points to the moral superiority of **Situation 1** over everything else, *unless* information divulgence can take place without having to disclose patented company formulations; the elucidation of such an outcome is here left open-ended.

D. Separated Self-Grounding for The Goods of Truth and Safety – Continued Conflict with the Good of Autonomy

To counter, the pharmacist could simply agree to professional commitment towards public safety whether or not direct product implication is actually known. This would be tantamount to mandating action *regardless* of what conditional ends up obtaining, allowing the moral agreement to escape the regulative force of non-demonstrable hypotheticals, since now determination would be grounded in the separated commitment to the good of safety as outside

conceived in its details and ramifications can vary considerably. Why this variation matters is captured somewhat in Section VIII.D. Thanks to an anonymous reviewer for bringing this up.

[69] This is related to the discussion in Section VI.B, where it was mentioned that *knowingly* committing a fault is much worse than realising that a fault was committed after the fact.

[70] See, Kant, *What is Enlightenment?* 18, for a critique on the utilitarian motive of consequence-based activity as "respect" for contingent conditionals. Note that this critique of the particular type of conditionalisation being discussed here is not also directed towards hypothetical imperatives, for the former occurs concomitantly with a violation of some good, while for the latter there is no necessitation for such a violation.

hypothetical reasoning.[71] However, universalising this agreement over all relevant professionals can be deontologically contentious if it is also made in tandem with an agreement towards product information nondisclosure made with the company. If we assume that the company, in its private capacity, is not beholden to any such agreement with the public regarding *un*conditional service to their health,[72] then the pharmacist is in an ethical dilemma between serving either one of the goods of safety and autonomy at the expense of the other, *due to* her identity, respectively, as both professional and employee.

This agreement also is possibly inconsequential, for even *if* product lethality is known, this would not deontologically necessitate the company pulling out the product in question. Why? In this context, given that product lethality is publicly known, people who would take the product *after* understanding its risks would be doing so in their capacity to autonomously choose. Is the company morally obligated to stop these purchases from those who are making the choice themselves, even if purchases from everyone else is halted? I argue that, in this scenario, the personal choice made by those to continue with the purchase deserves the respect of the company, for said choice can be seen as working off of the maxim, "people ought to be allowed to make their own informed decisions". Now, this would be synonymous with arguing that *company* responsibility towards public goods only applies when the public argues for these goods; that is, if someone values their choices over these choices' potential personal hazards, and if this value can be rationally universalised, then the company would be required to respect this autonomous choice. Would the pharmacist working for the company also be required to respect this choice? Perhaps. After all, a profession's existence being justified on a negotiated public trust entails that without the public's approval, contingent upon public perception of a profession's sensitisation to their interests (even an interest in their ability to choose over their health), that existence is jeopardised.[73]

How may such universalisability of blatant danger be rationally achieved? First, remember that the discussion so far connotes that any act derived not from law-sensitive reasoning is not worthy of respect, meaning that what can be perceived as a good for an individual through their intuition and subjective intentions does not attain moral worth. Possibly, at the extreme, this would mean that even one's deeply felt conviction to preserve their own life is not worth any moral consideration unless it is also reconceptualised as being duty-bound and law-sensitive, i.e., unless it can be expressed as a maxim. This extreme should not be a worry deontologically, though, for the very nature of universalisability in maxim-ally acting is such that it is applicable to everyone, even if not everyone has actually reasoned out the maxim in question. As such, just because one does not self-represent the maxim does not morally justify treating one against the maxim's dictates, for this would contradict said maxim's universalisable nature. Truly, treating people in depraved ways simply due to them not expressing dutiful action at the present moment in time astoundingly contradicts the ethic behind the maxim of treating others as ends and not just as means (i.e. Kant's maxim of "the

[71] This solution is different than either the good of safety as subordinated to the good of truth or the good of truth as grounded in both the goods of safety and autonomy. Here we have the goods of autonomy, truth, and safety as equally grounded in themselves. I withhold explanation of the case wherein the goods of autonomy and safety are subordinate to the good of truth. Suffice it to say, this last case would be quite worrisome, as the mandate to divulge product information would hold regardless of there being any evidence of the public's safety being at risk. At least for the case of equal grounding of autonomy, truth, and safety there must be at least some evidence of jeopardisation of safety, which does obtain in this case-study, for that same mandate to then hold in order to maintain a respect for autonomy that is not discarded unconditionally.

[72] This should be an easy assumption to make given that companies are often characterised as beholden to shareholders and not the public stakeholders at large.

[73] See Section III.B/C.

end in itself"). This does not, however, prevent one from universalising a rule stating that one's duty to life does not solely consist in preserving it. One could deontologically justify euthanasia, for example, because the possibility of everyone passing away from acting upon such justification does not necessarily denote the compromising of dutiful action: the moral worth of dutiful euthanasia hinges not upon the empirical condition of there being people alive in the first place to act, but at the very least upon the act being uncoerced.

Replacing euthanasia with self-harm from consuming lethal vitamins yields the same rationale. Of course, it is not clear whether the notion of safeguarding one's life until one is fine with doing away with it is part of the nature of the pharmaceutical profession, implying rational justification for the direct removal of lethal medicinal products even if customers are making an informed decision to take it. However, the *company*, as a private trader of goods, would perhaps still be in their right by not removing the lethal products since the company is not itself identical with the profession.

IX. Concluding Remarks – The Priority of Choice

Regardless, the problem of our case study still stands, for product lethality is still only *possibly* true for all we know. Thus, our pharmacist, at least in her capacity as a professional, can only meet the obligation to serve public safety, even when reconceptualised as a commitment to safety whether or not product lethality is actually known, by conflicting with her obligation towards autonomy, *precisely* because of her capacity as an *employee* of the company. Given the subordination of the good of truth to those of safety and autonomy, this conflict would be immoral, in which case the pharmacist, for the sake of acting morally, would have to appropriately understand whether the good of safety is grounded in the good of autonomy, or *vice versa*. In other words, this is a choice, respectively, between prioritisation of a professional capacity versus that of an employee capacity, i.e., the pharmacist must choose whether her identity as a professional or as an employee is more important, as both choices license different actions.

Specifically, we are asking how one could allow prioritisation of **Situation 2** *regardless* of its manifestation as either **2a** or **2b**? We cannot answer that question here, for it would pre-empt the pharmacist's choice. Nonetheless, given the uncertainty of product lethality in our case study, allowing her to make that choice would be tantamount to respecting her rational autonomy, so allowing her to make that choice would be the deontologically right thing to do.[74] In short, the moral importance of **Situation 1** or **2** is contingent upon the even greater meta importance of permitting choice between the two.

[74] Realising such choice-making capacities is expressible, according to Montgomery, as a strategy, in that, "[t]o deal with the potential for competing interests within a field, actors in the environment draw on resources — typically resources reflecting their legitimacy and power — in order to navigate across the field and to engage effectively in their preferred behaviors." Montgomery, "How Institutional Contexts Shape Professional Responsibility," 76.

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