JUST ANOTHER DAY AT THE OFFICE

Should "professionals" have a different standard of ethics than the rest of us?

by Don Welch

Dynamic Graphics

Much of the recent work in professional ethics has focused on the distinctiveness of the ethics of the professions. Alan Goldman has described the view that professional duties must override what would otherwise be moral obligations because special norms and principles should guide a professional's conduct.[1] We've been told that professionalism embodies a standard of good conduct other than the norms of morality that ordinarily govern relations among people.[2] Often the claim is not that professionals must meet the same moral standards as the rest of us and go beyond those but that their distinctive moral standards may conflict with the requirements of "ordinary morality."[3]

A prevailing assumption among many professionals is that they are called on to conform to ethical standards "higher" than those that apply to ordinary people.[4] Professional morality places its values "at a higher position in the ethical hierarchy. It gives them greater ethical importance than does ordinary morality."[5] On reflection, however, it is not at all clear what "higher" means. Consider one statement of the ethical meaning of professionalism:

> In ethical terms, to be a professional is to be dedicated to a distinctive set of ideals and standards of conduct. It is to lead a certain kind of life defined by special virtues and norms of character. And it is to enter into a subcommunity with a characteristic moral ethos and outlook.[6]

Because of these presumably distinctive ideals and standards, it is argued, professional ethics may sometimes justify, even require, a practitioner to do something different than what would otherwise be morally obligatory. This approach "implies that the rules which decide what is ethical for ordinary people do not apply equally, if at all, to those with social responsibility."[7] These standards clearly establish a certain immunity for professionals from the moral requirements placed on "laypeople"; we shall return to the question of whether they are "higher."

The standards that are to govern the work of professionals are often written into canons or codes of professional ethics, which Michael Davis describes as conventions among professionals that are produced when an occupation becomes a profession. "What conscience would tell us to do *absent* a certain convention is not necessarily what conscience would tell us to do *given* that convention."[8] The existence of such professional codes as well as conventions that take other forms means that professionals are not permitted to engage in the weighing of interests and factors that is allowed by ordinary morality.[9] Therefore, they are, to an extent, exempt from judgment based on moral standards outside the particular subcommunity that has its own distinctive moral ethos.
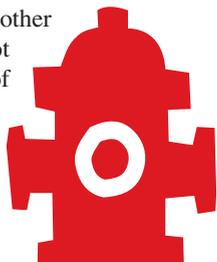
Given this heightened status accorded to professional ethics, it is understandable that entry into the club of professionalism is quite desirable. To the long-accepted entries of such occupations as law and medicine have been added such areas as engineering, accounting, nursing, social work, journalism, management, education, policy analysis, and scientific research.[10] The insistence of many occupational groups that they, too, be recognized as "professionals" has lead one commentator to fear that the label "professional" is being threatened with evacuation of its meaning.[11]

Those who have been writing about the unique qualities and characteristics of professional ethics are themselves professionals. It is not surprising that, writing from their particular standpoints, they view their own moral dilemmas as different from and more noteworthy than those faced by the masses. The sense one gets from reading much of the professional ethics literature is that, compared to the world of ordinary ethics, the demands placed on professionals are more compelling, the reasoning required of them is more sophisticated, and the compromises they make are morally superior. I am convinced, for the reasons stated below, that the distinctions are overdrawn.

Stephen F. Barker has attempted to establish the distinctiveness of professional ethics while avoiding the idea that professional obligations are more demanding and harder to comply with than those of nonprofessional occupations.[12] He identifies three features that distinguish professional ethical ideology from nonprofessional ideology: (1) the ethical ideology of a profession does not stem merely from a business contract between employer and employee; (2) this professional ethical ideology involves requirements that those in the occupation have largely agreed to impose on themselves; and (3) this ideology includes an ethical ideal of service to society.[13]

A focus on the employer-employee contract, however, narrows the inquiry much too quickly. Certainly not all self-employed people are inherently more professional than all salaried people. It is true that professional obligations do not stem "merely" from an employer-employee business contract. But, as Barker recognizes, many professionals are employees and so some of their obligations *do* stem from such contracts. Further, it is also the case that all of the obligations of nonprofessionals cannot be traced to such an employer-employee contract.

Barker gives the following example in his comparison of nonprofessional firefighters and professional physicians to illustrate the distinctiveness of the noncontractual professional obligation: "[I]t will be unethical for the physician publicly to endorse medicines or treatments which have no proven medical value, though nonphysicians may do this blamelessly."[14] If one agrees with this conclusion, it is only because of the distinctive content of the practice of medicine, not because of some generalized sense of the distinctive nature of professional obligation. I would argue that a parallel obligation *does* apply to the firefighter: that it would be unethical for a firefighter who is making a presentation in an elementary school classroom during fire prevention week to endorse fire safety practices that are not safe.

We need to avoid taking the position that professionals impose upon themselves obligations to serve society in ways that nonprofessionals do not because the only ethical obligations non-

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professionals have is to adhere to their employee contract. Confining the moral obligations of nonprofessionals to those embodied in such a contract is overly restrictive. Certainly there are firefighters, cafeteria workers, construction workers, secretaries, and a host of other nonprofessionals who, as members of those groups, have felt they should respond to moral expectations that were not part of a business contract.

Professionals do not have a monopoly on responding to the ideal of service to society. As Barker points out, many nonprofessionals are indeed called into service to society. Nor are professionals immune from employment arrangements that override a duty they have to service a larger community good. For example, physicians reject "bedside rationing" of scarce services for the good of society because of their obligation to the single patient before them; attorneys reject being drawn into seeking justice for the good of society because of their obligation to the single client before them. Of course, service to an individual is one way a professional can be of service to society. But the same is true for nonprofessionals. One could reply that sometimes nonprofessionals act professionally and sometimes professionals act in an unprofessional manner. The question still remains whether it is appropriate to maintain such a generalized ideal of professionalism that calls for a different form of ethical analysis.

My point is that any claim for a stronger ethical content and substantially different ethical structure for professional ethics is dubious. All of us, professionals and nonprofessionals, experience and respond to ethical problems in fundamentally the same way. The efforts to identify special concepts of morality for professionals create distracting distinctions that separate out pieces of the moral life that can be better understood as integral parts of a whole. I am *not* arguing that professionals do not have to respond to particular expectations that make a difference in the moral choices they make. Particular contexts require particular kinds of ethical attention. My argument, rather, is that everyone is continuously engaged in exactly the same kind of process of moral deliberation.

Experts on professional ethics usually don't include truck drivers as members of the club. Let's consider a truck driver who is headed for El Paso, Texas, in June to deliver a load of furniture. Her intention is to drop off the furniture and then drive an empty truck 40 miles to Las Cruces, New Mexico, to pick up a load of onions to take back to Atlanta—or as close to Atlanta as she can get. A day out of El Paso, our

trucker needs to call ahead to Las Cruces to begin setting up the onion load.

Our truck driver has had a long and mutually satisfactory relationship with a truck broker who works out of Las Cruces in the summer. Over the years these two individuals have come to rely on the services each can provide the other, the trucker sometimes helping out the broker by taking a load that really didn't fit her own needs best, the broker sometimes giving the trucker special consideration in arranging loads with shippers. The trucker also knows that the dispatcher for the largest produce shipper in Las Cruces is willing to deal directly with truckers. A call to the dispatcher might produce a better load more quickly and save the trucker the brokerage fee. There is also a new truck broker who has just set up shop in Las Cruces who might have access to loads that are not available to the more established broker.

So the driver has to decide which people to call and what to say when she calls. She does not expect to arrive in Las Cruces until late Saturday afternoon. She knows that the shippers don't want to wait that late to load a truck on Saturday and usually don't work on Sunday. She also knows that, if she tells them she will be there Saturday morning and gets a commitment for a load on that basis, she will get loaded when she arrives late, even if it takes until midnight. Does she communicate her plans honestly, guaranteeing a two-day layover, or does she attempt to strike a deal based on a commitment she knows she can't keep?

She also knows the probability of getting exactly what she wants—an 800-bag load with one drop in Atlanta for $1.85 per bag—is fairly low. One-drop loads to Atlanta are easy for brokers and shippers to cover. She can expect initial offers of loads to places like Dothan, Tallahassee, and Chattanooga, with deliveries to be made at possibly three or four different places. While she knows she would accept one of these as a last resort, she doesn't want to give up too easily on more attractive possibilities. How honest should she be in her negotiations in terms of what she would be willing to accept?

Our driver knows that 790 fifty-pound bags of freshly loaded onions are all that she can carry within the legal weight limits of some states she'll be crossing. An 800-bag load is standard, but onions dry out in transit, and she can probably be within legal limits with an 800-bag load by the time she hits the first open scales. Even accepting a hard-and-fast 800-bag limit, however, may produce undesirable consequences since larger loads are not uncommon and the refusal to accept a larger load increases the difficulty of getting a load in a timely fashion. If the route offered makes the probability of

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detection low enough to be worth the risk to her, should she be willing to accept a load that exceeds legal limits? Similarly, if an offered load has a delivery date requiring a driving schedule that exceeds regulations on the number of hours per day a trucker can drive, should that load be accepted?

In the course of these transactions, the driver will be under considerable pressure to (1) violate obligations incurred in a long-standing relationship, (2) make promises she can't keep, (3) be dishonest in negotiations with others, and (4) disobey the law. These seem like the kinds of moral dilemmas that pose the greatest problems for professionals. Further, while truck drivers may not have a written code of ethics approved by a formal association, they do operate in a world of deeply entrenched mores and practices. To use Davis's term, *conventions* exist in the world of truckers, brokers, and dispatchers that are recognized by all the participants. The driver makes decisions in response to the expectations embodied in these customs and norms, not as an isolated individual simply pursuing her own self-interest.

The participants in this situation—the broker, dispatchers, packing shed operators, other truckers—would not be surprised to find our truck driver making promises she could not keep or disobeying the law. The standard of practice in this occupation may well be to act in ways that would be deemed unethical in the abstract or under ordinary circumstances. She may even be expected to act in such ways. My interest is not in exploring whether it is wrong to follow vocational expectations that one be less than fully honest but in asking whether that matter should be considered differently for professionals than for the rest of us.

The focus of the inquiry is to try to understand why "professional" conventions should receive greater moral weight than the conventions of truckers—or of hundreds of other occupations or nonoccupational roles we play. Quite apart from an analysis of the particular content of a code or an investigation of a specific situation, professional standards seem to have been accorded a special significance simply because they are professional. Commentators have suggested many features that divide the professions from other pursuits.[15] The question is whether any of these justifies assigning greater moral weight to the norms that exist in professional subcultures. A consideration of four often-identified characteristics of a profession illustrates why I am doubtful an adequate grounding exists for the morally differentiated professional ethical analysis, as it is often described.

Most lists of features of the professions include something like the criteria mentioned earlier. One such feature is providing services that are important to society. In recent years we have seen many examples in other countries of people starving to death because of a lack of a food distribution system. Truck drivers provide this important service to society. Airplane mechanics, firefighters, and farmers, to mention only a few, also feel that they provide important services but find themselves on few lists of professionals. Even if service to society does provide a basis for separating the professions from other occupational pursuits, it seems that that feature would argue for less moral insularity, not more. The more crucial a service is to a community, the greater the community's stake is in seeing that the service is rendered in ways that are morally appropriate in light of prevailing societal standards.

Not unrelated to this first feature of the professions is a second characteristic: professionals are committed to some good larger than their own self-interest, e.g., the welfare of society. Accordingly, we expect morally superior behavior from those engaged in a profession. But it may well be that this self-proclaimed adoption of a higher calling was rooted in economic self-interest and a desire for social status, and a gap often exists between this vision and actual professional practice.[16] Indeed, the adoption of some ethical codes can be seen as ways of protecting professionals' self-interests by exempting them from the moral claims placed on the rest of us rather than obligating them to higher moral aspirations in the service of the common good. And, since we're seeking distinctive features of the professions, it should be noted that we expect many others to be committed to some good larger than their own self-interest: mothers and fathers, United Way volunteers, scoutmasters, and lay religious leaders, to name a few.

A third feature often associated with the professions is that they are often granted a degree of autonomy by society, sometimes including a societally granted monopoly for the services they render. This autonomy usually entails a judgment by peers, a certain insulation from lay judgment and control. Rather than providing grounds for the claimed moral distinctiveness, this feature seems to be a result of having found such distinctiveness. A measure of autonomy is granted because of a recognition that something distinctive about a profession warrants this special treatment. The issue in this inquiry is not whether this degree of moral autonomy and insulation exists or whether additional responsibilities are generated by such a grant of autonomy; rather, the issue is why it is appropriate to separate out certain professions in this way.
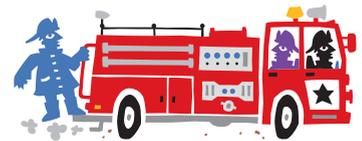
Airplane mechanics, firefighters, and farmers, to mention only a few, also feel that they provide important services but find themselves on few lists of professionals.

A fourth feature of the professions also provides a basis for arguing for this autonomy and thus for moral distinctiveness: the nature of professional services requires skills and knowledge not possessed by the population at large. Professions entail extensive training with a significant intellectual component. The problems and moral dilemmas encountered by professionals simply cannot be accurately assessed by lay people.

While this fourth feature seems on point, it is important that we not give it too much weight. This characteristic of professions may say much about *who* engages in moral assessments of professional behavior; it may say very little about *how* those people should make such assessments. Esoteric knowledge and specialized training may limit the number of people who can ably analyze a professional problem. These features, however, do *not* require that those able people analyze that problem using ethical modes of reasoning different from those of "ordinary morality."[17]

If I want to emphasize the continuities rather than the discontinuities, it is obviously important to identify what the truck driver has in common with the doctors and lawyers. In fact, at this point, I want to enlarge the conversation to address the continuities between the ethics of the professionals and those of every other person who plays a distinctive role in our community—which is all of us. So the discussion includes not only those driving trucks and engaged in other occupations but also mothers and fathers, participants in political parties and neighborhood organizations, citizens, and members of churches and synagogues. Davis is right that the conventions that exist among us affect our moral choices. We face such conventions, however, in every role we play.

In this regard, we should look at one feature sometimes mentioned as characteristic of the professions. Individuals incur certain obligations when they enter into a profession. They pledge to abide by a code of ethics; they covenant with others to uphold the standards of that profession; they agree to act in accordance with professional expectations. This kind of contracting among members of a profession creates limits on the extent to which one can act as an individual agent. Of course, our truck driver may have certain kinds of contractual obligations—to a company from which she leases the trailer or the bank that holds a note on the cab or the shipper who relies on a delivery. But it is important to look beyond these kinds of obligations that flow from formal arrangements. Agreements like bank loans and official codes of ethics are not the only sources for moral deci-

sion making. Many of the professional conventions are matters of less formal expectations than those codified in rules and officially adopted standards. We are also subject to the conventions and expectations of family, friends, and members of nonvocational groups, i.e., the expectations of ordinary morality.

The common thread, the source of the "ordinariness of professional ethics," is that all of us, in all aspects of our lives, are subject to moral claims inherent in the roles we play. The term "positional obligation" refers to the concept that holding a particular position or filling a particular role carries obligations that that person would not otherwise have.[18] This feature of role morality is not, of course, a new thought.[19] But the well-established insights of role morality render unremarkable the weaker claims of professional ethics—that professional roles entail obligations. Further, the insights of role morality cast doubt upon the stronger claims—that professional ethics require moral norms and forms of moral reasoning different from those required by "ordinary" roles. Professional ethics conventions—in codes and in other forms—create *prima facie* duties. We can only think about the ethical issues a professional confronts in the context of the conventions of that particular profession. But this insight applies to the conventions associated with all aspects of our lives. All of the other relationships we establish create *prima facie* duties as well.[20] The difficult questions arise when we find ourselves subject to contradictory *prima facie* duties.

The inevitability of facing contradictory *prima facie* duties lies in the reality that each of us embraces multiple roles. We may be truck drivers or physicians, but at the same time we may also be mothers, citizens, church members, and neighbors—to name only a few possibilities. Our continuing task is to respond to a variety of role expectations that inevitably conflict with one another from time to time. Insofar as professional obligations impose only *prima facie* duties and our response to these should be similar in character to our response to other *prima facie* duties, we can avoid the danger Steven Salbu has identified as lurking in professional ethical standards: "A prefabricated, externally imposed code of ethics, taken literally to be what it pretends to be, suggests that the ethical issues have been addressed by the experts. The person who accepts the code at face value replaces the honest and difficult confrontation of ethical questions with a mindless conformity to the rules."[21]

Recognizing that professional ethics is like other ethics, we can broaden the horizons of professionals engaged in moral reflection and moral decision making. The insularity of pro-

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fessional ethics can give way to Bruce Jennings's model of "professional ethics as civic discourse," a call for a broader dialogue that is accessible to the public at large.[22] At the heart of such a model is the belief that ordinary people have something worthwhile to contribute to a public discussion of professional morality.

The moral dilemmas faced by professionals are fundamentally the same as those we face in all arenas of life. The challenge raised by conflicting expectations in the professions is similar to the challenge raised in everyday life. How do we balance incompatible demands and weigh competing priorities? How do we determine the appropriate answer to the question, "What should I do?"[23] I do not believe the external demands of "ordinary morality" are always secondary to the expectations generated by professional conventions. I cannot accept a moral system that asserts that professional duty always overrides other duties such as the obligations accompanying one's role as a father or as a citizen.[24] Unless one is willing to make such a claim of unqualified preeminence for professional obligations, those obligations are recognized as one set of moral expectations alongside others, to be responded to in the same way that we respond to ordinary moral expectations.

It does not follow that there is no such thing as professional ethics. We can recognize a particular ethic to be professional because it is marked by the realities of the relationships that exist in what we consider a professional setting—not by some distinctive structures for ethical reasoning. There is such a thing as professional ethics. There are also such things as parental ethics, political ethics, business ethics, and religious ethics. In each case the distinctive character of the enterprise derives from the particular relationships and the content associated with particular contexts. These kinds of ethics do not call for different kinds of ethical reasoning than that called for by ordinary ethics. Rather, it is in ordinary ethics that we find the understandings of moral obligation common to all of these more particularized forms of ethics. ∎

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Notes

1. Alan Goldman, *The Moral Foundations of Professional Ethics* (Totowa, N.J.: Rowman and Littlefield, 1980). Goldman finds these assertions unconvincing in most cases.

2. Albert Flores, *Professional Ideals* (Belmont, CA: Wadsworth, 1988), p. 1.

3. Rob Atkinson has described the distinction, "firmly ensconced in the literature," between legal professional morality and ordinary morality in "Beyond the New Role Morality for Lawyers," *Maryland Law Review* 51 (1992): 855–860.

4. Gerald J. Postema, "Moral Responsibility in Professional Ethics," *New York University Law Review* 55 (1980): 63.

5. Benjamin Freedman, "A Meta-Ethics for Professional Morality," *Ethics* 89 (1978): 10.

6. Bruce Jennings, Daniel Callahan, and Susan Wolf, "The Professions: Public Interest and Common Good," in "The Public Duties of the Professions," Special Supp., *Hastings Center Report* 17, no. 1 (1987): 5.

7. Peter F. Drucker, "What is 'Business Ethics'?" *The Public Interest* no. 63 (Spring 1981): 24.

8. Michael Davis, "Thinking Like an Engineer: The Place of a Code of Ethics in the Practice of a Profession," *Philosophy and Public Affairs* 20, no. 2 (1991): 154–155.

9. Ibid., p. 162.

10. Some of these fields have been promoted from the ranks of "demi-professions," the term used for teachers, nurses, and social workers in Amitai Etzioni (ed.), *The Semi-Professions and Their Organization* (New York: Free Press, 1969).

11. Paul F. Camenisch, *Grounding Professional Ethics in a Pluralistic Society (*New York: Haven Publications, 1983), p. 4. John Kultgen has suggested the concept of professionalism should be relevant to all types of work in a modern industrial society in *Ethics and Professionalism* (Philadelphia: U. of Pennsylvania Press, 1988).

12. Barker, "What Is a Profession?" *Professional Ethics* 1 (Spring/Summer 1992): 73–99.

13. Ibid., pp. 88–89.

14. Ibid., p. 89.

15. See, for example, Michael Bayles, *Professional Ethics* (Belmont, CA: Wadsworth, 1981), pp. 7–11; Paul F. Camenisch, "On Being a Professional, Morally Speaking," in *Moral Responsibility and the Professions,* edited by Bernard Baumrin and Benjamin Freedman (New York: Haven Publications, 1983), pp. 42–61.

16. Jennings, Callahan, and Wolf, *op. cit*., p. 5.

17. In reaching this conclusion, I agree with Mike W. Martin in his exchange of essays with Benjamin Freedman: Freedman, "A Meta-Ethics for Professional Morality," *Ethics* 89 (1978): 1–19; Martin, "Rights and the Meta-Ethics of Professional Morality," *Ethics* 91 (1981): 619–625; Freedman, "What Really Makes Professional Morality Different," *Ethics* 91 (1981): 626–630; and Martin, "Professional and Ordinary Morality," *Ethics* 91 (1981): 631–633.

18. Frederick Shauer, "The Questions of Authority," *Georgetown Law J*. 81 (1992): 97, using the term coined by A.J. Simmons in *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979).

19. See, for example, Dorothy Emmett, *Rules, Roles and Relations* (New York: St. Martin's, 1966).

20. John H. Fielder, "Organizational Loyalty," *Business and Professional Ethics Journal* 11 (Spring 1992): 71–90.

21. Steven R. Salbu, "Law and Conformity, Ethics and Conflict," *Indiana Law Journal* 68 (1992): 106.

22. Bruce Jennings, "The Regulation of Virtue," *J. of Business Ethics* 10 (1991): 567. See also Jennings, "Bioethics and Democracy," *Centennial Review* 34 (Spring 1990): 207–225.

23. I have explored the approach suggested in this essay in greater depth in *Conflicting Agendas: Personal Morality in Institutional Settings* (Cleveland: Pilgrim Press, 1994).

24. The "weight" that should be accorded to the conventions of a particular profession, or any other role, can be determined only through an analysis of the important ethical issues confronting practitioners of that profession. The relative priority given to internal professional conventions and "external," broader ethical norms will vary from case to case. Such an in-depth study of particular professions is, of course, beyond the scope of this article.

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