Professional Ethics:
Does It Matter Which Hat We Wear?

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Jerry Mason asked rhetorically, "Am I the only one who wants to fly?" Mason turned to Bob Lund and asked him to "take off his engineering hat and put on his management hat." The four managers held a brief discussion and voted unanimously to recommend *Challenger's* launch.[1]

The remark about exchanging hats may be the most oft quoted phrase ever to appear a professional ethics case study. Roger Boisjoly, the senior scientist at Morton Thiokol who told us much of what we know about this story, opposed launching the *Challenger* space shuttle during the unseasonably cold weather of January 1985. He feared that the O-rings manufactured by his company would not hold up during launch. Bob Lund, Vice President of Engineering at Morton Thiokol, agreed with Boisjoly's assessment while wearing his engineering hat. But he recommended launch after donning his management hat. The O-rings failed and precipitated a disaster witnessed by television viewers worldwide.

The *Challenger* episode raises troubling questions. Can two professions impose contradictory obligations? If so, how can both be right? What is professional ethics, anyway, as distinguished from ethics in general?

The key to understanding professional obligation is to understand what a profession is. I will therefore begin with an explanation of why we have professions. I will use it as basis for a simple theory of professional obligation that seems to explain why obligations can differ across professions. I will also derive some consequences for what it means to teach professional ethics.

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[1] From Russell P. Boisjoly, Ellen Foster Curtis, and Eugene Mellican, "Roger Boisjoly and the *Chellenger* Disaster: The Ethical Dimensions," *Journal of Business Ethics* **8** (1989) 217-230.

What Is a Profession?

If a friend tells me that I should take an aspirin a day to prevent heart disease, then I don't really expect him to know what he is talking about. The friend should be sincere and perhaps should practice what he preaches before offering advice, but I expect nothing more. If a physician, however, advises me to take an aspirin a day, I expect her to have expert knowledge on the subject and to weigh my individual case carefully before prescribing medication.

This example provides a clue to why we have professions. We need to know whom we can trust to apply expert knowledge. If physicians did not identify themselves as members of profession, it would be much harder to know.

The two key words here are expert and trust. Two defining traits of a profession are

- expertise in a particular area, and
- the disposition to apply it responsibly.

The first item calls for professional competence. The second calls for professional ethics. The third defining trait is,

- the members of a profession profess.

They identify themselves as members of a recognized order, so to speak, so that others know they can be trusted. In fact the original sense of the word 'profess' is to take the vows of a religious order.

Professionalism provides two substantial benefits. One is that it saves a great deal of effort. I can walk into an examining room with some confidence in the competence of the physician without a detailed study of her dossier. Rather than requiring every patient to vet a physician, it suffices for the profession to do it once.

A second benefit is that we can rely on professionals in positions where sloppy work may not become evident until much damage is done. Clearly not every job calls for professionalism in this sense. A cashier's incompetence or dishonesty will quickly become evident at the end of the day, when the money in the till is counted. This is why cashiers are not professionals, except in the sense in which some golfers are professionals (i.e., they do it for a living). Accounting, by contrast, is a profession because poor performance in this area may not come to light until the company has already been ruined. Engineers are professionals because structural flaws in roads and bridges may not become evident until long after the engineer has left the scene. We benefit enormously from the integrity of professionals who do the job right regardless of transient incentives.

Professional Obligation

If the purpose of a profession is to enable us to expect a certain kind of conduct from its members, then professionals ought to live up to that expectation. This is what professional obligation is. It is the obligation to fulfill the expectations the profession has created and on which the public relies.

The basis for this obligation is the duty to keep a promise. When someone walks into an examining room wearing a long, white coat and a stethoscope, she makes a promise to the patient and to all concerned. She promises to have the qualifications of a physician and to act accordingly. In general, professionals have an obligation to keep the promises they make to the public by representing themselves as members of their profession.

One consequence of this simple theory is that, curiously, identifying professional obligations is a question of fact, not a question of ethics. The specific duties that bind a professional are defined by the expectations that the profession has created in the public mind. This is a matter of sociology that can only be determined by empirical observation, not by ethical reflection. The only ethical question, properly speaking, that arises in professional ethics is whether one should fulfill professional obligations, whatever they might turn out to be, and the answer is one has the same sort of obligation to fulfill them that one has to keep promises in general.

Professional codes of ethics are therefore not really codes of ethics, but codes of expectations. They represent an attempt to define for the public what the profession promises to do, so that professionals know which promises to keep. Or they may simply summarize what the public already expects, or some combination of the two. One might argue that professionals have a professional obligation to write codes of ethics, since the public expects professionals to know what they are about.

Conflicting Obligations

Professionals can clearly have different obligations than nonprofessionals, but they need not conflict. Since I am not a physician, I can casually tell my friend about the advantages of an aspirin a day, even if I know little about my friend's medical history. But if I were a physician, I would make no such comment, since it might be interpreted as a recommendation. I would first want to know much more about my friend's medical condition. There is no real conflict here between professional ethics and ordinary ethics. It is just that one imposes an obligation the other does not.

Conflicts can arise on other occasions, however. Suppose I have in my possession a significant quantity of a drug that is routinely used in some countries

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to treat a form of cancer. How I came to acquire the drug is immaterial, but let's suppose I did so legally and have no further use for it. My friend is suffering from this type cancer but cannot obtain the drug because it has not yet been approved in the country where he and I both live. There is a good chance the drug could make the difference between productive life and painful death. My friend knows I have the drug, understands the risks, and pleads for it. Let's suppose further that as a non-physician, I can give him my supply without breaking any laws. Arguably it is not only permissible for me to save my friend's life, but it may be obligatory. If I were a physician, however, one might argue that I would have a professional obligation not provide him the drug, since part of my professional responsibility is to uphold the health regulations of the country in which I am certified. People expect this from physicians. I would therefore be presented with a dilemma.

I don't want to take a position here on whether I should provide the drug, either as a physician or as a non-physician. Both scenarios present issues that cannot be resolved in a few words. My point is that professional ethics can at least conceivably conflict with ordinary ethics. This raises the question: how can professionals resolve conflicts of this kind?

We have a clue from the analysis of professional obligation I just presented. Since professional obligation is based on a promise, the conflict is actually a familiar one in ethics: I made a promise to do something that turns out to be unethical, and now there is a conflict between my duty to keep the promise and some other duty. This insight alone doesn't tell us how to resolve the conflict, but at least it tells us what kind of conflict it is.

Conflicts between two professional obligations can be viewed in a similar light. I'm not sure what the obligations of managers and engineers were in the complicated *Challenger* case, but we can imagine a conflict in simpler scenarios. Suppose the CEO of a company is considering whether to manufacture product X. The relevant engineering code specifies that product X should be manufactured with certain reinforcing materials. Without them, the product is easier to break. The reinforcements, however, would price product X out of the market, since consumers (wisely or unwisely) are unwilling to pay for this level of quality. The CEO, who also happens to be an engineer, has a fiduciary duty to stockholders to manage their investment prudently. If she is wearing her management hat, she arguably has a professional duty to omit the reinforcement. If she is wearing her engineering hat, she is obligated to go by the specifications that define professional obligations for engineers.

Conflicts between professional obligations are therefore real and derive from conflicts between promises. Perhaps professions should be more careful about how they shape expectations. But the fact is that conflicts arise and would probably continue to arise even if professions were very careful about the

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promises they make. In either case it is important to know how to deal with the conflicts.

Keeping the Professional Promise

If professional obligation rests on the duty to keep a promise, and conflicts derive from promises that conflict with other duties, it is essential to understand why one should keep a promise.

The classical argument can be found in Kantian ethics. Let's suppose I want to break a promise because it benefits me in some way. But the very possibility of breaking a promise presupposes the possibility of making a promise. It would be impossible for me to have made a promise if everyone who could benefit from breaking a promise did so. After all, the whole point of making a promise is that one keeps it when there is no benefit in doing so. Otherwise there would be no need for promises; we could simply do what benefits us. If everyone broke promises whenever it is convenient, no one would take promises seriously, and it would be impossible to make one.

Now we have a contradiction. The rationale for my action is inconsistent with the assumption that others with the same rationale will act the same way. But once I adopt a rational for breaking a promise, I am committed to saying that others who have the same rationale should act in the same way; otherwise it is not a rationale.

Breaking a promise for personal benefit is unethical because my rationale for doing so is self-contradictory. In fact it is not a rationale, since a rationale must be coherent to be a rationale. Breaking the promise therefore not an ethical act, because it is not an act. In Kantian ethics, a free act is distinguished from mere behavior (as in the case of an insect's behavior) by virtue of the fact that the act can be reasonably explained by attributing a rationale to the agent. If a mosquito bites me, it is not reasonable to try to get into the mosquito's head and understand why she did such a thing. It is simply a matter of chemistry. If a human being eats dinner, there are likewise chemical explanations, but we can also understand this behavior in terms of the diner's reasons for eating at this particular time. This is what distinguishes moral agency from mere behavior. The breach of a promise (merely for personal benefit) has no coherent rationale, however, and is therefore ethically equivalent to a mosquito's bite.

This is called the *generalization test*: a piece of behavior is an ethical act only if the rationale for it is consistent with the assumption that everyone with the same rationale will act the same way. The rationale is obviously key. Breaking a promise merely for personal benefit fails the generalization test, but suppose I break a promise to avoid doing something unethical. It is conceivable that this more complicated rationale could pass the test. One cannot make a blanket

statement, of course, but must examine each situation on its own merits, since the precise rationale differs from one case to another.

We can examine, for example, some possible rationales for giving my friend the cancer drug. If we suppose that I am a physician, then I have promised the public that I will live up to expectations defined in part by pharmaceutical regulations. (I don't claim that this is part of professional obligation in any particular country; I am only setting up a scenario that illustrates how conflicting obligations might be dealt with.) The issue is whether it is ethical to break the promise on this occasion. One possible rationale for doing so is that I am convinced, based on my medical expertise and experience, that the regulations are unethical in this case. This is clearly ungeneralizable. Professionalism and the promises on which it is based are possible only if professional conduct is predictable. If professionals did what they individually think is ethical, rather than what they have agreed upon collectively, their conduct would be unpredictable.

Perhaps my rationale is more specific: I am convinced that I can save a life by breaking the rules in this case. Generalizing this rationale, however, would probably undermine pharmaceutical regulations. Physicians would be inclined to violate such regulations in the first place only if they were convinced they could save lives, or least prevent very serious illness, by doing so. If physicians routinely violated the rules in such cases, the regulations would lose their point, the system that enables the development and marketing of trusted medications could collapse, and there might be no life-saving drugs to give anyone. This does not in itself show that violating professional obligation to save a life if such cases is ungeneralizable, but it shows that violating government regulations to do so is probably ungeneralizable, and this is enough to establish that it is probably unethical.

There may be another rationale under which breaking the rules in this case is generalizable, but again resolution of this complex issue is beyond the scope of the present discussion. At least now we see what kind of argumentation is relevant to resolving the issue.

Conflicts between obligations imposed by wearing two hats can be similarly understood. They are conflicts between two promises. These conflicts can be hard to resolve, but conflicts of this sort occur frequently in ethics whether or not professional obligation is involved, and there are intellectual resources available to analyze them.

The manager-engineer who wishes to market product X, for example, can think about what exactly she has promised the stockholders. Clearly she has not promised to use any means necessary, such as extortion or shakedown rackets, to deliver a return on their investment. It is understood on all sides that managers will use only legal means. It is unclear, however, whether she has implicitly

promised to contravene engineering codes if necessary. Perhaps the company should have made clearer to potential investors, for instance in its annual report, what policies it follows while pursuing a profit. But it is too late for that now. The CEO must deal with the situation that faces her.

It is helpful to observe that the CEO's promise to stockholders differs in an important way from the engineer's promise to the public. The CEO acts on behalf of the stockholders (through the board of directors), much as an agent represents a principal. Her promise is to act in their stead: to do what the stockholders would do and have authorized the agent to do on their behalf.

This analysis allows the CEO to argue that she never promised stockholders to break other promises in order to act on their behalf. She promised to *act* on their behalf, not to *behave* on their behalf, since it only makes sense to promise to do what one can choose to do, and only actions are freely chosen. She therefore didn't promise to do anything ungeneralizable, since generalizability is a necessary condition for action. (There may in fact be no promise to do things that are unethical for other reasons, but this requires further argument.) So the CEO never promised stockholders to do anything that breaks another promise, such as a promise to abide by engineering codes.

This argument can prove too much, however, if not carefully applied. Suppose the CEO joins a religious cult that opposes commerce on Wednesdays and, as a member, promises to conform to its beliefs. Yet we would expect the CEO to override this promise if it comes to shutting down the business on Wednesdays. Perhaps what we want to say is that since the CEO is an agent for the owners only in their capacity as business managers, she makes no promise to override *business-related* promises. If she promised employees retirement benefits, for example, she can honor that promise even if it sacrifices profit. But if she makes a non-business promise that encumbers the operation of the business, then to that extent she disqualifies herself from acting on behalf of the owners.

On this analysis, if the CEO's promise to observe engineering codes interferes with her fiduciary duty to the owners, she must override the promise or step down as CEO. On the other hand, there may be some reason she should observe the engineering codes *other than her professional promise as an engineer*. Thus if violating the codes results in an unsafe product, selling the product is in itself probably ungeneralizable, and as a result she made no promise to the owners to sell it, regardless of its profitability. In this case she can observe the code and remain CEO while honoring her promise to the stockholders.

Let's suppose, however, that leaving the reinforcement out of product X creates no hazard and violates the generalization test in no other way. If it is clearly the most profitable alternative, we have found no reason why the CEO's promise to stockholders allows her to refuse to sell it simply on the grounds that she promised to observe engineering codes. She may of course have other

obligations, such as an obligation to alert consumers to what they must do to avoid breaking product X. This is a further issue that I won't try to address here.

These examples illustrate that navigating one's way through ethical seas can become complicated, particularly when professional obligations conflict with other obligations. This poses the question as to how professionals can prepare themselves to deal with ethical dilemmas, and I now turn to this question.

Ethics Education

One can teach professional ethics, and one can teach ethics to professionals. It should be clear by now that

- These are not the same, and
- Both are necessary.

They are not the same because professional ethics is not ethics. It is the identification of expectations that professions have created. To teach professional ethics is to familiarize professionals with codes and standard practices. To teach ethics to professionals is to train them in ethical reasoning.

Instruction in professional ethics is necessary because a profession cannot serve its purpose unless its members are of one mind on how they are to conduct themselves. As the professions become increasingly complex, formal training in this area becomes increasingly important.

Instruction in ethical reasoning is necessary on two counts. Professional duties can conflict with other duties, and the resolution of these conflicts requires that one move from the safe harbor of professional ethics into the foggy seas of real ethics. Secondly, many professionals play a role in the development of professional codes, which often help shape expectations as well as describe them. The developers must decide what professional obligation *ought* to be. This is not a question for professional ethics, but for ethics proper.

These two types of teaching are often confused in workshops and seminars on professional ethics. These workshops tend to focus on professional ethics, as defined here, by presenting the codes and practices that characterize the profession. But they also take forays into such truly ethical issues as what professional obligation ought to be. It is vital to distinguish these two functions because they require entirely different methods. Questions of professional ethics are resolved by consulting accepted practices and public expectations. Instructors are generally very familiar with these issues and are thoroughly qualified to discuss them. Questions of ethics proper, however, require ethical reasoning. Relatively few people are trained in this area, and even fewer know how to apply

ethical argument to real-world issues with any kind of rigor. The need for instruction in this area is particularly acute.

Getting Past Myths about Ethics

The mere mention of teaching ethics triggers a number of negative reactions, all of which are based on a misunderstanding of the nature of ethics. If I may deal with them a little too briefly,[2] let me start with the common idea that ethics is only a matter of opinion, and there can be no objective resolution of ethical issues. Since there is nothing objective in the field, there is presumably no body of knowledge to teach.

This view borders on the incoherent, because it is very unclear what it means to have an "opinion" that murder is wrong if there is no way, even in principle, to tell whether it is actually wrong. Aside from this, it is simply false that there is no objectivity in ethics. Good arguments can be distinguished from bad ones, and behavior must pass certain rationality tests if it is to be ethical. Perhaps people tend to be unaware of this simply because they have never seen ethical reasoning before and can't imagine what it could be like. I deliberately presented some ethical arguments above to provide an illustration.

Readers may complain that my arguments are not very comforting because they are complicated and leave many issues unresolved. But it is the same in medicine, engineering, law, or business. All are very complicated, and all leave many issues unresolved—particularly when restricted to the confines of a few paragraphs. Expertise in any of these fields requires many years of training and practice. Yet we somehow expect to become experts in ethics, and to acquire the ability to resolve complex issues, after reading a few paragraphs, and we tend to dismiss the field when this is not possible.

Ethics is another name for rational decision making at the most general level. We not only proceed on the assumption that this is possible, but it in fact is possible. We practice rational decision making in a fragmentary way every day. Ethics tries to make us conscious of the canons of good reasoning so that we can apply them more consistently.

A second and related myth is that ethics is instilled in early childhood, not while sitting in class twenty years later. The presumption seems to be that the disposition to behave ethically is a nonrational trait that has nothing to with cognitive function. Developmental psychologists tell us this is totally false. Ethical maturity tends to develop hand-in-hand with cognitive skills and can

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[2] I provide a fuller argument in "The case against ethics education: A study in bad arguments," *Journal of Business Ethics Education* **1** (2004) 75-88.

continue to develop even into old age.[3] This also squares with common sense, since we can all think of our own ethical lapses that resulted from an inability to think about the situation in a clear or comprehensive fashion. Instruction in ethical reasoning can assist ethical development by sharpening our cognitive skills. This is particularly true for professionals who work in a complex environment.

A third myth is that ethics instruction has no effect on behavior because behavior is motivated by incentives, not by what one learns in class. This supposedly means that the way to encourage ethical behavior is to adjust the incentive system in the professional world, not to waste class time talking about ethics.

Incentives are important. But if classroom learning has no effect on behavior, we ought to shut down all professional schools immediately. Obviously knowledge affects behavior, and this is why we have professional training. Perhaps the claim, then, is that classroom learning affects behavior in other fields but not in ethics. In this case we need some explanation as to why ethical knowledge, which is the sort of knowledge most directly relevant to conduct, is different from other kinds of knowledge on this point.

The underlying assumption that behavior is motivated only by incentives is likewise unwarranted—unless of course one defines anything that motivates behavior to be an incentive, in which case the assumption is a tautology and is entirely consistent with the possibility that ethical instruction motivates behavior. In reality human beings are motivated by a wide range of factors, including a desire to do the right thing.[4] Ethics instruction helps one to identify the right action, just as instruction in finance helps one to identify the right investment.

Toward Professional Competence in Ethics

It matters which hat we wear, since different hats genuinely bring different obligations. This is not because there is something wrong with the concept of professional obligation, or because there are irreconcilable conflicts between the

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[3] In this connection see L. Kohlberg, *The Philosophy of Moral Development: Moral Stages and the Idea of Justice*, New York: Harper and Row (1981); S. D. Parks, "Is it too late? Young adults and the formation of professional ethics," in T. R. Piper, M. C. Gentile and S. D. Parks, *Can Ethics Be Taught? Perspectives, Challenges and Approaches at Harvard Business School*, Cambridge, MA: Harvard University Press (1993).

[4] See M. L. Hoffman, *Empathy and Moral Development: Implications for Caring and Justice*, Cambridge, U.K.: Cambridge University Press (2000); J. C. Gibbs, *Moral Development and Reality: Beyond the Theories of Kohlberg and Hoffman*, Thousand Oaks, CA: Sage Publications (2003).

professions. It is because the professions imply different kinds of promises. Sometimes these promises conflict with each other or with other duties, but the same type of dilemma occurs in the course of everyday life when there are no professional obligations at issue.

Professionals should of course be familiar their professional obligations, which are defined by the standards and expectations created by the profession. This is important, but it is not real ethics. Real ethics comes into play when professionals must reconcile these obligations against other obligations that arise in the messiness of real life. This requires skill in ethical reasoning, even expertise. Professionals who play a role in shaping professional duties, in deciding what they *ought* to be, must exercise all the more analytical skill.

These skills can be learned, must be learned, can be taught, and should be taught. Professionals wear different hats, but beneath those hats they should all have a head for ethical analysis.