

Professionals and Obligations

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Why Professional Ethics?

- A professional is a moral agent.
- All moral agents should obey common moral principles
- Therefore, a professional should obey common moral principles

Professional Ethics: Not Needed

- One could maintain that there is no need for a professional code of ethics.
- As a professional I am a moral agent and as such I should try to understand the context of the decision, the relevant moral principles, how they principles apply, and act accordingly.
- However, there are some considerations that suggest that there is a need for a professional code as well as common moral principles.

About Professionals

- There are several reasons why one might think that professionals are 'special' in a morally relevant way.
 - Professionals often have 'special' rights and responsibilities.
 - Professionals often function in a special context.
 - Professionals often have a special ability or power to affect the world
 - Professionals have special skills and knowledge.
 - Professionals have special opportunities for action.

Special Conditions

- In each of these cases the key element is the special condition or ability of the professional.
- In the sense used here 'special' means that it is not something that would apply to the ordinary moral agent.
- Professionals have the ability to affect the world through their special skills and knowledge and have the opportunity to do so because of their employment.

Professions

- Given the foregoing considerations there are four general elements of a profession.
 - Professions require the mastery of special knowledge and, in general, only the members of the profession have this knowledge
 - Members of a profession generally have more autonomy in their work than ordinary workers.
 - Professions have formally organized professional organizations.
 - Professions fulfill a special social function or help to achieve a social good.

Self Regulation

- Thesis: Self regulating professions are socially and economically to be preferred over those that are either unregulated or are government regulated.
 - From an economic point of view, the thesis is based on the fact that self regulated professions bear the cost of the regulation rather than the government or the consumer of the professionals' activities.
 - From a social and epistemological point of view, the self regulated profession is to be preferred because its regulations are based on the reasoning of knowledgeable experts.

Professional Obligations

- Professional obligations are most often formalized in a professional code of ethics. Such codes identify four types of obligations.
 - Obligations to society.
 - Obligations to employers.
 - Obligations to clients.
 - Obligations to colleagues and organizations.

Obligations to Society

- The computer professional should always consider the public good. This consideration may be in the form of:
 - public education
 - protection of privacy
 - preserving confidentiality
 - avoiding misrepresentation of qualifications
 - avoiding misrepresentations of technology
 - obeying laws
 - assigning appropriate credit.

Obligations to Employers

- As an employee the professional ought to perform his service to the best of his or her abilities and protect the employer's interest. Specific issues may include
 - updating knowledge of the field
 - accepting responsibility
 - present opinions objectively
 - respect confidentiality
 - protect employer's interests
 - prevent conflicts of interest.

Obligations to Clients

- The computer professional should honor the contractual and ethical relationship with a client. Specific issues include:
 - protect confidentiality
 - protect privacy
 - avoid or notify clients of conflicts of interests
 - make expertise available

Obligations to Colleagues and Organizations

- The computer professional should aid other professionals and respect their work. As a member of a professional organization the computer professional should represent the ideals of the organization. Specific issues may include:
 - apply high standards of conduct in business and professional life
 - avoid acts detrimental to the profession
 - enhance public confidence in the profession.

The Loyal Agent

- (1) As a loyal agent of some principal, I ought to serve the principal's interests as he would serve them if he had my expertise.
- (2) The principal would serve his own interest in a thoroughly egoistic way.
- (3) Therefore, as a loyal agent of a principal, I ought to operate in a thoroughly egoistic way on his behalf.

Is there a need for a professional code?

- Given the loyal agent's case one might think that there is no need for a code of ethics.
- However, stating legal duties only begins a moral analysis. The law often reflects prior moral deliberation. As such, it is a good starting point. But ...

The Loyal Agent

- Laws can be subjected to moral criticism. If this were not the case, then the only criticism of the law would be on grounds of consistency.
 - As a practical point this is not the case.
 - As a logical point there is a difference between examining what is the case and what ought to be the case.
- Simply claiming that a rule is law is not enough to justify the claim that it ought to be the law.

Questions about the Argument

- The argument is valid, but is it sound?
- (3) follows from (1) and (2) but ought (1) and (2) be accepted as correct?

Criticism of (2)

- If (2) is correct, then it must be morally possible to perform acts which are moral, legal and altruistic.
- If principals are like agents, then it must be possible for principals to perform moral, legal and altruistic acts.
- If this is so, then it is not necessarily true that the principal should be an egoist.

Criticism of (2)

- If it were empirically, contingently true that persons, both agents and principals, are egoists, then the loyal agent could not act in an altruistic way toward his principal.
- Thus, if (2) is true, then the point of the argument is undercut, and if (2) is false, then the argument is unsound.

Criticism of (1)

- The principle embedded in (1) is too broad.
- If it were true, then anything done in the principal's interest would be right. This would apply even to actions which on other grounds would be judged morally wrong.
- There is little reason to believe that by becoming a loyal agent one has become subject to superior obligations.

Criticism of (1)

- Since (1) demands that moral obligation be established, it must be the case that (1) fails. If it does establish a superior moral obligation, then it licenses the violation of other moral obligations. This would create an ultimate moral tragedy. As a person the individual ought to act in accord with morality, and as an agent he ought to be willing to violate morality.
- The only way out of the tragedy is to reject the claim that agency imposes superior moral obligations.

Collect Information and Identify the Problem

- Be alert; be sensitive to morally charged situations
- Identify what you know and don't know
- State the case briefly with as many of the relevant facts and circumstances as you can gather within the decision time available
- Consider the context of decision-making

Specify Feasible Alternatives

- State the live options at each stage of decision-making for each decision-maker.
- Ask what the likely consequences are of various decisions.
- Remember to take into account good or bad consequences not just for yourself, your profession, organization or patients, but for all affected persons.
- Be honest about your own stake in particular outcomes and encourage others to do the same.

Identify Morally Significant Factors

- Basic Principles
 - Autonomy, non-maleficence, beneficence, justice, fidelity
- Use moral models
 - Sometimes you will get moral insight from modeling your behavior on a person of great moral integrity.
- Use ethically informed sources
- Identify context
- Clarify personal judgments
- Consider organized procedures for ethical guidance

Propose and Test Possible Resolutions

- Find the best consequences overall
- Perform a sensitivity analysis
- Consider the impact on the ethical performance of others
- Would a good person do this?
- What if everyone in these circumstances did this?
- Will this maintain trust relationships with others?
- Does it still seem right?

Make your choice.

- Live with it
- Learn from it
