Honor Among Thieves: Some Reflections on Professional Codes of Ethics'

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As complicated an affair as it may be to give a fully acceptable general characterization of professional codes of ethics that will capture every nuance, one theme that has attracted widespread attention portrays them as contrivances whose primary function is to secure certain obligations of professionals to clients, or to the external community.[2] In contrast to such an "externalist" characterization of professional codes, it has occasionally been contended that, first and foremost, they should be understood as *internal conventions,* adopted among professionals as a device for securing the "interests" of the professionals themselves.'

In what follows, I will argue that both of these lines are incomplete. As important as service to the community and the interests of professionals may be in the full understanding of the multiple role that "codes of ethics" play in many professions, it is equally important to see them as expressive of the romance of a profession. Professional codes should be understood not only in terms of their utility to the community, or in terms of their utility to practitioners, hut as expressions of callings. Analyses of professional codes of ethics that do not take into consideration their role in evoking the romance of a professional calling are thus not entirely adequate.

Professional standards and codes can be fully understood only if one appreciates that they are designed to contribute to and evoke feelings of dignity, self-worth-and, for better or for worse, even the superiority-of the professionals themselves; the code may seem to *them to* express essential features of what the profession really is."

To understand the importance of this issue, it is useful first to address briefly a variety of issues that are best described as conceptual or linguistic. When this ground has been lightly covered, the way will have been prepared for more substantive matters.

1. "Professional" and Its Cognates

In addressing these issues, it is important to acknowledge the squishiness of the conceptual terrain. When we speak of "professionals," we may mean to indicate different, even conflicting things in different contexts. In calling a person a "professional," for example, we may mean to indicate no more than that the person has a certain competence in a certain demanding task, or we may mean no more than that the person has completed a certain course of training, or has a certain occupation (whether or not any particular competence is possessed). We may mean something praiseworthy, or something condemnatory, depending upon context. Our standards for tightness in the definition of the term will similarly vary with context.

Deploying the term in some ways makes it conceptually impossible for a person to he a professional without ever having received monetary compensation for working in the field in question. If I have been working as a waiter for the last twenty years, and have never found a position as an attorney, it might seem disingenuous for me to tell people that I am a professional lawyer, even though I might have all the certification of competence I need to prove it. Yet it would not be at all out of order for a legal periodical to note the fact that, perhaps due to hard economic times, many professionals have not been able to find work in the field.

Sometimes the difference between professional and amateur practitioners seems to betoken different competencies, sometimes nothing more than a difference between getting paid for what is done as opposed to doing it for free. Everything hangs on context.

Things get even more complicated when one begins to sort through the jungle of nuance surrounding various commonalities and differences in the meanings of cognate terms. The adjectival use of the term "professional" does not always work. precisely in the way that the substantive usage does. And similar subtle differences are to be found in the

various usages of terms like "profession" and "professionalism," and in the relations between these several cognates.

Many efforts have been made to bring order to this potentially confusing area of discourse,' and I suspect that all who have involved themselves in such efforts would concede that considerable ambiguity must always remain, given the general imprecision of natural language.

Nevertheless, it seems to me that some success can be gleaned if one steps back to a suitable level of generality. It appears that a common thread that runs through nearly all deployments of the cognates of the term "professional" is the idea of *competence* at a relatively *difficult* task. Where sometimes it seems that competence is *not* involved-for example, where we may wish to say that some members of the medical profession are not competent at all-it is often because of an intervening social/linguistic factor that somehow itself involves issues of competence. In the example of "incompetent doctors," we are talking about people who have successfully met what are deemed to be the standards of competence set for physicians (that's what allows us to identify them as doctors), but who aren't really competent after all.[6]

Similarly, where we are inclined to make a distinction between professionals and amateurs based on receiving pay for the work, this is often because of a widespread background belief that those who don't get money for what they do must not really be very good at it (unless such unremunerated work is done for reasons of charity-in which case it might actually be an *indicator* of true professionalism, at least from some perspectives).

There are bound to be counterexamples to the claim that competence at some difficult task is central to understanding these several concepts; natural language flourishes and grows just because of such fuzziness at the edges. But the first substantive claim of this paper may be formulated in the following rather conservative fashion: competence at some difficult task is more central to the notion of a profession, a professional, or professionalism, than are either service or the interests of the professionals. While *any* of these ideas may be superficially absent in some uses of these terms, competence at some difficult task is more central, and more universal, than any of the other ideas often mentioned as possible necessary conditions. Such competence, I claim, is involved either explicitly or implicitly as a necessary (if not sufficient) condition

for the legitimate application of any of these related terms. A "professional" is one who is competent at some difficult task; the term "profession" describes either the pursuit of the work in question, or the (perhaps institutionalized) aggregate of persons doing that work; "professionalism" and other cognates must similarly involve reference to this central idea.'

II. "Platonic" versus "Social" Standards of Competency

Interesting complications-ones that serve to explain many conflicting judgments about the nature of professional *codes* of ethics-arise when one focusses attention on the fact that the notion of "competence at a difficult task" involves two evaluational terms whose satisfaction criteria are controversial. Which tasks are difficult? What are the standards of competence that are to be applied? Differences about these matters will yield differences in judgments about the propriety of describing particular kinds of activity as "professions" and particular individuals as "professionals."

An especially important area of controversy, at least for the purposes of the present paper, involves perspectival factors that come into play in deciding that a particular activity is performed "competently." One interesting way of distinguishing among evaluational perspectives involves the difference between standards that are *internal* to the task, on the one hand, and standards that are *external,* on the other. A professional athlete, for example, might become completely caught up in details of her sport that completely ignore whatever values *the fan* may wish to apply. Nevertheless, such an athlete may very well be among those most appreciated by fans. The question arises: how much should the *fan s* (or any other non-professional's) criteria of "competence" affect the standards of professionalism used by the athlete? To what extent is *professionalism proper* (as opposed to social value) a function of contributions made to those *outside* the profession?

A philosopher may have no interest in attempting to make contributions to humanity (or in other philosophers who make such contributions their explicit goal), but may focus all of his attention on trying to get the argument straight. A physicist might have no concern about technological applications, and may feel that too much concern of this kind is

antithetical to the pursuit of pure science. Whether such attitudes among professionals are good or bad for society at large is debatable. But this question seems to be quite independent of the question concerning professionalism proper. If the very idea of professionalism or of the professional were held to include provisions about service to the community or service to professionals themselves, then it should be paradoxical to speak of true professionals who care for neither of these things, but who only care about the quality of the job they did. Not only does this not seem paradoxical, it seems quite easy to imagine.

Because the terms "internal" and "external" are used elsewhere in this paper to indicate differences between how things look from perspectives within and outside of particular professional groups, and because this is not *precisely* what I am getting at in this section, it will be desirable to find better terms. What I wish to highlight is the difference between what I call "Platonic" standards of competence and what may be called "social" standards.

In the first book of Plato's *Republic,* there is a discussion about the nature of various professions, which arises in the course of Socrates' attempt to refute the contention of Thrasymachus that "justice is the interest of the stronger."* There, the general contention of Socrates is that the nature of any profession-and the nature of proper professional behavior-may largely be determined through an analysis of the particular activity engaged in by the professional in question. Thus a doctor's interest is in health, a ship's captain's proper interest is in getting the ship safely from one place. to another, and the ruler's interest is in running the city-state well.

Complications arise, though, depending upon how one describes a person's profession. While a doctor's job may be to heal patients, a heart specialist's job may be to fix hearts. Some things that are necessarily a part of the business of doing everything possible to fix a heart might imperil other aspects of a patient's health. So what determines one's professional responsibility? While this particular potential conflict may seem relatively easy to resolve, others won't be. Much depends on how one sees the profession. Once a particular profession has been described in terms of a particular sort of task, however, *the Platonic* criteria of competency will arise, more or less as a matter of *logic,* from the nature of the task itself.

Social criteria of competency are not the same. One might become as competent as you please at some odd task or another, and this task might be very difficult, involving skills of a high order and, even, considerable training; one will not thereby have established any *social* value. And where people other than the professional have any interest at all in what that professional does, there arises at least the possibility of conflict over criteria of competency in that profession. For any activity at all, whether legitimately to be described as a "profession" or not, the same distinction can be made: Platonic criteria of competency measure how well the activity is performed, given the internal logic of that activity; social criteria of competency measure how well the activity is performed, given various external goals and values.

Finally, the issue comes to a head when conflict arises, as it often does, over how the Platonic and social criteria of competency may best be measured against one another. Especially interesting, in this regard, are the contentions of some professionals that the best way to serve general *social* goals may be to ignore them, in the short term, and to favor, instead, Platonic goals.

Thus doctors may argue, rightly or wrongly, that the best overall care for the patient may come from specialists who concentrate on their special domains of expertise, rather than on anything so ambiguous as general well-being. Or physicists may argue that less ultimate social good will come from scientists who worry too much about social good itself than from scientists who stick to pure research. Or teachers may contend that too much attention to styles of classroom presentation distract attention from substance, which is most important to students in the long run.

The Platonic and social criteria of professional competence are often hard to distinguish, since there can be no doubt that many professions have service (for example) as part of their internal value system. Even in such professions, it is possible to distinguish between different emphases among practitioners upon relatively Platonic and relatively social criteria, and debates about the relative importance of each are widespread in virtually all professions.

Since such debates often come to a head in discussions surrounding the design and development of professional codes of ethics, it is important to attempt to shed as much light as possible on the way professions

look from the inside. And in order to expose the particular features of professions that seem to me to be most central to professionalism taken generally, it is helpful to focus attention on professions other than the commonly chosen examples like law, medicine, or engineering. Indeed, it is useful to get as far away as possible from all professions whose contributions are deemed fundamental to social well-being.

As I hope to show, the perceived importance of these professions in social life has led to a persistent failure to see the most fundamental features of what the professions mean to the professionals themselves, and to an attempted co-optation of the writing of professional codes by people outside the profession (or by people whose goals are to increase the level of appreciation for the profession by outsiders). Such externally oriented motivations are not unreasonable, nor is it likely, in realistic terms, that they can be altogether ignored in the construction and development of professional codes. But even an attempt to get a clearer understanding of *their* role in the construction of professional codes of ethics is best served if we put them, for the moment, aside.

III. Solidarity Among Professionals

So far I have briefly sketched some reasons for doubting that the idea of external service must be involved in the definition of "profession" or any of its cognates. A bit more tentatively, I have suggested that whether such considerations are central to the nature of professional codes of ethics is debatable. By way of moving toward consideration of some non-standard professions, and thereby to a consideration of a central element within professionalcodes of ethics that is too frequently missed or underestimated, it is useful to say a word or two about the thesis that the idea of *solidarity among professionals* is somehow central to the very concept of a profession, and plays a necessary role in the design of professional codes of ethics.

Some of the problems that will address are identified in a valuable recent article by Michael Davis, where he writes:

> . . a code of ethics is primarily a *convention between professionals.* According to this explanation, a profession is a group of persons who want to cooperate in serving the same ideal

better than they could if they did not cooperate. Engineers, for example, might be thought to serve the ideal of efficient design, construction, and maintenance of safe and useful objects. A code of ethics would then prescribe how professionals are to pursue their common ideal so that each may do the best she can at minimal cost to herself and those she cares about (including the public, if looking after the public is part of what she cares about). The code is to protect each professional from certain pressures (for example, the pressure to cut corners to save money) by making it reasonably likely (and more likely than otherwise) that most other members of the profession will *not* take advantage of her good conduct. A code protects members of a profession from certain consequences of competition. A code is a solution to a coordination problem.[9]

Davis clearly describes a code of ethics as being fundamentally conventional. Such a reading is bound to meet with resistance among professionals who think of their codes as getting at something objective about the profession, or who aspire to capturing the real character of their profession in their code." One might expect to find arguments that run as broad and as deep in this area as the ones about "natural law" in ethics proper, and the arguments deployed on both sides are likely to have implications that run deep into standard considerations of ethical theory.

Davis goes on to suggest that a profession is a group of persons who want to cooperate in serving common ideals. This is not obvious. Why should professions be defined in terms of a desire for cooperation? No doubt professionals often do hope to gain support from colleagues in pursuit of a common cause, but this is hardly necessary. And differences in the degree to which cooperation is called for-or even possible-depend in large measure upon the differing characteristics of the various professions.

It is not altogether impossible to imagine, for example, professionals who take it as a fundamental part of their profession that they do what they do alone, without the support of anyone. For such a profession, one might also imagine a code of ethics that found expression for this ideal. Being an individualist is not itself a profession, but is it not conceptually

possible to imagine a genuine profession which involved solitary activity in a fundamental way? And is it not also possible that such professionals would recognize and admire one another, and that they might further adhere to some-at least tacit-code of professional ethics, which might explicitly call for individuality and non-cooperation? If these are conceptually possible, then we should at least be cautious in defining the term "profession" in such a way as to exclude them.

Finally, Davis describes the task of a code of professional ethics as prescribing "how professionals are to pursue their common ideal so that each may do the best she can at minimal cost to herself and those she cares about (including the public, if looking after the public is part of what she cares about)." Why should there be any assumption at all about whether professional codes of ethics will or will not include provisions about common pursuits, individual interests of professionals, or concern for outsiders? Davis's formulation, quite clearly contrary to the views of those who take service to be *central* to the very idea of the "professional," seems to presume that "looking after the public" will *not* be among the ideals of the profession, the pursuit of which the code aims at clarifying. Instead, he includes them among things that the professional herself might (or might not) "care about."

What warrants this presumption? One might actually expect (as some of the authors mentioned, earlier clearly do) that such an ideal is quite central to many professions, and that codes of ethics in those professions would attempt to give expression to this ideal. It is hard to avoid the conclusion that *this* difference among the "internalists" and "externalists" about the nature of professions and the nature of professional codes stems, in large part, from concentration on different professions, or at least on different *models* of professional life. If this is true, then what is revealed is an insufficiently general notion of professions and professional codes. What should be sought is an analysis that is general enough as to underwrite the debates about substantive detail that professionals (and outsiders) may argue about.

A further consideration illuminates even more the concerns I have with an understanding of professional codes of ethics like that expressed by Davis. If the interests of professionals were central to their codes of ethics, and if concern for outsiders were only peripheral and contingent upon the interests of the professionals, why would honesty or fair dealing

to outsiders play such a fundamental role in many of them?'! I certainly admit that honesty and fair dealing can be defended on grounds of self-interest-this is the claim, anyway, of ethical eudaemonists and egoists from Plato to Rand-but is that why they appear in professional codes? Or is this phenomenon better understood as more directly founded on considerations of professional pride and personal self-respect, whether these latter are themselves to be defended egoistically or not? Is it solely because professional groups hope to gain respectability in the broader community that it promotes such values? Is this just public relations?

Where does any sense of duty or obligation enter into Davis's analysis of professional codes of ethics? And wherever such consideration does enter the analysis-if at all-to whom or what are the several obligations owed? Must the obligations all be directed toward the community? Or toward other professionals? How about toward certain standards that themselves appear to professionals to be intrinsic to the very idea of their particular professions? Like accuracy in the case of accountants? Or like healing in the case of physicians? Surely it is reasonable to expect that professional codes of ethics will contain explicit or implicit references not only to rights and interests, but to obligations of these and other kinds, not all directed to one overarching behavioral or moral end, but directed in every which way. Indeed, it seems likely that codes of ethics are deemed valuable-or even necessary, sometimes-because of a need to establish some balance among rights, interests and obligations that point in several different directions at once.[12]

Imagine a code of professional ethics that asserts an (at least *prima facie)* obligation to obey one's employer, regardless of consequences to the public (perhaps on the ground of discretion, comparable to the similar rule applicable to one or another extent to ministers, lawyers, doctors, and accountants). Imagine professionals who might involve themselves in such a profession.

It is possible that G. Gordon Liddy once thought of himself as just this kind of professional.[13] We on the outside might dislike-might even be horrified-by Liddy's profession. But it is not at all difficult to imagine, that a group of such professionals might have an explicit or implicit code of ethics.

IV. Honor Among Thieves-Romancing the Code

What are the initial internal motivators that lead professionals to establish codes of ethics, independently of outside pressure? They need not have anything to do with obligations to the public. They need not have to do with interests of professionals as normally construed. They might have a lot to do with certain more or less romantic pictures not only of a line of work, but of a way of life.

Professionals, both traditionally and in modern life, frequently identify themselves in a certain way with certain of their activities. Professional codes of ethics often strive to capture the essence of the character and style that animates the self-image common among practitioners.[14] Professions, and their codes, mean something to practitioners that is not shared with outsiders.

With this general theme in mind, I offer as an exemplar not engineering and not medicine-professions whose importance to the public makes it hard to see them purely as professions, rather than as service organizations-but professional crime."

If the mark of a professional is competency at some difficult task, then not any or every criminal (i. e., breaker of the law), could be understood as a professional. But there is no reason to suppose that undesirable or illegal activity is in any way *excluded* from the domain of professionalism. Indeed, there is a considerable body of romantic fiction that focusses on criminals who are really quite good at accomplishing the most remarkable criminal feats. Our attitude toward them is characteristically torn: we are (for the most part) critical of their dirty deeds, but we admire their skill and, perhaps, their panache. It is not at all hard to understand the claim that they are real professionals, even though we are not pleased with their activities and even though they may be acting quite alone. It is not at all unheard of that such professionals can band together, and even establish codes of ethics. For the most vivid example of such a phenomenon, one need only turn to what is widely known as the realm of "organized crime."

Modern criminal brotherhoods-like the Mafia, the Cosa Nostra, or the Unione Corse-all seem to have descended from the Garduna of fifteenth century Spain. The descent is in almost every case quite straightforward: a cadre sent out by a parent organization into new

territory collaborates with native criminals to form a new society, organized along structural lines set out by the old one.[16] The parallel with political colonization is quite interesting, especially in the subsequent development of the new societies: sometimes the new organizations remain loyal to the parent, sometimes they rebel.

The Spanish Garduna appears to have been organized in about 1417. It was thus already a venerable institution by 1598, when Luis Zapata described it:

> In Seville there is said to be a brotherhood of thieves with a chief magistrate and captains who sell services; it has a depository for stolen goods and a chest with three keys in which the loot is kept; from this chest they take what they need to defray expenses and to bribe those who are in a position to help them when they are in trouble. They are very careful to accept only men who are strong and active and old Christians, their membership being limited to the servants of powerful and high-placed individuals such as agents of the law; and the first oath to which they swear is that, even though they may be drawn and quartered, they will endure it and will not inform on their companions."

Now, there is certainly no concern for the public reflected in this oath, but it is equally plain that other members of the group stand to benefit from each member's abiding by it. The question is: what motivates any member, when under such duress, to even *think* of abiding by it? We are talking about being drawn and quartered. But the success of the criminal brotherhood over the centuries is to a great extent attributable to the fact that members were indeed inclined to abide by their oaths. What accounts for this fact?

In order to further clarify the nature of the professional society we are talking about, it is important to realize that these were not political or religious organizations that had turned to crime to support other, more commonly accepted undertakings. As David Chandler has explained, the character of the Garduna was historically unique:

> Nothing like the brotherhood existed prior to the fifteenth century. There had been earlier 'criminal societies,' most notably

the Assassins of eleventh-century Persia; the Thugs, founded in thirteenth-century India; and the Chauffeurs, founded in thirteenth-century France. But each of those claimed non-criminal motives to justify their existence. The Assassins were political terrorists. The Thugs and Chauffeurs were religious cults.

The men of the Spanish brotherhood did not lean on such rationales. Their conceptual. innovation was to provide their services for church, state, criminals, or virtually any client with the required fee. They conducted themselves as a business, investing some of their revenues in police and political protection, setting some aside for pensions, and sharing the rest as profit. A rigorous code of conduct was imposed and secrecy and discipline were strict.

Their most inflexible law was the application of the death penalty for those who violated either secrecy or discipline. The brotherhood's adherence to that law has subsequently caused a relative absence of historical treatment.'*

It seems obvious that the motivation to maintain silence in the face of dire threats is mixed. The threat of death to those who squeal, imposed by the brotherhood itself, is not to be ignored. Under all but the most life-threatening of situations, one can easily imagine that the force behind the society's rigorous code was the threat of punishment.

But it is just as easy to imagine that members of the society were frequently enough placed in just the kind of life-threatening situations that make it difficult to see why they would have remained silent. Is it really in one's interest to avoid death at the hands of the brotherhood by allowing oneself to be drawn and quartered?

While it is possible to imagine that the vows of secrecy and the like that were part of the Garduna code were further enforced by threats to family and loved ones, surely one ingredient is missing from this picture: honor and self-respect. For whatever reason, members of Garduna were encouraged to think of themselves as part of a special society, with special requirements. Those who, violated the code were dishonored, were outcasts.

This theme is to he found, of course, in professional societies, guilds, and leagues throughout the Middle Ages. Professional groups like these represent genuine micro-societies which, by virtue of the fact that they are to some extent voluntarily chosen by individual professionals-or at least aspired to-can expect members to have personal, internal motivation to abide by the rules. Since this is the case, professional codes have the potential of being significantly more compelling than general social mores, even more compelling than the law. For they speak to people with the voice of what they aspire to-they speak to their self-image. And they speak from a platform that may be expected to command the respect of the professional more than would someone who did not share a healthy part of that professional's self-image.

V. Conclusion-Romancing the Professions

Among the consequences of this understanding of professional codes of ethics are these: where they are not simply imposed from the outside— that is, where they grow from internal need within the profession-they may be expected to have considerable force. While part of this force involves threats made against non-compliance, a large part may be expected to be the result of the identification of the professional with her colleagues. Thus they may serve as ideals, evocations of the romance of the profession, and as expressions of certain general characteristics and modes of behavior deemed within the profession to be the mark of the professional.

Where they are well crafted, they have the support of the individuals who think of themselves as professionals within that field. They will not be seen as burdens, but as badges or banners. They are not rules that must slavishly be followed on threat of disbarment or other similar penalty, but proclamations of the line drawn between professionals and non-professionals, between us and them.

Thus, where they are well crafted, professional codes of ethics have great personal force in the lives of professionals. If this comes as a surprise, it is probably because contemporary examples of codes of ethics are frequently not well crafted. They do not manage to evoke the self-images of the professions. They seem to speak to the professions from outside, offering threats and compulsion rather than ideals and solidarity.

Thus they do not have the force that they might **have**.[19] That force is reserved for the not-so-public shared commitment to ideals that are part of the "common law" among engineers, doctors, lawyers, or whomever. And where some small part of that common **law actually** does survive in contemporary professional codes of ethics, so does that force.

The struggle over professional codes of ethics is a classical political one. Precisely because a professional code can speak with a powerful and compelling voice to professionals within a particular area, it is in the interest of those who depend on those professionals to capture the code, so to speak. Those of us who aren't engineers but who depend on engineers want them to do this, to never do that, and always to think of us in whatever they do. We want them to ostracize anyone who doesn't make us and our welfare the first priority. And we want the professional code to speak to this, because it is so compelling a force in the lives of professionals. But, of course, to the extent that those outside the profession actually do manage to capture the code, it thereby loses the desired force among professionals. The code comes to be perceived by them as something external.

The worst part of all of this is that, in the case of most professional codes, a dedication to honest service probably would have been central even without external prompting: most people do not aspire to membership in the Union Corse. And, in most cases, such a dedication would have had all the force that internally-generated codes always have-it would have spoken to the very self-images of those who aspire to cast their lives in the mold of the profession in question. But, as part of an externally motivated code, dedication to honest service and the like may become discredited, looking for all the world like selfish demands directed by society at professionals: "Think of us!" "Think of us!" If goals like honest service have come to seem like burdensome obligations, rather than matters of honor, it may be in large part because we have not left our **professionals** alone.

Should professionals, then, be left to their own devices? Should we let them do anything they want? Certainly not. We must, for example, protect ourselves from those who would collude to violate our rights. But it is the job of the law to do this, however law may be institutionalized."

The upshot of the suggestions offered in this paper may be that, in the end, keeping professionals honest and otherwise righteous in their dealings with outsiders is not as fundamental a part of the role of professional codes of ethics as might be thought. It is, however, a mistake to understand professional codes as nothing more than conventions established by professionals for the pursuit of their individual or common interests.

Instead, such codes should be seen as having as their most fundamental job the expression of whatever common ideals, images, or goals there may be among professionals. As such they have considerable power, and may be expected to include, at least as a general rule, some provisions concerning fair dealing with outsiders.*'

If we as outsiders try to capture these codes for our own purposes, we will inevitahly rob them of their power. If we try to slide our interests into such codes of ethics surreptitiously-without explicitly trying to capture them-then we may have some success. But the codes will have been corrupted, from the point of view of the professionals, and will accordingly lose some of their power. And we risk alienating professionals from ideals and goals that they might have chosen for themselves, if left alone.

It might he best simply to leave the professional codes entirely to the professionals. Where some profession's code bothers us, let us take this up in the appropriate public forum, and let us make illegal what we cannot allow. But let *us* do that. Let us not expect professional codes of ethics to do the work of law. And let us be more tolerant and respectful of the human needs and aspirations that lead to professionalism in the first place. We stand to gain a great deal if *we* can do *anything* that encourages people to bring ethical standards back in out of the cold, to a position closer to the heart.

Notes

1. This paper was read and discussed at the 138th Semiannual Meeting of the Creighton Club (The New York State Philosophical Association), held at Hobart and William Smith Colleges in Geneva, New York, in April of 1993. I am grateful to Steven Lee, Scott Brophy, and the participants in the discussion for their stimulating commentary. I

must also thank Wade Robison and Victoria Varga, along with the editor and referees of *Professional Ethics,* for various helpful suggestions and references.

2. See, for example, Karen Lebacqz, *Professional Ethics* (Nashville: Abingdon Press, 1985), as well as sources she refers to, especially A. M. Carr-Saunders and P. A. Wilson, *The Professions* (Oxford: Clarendon Press, 1933) and Carnegie Samuel Calian, *Today s Pastor in Tomorrow s World* (New York: Hawthorne Books, 1977). While Lebacqz orients her careful discussion of professional ethics to issues that especially confront the ministry, the impact of her argument about professional ethics is in no way restricted to that profession alone. Nevertheless, this focus does tend to highlight features of professionalism that, while shared by a number of professions, are not fully universal. Lebacqz ultimately argues for an understanding of professional ethics which emphasizes injunctions about character, rather than about action, and the emphasis is on *other-regarding* character traits. For a more explicitly general attempt to link other-regarding injunctions with the very idea of a profession, see Stephen F. Barker, "What is a Profession?" *Professional Ethics, I (1 & 2): 73-99.*

3. June Goodfield, for example, warns that professional codes of ethics may be misnamed, since they so frequently emphasize issues that are better understood as matters of etiquette among professionals, "Reflections on the Hippocratic Oaths," *The Hastings Center Studies,* l(2): 90. Similarly, Lisa Newton has contended that a professional code can become no more than "a code of Professional Manners oriented toward a Professional Image for the protection of Professional Compensation." See Newton, "A Professional Ethic: A Proposal in Context," John E. Thomas (ed.), *Matters of Life and Death* (Toronto: Samuel Stevens, 1978, p. 264). Just as is true of the more "externalist" characterization of professional codes, this "internalist" picture can be supported with empirical evidence taken from actual codes representing a wide variety of disciplines. But, as will be contended in what follows, to adopt either of these views of codes involves the underemphasis of crucial features of professional codes of ethics that have nothing at all to do with *anyone s* "interests," whether professional, client, or third party.

4. An important similar argument is offered by Bill Puka in his "Commentary" on Heinz C. Luegenbiehl's "Codes of Ethics and the Moral Education of Engineers." Both papers may be found in the

Business and Professional Ethics Journal, 2(4): 41-66.   It must also be noted that it is not unusual to find reference to the importance of "calling" in *many* accounts of professional codes of ethics.   This is especially true in discussions of the ministry, where the idea of being "called" to the profession has a literal intent. The argument of this paper is not that the involvement of this factor in professional codes of ethics has never before been noticed; rather, the point is that its importance and centrality in a *general* understanding of professions, profession-alism-and, especially, professional codes-has been underestimated. See Mark S. Frankel, "Professional Codes: Why, How, and with What Impact?" *Journal of Business Ethics,* 8(2 & 3): 109-15, for an account which attempts to balance several frequently conflicting factors that contribute to the development of professional codes of ethics. While Frankel ac-knowledges "aspirational" factors, he does not do full justice to the importance and the romance of "calling" as it plays a role in the perception professionals have of their codes.

5.   Some of these papers are collected in an outstanding anthology, edited by Albert Flores, *Professional Ideals* (Belmont, California: Wadsworth, 1988). See especially the articles collected in Section I.

6.   It is quite common for terms to shift meaning in this way over time as they become institutionally co-opted. For a thorough discussion of another example of this phenomenon, see John T. Sanders, "Political Authority," *The Monist,* 66(4): 545-56.

7.   I do not at all wish to deny that there may be other-even many other-necessary conditions. I argue here only for the centrality and special importance of the one I call attention to. As will become apparent in what follows, for example, I am especially interested in calling attention to the importance, especially in attempting to understand professional *codes* of ethics, of a sense of *commitment* to the "difficult task" in question. Sometimes this sense of commitment will be referred to in what follows as a "calling," and sometimes it will be discussed in terms of the "romance" of a profession. I have resisted, however, the strong temptation to identify this commitment factor as central to the definition of "professional" and its cognates. This is because of the unfortunately widespread phenomenon of people who are plainly (and legitimately) to be referred to as professionals, but who just as plainly despise their work. As hard as it is for me to understand personally, I even know *philosophers* like this.   They are not at all committed to their

profession, nor do they **find** it at all romantic. They believe themselves to be stuck, usually by virtue of their age and of what they perceive to be the difficulty of seeking an alternative profession, in a line of work which they no longer have much interest in. I am afraid that this is not at all anomalous, and have therefore come to the conclusion that the idea of commitment, calling, and the "romance" of a profession, while fundamentally a part of a genuine understanding of professional codes, is not at all central to the more general concept of "professional" and its cognates.

8.   I am indebted to Steven Lee for reminding me of the relevance of this passage to my argument.

9. Michael Davis, "Thinking Like an Engineer: The Place of a Code of Ethics in the Practice of a Profession," *Philosophy & Public Affairs,* 20(2):150-167.

IO. Davis acknowledges that thinking of professional codes as "conventions between professionals" has the potential of being misleading. He tries to avoid the problems *he* sees by urging that the conventions he has in mind are not *contracts.* Instead, they are more like "quasi-contracts" (Davis, op. *cit.,* p.156). This move, however, does not succeed in allaying the concerns that I am outlining here.

11. I hope it is clear, by now, that I am objecting as much to the universal *omission* of provisions about service to the community as to the universal *inclusion* of such provisions. An adequate understanding of professionalism, taken generally, ought to accommodate the fact that the inclusion of such provisions will vary from profession to profession, not as a function of professional convention, but as a function of the internal logic of what the various professionals *do.* I will thus be arguing, in what follows, for the primacy of Platonic criteria of competency over social criteria in the analysis of professional codes of ethics.

12. There are individual self-interests, obligations to other professionals and *their* interests, obligations to clients and to the community at large, and obligations that may best be understood as being owed to the very idea of the profession. *All* of these-and many more-may come to play roles in the construction of professional codes of ethics, and all may tug in different directions. The play among the different interests, rights, and obligations may pull the code in different directions at different times during its development. And, of course, different professions will accommodate themselves differently to the sundry demands placed upon

them. But as professional codes get pulled away from expression of fundamental ideals and virtues respected by the professionals themselves, they will necessarily play an increasingly less important role in their actual lives and work. Such an eventuality is in *noone's* interest.

13. Acknowledgment of the possibility that people like this may very well be acting "professionally," or even that such professions may exist, is not equivalent to approving or admiring either the professionals themselves or their work. I am contending that the key to whether such activities are reasonably to be labeled "professions" is not whether they make contributions to social life that we approve of, nor is it whether they involve collaboration among professionals for their mutual benefit, I hope it is plain that I also reject the view that merely *declaring* oneself a professional (and one's occupation a profession) is sufficient to make it so. Instead, the mark of a professional is competency at a difficult task. Arguments against calling a particular field a "profession" are thus on the mark where they challenge the difficulty of the work, and arguments against honoring a person as a "professional" are appropriate where they challenge competency *or* difficulty. They are, in my view, *off* the mark if they merely call attention to unsavory features of what is done, or to the lack of suitable organizations and common motivations among professionals. These latter arguments serve only to support the perfectly reasonable claims that there are some professions that are bad for society and that some professions are unorganized. It is worth noting that, if public service and some mode of organization were part of the very *definition* of "profession," we would be unable to make these latter claims, on logical grounds. It is largely for the unacceptability of this consequence that I urge the analysis present in the text.

14. For a thorough discussion of such factors, see Lebacqz, op. *cit.*

15. One subgroup among professional criminals is, of course, frequently referred to as "the oldest profession." That modern prostitutes continue to have a professional self-image, of themselves is indicated clearly in a 1992 New *York Times* article, in which it was reported that prostitution in the New York City area has begun to move across the river to New Jersey because of the crack epidemic in the city. As one prostitute who made the move explained, "You could say the crack addicts ruined everything . . . Here it's more professional" (quoted in Evelyn Nieves, "For Better Business, Prostitutes Leave Manhattan for Jersey City," New *York Times,* 22 September 1992, sections B1 and B6).

Outsiders may not take such self-perceptions seriously, but insiders certainly do.

16. For an extraordinarily compelling history of the criminal societies, see David Leon' Chandler, *Brothers in Blood: The Rise of the Criminal Brotherhoods* (New York: E. P. Dutton, 1975).

17. Quoted in Chandler, *op. cit.,* p. 5.

18. Chandler, p. 2.

19. The journal *Chemical Engineering,* for example, after conducting a survey concerning what engineers would do in a collection of hypothetical "ethical" cases, found that "Although the American Institute of Chemical Engineers, the professional society of many of our U.S. readers, has a code of ethics, this was almost universally ignored in determining the solutions to our survey problems. Fewer than a half-dozen [out of 4318] respondents even mentioned a code of ethics at all." See Roy V. Hughson and Philip M. Kohn, "Ethics," *Chemical Engineering,* 87(19): 132.

20. It is crucial that all who depend upon the work of professionals recognize that *no* perspective on the permissability of behavior that affects others is privileged. 'Just because respected professionals and their societies insist that certain behaviors ought to be permitted by the wider community (perhaps because these behaviors are alleged to be necessary to the continuing effectiveness of the profession in question), this is by no means a sufficient ground for community approval. Judgments made by professionals, like all judgments, are influenced by a wide variety of factors, some of them relatively Platonic, some of them (both for better and for worse) social. For discussion of some of the effects of this fact on decisions made within and about academic science, see John T. Sanders and Wade L. Robison, "Research Funding and the Value-Dependence of Science," *Business and Professional Ethics Journal,* 1 l(1): 33-50. For an even darker picture of the consequences of putting too much faith in scientific professionals, see William Broad and Nicholas Wade, *Betrayers of the Truth* (New York: Simon and Schuster, 1982).

21. It is interesting to note that even the code of the Garduna had provisions mandating discretion and quality service to clients.