

bodies, coöperating in a study of their ethical standards, methods of training and adequacy of the service to the entire public need, irrespective of class. In the second place, the public interest is great by reason of the fact that the professional ideal alone seems to offer a way out to an inexpertly governed democracy. Through coöperation between professions the expert can be brought into government through the more powerful public opinion thereby created. In the third place, the professions alone can lay the groundwork of a new society based on the idea of the distinctive functional contribution of each to the common good. They must develop that basic idea into a clearly defined scheme by enlarging their field of coöperation and democratic understanding between professional groups and then through points of contact with every branch of the particular

industries to which each is related. They alone can begin the process of relating people to each other in terms of their vocations and thus lay the foundation of that new society based on the functional contribution of each to the whole, of which more than thirty years ago Charles Benoist saw the possibilities in *La Crise de l'Etat Moderne*.

Far off as it may be to the realization of any such dream, it is in its beginnings at least in the new impulses noticeable in our professional societies as a result of the War, and will be advanced by such coöperation between the professions as will perfect their standards, justify their ideals with the public interests, and lay the foundations of a broader more democratic inclusiveness, based on the prime importance of the functional relationship between individuals, groups, states and nations.

## The Social Significance of Professional Ethics

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THE spirit and method of the craft banished from industry finds a more permanent home in the professions. Here still prevail the long apprenticeship, the distinctive training, the small-scale unit of employment and the intrinsic—as distinct from the economic—interest alike in the process and the product of the work. The sweep of economic evolution seems at first sight to have passed the professions by. The doctor, the lawyer, the architect, the minister of religion, remain individual practitioners, or at most enter into partnerships of two or three members. Specialization takes place, but in a different way, for the specialist in the professions does not yield his autonomy. He offers his

specialism directly to the public, and only indirectly to his profession. But this very autonomy is the condition under which the social process brings about another and no less significant integration. The limited “corporations” of the business world being thus ruled out, the whole profession assumes something of the aspect of a corporation. It supplements the advantage or the necessity of the small-scale, often the one-man, unit by concerted action to remove its “natural” disadvantage, that free play of uncontrolled individualism which undermines all essential standards. It achieves an integration not of form but of spirit. Of this spirit nothing is more significant than the ethical code which it creates.

### DISTINCTION BETWEEN BUSINESS AND PROFESSIONAL STANDARDS

There is in this respect a marked contrast between the world of business and that of the professions. It cannot be said that business has yet attained a specific code of ethics, resting on considerations broader than the sense of self-interest and supplementing the minimal requirements of the law. Such a code may be in the making, but it has not yet established itself, and there are formidable difficulties to be overcome. When we speak of business ethics, we generally mean the principles of fair play and honorable dealing which men *should* observe in business. Sharp dealing, "unfair" competition, the exaction of the pound of flesh, may be reprobated and by the decent majority condemned, but behind such an attitude there is no definite code which business men reinforce by their collective sense of its necessity and by their deliberate adoption of it as expressly binding upon themselves. There is no general brotherhood of business men from which the offender against these sentiments, who does not at the same time overtly offend against the law of the land, is extruded as unworthy of an honorable calling. There is no effective criticism which sets up a broader standard of judgment than mere success.

If we inquire why this distinction should hold between business and professional standards the social significance of the latter is set in a clearer light. It is not that business lacks, unlike medicine or law for example, those special conditions which call for a code of its own. Take, on the one hand, the matter of competitive methods. It is a vital concern of business, leading to numerous agreements of all sorts, but these are mere *ad hoc* agreements of a particular nature, not as yet

deductions from a fully established principle which business, as a self-conscious whole, deliberately and universally accepts. Take, on the other hand, such a problem as that of the duty of the employer to his work-people. Is not this a subject most apt for the introduction of a special code defining the sense of responsibility involved in that relationship? But where is such a code to be found?

### THE IDEAL OF SERVICE

Something more is evidently needed than a common technique and a common occupation in order that an ethical code shall result. We might apply here the significant and much misunderstood comparison which Rousseau drew between the "will of all" and the "general will." In business we have as yet only the "will of all," the activity of business men, each in pursuit of his own success, not overridden, though doubtless tempered by the "general will," the activity which seeks first the common interest. The latter can be realized only when the ideal of service controls the ideal of profits. We do not mean that business men are in fact selfish while professional men are altruistic. We mean simply that the *ideal of the unity of service* which business renders is not yet explicitly recognized and proclaimed by itself. It is otherwise with the professions. They assume an obligation and an oath of service. "A profession," says the ethical code of the American Medical Association, "has for its prime object the service it can render to humanity; reward or financial gain should be a subordinate consideration," and again it proclaims that the principles laid down for the guidance of the profession "are primarily for the good of the public." Similar statements are contained in the codes of the other distinctively organized profes-

sions. "The profession," says the proposed code of the Canadian legal profession, "is a branch of the administration of justice and not a mere money-getting occupation." Such professions as teaching, the ministry, the civil service and social work by their very nature imply like conceptions of responsibility. They imply that while the profession is of necessity a means of livelihood or of financial reward, the devoted service which it inspires is motivated by other considerations.

In business there is one particular difficulty retarding any like development of unity and responsibility. It may safely be said that so long as within the industrial world the cleavage of interest between capital and labor, employer and employe, retains its present character, business cannot assume the aspect of a profession. This internal strife reveals a fundamental conflict of acquisitive interests within the business world and not only stresses that interest in both parties to the struggle but makes it impossible for the intrinsic "professional" interest to prevail. The professions are in general saved from that confusion. Within the profession there is not, as a rule, the situation where one group habitually employs for gain another group whose function, economic interest and social position are entirely distinct from its own. The professions have thus been better able to adjust the particular interests of their members to their common interest and so to attain a clearer sense of their relationship to the whole community.

Once that position is attained the problem of occupational conduct takes a new form. It was stated clearly long enough ago by Plato in the *Republic*. Each "art," he pointed out, has a special good or service. "Medicine, for example, gives us health; navigation, safety at sea, and so on. . . . Medicine is not the art—or profes-

sion—of receiving pay because a man takes fees while he is engaged in healing. . . . The pay is not derived by the several 'artists' from their respective 'arts.' But the truth is, that while the 'art' of medicine gives health, and the 'art' of the builder builds a house, another 'art' attends them which is the 'art' of pay." The ethical problem of the profession, then, is to reconcile the two "arts," or, more generally, to fulfil as completely as possible the primary service for which it stands while securing the legitimate economic interest of its members. It is the attempt to effect this reconciliation, to find the due place of the intrinsic and of the extrinsic interest, which gives a profound social significance to professional codes of ethics.

#### THE GROUP CODE DISTINCTIVE, NOT THE STANDARD

The demarcation and integration of the profession is a necessary preliminary to the establishment of the code. Each profession becomes a functional group in a society whose tendency is to organize itself less and less in terms of territory or race or hereditary status, and more and more in terms of function. Each profession thus acquires its distinctive code. It is important to observe that what is distinctive is the code rather than the standard. The different codes of racial or national groups reveal variant ethical standards, but the different codes of professional groups represent rather the deliberate application of a generally accepted social standard to particular spheres of conduct. Medical ethics do not necessarily differ in quality or level from engineering ethics, nor the ethics of law or of statesmanship from those of architecture. The false old notion that there was, for that most ancient, and still most imperfectly defined, profession of statesmanship, a peculiar

code which liberated it from the ordinary ethical standards, has died very hard. In truth there could be no conflict of ethics and politics, for politics could justify itself only by applying to its own peculiar situations and needs the principles which belong equally to every sphere of life.

Ethics cannot be summed up into a series of inviolate rules or commandments which can be applied everywhere and always without regard of circumstances, thought of consequences, or comprehension of the ends to be attained. What is universal is the good in view, and ethical rules are but the generally approved ways of preserving it. The rules may clash with one another, and then the only way out is to look for guidance to the ideal. The physician may have to deceive his patient in order to save his life. The lawyer, the priest and the physician may have to observe secrecy and keep confidences under conditions where it might be the layman's duty to divulge the same, for the conception of the social welfare which should induce the one to speak out may equally in the peculiar professional relationship compel the other to silence. Every profession has its own problems of conduct, in the interpretation within its own province of the common principles of ethical conduct. The medical man to whom is entrusted, under conditions which usually admit of no appeal save to his own conscience, the safeguarding of the health of his patient, with due consideration for the health of the whole community, has to depend upon a special code applicable to that situation. So with the legal profession which, for example, has to provide professional service for all litigants, irrespective of the popularity or unpopularity of the cause. So with the architect, who has to determine his responsibility alike to the client, to the

contractor, to the workmen, to the "quantity surveyor," and to the community. So with the university professor, who has to uphold the necessity of academic freedom against the pressure of prejudice and the domination of controlling interests which care less for truth than for their own success. So with the journalist, in his peculiarly difficult situation as the servant of a propagandist press. So with the engineer, the surveyor, the accountant, or the technician generally, who has to maintain standards of service and of efficiency against the bias of profit-making. So with the manager, the secretary, or the officer of a corporation—for here business assumes most nearly the aspect of a profession—who has to reconcile the trust imposed on him by his employers with the duty he owes to himself and to those whose service he in turn controls. Out of such situations develop the written and the unwritten codes of professional ethics.

We need not assume that these codes originate from altruistic motives, nor yet condemn them because they protect the interest of the profession itself as well as the various interests which it serves. To do so would be to misunderstand the nature of any code. An ethical code is something more than the prescription of the duty of an individual towards others; in that very act it prescribes their duty towards him and makes his welfare too its aim, refuting the false disassociation of the individual and the social. But the general ethical code prescribes simply the duties of the members of a community towards one another. What gives the professional code its peculiar significance is that it prescribes also the duties of the members of a whole group towards those outside the group. It is just here that in the past ethical theory and practice alike have shown

the greatest weakness. The group code has narrowed the sense of responsibility by refusing to admit the application of its principles beyond the group. Thereby it has weakened its own logic and its sanction, most notably in the case of national groups, which have refused to apply or even to relate their internal codes to the international world. On the other hand the attempt of professional groups to coordinate their responsibilities, relating at once the individual to the group and the group itself to the wider community, marks thus an important advance.

The problem of professional ethics, viewed as the task of coordinating responsibilities, of finding, as it were, a common centre for the various circles of interest, wider and narrower, is full of difficulty and far from being completely solved. The magnitude and the social significance of this task appear if we analyze on the one hand the character of the professional interest, and on the other the relation of that interest to the general welfare.

#### THE CHARACTER OF THE PROFESSIONAL INTEREST

The professional interest combines a number of elements. It includes what we may term the extrinsic interest, that devoted to the economic and social status, the reputation, authority, success and emoluments attaching to the profession as a body. It includes also the technical interest directed to the art and craft of the profession, to the maintenance and improvement of its standards of efficiency, to the quest for new and better methods and processes and to the definition and promotion of the training considered requisite for the practice of the profession. It may also include a third interest which can be classed as cultural. To illustrate, in the profession of teaching the technical interest in the

system of imparting knowledge is one thing, and the cultural interest in the knowledge imparted quite another. Even more obvious is the case of the minister of religion, whose technique of ministrations is as a rule very simple and whose main interest lies in the significance of the doctrine. The distinction is clear also in the spheres of the sciences and of the fine arts where the interest in truth or beauty may be discerned from the interest in the modes of investigation or of expression. In other professions it may be harder to identify the cultural as distinct from the technical interest, but if we interpret the term culture widely enough to include, for example, such objects as health and the beauty of workmanship, it may be maintained that the cultural interest belongs to every profession and is in fact one of the criteria by which to determine whether or not a given occupation is to be classed as a profession.

Now these three strands of interest are usually interwoven in the general professional interest, but sometimes they are separated and subject to the pull of opposite forces. Thus while the technical and economic interest usually go together and while, for example, the maintenance of standards usually works towards the economic advantage of the profession, these may be unfortunately disjoined. Better technique may at points be antagonistic to professional gain. The lawyer may, to take one instance, lose a source of profits by the introduction of a simpler and more efficient system of conveyancing. The architect, working on a percentage basis, may find his pecuniary advantage at variance with his professional duty to secure the best service for the least cost. Likewise, opposition may arise between the economic and the cultural interest. The teacher and the preacher

may suffer loss from a wholehearted devotion to the spirit of truth as they conceive it. The artist, the playwright, the author, may have to choose between the ideals of their art and the more lucrative devices of popularity. Finally, the technical and the cultural interest may work apart. Routine methods and processes may dominate the professional mind to the obscuration of the ends which they should serve. A notable statement of this opposition is given in the valuable investigation into professional organization in England which was published in two supplements of the *New Statesman* (April 21 and 28, 1917). The investigation points to "the undisguised contempt in which both solicitors and barristers, notably those who have attained success in their profession and control its organization, hold, and have always held, not only all scholarship or academic learning of a professional kind, but also any theoretic or philosophical or scientific treatment of law."

Here, therefore, in the structure of the general professional interest we find a rich mine of ethical problems, still for the most part unworked but into which the growing ethical codes of the professions are commencing to delve. A still greater wealth of the material for ethical reflection is revealed when we turn next to analyze the relation of the professional interest as a whole to that of the community.

#### RELATION OF PROFESSIONAL INTEREST TO GENERAL WELFARE

Every organized profession avows itself to be an association existing primarily to fulfil a definite service within the community. Some codes distinguish elaborately between the various types of obligation incumbent on the members of the profession. The lawyer, for example, is declared to have

specific duties to his client, to the public, to the court or to the law, to his professional brethren and to himself. It would occupy too much space to consider the interactions, harmonies, and potential conflicts of such various duties. Perhaps the least satisfactory reconciliation is that relating the interest of the client to the interest of the public, not merely in the consideration of the particular cases as they arise but still more in the adaptation of the service to the needs of the public as a whole as distinct from those of the individual clients. Thus the medical profession has incurred to many minds a serious liability, in spite of the devotion of its service to actual patients, by its failure for so long to apply the preventive side of medicine, in particular to suggest ways and means for the prevention of the needless loss of life and health and happiness caused by the general medical ignorance and helplessness of the poor.

In addition it must suffice to show that the conception of communal service is liable to be obscured alike by the general and by the specific bias of the profession. It is to the general bias that we should attribute such attempts to maintain a vested interest as may be found in the undue restriction of entrants to the profession—undue when determined by such professionally irrelevant considerations as high fees and expensive licenses; in the resistance to specialization, whether of tasks or of men, the former corresponding to the resistance to "dilution" in the trade union field; in the insistence on a too narrow orthodoxy, which would debar from professional practice men trained in a different school; in the unnecessary multiplication of tasks, of which a flagrant example is the English severance of barrister and solicitor. Another aspect of the general bias is found in the shuffling of

responsibility under the cloak of the code. This is most marked in the public services, particularly the civil service and the army and navy—and incidentally it may be noted that the problem of professional ethics is aggravated when the profession as a whole is in the employ of the state. “An official,” says M. Faguet in one of his ruthless criticisms of officialdom (*The Dread of Responsibility*), “is a man whose first and almost only duty is to have no will of his own.”

#### THE DANGER OF A SPECIFIC GROUP BIAS

This last case brings us near to what we have called the specific bias of the profession. Each profession has a limited field, a special environment, a group psychology. Each profession tends to leave its distinctive stamp upon a man, so that it is easier in general to distinguish, say the doctor and the priest, the teacher and the judge, the writer and the man of science than it is to discern, outside their work, the electrician from the railwayman or the plumber from the machinist. The group environment creates a group bias. The man of law develops his respect for property at the risk of his respect for personal rights. The teacher is apt to make his teaching an over-narrow discipline. The priest is apt to underestimate the costs of the maintenance of sanctity. The diplomat may overvalue good form and neglect the penalty of exclusiveness. The civil servant may make a fetish of the principle of seniority, and the sol-

dier may interpret morality as mere *esprit de corps*.

All this, however, is merely to say that group ethics will not by themselves suffice for the guidance of the group, unless they are always related to the ethical standards of the whole community. This fact has a bearing on the question of the limits of professional self-government, though we cannot discuss that here. Professional group ethics are, as a matter of fact, never isolated, and thus they are saved from the narrowness and egotism characteristic of racial group ethics. Their dangers are far more easily controlled, and their services to society, the motive underlying all codes, vastly outweigh what risks they bring. They provide a support for ethical conduct less diffused than that inspired by nationality, less exclusive than that derived from the sense of class, and less instinctive than that begotten of the family. They witness as they grow to the differentiation of community. Their growth is part of the movement by which the fulfilment of function is substituted as a social force for the tradition of birth or race, by which the activity of service supersedes the passivity of station. For all their present imperfections these codes breathe the inspiration of service instead of the inspiration of mere myth or memory. As traditional and authoritative ethics weaken in the social process, the ethics formulated in the light of function bring to the general standard of the community a continuous and creative reinforcement.