Professional Values

Introduction

Professional values are the ethical principles that lie behind professional codes, explaining and justifying the specific duties that professionals bear. Ideally, these are values that all professionals will understand and cherish, allowing them to perform their duties conscientiously, rather than out of fear of punishment or other external pressures. This title will:

- Explain the relationship between professional values and professional codes;
- Distinguish descriptive and prescriptive values;
- Overview the content of professional values;
- Discuss the four main approaches to professional values; and
- Explain the relationship between these approaches and mainstream ethical theories from the academic discipline of philosophy.

Conceptual Issues

Professional Values and Professional Codes

Professional values are related to, yet differ from, codes of conduct and codes of ethics (see the Ethical Codes title). Such codes enumerate the specific duties that professionals possess. In contrast, professional values make up the ethical convictions, principles and norms that provide the *reasons for* having specific codes and help determine their content – explaining why certain types of duties are required and others are not.[1]

Values are important to comprehend because they aid professionals in understanding and interpreting professional codes, especially in cases where prioritisation or other difficult decisions must be made. Professional values also empower professionals to critically assess possibilities for reform or revision of their professional codes. But perhaps the most important feature of values lies in their capacity to motivate conscientious observance and high standards of professional conduct. Professional codes of conduct can be dry, complex and fine-grained. In telling professionals *what* to do, but not *why* to do it, codes are less likely to inspire respect and principled action.[2] Professional values appeal to professionals' moral convictions regarding issues like fairness, rights, reciprocity and benevolence – convictions that can provide intrinsic reasons for principled and conscientious action.[3]

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[1] Milton Rokeach defines values as enduring prescriptive beliefs about the personal or social desirability of an act or goal. Serving as imperatives for action and standards for judging actions, values are 'centrally connected' to their holders' other beliefs and attitudes. See Milton Rokeach, *Beliefs, Attitudes and Values: A Theory of Organization and Change* (Jossey-Bass Publishers, 1976) 123–24, 59–60.

[2] Daniel Wueste, 'Promoting Integrity Integritively: Avoiding the Scylla and Charybdis of Abdication and Zealotry' (2014) 12 *Research in Ethical Issues in Organizations* 5; D'Arcy Becker, Susan Haugen, and Lucretia Mattson, 'Continuing Ethics Education is Critical to Improving Professional Conduct of Auditors' (2005) 8 *Journal of Legal, Ethical and Regulatory Issues* 13, 17.

[3] There is a vast literature on moral psychology and moral motivation. See, e.g., John Gibbs, *Moral Development and Reality: Beyond the Theories of Kohlberg and Hoffman* (Penguin Academics, 2nd ed, 2010); Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (Penguin, 2012).

Descriptive and Prescriptive Values

Professional values can be understood both descriptively and prescriptively. Descriptively, values refer to existing motives and convictions within an individual or group. Such values may be observed scientifically by sociologists and psychologists.[4] When reformers criticise the 'culture' of an organisation or profession, they are usually lamenting the lack of professional values within that population. Similarly, if an overall professional 'integrity system' is being analysed, then attention will focus on the nature and strength of professional's values as one key component to deliver high standards of ethical performance, along with other components like economic incentives, legal, rules, regulatory compliance mechanisms and so on (see the Integrity Systems title).[5]

Prescriptively, values are understood not merely as empirical phenomena, but as providing reasons for action. Prescriptive values do not seek to describe how the world is or how people are. Rather, prescriptive claims make claims about how the world *should* be and how people *should* behave. (Words like 'should' are prescriptive terms. They aim to prescribe action, rather than to describe it.).

While it is important to distinguish these two ways of looking at professional values, there is often a strong interaction between values in their prescriptive and descriptive senses.[6] Simply, the more that professionals evaluate particular values as (prescriptively) laying down persuasive reasons for action, then the more than those values will be found to (descriptively) play a role in motivating action and ensuring high standards of professional conduct.

Content of Professional Values

Like the more fine-grained codes, professional values can be conceived in terms of their relation to key stakeholders (see the Employed Professionals title).

Values Focusing on Third Parties and the Public Interest

Professional values may invoke the profession's contribution to an important public good, either for the society generally or to specific social, political or economic institutions. The values might also refer to the needs of third parties such as passers-by who rely upon the structural integrity of a building designed by civil engineers or investors who rely on the veracity of a financial report compiled by auditors.

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[4] See, e.g., Rokeach, above n 1; Gibbs, above n 3; Haidt, above n 3.
[5] See also Hugh Breakey, 'Building Ethics Regimes: Capabilities, Obstacles and Supports for Professional Ethical Decision-Making' (2017) 40 *University of New South Wales Law Journal* 322.
[6] This interaction can be seen in the way that many stakeholders (including patients and clients, the wider society, the overall professional population and even individual professionals) can benefit from having a robust and well-established set of values for the profession. For this reason, these stakeholders can demand that their expectations are met and that ethical standards are raised. See Hugh Breakey, 'Supply and Demand in the Development of Professional Ethics' (2016) 15 *Research in Ethical Issues in Organizations* 1.

Values Focusing on Clients

Clients are key subjects of professional values, not least because of the manifold vulnerabilities they possess in their dealings with professionals.[7] After all, professional services often provide for very basic human needs in modern society, making the stakes high for a single piece of poor professional service or advice. Worse, clients often lack the expertise to accurately assess (prospectively, but sometimes even retrospectively) the professional's standard of service and advice. Finally, many professional services require the client to expose themselves, their private histories or future plans, privileging the professional with sensitive information. Professional values require professionals to respond to these vulnerabilities with fiduciary care, independence and confidentiality.

Values Focusing on the Profession

Professions may be judged (for better or worse) as collectives, with individual professionals inheriting trust built up by a profession over generations – meaning each professional has a stake in the conduct of other professionals.

Four Approaches to Understanding Professional Values

The philosophical and sociological literature on professions provides four different approaches to understanding and explaining professional values: common morality, institutional role, contract and integrity, and excellence and honour.[8]

Common Morality

Professional values can take the form of ordinary, common-sense moral obligations, as those obligations apply to the specific circumstances of professionals. The theory of 'principlism' developed by Tom Beauchamp and James Childress in the context of medical ethics is a well-known and influential example of this approach.[9] In their *Principles of Biomedical Ethics*, they defend four key moral principles (hence the term 'principlism') that they argue underwrite general morality and professional ethics. The four principles are: respect for autonomy; non-maleficence; beneficence; and justice. These principles aim to be intuitive, drawn from the everyday ('common') morality that myriad cultures and humans use to guide their ethical life. The principlist approach to bioethics applies these principles to the specific fact situation of medical practitioners to derive and justify their specific professional responsibilities.

Whilst all people in all occupations must observe these same four principles (as they are designed to be principles of common morality and so necessarily apply to everyone), professionals are deemed to have special duties because they work in special situations. For example, the principles of benevolence and respect for others' autonomy will respond to client's positions of vulnerability, as noted above. So too,

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[7] See Breakey, above n 6.
[8] For more detailed treatments with finer-grained distinctions among approaches, see Breakey, above n 6, 11-21; Hugh Breakey and Charles Sampford, 'Employed Professionals' Ethical Responsibilities in Public Service and Private Enterprise: Dilemma, Priority and Synthesis' (2017) 40 *University of New South Wales Law Journal* 262, 277-89.
[9] Tom Beauchamp and James Childress, *Principles of Biomedical Ethics* (Oxford University Press, 6th ed, 2009).

common morality duties of honesty and trustworthiness will give rise to many professional obligations, such as accountants' obligations to provide an accurate report of an organisation's financial situation.

Institutional Role

Professional values can focus on the moral importance and significance for human wellbeing of key social institutions.[10] This approach begins by establishing the legitimacy or necessity of a social institution that provides an important public good. It then formulates the specific roles that members of that institution need to play for the institution to achieve this larger purpose. The moral importance of the social institution then attaches to those specific roles and to the duties and responsibilities of its role-holders. On this approach, professionals should obey their professional codes to help their society, and all the people within it, to flourish and prosper.

Contract and Integrity

Professional values can take the form of a 'social contract', whereby professionals live up to their professional obligations on the basis of the moral values involved in respecting a good faith agreement or fair *quid pro quo*.[11] This contractual approach can be understood in terms of the professional entering into an agreement with his or her clients, or with the professional community, or with their overall society. The agreement may be tacit or implicit, or explicit and formalised through official ceremonies. The most common understanding of the contractual approach focuses on the profession's contract with the larger society, whereby the community grants the profession a 'social license to operate' in exchange for the profession's commitment to uphold certain standards – especially standards that mitigate the risks otherwise posed by the profession. In return for acquiescing to these obligations, the community grants the special legal privileges that professionals often enjoy – such as professionals' legal monopoly on service-provision and their protection of title (for example, only professional members can advertise themselves as being 'medical doctors' or 'lawyers'). These privileges typically facilitate other important benefits, such as increased remuneration for professional work, and social respect for professionals. As a result, professionals get special (and often lucrative) benefits deliberately bestowed by the community and in return are required to shoulder special moral obligations.

The 'integrity' approach to professional values is similar. Rather than relying upon a contract between two parties, the integrity approach focuses on the moral importance of living up to one's public commitments. Integrity involves asking hard questions about one's values, giving honest and public answers, and trying to live by those answers. This is true for both individuals and institutions.[12] On this footing, the basis for professional codes lies in the honesty and integrity of professionals who have reflected on their values and publicly committed to them. This approach is especially apt for understanding professional ethics since the

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[10] Kenneth Kipnis, 'Ethics and the Professional Responsibility of Lawyers' (1991) 10 *Journal of Business Ethics* 569.
[11] Robert Veatch, 'Professional Medical Ethics: The Grounding of Its Principles' (1979) 4 *The Journal of Medicine and Philosophy* 1.
[12] Hugh Breakey, Timothy Cadman and Charles Sampford, 'Conceptualizing Personal and Institutional Integrity: The Comprehensive Integrity Framework' (2015) 14 *Research in Ethical Issues in Organizations* 1.

very idea of a 'professional' derives etymologically from 'one who professes': that is, the act of professing what one stands for and living by it.

Excellence, Honour and Narrative

This final approach to professional values differs from the first three. The preceding approaches take their bearings from standard elements of ethics (common morality, political legitimacy, integrity and contract). This final approach instead looks to a more historically contingent possibility: the standards of excellence developed through stories, traditions and practices that give rise to honour, pride and virtue.

Historically constructed practices can promote virtue in several ways. For example, by laying down a specific but challenging activity as the core of the professionals' work, the professional ethic opens a space for excellence – an excellence that may be difficult for non-professionals to perceive, but whose parameters will be well-known to those within the field. Pursuing and achieving such excellence will require obeying the ethical constraints and purposes that constitute the activity.

On a different tack, professional pursuits of excellence can be situated into larger narratives that people and communities tell about their lives. These stories may contain admirable protagonists living up to the highest standards of their profession. For example, the fictional novel To Kill a Mockingbird spins a tale of an inspiring lawyer, while the based-on-real-events film Spotlight narrates the story of a resilient team of investigative journalists. Such stories allow professional excellence to link up with wider social values. In such ways as these, professional values can be found in local stories, traditions and practices of excellence, and these can inspire and motivate professionals (and aspirants choosing to pursue a professional career).

Many paths, one destination

These four approaches may seem to differ markedly from one another and it is true that they each offer quite distinct reasons for a professional to conscientiously comply with their professional codes.[13] However, the four approaches largely overlap in their specific prescriptions. That is, in almost all cases, professionals can find reasons to obey their main professional duties, irrespective of whether they are motivated by contract and integrity, their institutional role, the demands of honesty and other everyday duties, or the inspiring stories and honours of professionals in their tradition.

Professional Values and Philosophical Ethical Theory

All these approaches can be supported by deeper ethical theories from the disciplines of moral and political philosophy. Such deeper theorizing is usually not necessary for understanding the common-sense appeal of

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[13] Sometimes different approaches may be more appropriate in a given profession or a given cultural context. See Tetsuji Iseda, 'How Should We Foster the Professional Integrity of Engineers in Japan? A Pride-Based Approach' (2008) 14 *Science and Engineering Ethics* 165.

each of these approaches. Indeed, some argue that the academic pursuit of critical analysis and deeper theory can lie in tension with promoting and valorising key professional virtues.[14]

However, it is worth providing a few brief words for those interested in the relationship between ethical theory and the approaches noted above or for those who may encounter ethical theory in their professional ethics education. Broadly speaking, there are three main types of ethical theory common in contemporary moral philosophy.

The first type of ethical theory focuses on consequences, defining right action as the action that will create the overall best consequences – normally understood as promoting the sum of human happiness and prosperity.[15] This is sometimes colloquially expressed as creating the 'greatest good for the greatest number'. These 'utilitarian' theories will tend to align with the above-mentioned role-requirements approach. A utilitarian will work out what types of social institutions society needs and distinguish the duties that role-holders within those institutions will have to perform for those institutions to perform their function. In this way, utilitarian professionals would comply with their professional duties because through fulfilling this role they promote the society's safety, prosperity, security or health.

The second type of moral theory focuses on actions. These 'deontological' theories hold that certain types of acts are intrinsically wrong or right, irrespective of consequences.[16] For example, lying and stealing are deemed intrinsically wrong, while honesty and charity are intrinsically right. Such theories will tend to align with the Common Morality approach described above, as they will see intrinsic moral worth in these common-sense duties of right action. Such theories will also prioritise the moral importance of consent as consent makes the difference between intrinsically acceptable actions such as gift and consensual sex – as opposed to the intrinsically wrongful actions of theft and rape. This focus on consent will see deontological ethical theories foregrounding the Contract Approach to professional values.

Finally, the third type of ethical theory focuses on character. Rather than enquiring into whether the action has beneficial consequences or is right or wrong, it asks 'What type of person would do that?'[17] These 'virtue theories' focus on the stable and long-lasting character traits that govern people's emotional dispositions and habits of thought. This attention to strong characters living admirable lives can form a theoretical basis for the Excellence and Narrative Approach.[18]

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[14] Christopher Belshaw, 'The Teacher's Perspective: Teaching Ethics and Professional Ethics in Universities' in John Strain, Ronald Barnett, and Peter Jarvis (eds), *Universities, Ethics and Professions: Debate and Scrutiny* (Routledge, 2009) 113.

[15] See Stephen Nathanson, 'Act and Rule Utilitarianism', *Internet Encyclopedia of Philosophy* <http://www.iep.utm.edu/util-a-r/> (accessed 19 October 2017).

[16] See Larry Alexander and Michael Moore, 'Deontological Ethics', *The Stanford Encyclopedia of Philosophy* <https://plato.stanford.edu/archives/win2016/entries/ethics-deontological/> (accessed 19 October 2017).

[17] See Nafsika Athanassoulis 'Virtue Ethics', *Internet Encyclopedia of Philosophy* <http://www.iep.utm.edu/virtue/> (accessed 19 October 2017).

[18] The major work linking narrative with virtue is Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Duckworth, 1981) 194-208. In the context of occupational ethics, see also Hugh Breakey, 'Wired to Fail: Virtue and Dysfunction in Baltimore's Narrative' (2014) 11 *Research in Ethical Issues in Organizations* 51, 64-78.

Professional Values and Employee Ethics

Professional values are not the only values of which professionals will need to take heed – other ethical commitments and expectations can arise in their work environment. Increasingly, professionals are employed in large organisations, such as in the public service, in large multinational corporations or in multi-professional institutions (like hospitals). As large institutional employers, these organisations have their own legitimate expectations of employed professionals and these too will be based upon familiar ethical devices such as contract, loyalty and honesty. In the case of potential tensions arising between professional codes and employee obligations, an understanding of the underlying professional values is important as it can help illuminate which ethical values should be prioritised (see the Employed Professionals title).[19]

Summary

Professional values are an important part of contemporary professions. These values give shape to professional codes of conduct and ethics and provide reasons for professionals to conscientiously comply with their obligations. There are several distinct approaches to understanding the nature of professional values and several different ethical theories undergirding these approaches. However, in terms of prescriptive outcomes, the different approaches overlap in directing professionals' duties to their core stakeholders including social institutions, third-parties and vulnerable clients.

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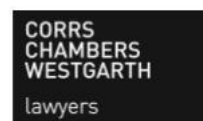This subject overview has been written with the support of the following partners:

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[19] See Breakey and Sampford, above n 8.