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Is It Ever Ethical for an Organization to Pressure Its Professionals to Violate Their Professions' Ethical Minimums?¹

David T. Ozar, PhD

This essay will argue that the answer to the title question should be “No.” For when an organization employs a member of a profession, doing so brings with it a set of obligations that are not a product of the professional’s own making and not a product of the professional’s contractual relationship with the hiring organization. These obligations, especially those concerning the relevant profession’s ethical minimums, can be shown to have greater moral weight than any conditions of employment or work orders that the organization might attempt to impose on the employed professional. Unfortunately many organizations overlook these obligations, but if the position argued for here is correct, then an organization—whether for profit or not-for-profit—that prompts, and especially that pressures, its employed professionals to violate their professions’ ethical minimums is almost certainly acting unethically itself. The argument offered here presupposes that organizations can act as moral agents and therefore can act ethically or unethically.²

The Essential Features of a Profession and the Basis of Professional Ethics

To understand the obligations of members of a profession, it is first necessary to identify the essential features of the social institution we call a profession and from these the basis of professional ethics. Admittedly, the term “professional” and the concept of professionalism are commonly used in a variety of different contexts so that persons working in occupations not ordinarily considered professions can, under appropriate circumstances, be correctly described by analogy as acting professionally. But some groups are considered to be clear examples of professions, and it is the social institution of which these groups are prime examples that needs to be described here.

In contemporary American society, there are three defining characteristics of a profession when viewed from the perspective of its social function.

First, a profession is a group of persons who have acquired and maintain a special kind of expertise. In this context, “expertise” means a body of knowledge and a set of skills for applying that knowledge to other persons’ benefit, specifically to assisting individuals and groups in the society in addressing certain of their high priority needs. In the case of a profession, the knowledge and especially the skills by which its members can dependably benefit others are sufficiently sophisticated that they can only be learned from those who have already mastered them; and therefore a profession’s expertise is unavoidably exclusive.

The second defining characteristic of a profession is that each of the professions has been accorded special social authority by the larger society. The society does this because it recognizes that this group’s distinctive expertise is necessary for certain high priority needs to be dependably addressed and it wants the members of the society to have dependable access to the benefits of that expertise. What this special social authority confers on the profession is the power to make socially determining judgments in matters relating to its expertise. Thus in matters of oral health, to take one example and to simplify it considerably, it is the professional judgments of dentists and other oral health professionals that settle matters of oral health in our society, and similarly with each of the professions. Moreover, this grant of social authority enhances the group’s ability to maintain and to further develop its expert ability to meet the needs the profession is charged to address, thereby making the profession’s expertise even more dependable, but typically also more specialized and even more exclusive. (All functional accounts of social institutions presuppose that there are ways in which societies “choose,” even if largely passively, to authorize and empower various institutions in order to achieve various ends. Inquiring into the adequacy and implications of how our society has “chosen” to establish its various professions is an important matter, but beyond the scope of this essay.)

Third, whenever special social authority is created, history tells us that a society that does this puts itself at risk that this authority and the social power that accompanies might be misused. Therefore our society has granted this authority—that is, has established certain expert groups as professions—only on condition that the profession as a whole and each of its members commit themselves to employ their expertise and exercise their social power in accord with mutually established ethical standards. What I mean by “mutually established” here is that the content of a profession’s ethics is not something the profession invents on its own—though profes-

sions sometimes speak and act as if this were the case. Rather the content of a profession's ethics must be understood to be the product of a subtle, on-going dialogue between the profession and the larger society. Thus when a professional asks "how do my professional ethics tell me I ought to handle this situation?" the complete answer would only be found by translating the question into this: "What is the current content of the dialogue between my profession and the larger society with regard to this situation?"

That is, the basis of every profession's ethics resides in the combining of the society's decision to grant social authority to the profession with the commitment of the profession as a whole and of each of its members to exercise that authority and to practice their expertise in accord with the ethical standards the two groups have mutually accepted. So anyone who presents him/herself to the larger society as a member of a profession is thereby acknowledging his/her obligation to the larger society to act and practice in accord with that profession's ethics.

From this it follows that Codes of Ethics that are published by various professional organizations are clearly not the source of any profession's or any professional's ethical obligations. Such published codes are, at their best, educational documents in which the most obvious minimums and aspirational goals of a profession's ethics are summarized.

Moreover, for the same reason, no profession's published code should be taken to be exhaustive of the profession's commitments to the larger society. In fact, it would be very difficult to fully articulate the contents of a profession's ethics as these are lived by the profession's most admirable practitioners, nor can all the subtleties of what is absolutely professionally best in particular concrete situations be fully articulated in a code, no matter how lengthy. Nevertheless, regarding the minimums of a profession's ethics, there is rarely any doubt about their general contents, and that is why the title question of this essay focuses on them.³

In any case, on the basis of what we mean when we say someone in a member of a profession, it clearly follows that, whenever an organization employs a member of a profession, the professional comes to the organization with a set of obligations that are not of the professional's own making and are not a product of the professional's contractual relationship with the hiring organization. With that claim in place, the next step in the argument is to demonstrate, at least with regard to the relevant profession's ethical minimums, that these obligations have greater moral weight—not only for the professional, but also for the organization that hires the professional—greater moral weight than

any conditions of employment or work orders that the organization might issue, much less attempt to impose on the employed professional.

The Moral Weight of Professionals' Obligations

There are several ways to support this claim. First of all, efforts by managers to require a professional to violate his/her profession's minimal standards might well be supported by the manager as necessary for the sake of efficiency. For management as a social role is goal-neutral. Management's job is achieving the goals of the organization as efficiently as possible, maximizing the achievement of those goals while minimizing the amount of resources—human, fiscal, material, etc.—that are needed to do so. This is why we can teach management skills generically, without reference to any particular set of organizational goals, although organizational survival is ordinarily so closely linked to market success that market success is often incorrectly assumed to be the principal goal of management. But for the reasons explained above, professional work is never goal-neutral. Each profession and each of its members have made a commitment to the larger society to work first of all for a particular goal, namely addressing a particular kind of high priority human need. This commitment of a professional is prior in time to the professional's employment contract and management's specific work requirements; but more importantly, this commitment of the professional has greater moral weight than any efficiency-based, goal-neutral reasons that management might offer for violating it.

The reasoning so far, however, has left out the fact that employment contracts and management's work-requirements are not undertaken for the sake of efficiency alone, but in order for the organization to efficiently achieve *the organization's goals*. So we must now inquire whether the professional's commitments to the larger society have greater moral weight than the organization's goals whenever these conflict. As already indicated, the commitments that professions and their members make to the larger society concern *human needs of high priority for human living* and are, in addition, *needs of every member of the society*. Because of this, the commitments that professions and their members make to the larger society must be considered to have greater moral weight than the more specific and contingent interests of whoever happen to be the organization's stakeholders, including stockholders if any, those who partner with the organization in market transactions, and even those subgroups of the larger society who might benefit from the organization's services.

It is true, of course, that some organizations arguably have the same goals as the professionals who work in them, health care organizations, for example, journalism organizations, engineering organizations, and so on. But organizations of this sort would almost certainly be violating their own goal-commitments if they were to require a professional committed to those same goals to violate the minimum requirements of responding to those goals.

A second line of reasoning in support of a negative answer to the title question derives from an important characteristic of professions' and professionals' obligations not mentioned previously.⁴ Professions' and professionals' commitments to the larger society include a commitment to ordinarily give greater moral weight the relevant aspects of wellbeing of the persons or groups they serve with their expertise than they give to their own interests and other personal commitments.⁵ This commitment is not absolute, but there are few legitimate exceptions to it, especially with regard to the profession's minimum standards, and it is not something optional for a professional. Instead it is a necessary component of professional ethics because it secures the persons served from being exploited by their professions and their professionals. In this respect especially, professionals' relationships to those whose needs they serve differ significantly from the ways in which business organizations relate to consumers in the free enterprise marketplace in our society. For free enterprise market relationships are, by definition, competitive relationships in which each party strives to maximize his/her/its own wellbeing and each party values providing any benefit to the wellbeing of the other party only if doing so is at least marginally instrumental to his/her/its own wellbeing. In addition, even the relationships between charitable not-for-profit organizations and "socially responsible" organizations and those they serve involve a contingency—in the form of selective beneficiaries of their services, the likely priority of organizational survival as a goal, etc.—that differentiates them ethically from professions' and professionals' ethical commitments to those they serve

Moreover, in addition to the greater moral weight of professionals' obligations, two other arguments support a negative answer to the title question. For it is worth asking if an organization can coherently choose to have the benefit of a professional's expertise and social authority, but then try to violate the very social-ethical framework that makes the professional's expert judgments available and protects the organization itself, along with its other stakeholders, from exploitation by the professional? This ignores

the reason societies require professions and professionals to make distinctive ethical commitments in the first place.

A second question worth asking concerns how the organization became able to establish its own goals and manage its own affairs to begin with. The answer is “with the approval of the larger society,” since every organization that plays any role in a society is permitted to do so, and in fact is empowered to do so or it wouldn’t exist, by the actions, or at least the tolerance, of the larger society. Even if professions’ and professionals’ commitments to the larger society did not have the added moral weight argued for above, how could an organization coherently reject the larger society’s power to create and maintain its social institutions by violating the minimal ethical standards that the larger society has established for one of the professions, when its own existence depends on accepting the larger society’s power to create and maintain social institutions in its own case?

On the basis of these arguments, then, it seems clear, at least with regard to a profession’s minimal ethics standards, is it never ethical for an organization to pressure its professionals to violate their professions’ ethical minimums.

What can be said about the aspects of a profession’s ethics beyond its ethical minimums? As indicated above, it would be difficult, beyond identifying general categories,⁶ to provide anything like full articulation of these as they are lived by the profession’s most ethically admirable practitioners. But this does not mean these are unknowable or irrelevant to how a professional working in a particular organization might be asked, or even pressured, to act. The literature of what has come to be called “Applied Ethics” is filled with actual and hypothetical cases in which professionals are asked, or even pressured, to violate professional standards that, while not central to the person’s professional commitments, are not consistent with them either. But the most that can be said here is that, if the main thesis of this essay is correct—that is it never ethical for an organization to pressure its professionals to violate their professions’ ethical minimums—then it should never be ethically irrelevant to a corporation to ask, much less pressure a professional to violate professional obligations of any sort.

It is not impossible that serving the organization’s goals, provided these are truly goals of service to the larger society, could have more ethical weight than lesser obligations on the part of the professional. But at the same time, a central component of being a professional is the life-long process of increasingly habituating one’s expert practice so that it conforms more and more to the highest ideals of one’s profession. So even a situation in

which the organization's goals may be more ethically weighty than the relevant profession's lesser ethical standards, the organization may be acting unethically if it requires a professional to violate his/her commitment to growing in professionalism or to experience significant moral distress or self-blame for doing so. In addition, as should be obvious from these brief comments, no such organizational request could ever be ethically correct unless the professional was an at least equal partner to the ethical decision-making process.

Finally, it is therefore incumbent on any organization that employs professionals or hires them as consultants, etc., that the organization, and especially relevant managers and their superiors, become familiar with the ethical standards of each of the professions involved and conscientiously compare what they ask of their professionals with these standards.

Notes

1. An earlier version of this paper was presented at the 2020 meetings of the Association for Practical and Professional Ethics, and it has benefitted from the discussion that followed its presentation.
2. Recent years have seen the development of a sizable literature in support of this presupposition. For summary of one of the leading arguments and a selective bibliography see Ozar, David T., "Attributing Moral Agency to a Group: A Summary of Two Arguments." *American Philosophical Association Newsletter on Philosophy and Medicine*, Vol. 12, no. 1 (Fall, 2012), 25–28.
3. An appendix to this essay offers, in the form of nine sets of questions, a summary of what a deep understanding of the content of any profession's ethics includes. A useful exercise, independent of the current project, would be to attempt to articulate concrete answers to all nine of these questions for each of the professions of which the reader is a member.
4. Most professions are sufficiently diverse in practice that a profession's actions as a whole profession are not as commonly referred to as the actions of various professional organizations. This is especially the case because, as a profession's expertise increases, practical subdivisions based on specialization tend to multiply and the profession comes to be identified with its differently focused professional organizations, whether these represent the profession as a whole more or less effectively. Thus, while it makes sense to say that a profession as a whole makes and has commitments, the commitments and obligations attributed to "professions and professionals" in this essay should be understood as being attributed to professional organizations as well.
5. The "ordinarily" in this sentence is obviously of considerable importance when professionals and professional organizations are determining how to act in ethically complex situations. For a detailed examination of the issues involved, see David T. Ozar, David J. Sokol, and Donald E. Patthoff, *Dental Ethics at Chairside: Professional Obligations and Practical Applications*, 3rd ed. (Washington, DC: Georgetown University Press, 2018), Chapter 6.
6. See the appendix.

Appendix: Nine Categories of Professional Obligation

From Ozar/Patthoff/Sokol, *Dental Ethics at Chairside* (Georgetown Univ. Press, 2018)

A. The Chief Client.

Every profession has a chief client or clients. This is the person or set of persons whose wellbeing the profession and its members are chiefly committed to serving. What are these persons for this profession?

B. The Central Values of the Profession.

No profession is committed to securing for its clients everything that is of value for them. Rather there is a specific set of values that are the focus of each profession's expertise, and it is the job and obligation of that profession to work to secure for its clients through its professional service to them. What are they?

C. The Ideal Relationship Between Professional and the Client.

The point of the relationship between a professional and a client is to bring about certain values for the client. This requires the professional and the client to make judgments and choices together about the professional's interventions. What is the proper relationship of professional and client in doing this?

D. Competence.

Every professional is obligated both to acquire and to maintain the expertise needed for his or her professional tasks. Every professional is also obligated to undertake only those tasks that are within his or her competence, and to assist clients whose needs exceed his or her expertise in locating another who can assist them. What do these obligations entail for the members of this profession?

E. Sacrifice and the Relative Priority of the Client's Wellbeing.

Professionals are regularly characterized as being committed to the service and the best interest of the public. But these expressions admit of many different interpretations with significantly different implications for actual practice. It is important to ask just what measure of sacrifice of personal interest and of the professional's other commitments is professionally obligatory, and in what situations?

F. Ideal Relationships With Co-professionals and Others Who Assist Them in Professional Service

What are the norms, though usually mostly implicit and unexamined, concerning the proper relationships between members of this profession, between its members and those of other professions when serving the same clients, and between the professionals and those who assist them in offering professional services?

G. The Relationship Between the Profession and the Larger Community.

Besides relationships of professionals and their clients and of professionals with one another, the activities of every profession also involve relationships between the profession as a group or its individual members and persons who are neither co-professionals nor clients. What are the proper relationships between this profession and the larger community as a whole as well as significant subgroups of it, etc.?

H. Availability of Services.

Although implicitly covered in other categories, the ethical question of designing social systems which justly and properly distribute the profession's services to those who need them deserves special notice and explicit attention in the articulation of the profession's ethic. What ought to be done about unmet needs?

I. Integrity and Professionalism.

Professionalism requires life-long self-formation and a professional is always a model to others what he or she stands for. What is required of a professional, day in and day out, to fulfill these obligations?