Between the personal and impersonal – is there a professional ethics?

In this paper, I will address some problems that arise from the ethical claim of loyalty to clients and patients to whom one stands in concrete relationships as a professional. I will argue that professional relationships generate ethical obligations that in some sense are different from ordinary moral obligations. Ordinary moral obligations are either agent-neutral in a consequentialist sense or they are agent-relative in a deontological or strictly personal way.

Agent-neutral ethical obligations are impersonal because they take a person's moral responsibilities to cover all the possible considerations that are important in order to maximize welfare impersonally. You should always consider how the Good is maximized either as a direct or indirect consequence of your behavior. This means that if your optional status is either to hurt one person in order to save a considerable number of other persons as a consequence of your actions you should do so. And when you enjoy a good meal or buy some new clothes you should always think what else you could have done to promote a larger amount of good for others as an indirect consequence of your way of spending the money.

Agent-relative ethical obligations on the other hand, may either be deontological in nature or they have a considerable personal and relational character. These are actions that are personal in the sense that they are always measured up to what you as an agent does, i.e. the moral value is relative to the direct consequences of your actions. Deontological actions are frequently aimed at helping a person in need, or complying to a duty that restricts or guide your actions in a special sense. You ought not to hurt someone to maximize welfare for others, as a doctor you ought not to practice euthanasia even if it is in accordance with the patient's informed preference. Deontological duties can and should often be universalized, because they tell what you should do to other persons in a relevant similar circumstance. But they are not universal in the impersonal and maximizing sense that characterizes agent-neutral duties.

On the other hand, agent-relative obligations which are relational and personal defend the special duties you as a person have or should have towards your family and friends, not on the basis of any assessment of need or aiming at how to produce net impersonal value in the world, but on the basis of you being a father, husband, wife or a friend. Here we have a more strong principle of loyalty claiming that you have a responsibility towards you friend because he or she is your friend, towards your child because it is your child etc. Hence, it is the special feature of attachment, of the child being your child and of you having a child that is the essential source of obligation. It is not the state of affairs of the world or any particular need that your child has that is the essential duty-generating force. Ethical claims based on personal loyalties argue that persons and relationships have intrinsic and not instrumental value, and that these are values that cannot be captured within the framework of ordinary deontological and consequentialist ethical theories. For a relationship to have intrinsic and not instrumental value means that one sees: "a person's needs, interests, and desires as, in themselves,

giving one presumptively decisive reasons for action, reasons that one would not have had in the absence of the relationship" (Scheffler, 2001. p. 121). The relationship itself and not what it contributes to within a larger scheme is the force of generating moral independent reasons. Some prominent defenders of this view have been the English philosopher Bernard Williams and the American philosopher Lawrence Blum and Samuel Scheffler, to mention some.

Now, how do professional obligations fit this overall picture of moral responsibilities, and what is the relevance of this discussion and these distinctions for a professional ethics? In the following I will clarify my position on these two questions and raise some problems that a more strict agent-relative and relational view raise for a conception of justice and impartiality in professional behaviour.

Professional obligations, personal or impersonal?

One thing that springs in mind from the framework of moral justifications just mentioned is that the ethical obligations and duties you see within client-based professions do not fit this picture of moral duties and responsibilities. The duties that a teacher has towards his pupil, a nurse or doctor has towards his or her patient cannot be agent-neutral. This is due to the fact that as a professional one has a particular duty towards particular individuals based on their particular need (for instance for health care and for learning). A teacher cannot simply be occupied with how he shall distribute his competency between an unlimited number of persons because he also has irreducible responsibilities towards his own pupils. The same goes for a doctor or a nurse in giving their care to particular and concrete patients. This does not mean that agent-neutral obligations are non-existing within professional vocations, but they are not the only obligations and certainly not the most important ones.

On the other hand, it follows from one's responsibilities as a teacher and nurse or doctor or social worker that a strict principle of loyalty as sketched in my presentation of agent-relative duties is problematic for other reasons. You can argue to give a priority towards you wife because it is your wife, or your child because it is your child in circumstances in which you have to count their interests against the interests of others, but you cannot do the same as a doctor. A doctor in a hospital cannot say that I give the sole priority to this patient because it is my patient, simply because there might be other, existing or incoming patients that based on their potential need for health care demands professional expertise. The doctor's particular loyalty towards his concrete patient has to be measured against other persons need (deontological duties) and also how his actions best can benefit the overall state of affairs of the health care system (consequentialist reasons). Similarly, a teacher has to balance his responsibilities and needs of all his students when giving special attention to particular students and the same goes for a social worker.

Could one then say that professional duties cannot be personal in the very restricted agent- relative sense but has to be either agent-neutral and impersonal or need based and deontological? No, and the problem is buried here. A professional ethics can

neither be simply deontological nor consequentialist because it does not fit the framework of these universalist moralities. Why is this so? It is easier to understand that an agent-neutral framework is counter-intuitive (even if this may be problematic), because professional obligations cannot simply be measured up to how one may produce welfare and wellbeing impersonally, one has distinct loyalties towards clients, patients and pupils based on their particular needs. But why is the deontological and need based framework insufficient?

It is insufficient because it does not capture what a professional relationship fully is about. It does not capture the intrinsic value of being in a relationship with a client or pupil. The simple fact is that a nurse or a doctor does not and cannot merely consider the particular needs of their patient. Depending on the circumstances, they have to regard and meet the patient and his family as persons and attending to their value for him or her, not as a particular representative or category of a patient having a particular diagnosis, but attending to the person as a particular individual person. Professional integrity is bound up with one's selfconception and abilities of realizing duties of particular attention and care, being a helping person.

So, what do we have here: I will and can not argue that professional obligations are strictly personal like the relationship one has towards member of family or friends because this would jeopardize the important impartial and universalist aspirations of professional ethics. But I will neither compromise the important aspect of personal loyalties and the intrinsic value of personal relationships because these also shape the nature of professional responsibilities. So where to go from here?

Professional obligations as role-obligations.

This question concerning the nature of vocational and professional duties has been addressed by the american moral philosopher Lawrence Blum in some important articles from the beginning of the 1990's.

According to Blum, there are two main ideas which distinctively characterizes a professional ethics. 1. Professional experience and competency are tailored towards helping and satisfying a particular need, problem or interest the client has.
2. Moreover, professional responsibilities are based on a personal tie to the client. Also professional client-based relationships have an emotional and relational component in which moral claims and responsibilities raise from the particular situation of the client as a person.

This first feature of professional ethics is impersonal and objective in the sense that the professional expertice is directed towards a particular feature or situatedness of the client, his learning abilities, his illness and so on. The second feature is personal in the sense that the relationship has a non-instrumental component in which the relationships itself is a basis for moral claims and attachments.

Lawrence Blum argues that; "Role-moralities are impersonal in the sense that the morality in question applies to any occupant of the role, independent of the occupants particular personal characteristics" (Blum 1990, s. 178). And "Role moralities display an identification with the ideals and values of the vocation, but also display a sense of direct

personal engagement, which indirectly aims at realizing the values of the vocation" (Blum 1990, p. 178)
That a relationship as non-instrumental or intrinsic value means that: "one is "disposed, to se a person's needs, interests and desires as, in themselves, giving one presumptively decisive reasons for action. Reasons that one would not have had in the absence of the relationship. To say that these reasons are seen as presumptively decisive is not to say that they can never, in the end be outweighed by other considerations. It is merely to say that, in the first instance, they present themselves as considerations upon which one must act" (Scheffler 2001, p. 121).
The fact that client-based professionalism in this way has universalist as well as particularistic aspirations pose some important questions for a proper understanding of justice and equality within professional contexts.

What conception of equality and justice is possible for a professional ethics?

If professional relationships on the one hand have to satisfy demands of impartiality and equality in treating clients according to need and cost-efficiency and on the other hand demands of proper relational care, we have an ethical conflict which strikes at the heart of a professional ethics itself. The conflict touches the profound question of objectivity and subjectivity in ethics. Thomas Nagel poses this question as follows: "The problem of designing institutions that do justice to the equal importance of all persons, without making unacceptable demands on individuals has not been solved – and that this is so partly because for our world the problem of the right relation between the personal and impersonal standpoints within each individual has not been solved" (Nagel 1998, p. 5).

The human perspective of professional responsibilities are divided between two irreconcilable demands, the demands of justice, equality and need, and the demands of proper expressions of loyalty to the particular client. The problem is that if one gives too much attention to care and loyalty to concrete clients, one jeopardices demands of other client's needs and if one pays to much attention to the distribution of welfare to potential and non-actual clients, the values of personal care for clients are threatened.

Still, if the personal character of the professional relationship is jeopardized and relationships are becoming merely instrumental to demands of cost-efficiency and equality we have a problem which strikes the core intuitions of professional relationships and obligations itself. A professional helper has particular obligations towards particular clients. The problem today is that the agent-neutral demands of ethics and welfare maximizing related to marked mechanisms colonizes the personal aspects of professional motivation and duties.

We have increasing empirical evidence in many areas of professional practices attesting to the fact that professional attention important in order to fulfill client-centered and professional duties are constrained by strict time limits, high turn over of clients and efficiency merely understood quantitatively, as increased production of clients and services. We have increasing rapports which state that cancer patients do not get their treatment fast enough because proper diagnoses are delayed due to time constraints. We

have increasing evidence that professional care and judgment are seriously jeopardized due to marked economics and a pressure towards agent neutral mazimization of welfare impersonally.

The ethical problem here is not one that easily can be escaped through organizational and economical measures. Neither can it be easily dealt with philosophically. On the basis of clarifying the differences between personal relationships and duties and professional ones, one has to specify what loyalties a professional owe to concrete and actual clients in circumstances of justified demands of justice and society. Samuel Scheffler argues that: ”The fact that a particular relationship is mine is not only a legitimate reason for departing from equal treatment, it is the basic reason. What I mean by this is that if we attend closely to what interpersonal relationships involve, we will see that the participants in such relationships cannot attach value to them, in the ways that they manifestly do, without seeing them as providing reasons for unequal treatment” (8, s. 121).

The problem is that a doctor or a teacher cannot more simply argue for preferential treatment of a patient premised on the strict relational argument: “that a relationship is mine”. The normative challenge seems to be that it is much more complicated within professional contexts to draw the line between values of loyalty and values of equality and justice. Still it is increasingly important that so are done. If not, the very basic intuitions of professional practices may be jeopardized. These practices are not merely responsible for their duties to society, but even more to the concrete client and person whom to give good care and service. In this sense, the core intuition of professional duties and a professional ethics is that its ethical basis is truly particularistic and relational. How to protect this distinct personal aspect of professional care and motivation with the even increasing need for agent neutral and need based considerations on the basis of justice and impartiality is and will be one of the most significant tasks for a professional ethics in the future.

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