ON THE DISCONNECT BETWEEN BUSINESS AND PROFESSIONAL ETHICS

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INTRODUCTION

We begin our paper with a hypothetical question: Is there a distinction to be made between Professional Ethics and Business Ethics? This is a conceptual question, but one with pedagogical import. The answer hinges on both the nature of professional and the further question of whether business is subsumed under this understanding. For the purposes of this paper, we shall adopt the admittedly controversial position that for an occupation to be a profession, it must be governed by moral rules, principles, privileges, and responsibilities that differ from our everyday morality. To act in a professional manner is thus to act according to a moral code that would be considered morally wrong if applied outside of a professional context. If a businessperson is a professional by this definition, then clearly an understanding of the complexities of navigating between a professional code of conduct and one’s everyday moral responsibilities is best examined by a course in professional ethics. On the other hand, if a businessperson is not a professional, then what requires emphasis is the way in which moral rules and principles ought to be applied within a business context.

In this paper we shall argue that businesspersons are not professionals in the technical sense presented above, and consequently business students are best served not by a course in professional ethics, but by a course in business ethics. In making this case we shall argue: 1) that the nature of the professional entails a special morality, one that may allow for actions normally seen as unethical to be ethical, while business ethics concerns no such special morality, and 2) that unlike the concerns that are well-studied in professional ethics, business has numerous fundamental assumptions that are taken for granted by most business students, and hence go unquestioned (e.g., the nature of capitalism and markets, the profit motive, and the nature of...
business itself). An approach that treats business ethics as distinct from professional ethics—and hence leads to a separate business ethics course—allows for an examination of these fundamental assumptions.

1. WHAT IS A PROFESSION?

There is an ongoing debate as to what exactly constitutes a profession. Since professions may carry with them special moral responsibilities, it will be necessary to distinguish professions from non-professions. Unfortunately, our common use of the word ‘professional’ is often laced with ambiguity. We often refer to ‘professional athletes’ and ‘professional sportscasters’, while holding that doctors and lawyers are also professionals.

Non-moral Sense of Professional

The term professional is often applied to a wide variety of disparate activities. In everyday non-moral usage the term professional is often applied in three ways. First, we often attribute the status of ‘professional’ to anyone who receives financial compensation for his or her activity. This sense allows anyone engaged in an activity for pay to be termed a ‘professional.’ Secondly, the term professional is often associated with someone that has attained a certain level of expertise. So, when someone in business talks about being a professional what they are really pointing out is a certain level of expertise. For example, the distinctions between a carpenter as opposed to a master carpenter, and other occupations as well. Consequently, one initial distinction that we may want to make is between an occupation and a profession. For our purposes, an occupation is anything that one does as a job. On the other hand, a profession is an occupation that carries with it some special features that other occupations lack. For example, most people would agree that lawyers are professionals and that fast food workers are not. An objection to this last point suggests a third common usage of ‘professional’ that must also be rejected. ‘Professional’ is often also used as a way to denote a specific type of attitude when engaging in work. Thus, there may be ‘professional’ fast food workers and non-professional fast food workers. The professional is the one that takes work seriously and brings a good attitude to the workplace (hard worker, proper dress code, etc.). However, this is simply a different way of distinguishing between good employees and bad ones, or those that take their job seriously and those that do not. This same distinction exists in those that
we will argue are truly professionals. There are lawyers who take their job seriously and those that do not. This misses the point when considering the question at hand. The question is what characteristics does the practice of law have that distinguishes it in some significant way from the food preparer at a fast food enterprise. What we are seeking then are the necessary or sufficient conditions for distinguishing between occupations and professions.

Bayles and Barber

In the attempt to specify the salient features of professions, philosophers such as Michael Bayles (Bayles, 1981, pp. 7-11), and Bernard Barber have each offered either necessary or sufficient conditions for distinguishing professions from occupations (Barber, 1963, pp. 669-688). It should be noted from the outset that these criteria are not somehow set in stone. The fact that Bayles or Barber believes these criteria adequately describe professions does not settle the issue, but acts as a starting point for our thinking about the nature of professions.

According to Bayles (1981), there are three necessary conditions that define a profession. Minus any one of these conditions and the occupation fails to qualify as a profession. First, all professions require some sort of extensive training. Second, this extensive training must have an intellectual component. Third, the occupation must provide a valuable or essential service to society. Taken individually, it seems that almost any occupation could be considered a profession. It is only when we note that all three conditions must be met, that it becomes apparent how restrictive Bayles’ criteria actually are in practice. Take for example the idea of a ‘professional athlete’. While it is true that a professional athlete undergoes extensive training, this training does not consist of an intellectual component. Furthermore, it is fairly easy to argue that professional athletes don’t provide an essential or important service to society. On the other hand, it is easy to see how physicians would qualify as professionals, since they meet each of the three criteria. There is extensive training involved with becoming a physician. That training requires has both a physical component and a substantial intellectual component (an undergraduate degree, three years of medical school and additional training as a resident). Unlike the professional athlete, physicians do provide an essential and important service to society, since I can easily choose not to watch an athletic event, but cannot avoid going to the hospital when I am extremely ill.3
While Bayles’ approach is fairly straightforward not everyone agrees with his characterization of the nature of professions. In particular, some have argued that not all occupations fit neatly into the profession or non-profession category. There are some occupations that seem to have some of the aspects of professions, but lack others. Rather than viewing the definition of a profession as an either-or, some view professions on a continuum with non-profession on one end and profession on the other. Thus, occupations may admit of gradations of professionalism—one such approach is endorsed by Bernard Barber.

According to Barber (1963), the idea of a profession is one of degree. Barber argues that there are a number of sufficient conditions for an occupation being a profession. First, a profession is something that has a high degree of systematic knowledge. Secondly, the primary orientation of the professional is toward community interests rather than individual interests. Third, professionals require a high degree of self-control of behavior based on internalized codes of ethics derived from voluntary associations with others in the profession. Finally, professions have associated with them a system of rewards that are primarily symbolic of work achievement, and are thus ends in themselves, and not a means to some end of individual self-interest.

Since Barber’s criteria are not necessary conditions, some things that would not be considered professions by Bayles would be classified a profession by Barber. For example, journalism is considered by many to be a profession. While it is true that many journalists have college degrees and even master’s degrees, it is also true that no degree (college or otherwise) is necessary to obtain a job in journalism. Nevertheless, we still might want to say that journalists are professionals. They do have community oriented interest (journalism as the ‘fourth estate’); a code of ethics that internally regulates their behavior; a system of awards (Polk, Peabody, Pulitzer) that are primarily symbolic. So, on Barber’s account, there may be a sufficient number of criteria to make the determination that journalism is a profession.

While Bayles and Barber differ as to whether the criteria that define a profession are necessary or sufficient, they do generally agree on a couple of key features. Both hold that professions require some sort of intellectual training, namely, a college degree. They also agree that the primary focus of a profession is toward some community interest. How we define that interest is beyond the scope of this paper, but we do have an intuitive sense of what is meant by a community interest, namely, something that without which our lives would be fundamentally altered.
for the worse. For example, if law, medicine and architecture ceased to exist, our lives would be without a doubt worse off than they are now.

2. Moral Aspects of a Profession

While different theorists have different particular notions about what constitutes a profession, all agree that once something has the title of a profession it implicitly carries with it special obligations. These obligations are normally thought to follow from the unique position professionals occupy within society. In other words, to assume a professional role entails that one has special obligations or special privileges to certain other specific individuals. These obligations derive from the relevant special circumstances surrounding the individuals, and presumably the relationship or circumstances are somewhat unique in that they don’t include everyone (which would thus make the obligation general). This view that certain roles carry with them a separate morality is what has been termed the ‘separatist thesis’.4,5

The separatist thesis holds that professional morality may at times contradict ordinary morality, but that the follower of the professional ethic is not acting unjustly, but is in fact abiding by a different moral code altogether. Individuals engaging in the practice of law, medicine, nursing, social science research etc., may do things that might be considered immoral if done outside of a professional context. For example, we expect lawyers to “lie” about the guilt of his or her client. When a judge asks the defense attorney how their client pleads, it is understood that the attorney may respond “not guilty”, though what they mean is not legally guilty, and may later imply not factually guilty during closing arguments. While a similar dishonesty would be morally problematic if it occurred between friends, the need to maintain an adversarial system that (hopefully) punishes the guilty and exonerates the innocent justifies granting lawyers certain privileges.

When we combine the idea of what is a professional with the idea of role-differentiated behavior, we gain a clearer picture of what constitutes a profession in a moral sense. As Bayles and Barber have suggested, among other things, a profession provides a valuable social service. Consequently, we would suggest that a valuable service is one that protects what Rawls would term a primary good. Rights, freedoms, bodily integrity, opportunity, income, wealth, and the social bases of self-respect are all the types of things that constitute a primary good. Professionals are those individuals that contribute to the protection or
realization of these fundamentally important goods. Doctors provide the need medical care that leads to the health needed to take advantage of opportunities. Educators provide the tools necessary to perform the jobs that provide the income needed to survive, as well as for preparing individuals to exercise responsibly citizenship.

But, there is an additional aspect of a professional that sets him or her apart from other occupations. Not only does a professional provide a valuable service, but the nature of the service necessitates a different set of moral standards in order to perform the service. While doctors assist in our well-being, they also need to be able to act in emergency situations to circumvent things like consent, e.g., when a patient is unconscious. Since they also deal with extremely intimate aspects of a person’s life, and candor is required to provide proper patient care, confidentiality is nearly absolute. Similarly, lawyers not only have an obligation to be a zealous advocate for their clients, but they are also required to maintain confidentiality in order to provide an adequate defense. Here too, the role of the professional is to protect the rights of the individual and contribute to the broader goal of a just legal system. The nature of the work of the professional requires a different moral code in order to effectively perform his or her job.

This view of what defines a professional in the moral sense entails that a fairly narrow range of occupations qualify as professions. While there is considerable debate as to what occupations should make the list, for the purposes of this paper, we focus on what should not make the list, namely, business.

3. BUSINESS IS NOT A PROFESSION

We begin by admitting that business persons are professionals in the non-moral senses described at the outset. Business persons are paid for their work, they often have a great deal of expertise in their area of business, and they frequently take their jobs seriously and work with a good attitude. However, as should be clear by now, we are not interested in these non-moral senses of ‘professional,’ but in the moral sense described above.

We would also like to be very clear on one point: we accept that the list of occupations counting as professions may be ever-expanding. This discussion is not to be taken as excluding engineers, for example, of being included on the list of professions. Our discussion here may be limited to business persons generically.
The crux of our definition of profession is found in the fact that for a professional to do her job correctly, it is necessary that she be able to engage in actions that would normally be considered unethical (acting on one’s body without consent, helping to free murderers from punishment, etc.). Thus, the question is whether or not there is a necessity for business persons to engage in behaviors that would normally be considered unethical, in order for them to do their jobs? The answer is clearly, no. However, some further discussion is warranted.

The types of activities in which business persons engage are things like sales, manufacturing, and various decisions related to those activities (hiring and firing, design, plant management, advertising, accounting, etc.). There is nothing in these activities that necessitates a typically unethical action be taken. In fact, business is frequently criticized specifically because they engage in actions like deception, or failure to satisfy social obligations. No exceptions are made for business, as in the case of professionals in the moral sense described above.

There is an objection at this point that could come from the likes of Milton Friedman. Friedman is well known for defending a view of business that holds that it has no responsibilities beyond the increasing of profits. While it may be true that business persons have a right to increase profits, there are limits. Moreover, there is nothing special about those engaged in business with regard to earning profits. This is a right that everyone has. Moreover, even Friedman admits that the actions of business persons should be limited by ethical considerations (along with legal restrictions).

A special case that is common in business ethics classes may help serve as a further illustration of our point. Whistleblowing is a common topic of discussion in business ethics. It must be admitted that businesses have an expectation of privacy and the ability to protect proprietary processes and products and innovations. The expectation would include an expectation that employees not expose business knowledge integral to the functioning of the specific business that may be harmful to the business. However, this protection does not necessarily extend to employees remaining silent when a business makes a decision to engage in some action that may be harmful to the community or individual customers (a la Boeing’s DC10, Ford’s Pinto, Enron’s profits, etc.). In cases where the business is engaged in actions that are actually harmful to others, then there can be little complaint when an employee informs the public of the behavior.
4. THE SUBJECT OF BUSINESS ETHICS

Given the distinction between professions and business persons generally, we would now like to argue that this leads to the conclusion that business ethics should be taught in a stand-alone class, distinct from a course in professional ethics. There are two basic reasons that we will offer. First, a business ethics class allows for an examination of assumptions in business that go unexamined by many business students. Second, a business ethics class allows for examination of how to apply moral principles in a business context. We will examine both of these reasons in turn.

The first reason for teaching business in a stand-alone course is that it allows assumptions in business that go unchallenged by most students to be examined. This is particularly important for business students. In professional courses of study the issue of ethics is common and commonly studied. In business this is not the case. Many students think of business as described by Milton Friedman or Albert Carr. Both of these views are problematic. Friedman (1970) is problematic because he argues that there are no responsibilities for those in business roles beyond increasing profits. Carr (1968) is problematic because he argues that business should be treated like a game, where ethics does not really apply. The position of Carr contributes well to the view that when treating another poorly in business, we are justified in thinking, “it is not personal, it is just business.”

It may be the case that it is true that business only has a responsibility to increase profits and that there are clear and definite distinctions to be made between business and personal life. However, these are important topics, worthy of examination, even if they are correct. If these positions cannot be justified, then they should be rejected. We do not know either way, unless we examine these assumptions.

In *The Why’s of Business Revisited*, Ronald Duska (1997) examines the dominant view that the purpose of business is simply profits. This idea is closely related to claims like those mentioned above, that a certain action by a business professional could be excused with the claim that it is “just business.” In thinking that business is only concerned with profits (as opposed to the production of goods and services for Duska), and allowing this view to go unexamined by business students, we limit the ability of students to engage critically with this claim, because the very language needed to conceptualize a criticism is lacking. Duska writes:
This dominant view, though, is not neutral. No view of purpose is. Such a view legitimates the institutional practices of business, and in this case does so to such an extent that even if we are opposed to the practices we do not have the language to critique them. So we are faced with an anomaly—even those who would claim that the purpose of business is to provide goods and services slip into talk about business which legitimizes some of the behavior they would not approve of in theory (Duska, 1997, p. 1402).

It is a failing of educators to simply allow for students that will engage in business generally to enter the workforce without the language and concepts necessary to examine fundamental assumptions about their choice of employment. For students entering into the professions where a role-differentiated behavior is a part of the profession, then a professional ethics class serves well, specifically because these fundamental questions are asked and discussed (the nature of confidentiality, zealous representation, competency, the nature of the professional client relationship, etc.). To not provide the same service to our business students is to allow them to enter the workforce unprepared to address real issues that will be encountered and is again to fail our students. Moreover, not asking such questions allows a culture of business to continue that may be detrimental to all aspects of the lives of our students, other third parties, the companies they will work for and ourselves. Consider a further comment by Duska:

. . . to the extent that “maximizing profits” becomes a legitimization of greedy practices we have an erosion of the ethical climate of the business environment. To the extent that we allow phrases such as “that’s business” to legitimate cut-throat competition we have an unethical climate. One of the most insidious mistakes made in discussing business ethics is that made in viewing the only responsibility of business to be maximizing profits (Duska, 1997, p. 1407).

Thus, to allow this most fundamental and widely held view to go unchallenged by students is to perpetuate an unethical climate.

If the question about the purpose of business and whether or not there are options beyond profit maximization were the only important question to address in business ethics, then it might be that we could simply incorporate this question into a professional ethics course. After all, it is not only business students that have this view of business and
many would benefit by an examination of the question. However, there are also questions about the nature of markets. For example, should everything that can be dealt with in the market place be placed in the market place? Is it true that everything that we can do to make money is an endeavor that we can permissibly engage in? For example, is it moral for a business to make money by denying a sick individual access to healthcare? Alternatively, are there other mechanisms that are better suited to deal with some circumstances (medical care, roads, etc.)? Even the very nature of capitalism needs to be examined, not simply from the position of trying to figure out how it works, which presumably is explained in standard business curriculums, but also a fundamental examination of capitalism with a critical eye towards what it entails and whether or not it is a good practice, morally speaking.

All of these questions are questions that business students should consider, yet this is clearly too much to include in a professional ethics course, where the focus would be on questions of role differentiated moral considerations. The solution to this problem, where these fundamental assumptions go unexamined is to have a separate business ethics course for business students (preferably required, not just suggested).

The second reason that we would offer for having a stand-alone business ethics course is that it allows for the application of moral principles specifically to business settings. This has two distinct advantages. First, students are more engaged if the examples are interesting and relevant to their course of study. Presumably business students would be very interested in business examples. Second, it helps form views about how business should be conducted, while using as examples the very types of scenarios that students may one day find themselves facing. This allows for a clearer understanding of how moral principles apply to business settings.

Both of these reasons lead to a distinct pedagogical advantage to teaching a stand-alone business ethics course rather than a professional ethics course that also applies to business students. The advantage comes from the reasons just explained and from the fact that a professional ethics course is already difficult enough to teach and ensure proper coverage of topics in professional ethics, even without the most important topics in business ethics. To include both topics in a single course is to do a disservice to students in business and those that have a professional trajectory.
5. AN OBJECTION

At this point we would like to entertain an objection that could be raised to the view outlined above. This objection is not conceptual, so much as pedagogical. It stems from the claim that it is good for business students to have an ethics course that specifically uses business examples. If this is the case, then why not argue for stand-alone courses in every area of ethics and the various occupations that should include an ethics course in the curriculum? For example, we should also be arguing for a stand-alone course in engineering ethics, journalism ethics, ethics in teaching, etc. Thus, the above argument seems to lead to an explosion of ethics courses. To some extent, our response to this objection is to agree. Students in those disciplines may very well benefit from such focused courses. Moreover, some disciplines have issues that seem to require such a stand-alone course (journalism, for example). However, many of the issues that would come up in these other course are also questions that arise in business ethics (whistleblowing, for example). Thus, while it may be beneficial to allow for such an explosion of ethics courses to occur, the benefits for non-professional trajectory students will largely be met in a business ethics course. However, we would advocate for such an explosion if there were sufficient faculty in a department to teach all these courses and sufficient students to make it viable to teach such courses.

6. IN CONCLUSION

The separability thesis and the argument against businesspersons as professionals have implications beyond the pedagogical. The recent financial crisis demonstrates just how dangerous it can be to view business as adhering to a different set of moral standards. The risk undertaken by financial institutions, the loans granted without proper collateral, and the insuring of mortgage-backed securities all represent—in part—a moral failing on the part of businesspersons. They exposed investors, including pensioners, to undue risk and eventual harm. While these practices and their associated risks may be viewed as business as usual, for many they clearly represent a failure to reflect on the moral implications of unbridled profit maximization. More than ever, students need to learn how not to conflate legally acceptable actions with morally acceptable ones.
NOTES

1 An earlier version of this paper was presented at the Thirteenth International Conference on Ethics Across the Curriculum, Saint Louis, Missouri, November 4th, 2011.

2 The implication of this definition is of course that all professions are occupations, while not all occupations are professions.

3 Assuming of course I desire to be in good health. I may avoid going to the hospital because I have made a decision not to seek help for a particular (perhaps terminal) condition. Nevertheless, most of us do not view healthcare as something that is merely one optional activity amongst many. If all professional sport were to disappear tomorrow, our way of life would not be fundamentally altered. On the other hand, if the medical practice ceased to exist tomorrow, our lives would be affected in a fundamental way.


5 Alternatively, Alan Goldman (1980) refers to these roles as “strongly differentiated.” Goldman, In describing strongly differentiated roles, writes, “For the stronger concept of role differentiation to apply, it must be the case that the occupant of the position be permitted or required to ignore or weigh less heavily what would otherwise be morally overriding considerations in the relations into which he enters as a professional. Professional duty must systematically outweigh these considerations, as it would not if each such relation were evaluated individually from the point of view of general moral theory (Goldman, 1980, p. 3).”

6 Friedman’s (1970) view is actually more nuanced than this, and we could be accused of making the same category mistake that he criticizes, that is, “business” is not the sort of thing that can have responsibilities at all.

7 This final point is made with full acknowledgement of the difficulty of specifying harms that may be permissible for business to cause and those that may not be. For example, a business may harm the community in which it is located by making certain permissible business decisions(e.g., to relocate a manufacturing plant). Such decisions may be harmful, yet permissible for the business in question.

8 In Friedman’s (1970) *The Social Responsibility Is to Increase Profits*, and Carr’s (1968) *Is Business Bluffing Ethical?*

REFERENCES


