

PERSPECTIVES

On the Professions

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"Writing a Code of Ethics"

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Several times a year CSEP receives an inquiry from another professional society: "Do you have anything on how to write a code of ethics?" Each call reminds us of how little is in print on that subject. Those who write professional codes rarely publish much about the process. Why? Doubt that others can learn from them? Too busy to do what academics routinely do - observe, record, analyze, and publish? Too worried about confidentiality?

Preparing this issue of Perspectives left such questions unanswered. I listed everyone I knew to have helped write a code of ethics, and then asked one after another to write something helpful about code writing. A few declined because of other commitments, but the refusal rate was not high, nor was there any obvious pattern to the refusals.

First Professional Code?

I also asked Robert Baker, who has not written a code of ethics, to write about a favorite subject, the history of such codes. His piece, though no help understanding why so little is written, gives historical context to the three pieces following it.

Baker dates the first code of professional ethics between 1794

and 1808, explains why professional codes replaced the older ethics of oath and gentlemanly honor, and even tells us something about the origin of what he thinks was the first professional code.

A hospital asked Thomas Percival, a physician there, to draw up rules to guide its physicians and surgeons. Having done as asked, Percival generalized the guide, creating something like a textbook on the law and etiquette of practicing medicine in England (*Medical Jurisprudence*, 1794). After eight years of hearing what readers thought of that work, Percival revised it, publishing the result under the new title *Medical Ethics*, and promptly died, leaving behind no equivalent work on how to write a code of ethics. Indeed, I am less sure than Baker that Percival ever wrote a code of ethics. Why?

Percival's Achievement

The word "code" comes from Latin. Originally, it referred to any wooden board, then to boards covered with wax used to write, then to any book, and finally to an authoritative systemizing of laws because the Emperor Justinian called his book- digest of Roman law a "code". Justinian's code (529 AD) differed from an ordinary digest or other compilation of law in one important way: his was enacted

into law, replacing everything that came before. The Justinian Code began Roman law anew.

Since then, anything sufficiently like Justinian's large-scale rulemaking has also been a code. For example, the spy's "secret code" (cipher) is a code because it is an authoritative system of written rules (something analogous to laws), though only concerned with converting one set of symbols into another (ciphering and deciphering). "Computer code" is code because it resembles the seeming nonsense spies wrote.

The subtitle of *Medical Ethics* (which Baker omits) begins: "A Code of Institutes". This odd expression suggests that (even in 1803) Percival did not think of himself as publishing a code (strictly speaking). The term "institutes", like "code", goes back to Justinian. Justinian's *Institutes* was a textbook in "jurisprudence", a digest of laws and legal opinions designed for law students. Percival's odd combination of "institutes" with "code" permits only an extended sense of "code", for example, code as mere systematic treatment of its subject.

Because Percival lacked the authority to enact rules for his profession, *Medical Ethics* must be a digest or textbook, not a code (strictly speaking). Only the rules Percival wrote for his hospital

were (once adopted) a code.

Could Percival have written a code of ethics by putting an unwritten code into writing? That is a question of how far to stretch the analogy with Justinian's code. An analogy stretched too far will snap, harming where it should help. If "unwritten" simply means having an authoritative form not yet in writing, then codes can be unwritten. The constitution of medieval Iceland was unwritten in this way. The Icelanders, being illiterate, preserved its exact text in verse. Each year, at the opening of the national legislature, a bard sang the verses, just as he would a saga. Any dispute about the wording of the constitution could be settled by singing the appropriate verse.

The medical ethics of Percival's time does not seem to have been unwritten in this way but in another: before Percival wrote his book, medical ethics had no authoritative formulation. Since the point of codification is to give law (and, by analogy, any similar system of guidance) an authoritative formulation, a code without an authoritative formulation would seem to be no code at all. Any code, including any code of professional ethics, must have a set form (written or oral).

Ethics?

Did Percival at least write rules of professional ethics? That depends on what "ethics" means here. The term "ethics" has at least three senses in English. It can be a) a mere synonym for ordinary morality, b) the name of a field of philosophy (the attempt to understand morality as a rational undertaking), or c) the name for some special, morally permissible standard guiding members of a

group (for example, the ethics of gentlemen).

It is only in this last sense that professions have their own ethics. Legal ethics, for example, governs lawyers (and no one else). A profession's code states in authoritative form the special standard governing its members, a morally permissible standard everyone in the profession wants everyone else in the profession to follow even if that would mean having to follow it too. A professional standard is morally binding because it constitutes a practice from which each participant benefits if others do their share, a practice each voluntarily enters by claiming membership in the profession (and having that membership acknowledged by other members). Professional ethics is voluntary in a way neither law nor the regulations Percival wrote for the physicians and surgeons of his hospital are. Was that voluntariness what Percival meant to convey when he substituted "medical ethics" for "medical jurisprudence"?

What follows from these definitions is that, while Percival may have invented the term "medical ethics" and certainly wrote "institutes" of ethics, he could not write a code of professional ethics. Writing such a code had to wait until a sufficiently authoritative body, the profession itself, adopted something like Percival's standards. By Baker's reckoning, that could not be before 1808, when the Boston Medical Society adopted a code of ethics for its members.

How should one write a code of professional ethics today? While there may be no single answer to

that question, we may learn much from comparing what professional societies have done recently.

Professions and Business

Donald Gotterbarn describes the writing of two professional codes, the "Code of Ethics and Professional Conduct of the Association of Computing Machinery" (1992) and the "Software Engineer's Code of Ethics and Professional Practice" (1999). Writing the ACM code seems to have been a relatively informal process. Writing the SE code, the work of two large societies, was much more formal, involved many more people, and took much longer.

Despite these (and other) important differences between the two codes, there are several striking similarities. The actual drafting of each was primarily the work of a few people. The editing and revision had somewhat wider participation, but only ratification involved the general membership or even their elected representatives. Gotterbarn prefers the more structured process by which the SE code was written, especially the formal reviews that brought in people who might otherwise not have come in until ratification.

Our next piece on writing a professional code may embody in full the ideal Gotterbarn only sketches. In "Developing a Code of Ethics for Early Childhood Education", Kenneth Kipnis and Stephanie Feeney describe a process that, almost from the beginning, involved a substantial part of the profession. For example, over 800 pre-school teachers sent in answers to the first ethics questionnaire. Later, each draft of the code was not only published for comment but

tested by hundreds of 11 end-users"- -much as "beta" software is. (is there more to learn from the analogy between codifying ethics and writing software?)

In our last piece, Michael Hoffman summarizes two decades of helping businesses write codes of ethics. Business codes may seem too far from professional codes to deserve mention here - yet Hoffman's conclusions generally reinforce those of Gotterbarn and Kipnis-Feeney. For example, Hoffman stresses that, while every code needs one "Thomas Jefferson" to give it coherence, those expected to follow the code should be brought into the process as early and as often as possible.

Somewhat more is in print on how to write a code of business ethics than on how to write a code of professional ethics. While professional societies would certainly benefit from a systematic comparison of professional codes like that the Ethics Resource Center has done for business, they might also benefit from what is already in print about codes of business ethics. Code writing is one activity business and professional ethics have in common.

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"Codes of Ethics: Some History"

Robert Baker, Philosophy,
Union College

From accountants to zookeepers, professionals of all sorts seem to

have a code of ethics these days. It was not always so. Until about 1800, ethics, especially professional ethics, was about character, honor and dishonor, virtue and vice. Ethics had nothing to do with formal codes of conduct. A true professional, being a gentleman, needed no written instruction in how to behave.

The First Code of Ethic

Thomas Percival (1740-1804) of Manchester, England, first proposed a code of ethics for physicians and surgeons in a pamphlet published in 1794. The expanded version (1803) coined the expressions "professional ethics" and "medical ethics".

Percival's proposal for a code of medical ethics had resonance in America. The Boston Medical Society had such a code by 1808. Percivalean codes thereafter slowly supplanted the ethics of honor in the U.S. By 1847, the newly-formed American Medical Association adopted a Percivalean "Code of Ethics", the first code of ethics adopted by any national professional society anywhere, and the first to be denominated a "code of ethics". By the beginning of the twentieth century, codes had become the dominant form of professional ethics in the U.S. Today, a formal code of ethics is the hallmark of professionalism for professionals everywhere.

This crude history describes how codes supplanted the earlier ethics of gentlemanly honor, but the interesting question is why they supplanted them. Codes of ethics differ from their precursor, "the code of honor", most noticeably in format, their "codification". The word "codification" was coined by Percival's contemporary, the English philosopher Jeremy

Bentham (1748-1832), for the standardization he was trying to bring to British law.

At the time, British law was primarily "case law", the legal judgments of judges. Statutes were "special law", generally adopted in response to a specific problem the judges had not resolved as Parliament liked. Text books had to provide any system the law had. Bentham wanted to replace judgemade law with statutes bringing system to entire legal subjects, such as criminal law or evidence. Medical ethics, which Percival originally called "medical jurisprudence", was an analogous attempt to bring system to the individual moral judgments of medical professionals.

To appreciate the importance of Percival's innovation, one needs to understand how individualistic medical ethics had been.

Oaths

The word "profession" is Latin for "bound by an oath." In Roman times, one's "profession" was the occupation one declared to a tax collector under oath. About 100 AD, a Greek Physician, Scribonious Largus, redefined the "medical profession" in terms of the Hippocratic oath. In medicine at least, the term "profession" thereafter identified an occupation whose members had special obligations to those whom they served.

Veneration for the Hippocratic "corpus" (the collected works of Hippocrates and his followers) was part of the Renaissance rediscovery of classical texts. In 1525 and 1526, authoritative Latin and Greek versions of the Hippocratic corpus were published, and academic medical institutions began to teach

Hippocratic moral precepts, in particular the oath, thereby cementing the identification of medical professionalism with fiduciary obligations to the sick. Shortly thereafter, some academic institutions resurrected the practice of having entrants swear a version of the Hippocratic oath. In medicine, therefore, being a member of a "liberal profession", that is, a profession that demanded literacy and thus some form of education, was identified with the idea of taking on (by oath) moral obligations beyond those of an ordinary gentleman.

From the Renaissance through the Enlightenment, ideals of gentlemanly honor infused the "Hippocratic oaths" sworn by medical practitioners, not only in Europe, but in European settlements in the new world. As late as 1807, the Medical Society of the State of New York required practitioners to sign the following oath upon admission to the society (an admission carrying with it the right to practice medicine in the state):

I do solemnly declare, that I will honestly, virtuously, and chastely conduct myself in the practice of physic and surgery, with the privileges of exercising which profession I am now to be invested; and that I will, with fidelity and honor, do everything in my power for the benefit of the sick committed to my charge.

If we scrutinize professional oaths like this one, we find their language to be highly subjective. They use the first person singular. They are activated by the performative "I swear" (or, in this case, "I declare"). They commit the oath- to general ideals couched in inspiring language, and subject to personal

interpretation. The original Hippocratic oath committed the swearer to act in the best interests of the sick "according to my ability and judgment". The New York oath requires practitioners to practice "honestly, virtuously, and chastely" and to act with "fidelity and honor"-ideals far too general to provide much guidance.

As the New York oath attests, in the era of gentlemanly honor, ethics focused on the character of the practitioner (especially, his honesty, chastity, and virtue). Since character was the chief guarantor of the integrity of professional conduct, even a hint that a professional's character was less than honorable was a serious matter. Indeed, stains on character tended to be irreparable. Individuals therefore went to extraordinary lengths to preserve their "good name and reputation." They brought law suits, engaged in "pamphlet wars" (exchanges of hostile pamphlets), and even fought duels.

Dangers of Honor

The need to guard personal honor zealously may have helped to preserve professional standards among solo practitioners, but it also tended to undermine the largescale cooperation that characterizes modern professional institutions (law and medical schools, law firms and medical hospitals, and so forth). For professionalism to assume its modern form, some alternative conception of "professional morality" was required.

Thomas Percival seems to have been the first person to appreciate this point - and thus the first to propose writing a code of professional ethics. A practicing physician, a leader of the Manchester Philosophical Society,

an anti-slavery activist, and a world- author of moral parables for children (such as *A Father's Instructions to His Children*, 1775), Percival came to doubt the ethics of character only reluctantly, after a spectacular breakdown in professional morality at his own hospital, the Manchester Infirmary.

In 1792, a festering dispute, exacerbated by a pamphlet war, erupted into a work stoppage by surgeons that coincided with the outbreak of an epidemic. Hospital trustees were outraged that desperate patients were being turned away from the hospital because of a dispute between surgeons. They called upon Percival to lead a committee to draft rules to prevent any recurrence of this fiasco. The committee drafted the needed regulations, which were promptly implemented. Then, two years later, for reasons unknown to us (most of Percival's personal papers were destroyed during the bombing of Manchester in World War 11, Percival published *Medical Jurisprudence or a Code of Ethics and Institutes' Adapted to the Professions of Physic and Surgery*. Nine years later he issued the revised pamphlet as a book, *Medical Ethics*.

Percival's Innovations

Percival's code of ethics was unlike anything published before. It banished the first person singular, the language of oath, subjectivity, and idiosyncrasy, replacing it with the second and third person plural. Standards of conduct were formulated in numbered "duties". The duties, some quite detailed, were justified by the medical profession's core collective responsibility to care for the sick. As is typically the case with professional ethics, in

affirming this core responsibility, Percival also asserted the moral authority and independence of medical professionals, especially, their authority over the hospital trustees who were their nominal employers.

Percival knew from personal experience that the lay trustees of eighteenth-century hospitals, rather like the trustees of some twentieth-century managed care organizations, were not always trustworthy guardians of the profession's fiduciary responsibility to serve "the ease, the health, and the lives of those committed to their charge." Trustees were sometimes tempted to overcrowd words or use "drugs of inferior quality". Noting that such cost-strategies were typically counterproductive, Percival stated that, even if they were not, physicians and surgeons had a professional obligation "not [to] suffer themselves to be restrained by parsimonious considerations from prescribing drugs [since] no economy of a fatal tendency ought to be admitted into institutions founded on the principles of purest beneficence".

Percival's code of ethics thus gave medical professionals a moral mandate to appraise the conduct, not only of fellow professionals, but of their nominal superiors and employers, hospital administrators, managers, and trustees.

Percival drafted the first code of professional ethics in response to a particular crisis arising from the mismatch between the personalized ethics of individual honor and the requirements for standardization inherent in a modern institution, the hospital. Modern professions adopted his

innovation, codes of ethics, because they needed its fundamental elements: a) common standards (to support extensive cooperative endeavors); b) the minimization of the interpersonal strife that the emphasis on individual honor encourages; and c) a framework of Weals that permits professionals to assert their independence of their nominal employers in the name of service to others.

"Two Computer-Related Codes"

Donald Gotterbarn, Computer Science, East Tennessee State University

I have been involved in writing two codes of ethics. One was the "Code of Ethics and Professional Conduct of the Association for Computing Machinery" (ACM code). Work began on that code early in 1991, with adoption late in 1992. The other code was the "Software Engineer's Code of Ethics and Professional Practice" (SE code). Work on that code began in 1993, with adoption in 1999. The two codes were as different as the time between conception and adoption. The process of writing them was also different. Let me begin with the codes themselves.

Two Formats

The ACM code, governing only ACM members (whether full members, associates, or students), consists of a preamble and twenty-four "Imperatives" divided into four "sections". The first section consists of eight "General Moral Imperatives" (for example, 1.1 Contribute to society and

human well-being "); the second, of eight more specific "Professional Imperatives" ("2.1 Strive to achieve the highest quality, effectiveness, and dignity in both the process and products of professional work"); the third, of six special responsibilities of computer professionals in leadership roles ("3.1 Articulate social responsibilities of members of an organizational unit and encourage full acceptance of those responsibilities"); and the last, of two imperatives concerning the code's realization in practice ("4.1 Uphold and promote the principles of this Code"). The preamble explains how to use the code. Under each imperative, there are "Guidelines" designed to help with interpreting the imperative. The Guidelines are more like explanations of the imperatives than like additional rules.

The SE code was the work of the world's two largest software-related societies, the ACM and the Computer Society of the Institute of Electrical and Electronic Engineers (IEEE CS), but applies to all software engineers, not just to the minority who are members of ACM or IEEE CS. That is one difference between the two codes.

Another difference is in organization. The SE code begins with a "Short Version", consisting of a Preamble and eight short principles (for example, "Software engineers shall act consistently with the public interest.") Each principle bears a key-word: Public, Client and Employer, Product, Judgment, Management, Profession, Colleagues, and Self.

The Short Version, suitable for posting, is followed by the "Full Version", which has its own

preamble and the same eight principles as in the Short Version (with the same key-word titles). Below each principle are anywhere from eight to fifteen specific rules (for example, 1.1 [In particular, software engineers shall, as appropriate] accept full responsibility for their own work.")

A third difference between the two codes is that, though about the same length, the SE code is much more specific than the ACM's. In part, this is simply a consequence of substituting specific rules for the ACM code's discursive Guidelines. But, in part too, the difference has a more fundamental cause. The ACM code covers a great many activities related to computing; the SE code covers the work of one profession, software engineering. The SE code can be more specific because there is an underlying occupation with a relatively welldefined practice to be guided.

ACM Process

How did these two codes come about? Before the present ACM code, there was another, what I would describe as a "disciplinary code", that is, one designed to work in the way the criminal law does, to provide standards for administering discipline. In 1991, Ron Anderson, former president of the ACM Special Interest Group in Computers and Society, received a grant from ACM to revise that code. He wanted a broad base of contributors. In February 1991, at the annual ACM Computer Science Conference, he recruited several people to work on the new code. He circulated a first draft, primarily an outline, at the Conference on Computing and Values later that year. The first

reaction to this first draft was not good, primarily because it was mistaken for the final draft. The Conference nonetheless provided a good opportunity to do concentrated work on the code.

The process of creating a code of ethics, especially winning adoption, is always political. External considerations including everything from whom this will help or hurt to who wrote what distract from the real work. As our little working group realized this, we revised the code accordingly. Let me give one example of this political work.

Imperative 4.1 now simply urges ACM members to "Be fair and take action not to discriminate", but it originally included a short list of prohibited subjects of discrimination. Various special interest groups wanted to add their own interest to the list. To avoid an ever-expanding list, we needed to make clear that our list was not intended to be exhaustive. So, we moved the entire list from the Imperative to the corresponding Guideline. The generality of the Imperative now captures all types of discrimination. The Guideline provides enough specificity.

The third draft was published in Communications of the ACM with a ballot asking members to vote on each item in the code. The vote was favorable, except for one provision covering copyright. We revised again. Three members of the committee that wrote the code - of which I was one - then presented the code at the morning session of the ACM Council on 16 October 1992. Since the presentation went well, we did not stay for the afternoon session at which the code was to be voted on. That was a mistake. The Council made a number of

revisions before coming to a final vote. Some of those revisions were significant. I believe that we could have prevented those revisions had we been there to explain why we had done things the way we had. The lesson I took away from that experience is that those who know most about a proposed code must stay with it until it is safely passed. You can't expect those who have not worked on the drafts and participated in extended discussions about them to understand the final product as well as those who did.

SE Process

The process by which the ACM got a new code was relatively simple compared to the process by which the software engineers got theirs. The SE code was the work of two large societies rather than one, societies that, though sometimes cooperating, are always competing. They are also quite different societies. The ACM is primarily American, primarily concerne with computers, heavily academic. The IEEE is an international engineering society (with a very large American division). Its Computer Society section is just one interest group among many; the membership of that section, like IEEE membership generally, is primarily drawn from industry.

Having to maintain cooperation between two such societies made every step of the process of writing the SE code more difficult than the corresponding step in writing the ACM code. Even minor actions required the joint approval of, or a compromise between, the two societies.

Though the SE code took much longer to write than did the ACM code, the result was at least as good. The IEEE has elaborate

procedures for writing and approving technical standards. The SE code was reviewed like an ordinary technical standard. The procedures required formal reviews in various countries at various stages. The reviews provided good input. The IEEE procedures also prevented the sort of last-minute amendments that occurred when the ACM code was adopted. By the time the SE code came up for a final vote in the two societies, everyone voting on it had already been involved in the process. It was unlikely that there would be any last minute surprises.

Lessons

I have been pleasantly surprised at how successful the SE code has already been. A number of companies have adopted it as their standard of practice. Part of the attraction of the SE code may simply be that it fills a void. There is no other document that provides the same sort of guidance for people who design, develop, test, and maintain software. But perhaps another reason is that the code is specific enough to offer real guidance. I have noticed two typical responses from people reading the code. One is, "Nothing new here." The other is, "That is just what we should be trying to do." It is this second response that has made the code a success. For example, there was a company having serious software problems. Its CEO distributed the SE code to different departments, asking what standards they were following and not following. They used the code to clean house.

That's one lesson I'd draw from my experience. Specificity helps. Another lesson is to take into consideration the audience that will be looking at the code, have a

process that involves as many of them as early as possible, and have in place a well-planned procedure for adoption. And, of course, every project needs to include some people ("closure freaks") who get upset if the project is not moving along.

"Developing a Code for Early Childhood Education"

Kenneth Kipnis and Stephanie Feeney, University of Hawaii at Manoa

From 1984 to 1989, a professor of philosophy (KK) and a professor of education (SF) together helped to develop a code of ethics for the National Association for the Education of Young Children (NAEYC), a professional association having more than 100,000 members working in early childhood education (ECE). Since its adoption in 1989, the "NAEYC Code of Ethical Conduct" has been included in NAEYC's guidelines for teacher preparation programs, referenced in NAEYC's procedures for accrediting early childhood programs, reprinted in ECE textbooks, and extensively treated in two recent NAEYC publications. Copies are at hand in thousands of early childhood settings and consulted when ethical problems arise for preschool teachers. We believe this code has been a remarkable success. What accounts for its success? Codes of ethics, we believe, must meet the twin standards of comprehensiveness and ownership. Comprehensiveness requires that a code set out practical guidance

for all the common ethical problems that arise for practitioners. Some questions are answered directly but others must be settled by combining sound professional judgment with general directions provided in the code. The second standard, ownership, requires that members of the profession generally take the code as defining their shared professional commitment. In this regard, how a code gets developed is at least as important as what it says.

The challenge is to deliver a document satisfying both standards. Few do. What follows is intended as a useful sketch of what was done in this one instance.

Organizational Prerequisites

Code development is best conceived as an educational process that can involve thousands of participants. While robust channels of communication are vital to achieving transparency, it is also essential that (1) the membership feel a need for authoritative guidance, and (2) a stable and knowledgeable leadership undertake to advance the profession by meeting that need. Where leadership is unstable - where, for example, governing boards turn over frequently - those in charge at the end of the process will not have initiated it. A visible, trusted structure within the organization must be there to shepherd the code: NAEYC established a standing Ethics Panel.

Professionals may not welcome codes. If they provide unambiguous guidance, they will define some conduct as unprofessional, constraining

practitioners. Some professionals may not want to be told what to do, even by their colleagues. Others may believe their pre-professional morality is all they need. Finally, if a code is desired merely for its public-relations value, there may be no genuine buy-in. No buy-in: no ownership.

Buy-in needs to be nurtured and assessed. After preliminary discussions with NAEYC leadership, we published an article in the NAEYC's journal *Young Children*. The following ethical problem, well-known to preschool teachers, served to capture attention:

The Nap: Timothy's mother has asked you not to let her four-year old son nap in the afternoon. She says: "When he naps, he stays up until 10 p.m. I go to work in the mornings and I am not getting enough sleep." Along with the rest of the children, Timothy takes a one-hour nap almost every day. He seems to need it to stay in good spirits in the afternoon.

We argued that, to grapple with the ethical dimension of their professional work, early childhood educators had to sort out, for example, what was owed to parents and what to children. Reviewing several examples, we asked, in an appended questionnaire, whether NAEYC should undertake to provide practitioners with ethical guidance. More importantly, we asked for ethical problems encountered by those working in the field.

Over 800 questionnaires were returned along with hundreds of problems: a very good response by NAEYC's standards. Having empirically demonstrated

membership buy-in, NAEYC's leadership readily decided to support code development. The database of submitted problems served as our basis for a comprehensive code.

The Workshop Exercises

With the assistance of NAEYC and a grant from the Wallace Alexander Gerbode Foundation, we conducted a series of 3-hour workshops with leadership groups around the United States. These working sessions, with roughly 3060 participants, were an essential part of code development.

We started by describing how professional ethics differs from law, personal values, institutional policies, and personal morality. In ECE, professional ethics can be grounded in a consensus about what good early childhood educators should care about. We divided participants into groups of about 3-6 to develop core value lists. Anyone could nominate a value, but a candidate core value could be added to a group's list only if all others in the group endorsed it enthusiastically. Vetoes tended to filter personal values.

After about fifteen minutes, one small group was asked for a value with strong support. The value was written on a poster. Other groups were then asked for values they had listed that roughly corresponded to the one on the poster. These variations were entered below the first. This done, a second group was asked for a different core value. This was entered on a second poster. Variations were then solicited from the other groups for entry below. This continued until all values listed by the groups were

organized and on display.

Participants were commonly surprised by this consensus. In fact, there was so much consensus about the core values of ECE that, after several such workshops, we could confidently predict the outcome.

Following this "Core Values Exercise", we redivided the participants into somewhat larger groups. From the hundreds of ethical problems returned with the questionnaire, we had created a set of fictionalized case-studies capturing the salient value questions in ECE. Each group was given one of these and asked to reach consensus on how the good early childhood educator in that situation should respect the core values now on display. Participants were not to appeal to personal morality, personal values, law, or institutional policies. However, new core values could be added to the list if they were needed to resolve the case and unanimously supported by the group.

After this small group work, the full set of cases was distributed to all participants. After each case was read aloud, a group reporter presented the consensus, setting out the favored practical response and the core values supporting it. Discussion followed, but the constraining influence of the core value list made disagreement unusual.

Approached in this way, problems in professional ethics are understandable either as value conflicts or, less commonly, as the product of value ambiguity. In "The Nap," for example, a well-motivated concern for the child's welfare conflicts with an equally

well-motivated concern to respect parental decision-making. Here the profession needs a priority rule. In other cases, however, a single core value is ambiguous. For example, though family confidentiality has to be respected, an ethical problem can arise when a noncustodial parent asks for "confidential" information about the child. Resolution requires the profession to "disambiguate" the term "family."

In a series of articles in *Young Children*, we presented some frequently occurring ethical problems, solicited help in resolving them, and wrote follow-up articles discussing suggested resolutions.

The Code and Its Revisions

After looking at other professions' codes, we prepared a draft for discussion at an NAEYC annual conference. The discussion prompted revisions. A revised draft was then published in *Young Children* along with a request for suggestions. These suggestions led to further revisions. A final draft of the NAEYC Code was submitted to the NAEYC Governing Board, which readily adopted it.

The code consists of a preamble and four sections. The preamble introduces the code, articulating some of the basic commitments of the field. The four sections that follow treat the field's constituents: children, families, colleagues, and the larger society. Each section includes "Ideals" and "principles". The Weals point to the ways in which the profession's values can be furthered, describing exemplary professional conduct. The principles commonly draw lines between

acceptable and unacceptable conduct, conduct betraying the profession's core values.

In "The Nap", the values in conflict pertain to the family and the child. While a family ideal calls for respecting the family's childrearing values and its right to make decisions for its children, Principle 1.1 reads:

Above all, we shall not harm children. . . This principle has precedence over all others in this Code.

Thus, whether Timothy should be kept from napping turns on whether doing so will harm him. "The Nap" calls for a judgment about a child's needs, a judgment squarely within the competence of his knowledgeable teachers.

Every problem we collected was checked against provisions in the code. Comprehensiveness was achieved on the basis of the 1988 problem set. But since then, NAEYC members have forwarded new issues to the Ethics Panel. The Panel regularly revisits the code and has twice incorporated revisions to reestablish comprehensiveness.

The NAEYC deserves credit for sustaining a living channel of communication between its Ethics Panel and the many who have struggled to find their way in a field having more than its share of dilemmas.

"Writing a Company's Code of Ethics"

W. Michael Hoffman Center
for Business Ethics, Bentley
College

I do not write codes of ethics. I help companies write them. I have helped several dozen companies as a paid consultant, more in less formal ways. Every company was different. Some came in with only the general idea that they should have a code; some came in with a rough draft they wanted me to criticize; some came in with a draft already printed and bound.

No matter at what stage of drafting they were, I would begin with the same advice: I should not be the one to write their code of ethics; they should. They know their culture, the ethically sensitive areas in their operation. Next, I would tell them that writing a code of ethics is not just puffing words on paper. Writing a code is at least as much process as outcome. They need to think carefully about how they will get "buy in" from every part of the company, how the code will guide practice, and how the code will be used to teach good practice.

What then? The Bentley Center for Business Ethics keeps a collection of corporate codes. If a company thinks it needs a "benchmark", I send them a few of these, telling them that they will have to adapt them to their own environment. Later, as the draft develops, I make comments, for example, "Too much legalese, write so that people in your company can understand it." I look at the content, readability, length, and omissions ("Why nothing about conflict of interest?"). I may suggest

including pictures, bullets, big type, a question-and answer section off to one side-things to make the code "user friendly".

A code should be more than the rules of the road; it should include a statement of the company's core values. If the company does not have such a statement, then the first words they put on paper should be a statement of core values. The code should be organized around the core values.

Among the things that make a code "user friendly", the most commonly overlooked is advice on how to use it. The code should include a telephone number for getting interpretations of the code, a procedure for raising an ethical issue ("first go to your supervisor, then to..."), and even a procedure for suggesting changes in the code. The code should also include an ethical decision-making model ("Step 1: Check your facts, Step 2....").

There are also subtler issues of tone to consider. For example, I was once asked to look over a code titled "Our Responsibilities". Good title, but every rule that follow,i J began with "it is your responsibility to..." I suggested changing every "your" to "our", understanding that the rules would apply to everyone in the company, top management included.

Helping with the process of writing the code is as important as helping with the code's form and content. One thing I tell every company that comes to me is that a code needs someone within the company who writes well - a Thomas Jefferson - to give it order, clarity, and precision. But the code should pass through many stages before that local

Thomas Jefferson gives it a "final" shape. The code should not be written by one person, or even just one group (such as senior management or the public relations department), and then shipped out. Any task force drafting a company's code of ethics should involve representatives from every level of employee.

"Every level" means every level. I once had a company come to me with a plan for drafting a code that they thought met this standard. As I looked through the plan, I realized that it omitted one group, unionized employees. I asked why. The omission was not an oversight. They (the company's officers) had thought about including union representatives but decided not to because they thought the union would not be interested or would be hostile to the project. I told them they should at least try to bring the union in. After all, it represented a majority of the company's employees. The company eventually agreed to try. The union surprised them; they participated willingly and well. Later, the company told me that including the union was the best advice I gave them.

Once the local Thomas Jefferson has polished the draft, the company generally wants to print it on slick bond, with a stitched binding and handsome cover. I tell them to print it on cheap eight-and half-by-eleven paper, stapled inthe upper left corner, with "DRAFT" in large type at the top of every page. However finished the code seems to those who wrote it, the company as a whole should first see it as a draft sent out for comment.

That the code is sent out only in rough draft does not mean that it should not be used. It should be used right away, for example, in the company's ethics training program. Using "pilot" versions of the code is the best way to find out how clear it is, how relevant to actual problems, and how appropriate are its recommendations. The training program should give employees ample opportunity to work with the code and make suggestions for its improvement. Like any good ethics training program, one testing the code should be organized around " cases" that might arise at the company.

The code should go through several pilots before it goes out in its final form. "Draft" should be noted at the top of the code each time until it is finalized. Employees should feel they have had a part in drafting the code; they cannot feel that unless they have had a part in drafting it. They must see the code changing in response to their input.

If employees are not brought into the process in some such way as I have suggested, they will be turned off. The code will seem something "they" have imposed on "us". That's not what ethics should be. Ethics should be part of an organizational community. Everything should be done to make employees see that having a code of ethics can strengthen the ethical environment in which they work, as well as protect the company legally. Everything should be done to make employees understand that the code is subject to change, revision, and renewal - and that they will have a part. So, in a sense, the code is never finished.

Not every attempt to write a code of ethics ends in success. One example of "failure" may suffice to make clear what can go wrong. Once I was asked to consult at a company whose leaders seemed committed to an ethics program. After I gave my usual advice, they began the process of creating an appropriate task force. Letters were sent out to employees indicating top management support. Then, somewhere along the line, someone important must have asked, "Do we really need a code of ethics? Why not just have a compliance program?"

Whatever happened, happened behind closed doors. So, I don't know what the reasoning was. Perhaps someone realized that the ethics program would take resources needed for another department. Perhaps the board of directors realized that an ethics program would change the company in ways they did not want it changed. But, at some point, the company decided they didn't want an ethics program.

All this was very disheartening for me. I had already spent lots of time on the program. I had talked with employees and persuaded them that an ethics program was a good idea. The employees were excited. Commitments to the importance and benefits of the program had repeatedly been made from the highest levels of the company. Then, someone come along and stuck a needle in the balloon.

But, most disheartening, I thought the company was making a mistake. A company without an ethics program is a company at risk. How much risk? I recall another company that began its ethics program by doing a survey

of employees to gauge the company's ethical climate. Top management found the results shocking. They had not appreciated how little ethical guidance they had been giving - or what effect the absence of guidance was having.

I had no formal preparation for this sort of consulting. I began my career at Bentley more than twenty-five years ago with a Ph.D in philosophy. As chair of the Philosophy Department, I tried to "hook up" philosophy with business ethics. After a while, I sounded knowledgeable enough that business professors began to ask my help in their consultations. I have been fortunate to have good partners who helped me gain a great deal of experience before I tried consulting on my own. The opinions expressed here are the fruit of that experience.

"Announcements"

CONFERENCES: The Seventh Annual International Conference Promoting Business Ethics, Ethics: The Guiding Light, will be held at the Hotel New Yorker, 481 Eighth Avenue, New York, September 21-23, 2000. The focus this year will be on ethical challenges in financial services, media, and health care. Contact: Prof. Mary Maury, Ethics Coordinator, College of Business Administration, St. John's University, 8000 Utopia Parkway, Jamaica, NY 11439. Fax: 718-990-1868. Phone: 718-990-7356. Email: maurym@stjohns.edu.

The Ethics Center at Utah Valley

State College, along with several other ethics centers, is hosting a conference on Ethics Across the Curriculum in Salt Lake City, Utah, October 19-22, 2000. Registration: <http://www.rit.edu/ethics> or Wade Robison, 716-475-6643.

The Tenth Colloquium on Business and Economic Ethics, Innovation, Manufacturing, and Services: How to Improve Ethical Quality?, will be held in Barcelona, Spain, November 9-10, 2000, under the auspices of the International Graduate School of Management and the Enterprise and Humanism Institute, University of Navarra. The Sixth International Meeting for Teaching Business Ethics will take place immediately after the Colloquium, November 10-11, 2000 Contact: Prof. Domenec Mele, IESE Barcelona, Av. Pearson, 21, 08034 (Barcelona (Spain)). Fax: 34-93-25343-43. Email: mele@iese.edu

Albion College will host a National Conference on Moral Norms and Public Discourse: Morality and Its Other(s), November 9-11, 2000 in Albion, Michigan. Among the topics to be considered are: Is "othering" an inevitable consequence of moral discourse? When and how do moral norms become exclusionary? What are the social, economic, historical, and political antecedents and consequences of these exclusions? How have theologians, philosophers, and others historically envisioned moral and ethical norms to be inclusive and express care for difference and particularity? Among the leading participants will be: Eva Feder, SUNY Stony Brook; Kathy Rudy, Duke University; and Henry Shue,

Cornell University. Contact: Dr. Kathy Purnell, Political Science, Albion College, Albion, MI 49224. Email: kpurnell@albion.edu.

The Office of Research Integrity will convene a conference, Research on Research Integrity, in Washington, D.C., November 18-20, 2000 to discuss emerging challenges for the responsible conduct of research. Contact: Nicholas Steneck, Ph.D., Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852. Email: nsteneck@osophs.dhhs.gov.

CALL FOR PAPERS: Santa Clara University is celebrating its sesquicentennial with a conference entitled *At Our Best: Moral Lives in a Moral Community*, February 22-24, 2001. Sponsored by the Markkula Center for Applied Ethics, the conference invites submissions in all areas of business ethics, including virtue and character in business ethics; moral imagination; stakeholder theory; international business ethics; ethics and finance; ethical issues in high technology businesses; moral development; and ethics and leadership. The conference will also showcase a panel of junior scholars speculating on the future directions of the field. Send three copies of your paper for blind reviewing, with a seventy-five word abstract to: Dennis J. Moberg, Markkula Center for Applied Ethics, Santa Clara University, 500 El Camino Real, Santa Clara, CA 95053. Deadline: August 15, 2000. For more information, phone 408554-4713 or email ethics@scu.edu.

The *IEEE Technology and Society Magazine* will conclude

its twentieth year of publication with a special issue devoted to taking stock of developments in engineering ethics over the past two decades and to considering emerging ethical issues at the beginning of the new century. Submissions (5000 words or less) are invited on such topics as: engineering ethics and globalization; the role of professional ethics in research ethics; technology, ethics, and health care; relevance of ethics in engineering practice; ethical issues in product liability; innovations in engineering ethics education; impact of information technology; engineering ethics, technology, and gender; role of professional societies in ethics; risk assessment, management, and communication; history of engineering ethics in the late twentieth century; engineering ethics and engineering design. All contributions will be peer reviewed. Deadline for submissions is December 31, 2000. Electronic submissions are preferred. Contact: Joseph R. Herkert, Guest Editor, Division of Multidisciplinary Studies, Box 7107, North Carolina State University, Raleigh, NC 27695-7107. Email: j.herkert@ieee.org.

The Tenth Annual Meeting of the Association for Practical and Professional Ethics will be held at the Omni Netherland Plaza, Cincinnati, Ohio, March 1-4, 2001. Contact: Brian Schrag, Executive Secretary, APPE, 618 East Third Street, Bloomington, IN 47405-3602. Fax: 812-855-6450. Phone: 812-855-6450. Email: appe@indiana.edu.

Teaching Business Ethics is soliciting articles for a new section on "Innovative Teaching Techniques". The section contains

essay-style short articles that describe novel or non-traditional teaching approaches that enhance teaching effectiveness, anything from use of film to use of non-business concepts to explain business ethics. This section of *Teaching Business Ethics* will not publish cases. The journal may be found at <http://www.wkap.nl/kaphtml.htm/IFA1382-6891>.

Contact: Robert A. Giacalone, Ph.D., Belk College of Business Administration, University of North Carolina, Charlotte, NC 28223-5473123. Email: ragiacal@uncc.edu.

PUBLICATIONS: Brian Martin, *The Whistleblower's Handbook: How to Be an Effective Resister* (Charlbury, UK: Jon Carpenter, 1999), ISBN 1- the "definitive manual for people who speak out in the public interest", provides help in assessing options, preparing for action, using official channels, building support, and surviving the experience. The author is the retiring president of Whistleblowers Australia. To order in Europe, contact Jon Carpenter, 2 The Spendlove Centre, Charlbury, Oxfordshire OX7 3 PQ, UK, phone 01608-811969; to order in North America, contact: Paul and Company, P.P. Box 422, Concord, MA 01742, phone 978-369-3049 or fax 978-369-2385.

The Centre for Applied Ethics, Hong Kong Baptist University, announces *Studies in Applied Ethics*, a special series of the Value Inquiry Book Series published by Rodopi, Amsterdam. Drawing on the ethical resources of Western as well as Eastern traditions of thought, this series tries to bring moral theory and vision to bear on the pressing issues of contemporary life.

Publications will include books within the full range of subject areas in applied ethics. Particular emphasis will be placed on comparative studies and on multicultural approaches to ethics problems. The opening volume is: *The Moral Status of Persons: Perspectives on Bioethics*, ed. Gerhold K. Becker, with contributions by Derrick K.S. Au, Ruth Chadwick, Jonathan K.L. Chan, Ruiping Fan, Frederich Wilhelm Graf, Chad Hansen, Edwin Hui, Dennis P. McCann, Shi Ohara, Michael Quante, Rensong Qiu, Johannes Sun, and Elizabeth Telfer. Contact Gerhold K. Becker, Centre for Applied Ethics, Hong Kong Baptist University, Kowloon Tong, Hong Kong, SAR China. Phone 8522339- Fax 852-2339-5151. Email: gkbecker@hkbu.edu.hk.

MISCELLANEOUS: The Ethics Officer Association and the Center for Business Ethics at Bentley College are sponsoring a weeklong training program, *Managing Ethics in Organizations*, November 5-10, 2000, in Waltham, MA, to provide practical advice and theoretical tools for creating and managing an effective ethics, compliance, or business conduct program. Contact: Mary Chiasson, Bentley College, 175 Forest Street, Waltham, MA 02452-4705. Phone 781- 891-2981.

The Philosophy Department, Marquette University, will begin offering an M.A. Specialization in Social and Applied *Philosophy*, starting Fall, 2000. Participants in the program will have the opportunity to reflect in a sustained and informed way on ethics and other areas of social philosophy as these apply to their

professional lives. Course requirements are rooted in the history of philosophy and in ethical theory, but participants may take up to four courses in a cognate area such as business, law, psychology, bioethics, dispute resolution, criminology, urban public service, nursing, or political science and will have an internship in an outside agency they choose to develop the ability to apply philosophical thinking to problems that arise on a daily basis in a specific job, vocation, or institution. The program hopes to mix traditional students from bachelors programs with students engaged in a career. Contact: Dr. Nancy Snow at: phone 414-288-3670, fax 414-288-3010, or Nancy.Snow@marquette.edu.

FELLOWSHIPS: The National Humanities Center offers forty residential fellowships for advanced study during the academic year, 2001- Applicants must hold doctorate or have equivalent scholarly credentials, and a record of publication. Both senior and younger scholars are eligible, but the latter should be engaged in research beyond the subject of their doctoral dissertation. Fellowships are normally for the full academic year (September through May). Fellowships are open to scholars from any nation and to humanistically inclined individuals from the natural and social sciences, the arts, the professions, and public life, as well as from all fields of the humanities. Contact: Fellowship Program, National Humanities Center, P.O. Box 12256, Research Triangle Park, NC 277092256. Email: nhc@ga.unc.edu.

The Center for Ethics and the Professions, Harvard University,

invites Applications for 2001-2002 residential Faculty Fellowships in Ethics from teachers and scholars who wish to develop their ability to address questions of moral choice in such areas as business, education, government, law, medicine, public policy, and social science. Applicants should hold a doctorate or professional degree. Preference will be given to those who are in the early stage of their career, normally no more than ten years from the terminal degree in their field. The Faculty Fellowships are open to all, regardless of citizenship. Deadline: December 1, 2000. All information, including application form, are at: <http://www.ethics.harvard.edu>. Contact: Center for Ethics and the Professions, Harvard University, 79 JFK Street, Cambridge, MA 02138. Fax: 617-496-6104. Phone: 617- Email: ethics@harvard.edu.

The University Center for Human Values, Princeton, invites applications for the Laurance S. Rockefeller Visiting Fellowships to be awarded for the academic year 2001- to outstanding scholars and teachers interested in devoting a year in residence at Princeton writing about ethics and human values. A central activity for the Fellows is participation with University Center faculty members in a Fellows Seminar to discuss work in progress. Fellows normally receive stipends of up to one-half their academic year salaries for the fellowship period, September 1 to June 1. Deadline for submission: December 4, 2000. Contact: Prof. George Kateb, Acting Director, University Center for Human Values, Louis Marx hall, Princeton University, Princeton,

NJ 085441006. Phone 609-258-4798. Email: values@princeton.edu.

The Department of Ethics, Philosophy and History of Medicine (of the University of Nijmegen) is hosting the fourth international Advanced European bioethics course 'Ethics and Genetics.' This course will be held November 16- 2000 in Nijmegen, The Netherlands. For information and application forms contact NorbertSteinkamp MA, 232 Dept. of Ethics, Philosophy and History of Medicine, Catholic University of Nijmegen, P.O.Box 9101, 6500 HB Nijmegen, The Netherlands; tel: (31) (0)24-361 53 20; fax: (31)(0)24354 0254; e- mail: 111212nsteinkamp@efg.kun.nl

The Friends Research Institute, Inc. is sponsoring its third National Ethics Conference November 3-5, 2000 in Baltimore Maryland. The topic is The Business of Human Experiments: Ethical, Legal, and Regulatory Issues. For further information, call (800) 228- or fax at (410) 962-8585.

The Park Ridge Center for the Study of Health, Faith, and Ethics is sponsoring a one-week workshop on Organizational Ethics: Theories, Cases, and Practical Solutions October 16-20, 2000. The workshop will be held at the Park Ridge Center, Caldwell Library, 211 East Ontario Street, Suite 800, Chicago, IL 60611. For further information, contact Bernice Chantos at (877) 944-4401, ext. 255, or fax at (312) 266-6086.

The Center for the Study of Ethics in the Professions (CSEP) was established in 1976 for the purpose of promoting education

and scholarship relating to ethical and policy issues of the professions. *Perspectives on the Professions* is one of the means the Center has of achieving that purpose.

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