

# PERSPECTIVES

## On the Professions

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### "Ethics Around the World: Part 2"

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We tend to think of time as a smooth-flowing river. History is different. It does not so much flow as jerk along like a worn commuter train, stopping often and only rarely moving fast. This year was one of the rare moments.

Since we did our first issue on ethics around the world twelve months ago, Europe has changed. The German Democratic Republic has disappeared into a new Germany. Five of Germany's neighbors have turned out regimes in power more or less continuously since 1948. With very little bloodshed, the people of these countries have rejoined Europe and begun remaking themselves.

We can only guess what will happen next. Yet, this much seems plain. Power did not grow out of the barrel of a gun. The guns were in fact powerless. Those with the guns-and the schools, patronage jobs, television stations, and all the other "levers of power"-lost to those who had little more than courage and good reasons. This was a year to remind us that, in the long run at least, we can learn from our mistakes and, having learned, act accordingly. History is not a rolling prison.

Perhaps events leading up to the Gulf War tell a similar story. Force alone could not have persuaded almost every country on earth to condemn Iraq for invading its neighbor. Considerations of justice and mutual benefit, of moral principle generally, seem to carry more weight today than at any time in living memory. The place of ethics in this world should, it seems, be more secure than in a world where (as Kipling put it) "steel, cold steel, is master of them all."

But who *knows*? We can only look at the evidence and decide for ourselves. This issue of *Perspectives* is a contribution to the evidence available. Thanks to our subscribers, their friends, and even friends of their friends, this issue includes at least one contribution from every continent-except Antarctica (and counting New Zealand as part of the Australian continent). Elena Lugo was especially helpful, providing a long list of contacts in Latin America.

Despite my intention to return to eight pages, this issue has twelve. And, even so, I have had to put several pieces aside. Together with pieces promised but not yet received, I have enough for another issue on ethics around the world, tentatively scheduled for next August. (I hope that reference to "promises" will prick

the conscience of those who have not yet done as promised.)

The nine pieces published here resist brief description or easy classification. Costa Rica, for example, though "Latin American;" seems to have as much in common with Hong Kong as either has with Chile. Complaints about physicians in Egypt sound much like those in New Zealand. Some of Sweden's scandals have counterparts in Chile and Hong King. Apparently, countries, like people, become less predictable the more we know of them.

While the purpose of Ethics Around the World has been to inform readers about ethics in other countries, we may in fact be doing more. Our Argentine contributor's letter to me (not published here) reports that she first learned of one of her country's most important bioethics center from the introduction to last August's issue.

The Announcements also tell something of the increasing importance of ethics internationally. No less than five of the seven conferences listed concern international ethics or ethics internationally. This seems to be a year for neighborliness.

Also included here is the usual "At the Center," this one Robert Ladenson's last as acting director.

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**"Present-Day Conditions and Future Perspectives: Bioethics in Argentina"**

Judith Garcia Caffarena,  
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"Bioethics" and "biomedical ethics" are words newly coined. They show the relationship between "bios" and "ethos;" a relationship only possible in human beings as free persons. The pioneer of bioethics in my country is Dr. Jose Maria Mainetti. Widely known in the USA, where he studied the subject, Dr. Mainetti gratefully refers to the centers that, over the last 20 years, have helped start a real biological revolution with direct technological impact on human life, first in the USA and then in Europe.

In 1972, Professor Mainetti's son-Dr. Jose Alberto Mainetti-founded the Institute of Medical Humanities. It is devoted to the investigation, teaching, and spreading of bioethics. A Chair of Medical Humanities was created at La Plata University in 1980. It has served as a model for similar chairs in cities like Buenos Aires, Tucuman, Mendoza and Mar del Plato. Due to the growing interest in the field, a Center of Bioethics was created within the Institute of Medical Humanities in 1987. This encouraged the formation of several similar groups elsewhere in Argentina. The most important of these is at the National University of Mar del Plato. The group there works in an interdisciplinary way; they study the bioethical implications not only of scientific and professional activities but also of legislative

measures and decisions concerning public welfare.

Interest in bioethics here still does not go much beyond these centers or some private hospitals. Sporadically, news about bioethics is broadcast or published in newspapers. The Church is the institution that has done the most to encourage public discussion of bioethical problems, especially those dealing with "in vitro" fertilization, with embryo implant, and with other aspects of reproduction technology.

At present, scientific and technological developments give us the opportunity to interfere with other beings and their environment, causing deep changes and warning of more to come. Though bioethics in Argentina began with aspects of common medical practice such as abortion and euthanasia, its concerns are now spreading to the basic sciences. For example: The National University of Mar del Plato has a team made up of doctors, psychologist, lawyers, anthropologists, philosophers, biologists, and professors, whose work has given rise to two important projects:

One is the design of a *post-graduate course*, approved in 1988, lasting 2 years and having certain evaluation requirements necessary for promotion. The course is to help professionals and researchers solve the bioethical problems they face in their daily activities. Both the philosophical foundations and practical realities are taken into account. Among the pressing questions considered are: "What kind of human beings do we want?" "What is the role society plays?" "What kind of science do we need?" The course is structured around problem

solving and thematic guidelines.

A second important project is *Sessions on Bioethics*. Early in December, 1988, the second part of the fourth International Symposium on Bioethics was held in Mar del Plato and also the First Marplatense Sessions on Bioethics. Within the framework of this Symposium, the First Group of Iberoamerican Studies on Bioethics was constituted to organize the investigation of bioethics related disciplines through courses, seminars, conferences, sessions, and international meetings (at home or abroad) so as to keep permanently in touch with others researchers, specialists, and related institutions all over the world.

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**"The Ethical Codes of Dictatorship: Ethics in Chile"**

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The Chilean political experience of the last two decades has been traumatic. It has affected the nation's political culture, has altered profoundly public morality, and has left a deep imprint on professional and business ethics. It cannot be understood without taking into consideration two major factors. One is the authoritarian habits grafted upon political life by seventeen years of dictatorship. The other is the socially-regressive nature of the economic policies imposed during that period. The various "shock

<p>treatments" of perceived economic ailments, followed by policies unabashedly biased in favor of big business has laid the weight of an alleged "economic miracle" increasingly upon wage-earners. Significant examples of the resulting economic inequities are:</p> <ol style="list-style-type: none"> <li>1. Under the Chilean "rules of the game;" mortgages are adjusted daily, while salaries are adjusted annually and to a much lesser extent. In 1989 alone about 50,000 families lost their homes due to rising mortgage payments.</li> <li>2. Unemployment reached record levels in 1982, with rates above 30 percent, and the index of extreme poverty-the percentage of the population unable to acquire the minimum subsistence "basket"-was twice the 1970 figure. Even today, more than 38 percent of families, or 44 percent of the population, remain in extreme poverty.</li> <li>3. During the military regime, the foreign debt increased more than six-fold. In 1982, the Chilean state took over responsibility for paying private indebtedness incurred by banks and corporations, both national and international, operating in Chile until that time. This "nationalization of losses;" passing the burden to Chilean taxpayers, was decided by the three members of the military junta, acting unilaterally as a de facto legislature.</li> <li>4. Only in 1985, after twelve years of military rule, did average income and consumption approach levels existing fifteen years earlier, in 1970. While poverty was widespread and expanding for most Chileans, a tiny elite developed habits of</li> </ol>	<p>conspicuous and highly superfluous consumption, habits contrasting sharply with Chile's relatively austere patterns of consumption before the 1970s.</p> <p>5. Living conditions for the middle class deteriorated noticeably, while that of the poor became virtually unbearable. In spite of this, the military regime reduced the maximum capital gains tax on corporations to 10 percent.</p> <p>For years the authoritarian regime catered almost exclusively to big business and finance, in particular the highly integrated banking conglomerates. At the same time, it created abusive powers and privileges for the security establishment. The beneficiaries have not forgotten. Thus, it has been extremely difficult for the new democratic alliance to reverse, or even neutralize, the regressive social effects of these pro-elite policies.</p> <p>Today, the elected government is tied up by "legislation" the dictatorship issued after its defeat in both the 1988 plebiscite and 1989 election. Pinochet was to remain Commander in Chief of the Army. The armed forces were given legal and de facto autonomy from civilian control. The Senate was stacked with a fictitious majority, nearly one-third of its members being Pinochet's appointees.</p> <p>This constraining mechanism proved quite effective. When the newly-elected democratic government of President Patricio Aylwin attempted to raise the capital gains tax to 20 percent, the bill was quickly rejected by the Pinochet-dominated Senate. Subsequent behind the scenes negotiations led to a 15 percent</p>	<p>ceiling. In most Western countries, such a tax is well above 30 percent.</p> <p>An alliance of local "yuppies" and neo-liberal economists has helped to bring all this about. They have been the main advisors of the authoritarian regime, have dominated the executive, and have also dominated the faculty at the forcefully-reorganized universities.</p> <p>The social cost of the Chilean "miracle" has been high. Aggregate statistics and survey data on that cost are as abundant as those more "optimistic" indicators of the "macroeconomic successes" of the Pinochet regime. Heinous human rights abuses can be paired with effective macroeconomic management; growing poverty for many with expanding wealth for a few; increased human insecurity with rapid modernization. Yet, over 40 percent of the electorate, well beyond those objectively benefited, still support the regime. The persistence of this authoritarian strain represents a significant problem for our democracy.</p> <p>There is more, however, to the authoritarian and unbridled capitalism pursued in Chile for seventeen years than purely structural parameters indicate, a subtle but insidious "ethical cost" affecting all spheres of life but, most directly and dramatically, the professions.</p> <p>Chile had a long and honorable tradition of ethical regulation and effective enforcement vested in professional associations known as "professional collegiatures" The exercise of a profession, whether law, engineering, medicine, or the like, was</p>
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contingent upon membership in a professional college. At the end of the 1970s, the colleges' regulatory functions were eliminated by decree. Instead, regulation was left to "market forces:'

The most damaging of such "liberalizations" occurred in medicine. The public sector was dramatically reduced; the public health system was virtually dismantled. The immediate effects were both a prohibitive increase in the cost of medicine and a sharp decrease in accessibility for most Chileans. The drastic privatization of the national health system also entailed an extreme mercantilization of medical practice. Since the Chilean College of Physicians had been the chief enforcer of ethical standards, the liberalization of the profession, without appropriate ethics legislation, resulted in a dangerous ethical void. Since a practitioner is no longer required to be a member of the College, there is virtually no public recourse against professional malpractice. The College has not even been able to punish medical professionals, in particular psychiatrists, involved in acts of torture that security agencies performed during the dictatorship.

A similar impotence now obtains within the College of Journalists, especially in matters related to the defense of members. Members of the College who dare to expose personnel of the security apparatus have faced harassment through "military courts" and even attempts on their lives. Today, the risks are still great because of the relatively large number of former security agents integrated in "professional" networks running from the official to the underworld.

The military regime also attempted to reorganize the educational system on a mercantile basis, almost overnight. Public education has been a preoccupation of virtually all Chilean governments since the nineteenth century. In the twentieth century, liberal administrations became keenly aware of the fundamental integrative role of education in nation building, what in Chile was referred to as the "teaching mission" of the state. The dictatorship's program to "municipalize public education" accentuated discrimination between "good" and "bad" neighborhoods. Financially, it segregated rich and poor municipalities, causing a noticeable overall decline of educational standards.

Given the impoverishment of most Chilean white and blue-collar sectors, massive privatization led inevitably to elitism. This was particularly the case for higher education. It has not been overcome even by a system of 'education on credit:'

With the advent of the democratically-elected government, other evidence of 'ethical dysfunction' began to emerge:

1. A British journalist investigating the clandestine manufacture and sale of prohibited weapons destined for Iraq was found hanged in his hotel room in 1989; the official version was "suicide."

2. Foreign consortia (also involved in the Iraq deal) made a shady deal for the right to establish a nuclear waste dump in northern Chile.

3. A series of scandals related to the sale of public properties culminated in 1990 with the discovery of a clandestine financial operation inside the Army and resignation of senior officers. Some observers have suggested that Chile could be an important center for laundering narco-dollars. The unusual stability of US currency in local markets over the last two years, as well as the sudden forced retirement of more than 150 agents of the Bureau of Investigations for involvement with narco-traffickers, gives some credence to this suggestion.

4. In 1990, many secret mass graves were discovered in Army-run prison camps. These presumably contained the bodies of disappeared -and officially denied-prisoners, all victims of summary execution in contravention of international law.

5. The report of the National Commission on Truth and Reconciliation, made public in March 1991, contained the gruesome details of over 2000 deaths by illegal execution, torture, or "trying to escape" at the hands of the security forces between 1973 and 1990.

What most surprised the public at large was that such things have come out. Yet, they may be just the "tip of the iceberg:' For seventeen years, Chilean courts-especially the highly politicized Supreme Court-were utterly unable, or unwilling, to stop the continuous and systematic violations of human rights. Worse, they contributed an aura of legitimacy to what the New York Times once called "the most repulsive regime in the world:"

Human rights organizations have

denounced the "moral crisis" fueled by the actions of the dictatorship. Frequently, the Catholic Church has been at the forefront defending the victims of repression. But, they were-and still are-rebuffed by those involved in the repression. General Pinochet, himself a devout Catholic, angered by the mere suggestion of a crisis, replied: "There is no such moral crisis, only moralists in crisis."

*Translated by author with help of Sue Pechter and Jorge Nef*

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### **"Business and Professional Ethics in Hong Kong"**

G.D. Donleavy, Hong Kong University Business School

Hong Kong, the last vestige of the British Empire, is still run by a colonial governor answerable to the British Foreign Secretary. On 1 July 1997, it will be given back to the People's Republic of China which already has its own twin city for Hong Kong, the Shenzhen Special Economic Zone immediately over the border. Shenzhen has been a magnet for Chinese citizens seeking wealth through employment or enterprise and usually both. It has its own boundary fence between itself and the rest of China. Hong Kong is a frontier town in every respect, including the business ethics American readers might more readily associate with the Old West than the Far East. "Making a quick killing" is a phrase that applies to both of them.

When the Chairman of the Hong Kong Stock Exchange was arrested in 1987 on corruption

charges for accepting shares as sweeteners from applicants for stock market listings, many local operators regarded the authorities as harsh. Some regarded them as scapegoating. However, when judge Barker acquitted George Tan in the Carrion fraud case on a technicality, the outcry was virtually unanimous here.

During the last five years or so, financial and business regulations have greatly increased, bringing the statutory and paralegal framework of business up to Anglo-American levels of social responsibility. There is, for example, an ordinance outlawing insider trading in securities. There are laws against air pollution by factories.

On the other hand, sexual and racial discrimination are allowed, imprisonment for debt is still theoretically lawful, and a general spirit of caveat emptor pervades the consumer field. There are many agencies to protect and advise the public, ranging from the Consumer Council to the ombudsman, but they are generally seen as lacking bite.

The legislature is largely appointed by the governor, but even the few elected representatives could not be said to be accountable to their electors in a Western sense. What we have is Anglo-American regulatory structures superimposed on a Chinese society of entrepreneurs and gallerymen who are largely unconsulted about new regulations and who largely ignore them as far as safe to do so.

The local business community does not lack ethics. Rather it does not readily connect with Anglo-American preconceptions regarding the content of ethics.

For the local Chinese businessman or businesswoman, social responsibility begins (if at all) below the earnings line. The "Royal" Hong Kong Jockey Club is the monopoly purveyor of legal gambling in Hong Kong. Dr. Stanley Ho is the near monopoly purveyor of legal gambling in the neighboring colonial enclave of Macau. Both the Club and the Doctor donate regularly, generously, and effectively to almost the entire gamut of charities, voluntary welfare associations, educational institutions, and other good causes. Both have a formidable business reputation as, shall we say, winners. The concept of doing business under environmental, consumerist, and related restrictions is widely seen here as merely antienterprise, possibly socialist. The ideal is total laissez faire above the earnings line, conspicuous corporate citizenship below it.

Surveys of ethical attitudes of Hong Kong's managers and management students over the last five years have reported a widespread identification of legality with ethicality. If something is not illegal, it is seen as not unethical. Indeed, the law tends to lead community concepts of ethical conduct rather than follow them, as shown by the antipollution ordinances.

Professional ethics in Hong Kong can be contrasted with managerial ethics up to a point. Professional lawyers, auditors, doctors, architects, and so forth all have professional codes of ethics fully consonant with Anglo-American norms (which are their usual explicit source). These codes are quite strictly controlled and enforced.

Client privilege, however, is rated rather more highly than in the West. It is considered wrong to report a client to the authorities even if the paralegal regulations require it. A client discovered to be evading tax, for example, would be refused further service by many accountants surveyed but not reported. However, most accountants would answer authorities' questions fully and honestly concerning client wrongdoing. They just feel uneasy about initiating such a process.

Acceptance of gifts and sweeteners is both illegal and against professional regulations in Hong Kong. Reasonable Christmas gifts, sponsorship to golf clubs, and quite lavish entertainment are seen as sufficiently normal and widespread to be ethically acceptable. There is, however, a penumbra of suspicion, that competitors are less resistant to sweeteners; and the reporting of such suspicions to the Independent Commission Against Corruption is not unknown.

Whistleblowing is almost unheard of and employee loyalty is still the norm, even as fears of 1997 prompt increasing emigration and job hopping. One is not expected to bite the hand that feeds one, even if the hand is dirty.

A principal effect of the 1997 fear is to reduce payback horizons, and to prefer the certainty of a modest but quick pay off to the uncertainty of a large but deferred one. Companies are using short-term loans more; investors are using local T -Bills more. Stock price volatility has increased and short-term securities performance has moved further from corporate fundamentals. Complaints to the Independent Commission Against

Corruption from the private sector have risen (both absolutely and relative to the number of complaints from the public sector).

In China itself, so called "economic crimes" are punishable by death, but corruption is said to be widespread.

In early 1991, a row broke out between China and the UK over Hong Kong plans to build a new airport by 1997. China suspected the UK of wanting to run down Hong Kong's central reserves to fund the project as a kind of financial scorched earth policy. The incident underlined yet again the continuing mistrust between China and Hong Kong. In such an insecure atmosphere, the ethics of survival tend to seem more appropriate than the ethics of professional probity. For companies, risk reduction has often meant relocation of group head quarters from Hong Kong to London. For individuals, risk reduction means obtaining a Western or Singaporean passport even at the cost of considerable career dislocation and financial sacrifice. If California were to be handed back to Mexico, would Californians behave much differently from present day Hong Kong residents? For many in Hong Kong, the party is nearly over, because the Party is nearly here.

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**"Ethics in Sweden"**  
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Swedish interest in ethics is now high. There are at least three

reasons.

**1. The Stock-Market Exchange and Private Enterprise.** In the early 80's, the Swedish Stock Market Exchange increased enormously in importance as more people entered the market. The working of the Exchange depends on the equal availability of relevant information to all actors. The legal system in Sweden has regulations concerning these matters but, by and large, enforcement depends on the good will of those involved. As an independent agency, the Exchange does not want the State to interfere in its workings. So, there has been rather heavy emphasis on ethics in order to foster self-regulation. The main aim is to stop the abuse of insider knowledge and the giving of favors to a small group of shareholders.

During the 80's, the employers association was active in promoting interest in ethics-including environmental issues and the responsibility of industrial corporations. Much of this development can also be seen as defensive, the consequence of pressure from political and environmental groups. Still, the idea that ethics is important has gained ground and has become solidly entrenched in Swedish social, political, and economic life. As interest in politics declined during the 80's, many questions that in the 60's and 70's would have been treated as "political" are now "ethical."

**2. Engineering Ethics and the Bofors Scandal.** The Bofors Corporation is an arms manufacturer, one of Sweden's largest. Traditionally, Sweden has had strong armed forces. Neutral and non-aligned, it has considered

an independent Swedish capability to produce weapons and ammunition important. Even so there is a limit to how much taxpayers are willing to pay for Swedish-made weapons. To afford the production of the small series of advanced weapons bought by the Swedish military—which cost the same to develop as big series—there is a national policy which allows Bofors (and others) to sell weapons to other countries. There are, however, strict regulations as to which countries may purchase Swedish weapons. For any export, Bofors needs permission from a government agency. Export is only allowed—at least in principle—to countries where the weapons will not be used. (If a receiver country becomes involved in a war, Sweden is supposed to stop selling it weapons.)

During the early 80's, the peace and anti-nuclear arms movement grew even among the engineers. One engineer, Ingvar Bratt, who worked in Bofors, was increasingly worried about his own role in arms manufacture. By accident, he discovered that Bofors was breaking the law. Weapons were being sold to "allowed countries" with the knowledge that they would then be shipped to forbidden countries. Someone at Bofors forged the necessary papers saying the weapons would stay in the allowed country.

Bratt first broke the news to the press anonymously. But, after some time, he came out openly and the scandal became much more serious. The scandal has now been passing through the legal machinery for some time. Everyone blames someone else. The (former) management of

Bofors blame the government. They were, they say, fully informed. The government claims that they did not know.

For a time, Bratt was a hated man in the town of Karlskoga, where Bofors is situated, but a hero in the rest of Sweden. He got little support from his local trade union. (In Sweden nearly everyone is a member of a trade union.) The union treated him as disloyal to the employer. That treatment led to a debate in the Swedish trade union of civil engineers and eventually to a new code of engineering ethics. The new code stresses the responsibility of engineers for environmental and health effects of the production in which they participate. There is less emphasis on loyalty to the employer, the main focus of the old code. Bratt has been rehabilitated, even among his former colleagues.

Another outcome of the scandal was that Nobel Industries, the owner of Bofors, sacked the old management and arranged for courses in ethics to be taken by everyone employed there.

**3. Computers, Privacy, and Big Brother.** Sweden has a very accurate system of national statistics managed by Statistics Sweden. It covers all aspects of life. Some statistical tabulations date back to the 17th century and are among the oldest in the world. Every inhabitant in Sweden, whether a citizen or a permanent resident, has a unique personal identification number used in all government and local databases. Whenever you deal with the authorities, you must refer to your number. Since all statistics generated by Statistics Sweden make use of this number, all

existing databases containing personal information could easily be matched, giving a relatively detailed profile of almost everyone in Sweden.

Sweden has a liberal freedom of information act. Except for a few classified items such as health status, militarily sensitive information, and so on, all government and local archives are open to anybody. You can go to whatever agency you want and demand to see the information they have. You can, for example, find out a great deal about your neighbors. At first, there was some uncertainty whether the freedom of information act applied to databases; the present ruling is that it does.

In the early 70's, Statistics Sweden proposed to use the ordinary census (one every fifth year) to collect a lot of data for social planning. When people got the questionnaires they were upset. Some of the questions they were legally obliged to answer were rather personal (for example: what did you do during a certain week in November?).

The combination of the duty to answer all questions, the possibility of data-matching, and the ambition of Statistics Sweden to use the collected data in planning caused heated public discussion. One outcome was the 1973 Data Act, the first in the world regulating the use of computerized personal information. The main aim of the Data Act is to prevent "undue infringements upon the integrity of registered persons." Regulation of permitted databanks was instituted. Anyone to be registered has to give "informed consent." Matching between existing

databases is forbidden. The Act also granted everyone the right, once a year, to request and obtain a printout (free of cost) of all items about him or her in a particular databank. These regulations apply equally to government, local, and private databases. (The Swedish freedom of information act does not apply to private sources.) Unfortunately, characterizing what infringement of personal integrity is "undue" turned out to be difficult.

Discussion of the dangers of computerization has triggered a keen interest in privacy and related questions about personal integrity. Some of this interest has combined with concern about the intrusiveness of the welfare state. In some instances, the Data Inspection Board, the agency created to oversee the workings of the Data Act, has been a veritable battlefield between its social democratic members and their political adversaries. (The Board had, as was usually the case at that time, membership including both persons appointed by the government and persons representing various interest groups.)

One consequence of the interest the battles at the Data Inspection Board generated was that last July an independent Center for Research Ethics was established under the auspices of Goteborg's Royal Society of Arts and Sciences (KV VS), an institution incorporated in the late 18th century. The new center is to be a forum to further interest and discussion of ethical problems in research. It will do research in selected topics as well as arrange public seminars and symposia.

I am its first director. Among our

plans is a summer school on research ethics to be held yearly in the vicinity of Goteborg, probably beginning the first week of June 1991. The summer school is intended for graduate students and young scientists. We hope to have an internationally balanced body of participants. Connected with the summer school, there will be an international seminar on research ethics. Further information can be obtained from Center for Research Ethics, c/o Chalmers University of Technology, 5-412 96 Goteborg, Sweden, Tel. 46-31-723148, Fax 46-31-723150.

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### **"Professional Ethics in New Zealand"**

Maria Crook and Alastair S. Gunn, Department of Philosophy, University of Waikato

"A nation of rich peasants" was widely considered a reasonable description of New Zealand as recently as 20 years ago. The economy, heavily dependent on the export of agricultural products to Britain (which guaranteed to purchase whatever was produced, at a guaranteed price) was very regulated and protected. Competition was discouraged - externally by import restrictions, quotas, and tariffs, internally by centralized fixing of most wages and many prices. An extreme example: to protect the dairy industry, the sale of margarine was forbidden by law, except to persons who could produce medical evidence that they were unable to eat butter. A cradle to grave welfare state, and minuscule

unemployment, ensured that New Zealanders enjoyed one of the highest standards of living in the world with far less economic inequality than in Britain or the United States. They were a relatively homogeneous lot, and rather complacently ignored the unequal status of women and the native Maori people.

The attitude and behavior of professionals reflected the larger society. There were no private universities, so the government was effectively able to control both the content of professional education and the number of recipients. Since most immigrant professionals were British or Australian, and since the universities were largely modeled on the British system, professionals too were not a very diverse bunch. They tended to prosper about equally because of the regulation of numbers, restrictions on competition, and (in many cases) legally fixed fees. Many argue that they were (and in some cases still are) paternalistic, authoritarian, aloof, sexist, and racist.

In recent years there have been massive social and economic changes in New Zealand. Britain's joining the European Community led to a progressively reduced quota on New Zealand agricultural products, forcing the primary sector to become efficient and to diversify both products and markets. Since 1984 the economy has been largely deregulated. Women and Maori demanded, and to a considerable extent secured, a recognition of their inferior and unjust position and action to remedy it. Immigration from Britain decreased and the entry of thousands of Asians and Pacific Islanders affected Auckland, in



particular, which for some years has had the largest Polynesian population of any city in the world. With deregulation came competition, more scope for enterprise, more consumer choice. On the downside, many businesses failed and unemployment greatly increased; economic divisions are now much greater, though the welfare system means that no one lacks the basic necessities.

Naturally, the professions have changed too. As in the United States, though not to the same extent, most restrictions on competition and marketing of services have been eased or removed. Not everyone approves of these changes. The President of the New Zealand Law Society (equivalent to the American Bar Association) vehemently opposed his own organization's alteration of its rules to allow advertising. Many doctors strongly disapproved of articles about the work of a famous heart surgeon which appeared in a top selling glossy magazine and in Air New Zealand's inflight magazine (complete with details of the services he offers, and prices) which they viewed as excessively self promoting. The public, however, has generally benefited from an improvement in the range of services available and in some areas through price competition.

One problem that health care professionals *don't* have to worry about in New Zealand is malpractice suits. Since 1973 virtually everyone has been covered by a no-fault accident insurance which is run by a government-owned corporation and funded by a payroll tax. In exchange for this cover-which provides health care, income

replacement, and in appropriate cases a payment for pain and suffering or loss of quality of life-New Zealanders gave up the right to sue for negligence in almost all cases. This is one government institution which is unlikely to be turned over to the free market.

But while professionals in New Zealand don't face trial by judge and jury, they are increasingly being made to face trial by the popular media and hence "the lynch mob of public opinion" (this and subsequent quotations are taken from *Metro* magazine, July 1990). Television current affairs programs and magazines regularly carry stories of dubious professional and business practice. Such media attention is usually sparked by allegedly mistreated clients and interested parties who are dissatisfied with the response or lack thereof by professional disciplinary bodies. These bodies, it is argued, serve first and foremost the interests of the professionals they are supposed to regulate and only secondly those of their clients.

Such accusations are made in other countries too, of course, but they have special force in New Zealand whose small (3.3 million) population makes it very likely that top professionals will have worked or studied together at some time. For instance, in a recent case concerning the conduct of a physician, it was revealed that the head of the medical disciplinary body had gone through medical school with the physician who was under investigation. No doubt this is not uncommon. New Zealand has only two medical schools, one dental school, two engineering schools, and five law schools.

Professionals are accused of covering up their transgressions and protecting errant members. Many people agree that the professions "must be prepared to have their work scrutinized by the popular media because what they do concerns us all." The media are often effective in bringing injustices and dubious practices to light and getting something done about them, as well as alerting others to the risk that they too may fall victim to incompetence or misconduct. In a recent case, a proprietor of a gas-station regularly sold glue to young people whom he knew were glue sniffers. It is not illegal to do this, nor is sniffing glue itself illegal, and there is no professional society of gas station owners to regulate members. But the day after the story was reported on national television, people picketed the gas stations and asked drivers to boycott it. The oil company also threatened to stop supplying the station. The owner quickly decided that selling glue to kids was no longer profitable. More generally, the media attention devoted to the medical profession has helped to bring about some positive changes: "Doctors have been more willing to listen to their patients. The emphasis has gone on to the health consumer."

Unfortunately, the New Zealand media, like everyone else's, are prone to sensationalizing stories, thus (maybe unintentionally) leading viewers and readers to become unduly concerned about the extent and seriousness of an issue. Professionals have suddenly found themselves "working in a climate of suspicion;" as one doctor put it. This suspicion-sometimes amounting to hostility-may have a detrimental effect on

professional-client relations generally. Professionals increasingly see snap judgments about the "guilt" or "innocence" of a practitioner being made by reporters and members of the public who do not have access to the relevant information or the expertise needed to make such judgments.

Given the lack of access to the court system and the limitations of "trial by media," the interests of all might be better served by adjusting the systems that are already in place to deal with complaints of professional misconduct. The outcomes of such hearings are likely to be fairer to all (and to be perceived as fairer) if their membership includes lay people from the community as well as practitioners. One reason why this has begun to happen is the change in the status of women in New Zealand.

The improved status of women is reflected in new entrants to the professions- over half the students in the Schools of Law and Medicine at the country's largest university, Auckland, are female, and Maori are catching up. It is also the main reason for the intense pressure on the medical profession to be more responsive to client needs. An article by two women's health activists in 1986 claiming that hundreds of women in an Auckland hospital had been the unwitting subjects of experimental treatment for cancer caused a furore, leading to a government-funded Commission of Enquiry and successful charges of disgraceful conduct against the Chair of the Hospital Research Committee which had approved the treatment. In the wake of these findings, all the Area Health

Boards which run publicly funded health services, including the main hospitals, are required to set up Ethics Committees, which must have a predominantly lay membership and include adequate numbers of women and Maori.

One of this article's authors, Gunn, is Chair of the Waikato Area Health Board Ethics Committee. Originally it was expected that the Committee would deal mainly with research applications but, in the year since its establishment, the Committee has found itself making Board policy on such issues as patient information, commercial sponsorship, informed consent, resuscitation, and perhaps the most controversial issue of all, resource allocation.

New Zealand was the first country in the world to introduce a comprehensive and effective public health system, though there have always been private hospitals and most family doctors, many specialists, and practically all dentists are self-employed. Traditionally, medical treatment went well beyond what was necessary to life and health was available at no charge in public hospitals. Their standards of care and expertise have generally been higher than those of for-profit hospitals but the latter do not have waiting lists. In line with the move to a market economy, Health Boards are questioning whether they should continue to provide services such as elective abortions, sterilizations, and tattoo removals. If patient autonomy ought to be respected as health activists claim, presumably patients ought to take more responsibility for their own health care. Does this mean, for instance, that a doctor is entitled to refuse

to treat a patient who refuses to quit smoking, as some family physicians have done? What about home supplies of oxygen - currently provided at no charge- for a patient with emphysema who continues to smoke? Should grossly obese patients have to lose weight before being eligible for a hip joint replacement?

It's one thing for philosophers to discuss such questions in a seminar; effectively to make health policy is much more exciting, and much more challenging.

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**"Professions, Costa Rica, and the World Beyond"**  
Edgar Roy Ramirez, Circulo de Cartago

In Costa Rica, at least three ethical themes have manifested themselves in newspaper and magazine articles, university courses, and informal discussions among professionals:

One is the ecological impact of toxic products, mainly exported from industrialized to non-industrialized countries. What can justify putting the lives and quality of life of others in danger? Toxic products are a problem for both the environment and human beings. Because we are not separate from the rest of nature, our quality of life cannot be maintained without conserving the other life forms and what sustains them; human beings form part of a large framework depending upon a great and delicate equilibrium. This relation obligates us to act responsibly. A

related theme of professional reflection here is the situation created by inadequate technology, the problem of being treated as technological garbage men. Our people and the countryside are inundated with risky, dangerous technology. We have therefore come to realize the necessity of an appropriate technology that takes into account the narrow tie that can be established between ecology and social justice. A better distribution of wealth and better access to knowledge will affect the level of harmony established between nature and human beings. Injustice is one of the worst enemies of stability; ignorance is another.

Obviously, this applies not only to professional ethics, but also to transnational ethics-the product of ethics dialogue among diverse and complex agents. Note that in regard to the dangerous use of technology one needs to consider the necessity of global ethics. At this time, any economic project (or, one could say, any project of civilization) is condemned to failure if it does not take into account larger interests but, instead, puts our great home (oikos, the planet) in danger by hazardous technology. The survival of humanity is clearly tied to the quality of this home. What important ethical repercussions does this have? Do we join a world community that will stand together to confront such global challenges? We are responsible for the future of life here, perhaps the only life in the universe. If life disappears here because of our indifference or our own direct intervention, perhaps, then, one of the great achievements of nature will have disappeared. Recognizing such a responsibility is of unsurpassable

importance ethically.

A third important theme of reflection in Costa Rica is the ethics of development, knowing and considering the value underlying all plans of development, with the objective of determining the true benefits and disadvantages of a plan and proposing ethically desirable means. We are taking an ethical focus in both national and international development. Development is not identified with growth or restricted to it. Development must satisfy basic needs, eliminating poverty and encouraging self-support, socially important goals.

Development is not equivalent to more manufacturing, arms, exports, and higher bank accounts. A project of national development should contain native elements-those whom development directly affects should determine which elements, among the ones possessed, should be conserved and which should be given up. Obviously, one has to take into account the generation of attitudes orientated to more enriched styles of living. But these elements themselves cannot substitute, or serve as an excuse, for not giving appropriate value to the external elements of concurrence and cooperation with other nations. Not all that comes from outside is bad, nor is all that we possess so good that it cannot be improved. In any case, recognizing that these decisions themselves are clear and unavoidable, points to the impossibility (undesirability) of the importation of poor attempts called "models of development:"

Development has to do with better access to the land, participation in

decisions, the elimination of torture, the practice of justice, protection of vulnerable groups, the cure of illness, the freedom to create, to choose, to live, the elimination of the worst poverty, bettering the quality of life, an equal distribution of wealth, opportunity, benefits and power. Development, as such, means a greater number of human beings doing well and the resulting display of their creative potential. But development does not stop here. It is also necessary to create institutions, social relations, protectors of interchanges to guarantee that people will satisfactorily achieve their basic needs and the qualities that give substance to life: participation in decisions creating their community, cultural identity, cultural diversity, security, freedom, interesting pastimes, the exercise of their own capabilities. This kind of development generates a situation in which enjoying the quality of life is the rule, in which one can share the happiness of living, the silence and the laughter, the beauty and the justice, generosity and freedom, in short, a world where life isn't really somewhere else.

In this brief review of the ethical themes that interest professionals in Costa Rica, local and international factors mix. This is important. Self-determination is as essential as international solidarity. Living in a small country within a global community doesn't reduce the responsibility of individual professionals. It gives them the true importance of being situated within a network of more extensive relationships.

*Translated by Sue Pechter*

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## **"Professional Regulations and Technological Innovations in Costa Rica"**

Luis Camacho, University of Costa Rica

Most practitioners of the liberal professions in Costa Rica (physicians, lawyers, engineers, journalists, professors, etc.) are required to join an association (called "colegio") in order to practice their calling. A university degree, though necessary, is not sufficient for practice: graduates must apply to the appropriate professional association in order to be licensed. They will have to pay a monthly fee to remain in good standing. The fee may be small (in the case of teachers, for example) or rather large (physicians, for instance).

This arrangement dates back to the time when there were no institutions of higher education in the country. Before the creation of the University of Costa Rica in 1940, the professional associations, especially those of medical doctors, lawyers, and engineers, were the only bodies which could perform the all-important task of establishing the credentials of would-be practitioners. They even did some teaching.

There are two main purposes of the professional associations: to insure competence and to unite the practitioners in a single body. Obviously, the first aim does not imply the second, but all associations without exception have fought off attempts at

keeping the first and dropping the second. The survival of their bureaucracies is at stake, of course. Since the Constitution (art. 25) forbids forcing people to join associations of any kind, it is hard to see how to reconcile the requirement of joining professional bodies, which are created on demand by the National Legislative Assembly, and the freedom of individuals. This situation was challenged before the Supreme Court. The landmark decision found no unconstitutionality in it because nobody is forced to practice a particular profession. Needless to say, many disagree with this line of reasoning.

These associations supervise professional practice in order to prevent any misbehavior on the part of associates. Since associations are not part of the state or of the government, the licensing of professionals in Costa Rica is not a means at the disposal of the state to control, for example, the flow of information. Associations respond to the interests of particular groups vis-a-vis the state and the general public. In this, they have been very successful.

Many in the country consider our present system unsatisfactory. First, professional associations regulate practice in such a way that they press government agencies and officials to secure for them many positions in the public administration and in the carrying through of many enterprises generated in the private sector. There is a trade-off here between the individual practitioner of a liberal profession and her "colegio": one loses some independence, but at the same time one gains more possibilities

for practicing one's profession. Requirements for hundreds of positions are established by the Civil Service. Each professional association sees to it that its members will be chosen to fill as many of these positions as possible, even those which only remotely have something to do with the profession.

Second, professional associations often obtain privileges which in fact amount to the taxpayer paying for the fringe benefits of private groups of professionals. In any official transaction one could think of (travel, building permits, inheritance transfers, etc.) there is always one or another of the ubiquitous legal stamps to be bought, often for the benefit of some professional association. So, if you want to travel abroad you have to buy several "sellos" (legal stamps), one of which is for the association of journalists. With money "earned" this way, plus regular fees, the association is able to provide its members with a well-equipped country club.

Professional regulation in Costa Rica also pays too much attention to rules and privileges and too little to improvement in technical and technological conditions in the practice of the professions. The careerist is encouraged to remain in good standing by compliance with regulations of his guild, but few incentives are offered to improve the way he practices his profession. Those incentives do not come from professional regulations. This is why many think these all-powerful associations have as their main function protecting mediocrity. Mediocrity shuns innovation.

Technological innovation means a

change in the way things are done. This implies both artifacts and processes, both the use of objects and the way actions are structured in order to get people and objects to operate purposefully. At this juncture, there are two conflicting views of the role of tight associations: some see an advantage in their existence, but some decry their all pervasive influence. My view is that the existence of professional associations in Costa Rica may be useful for the vendor of some products (pharmaceuticals, for instance), since professions are very convenient if one wants to reach all associates. At the same time, the very way they function is not conducive to real change. Protected in a cocoon by layers of legislation and by the company of their peers, secured in their privileges vis-a-vis the state and civil society, professionals will have to look somewhere else to find a challenge to established ways. That they often do is a tribute to their ingenuity.

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### **"Professional Ethics in Egypt"**

Dr. Ali E. Hillal Dessouki,  
Director, Center for Political  
Research & Studies, Cairo  
University

Professionals do not operate in a vacuum. The awareness of, and respect for, professional ethics are social issues par excellence. They reflect the prevailing socio-economic and political conditions, as well as the state of the profession itself.

In Egypt, issues of professional

ethics are colored by the facts of poverty, illiteracy, and absence of democratic freedoms. Being unaware of its rights, the illiterate majority is a potential victim of abuse and malpractice. The lack of free press and liberal rights make it difficult to expose violations of professional ethics. To this one must add the paucity of professionals, especially in rural areas. A peasant in Egypt does not have much choice in selecting his doctor, since there is likely only one doctor in the village.

Professional ethics is the concern of the urban, educated middle-class.

Professionals in Egypt have traditions dating from the late nineteenth century. Modern professional associations developed and became defined as the number of professionals in the country increased. Every association in Egypt has its code of ethics. For instance, the 1983 law reorganizing the legal profession includes a long list of ethical duties and obligations. Article 62 refers to the principles of honor and integrity. Article 64 obligates the lawyer to help the needy and those who cannot pay. Article 65 prevents the lawyer from using any information acquired during a case for objectives other than that case. The medical syndicate has its own code of ethics issued by the Ministry of Health in 1974. Article 7, for example, prevents medical doctors from lending their names for any commercial purpose and from engaging in any propaganda for themselves.

There is a wide gap, however, between theory and practice. Due to the general 'developing'

situation and the political clout of professional associations, most of these obligations are theoretical, left to the conscience of each doctor or lawyer to implement. For instance, when an Egyptian goes to a doctor or a lawyer, he pays in cash and receives no receipt. A patient cannot prove the amount paid to a doctor, nor is the government able to calculate the doctor's income for tax purposes. In the 1970's, a number of 'investment hospitals' were established in Cairo to address the needs of wealthy Gulf Arabs. Such a hospital is usually owned, entirely or partially, by the doctors working in it.

Finally, malpractice is seldom an issue. In medicine, for example, death is generally accepted as God's will. Few patients have the ability to determine whether malpractice was involved or not.

In Egypt, and other Islamic countries, professional ethics must be understood in the light of resurgent Islamic movements. For instance, it is almost impossible for a Muslim to accept the notion that a doctor may help a patient to end his life even in cases of terminal disease and terrible pain. Such behavior violates Muslim belief that God is the ultimate deliverer of life and death.

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### **"At the Center"**

At 8:30 a.m., June 19, the first Ethics Across the Curriculum workshop began. Fifteen HT faculty representing a wide array of academic disciplines, participated. Leading the workshop were Michael Davis,

CSEP's Senior Research Associate, and Patricia Werhane, Professor of Philosophy, Loyola University. Davis and Werhane provided the workshop participants with a background in ethical theory and guided them through the first stages of developing strategies for the integration of topics related to ethics, where appropriate, into the teaching of their respective technical courses. The participants will continue working on these strategies over the summer, with the aim of implementing them in the fall, and will meet again for two days later in the summer to try out ideas they have developed.

The Ethics Across the Curriculum project, funded by the National Science Foundation, is scheduled to run for four years. The project calls for two more workshops for HT faculty to be held in the summers of 1992 and 1993, and for a workshop involving faculty from other colleges and universities in the summer of 1994.

In April, CSEP's Senior Research Associate, Michael Davis presented a paper at a joint session of the Society for Public Affairs and the Association for the Philosophy of Education, chaired by Center Acting Director Robert F. Ladenson. Davis' paper was entitled "Wild Professors, Sensitive Students: A Preface to Academic Ethics." Dr. W. Penn Vann of Texas Tech University in Lubbock Texas visited CSEP this May. Dr. Vann, a professor of civil engineering has been active for many years in research on the teaching of engineering ethics. On July 2, Michael Davis and Harriet McCullough conducted an ethics workshop for the recently constituted Ethics Committee of

the Chicago Transit Authority. McCullough is the former Executive Director of the Board of Ethics of the City of Chicago. On July 15, the CSEP welcomed Vivian Weil back from Washington where she has spent the past year serving as Program Head of the National Science Foundation's Ethics and Values Studies Program. Robert Ladenson, Acting Director.

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### "Announcements"

**CONFERENCES:** *The Ninth Annual Conference on Business Ethics*, Bentley College, March 30-31, 1992 invites papers on issues in business ethics arising from "this new era of global competition and post-cold war economic development:" Possible topics include cross-cultural comparisons of ethics attitudes or business codes of conduct, the possibility of transnational codes of business ethics, business-government relations conducive to sustainable economic growth, unique ethical problems of developing countries, business ethics issues from a particular cultural perspective, and the impact of multinational corporate operations on the environment and culture of host countries. Contact: Dr. Judith Kamm, Conference Co-Chair, Center for Business Ethics, Bentley College, 175 Forest Street, Waltham, MA 02154 (ph. 617891-3433 or fx. 617-891-2819).

*The 1992 Meeting of the International Society of Business, Economics, and Ethics* will be held in Columbus, Ohio, March 27-28, 1992. The purpose of the

Society is to facilitate relations among businesses, academics, professional societies, and others interested in the ethical dimensions of international business and economics. The program will include a plenary session of invited speakers, two sessions of contributed papers, a dinner, and a business meeting. Contact: Richard De George, Philosophy Department, University of Kansas, Lawrence, KS 66045.

*An International Conference on Ethics of Business in a Global Economy* will be held in Columbus, Ohio, March 25-27, 1992. Sessions will be in English, Japanese, and German. Though planned chiefly for business leaders, its sponsors wish to include about 100 scholars working on issues of international business ethics. Deadline for academics may have passed, but contact: Dr. Paul M. Minus, Council for Ethics in Economics, 125 East Broad Street, Columbus, OH 43215 (ph. 614-2218661 or fx. 614-221-8707). Columbus, OH 43215 (ph. 614-2218661 or fx. 614-221-8707).

*Ethics in Critical Care: A Multidisciplinary Approach*, a conference devoted to the problems of daily collaboration among health care professionals, will be held in Chicago, October 6-8. Contact: Society of Critical Care Medicine, Program Registration, SCCM/AACN Ethics Conference, PO. Box 68024, Anaheim, CA 92817-8024 (ph. 714-449-8700).

The European Business Ethics Network's Fourth Annual Conference, *Business Ethics in a New Europe*, will be held in London, September 25-27, 1991.

Contact: Prof. Jack Mahoney, Director of King's College Business Ethics Research Centre, University of London, Strand, London WC2R 2LS (ph. 071-873-2587 or fx. 071-836-1799).

**CALL FOR PAPERS:** A new international, interdisciplinary social science journal, *Knowledge: Creation, Diffusion, Utilization*, is now seeking papers on the nature of expertise and the translation of knowledge into practice and policy. Contact Dr. Marcel LaFollette, Knowledge, Center for International Science and Technology Policy, George Washington University, 2130 H Street, NW, Suite 714, Washington, DC 20052 (ph. 202-994-6450).

The Center for the Study of Ethics in the Professions at the Illinois Institute of Technology was established in 1976 for the purpose of promoting education and scholarship relating to ethical and policy issues of the professions.

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