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Complementarity of normative ethics and consumer ethics

Ethics today

Ethical issues (both generally and especially with reference to “fragments” of society, that is groups of professionals) cannot be considered as separate from the general, external conditions, including sociological characteristics. It should be remembered that the lower level ethical principles should not contradict those of a broader sense. Otherwise, the former ones can cause conflicts.

We live in the times of globalization which is a complex issue. The new order, which is/will be its result, is not fully known to us. We can observe the process of globalization – rejecting it does not seem to predictably affect its course. Globalization processes occur regardless of our will and without regard to whether we are in favour of them or not.

In the process of globalization, the society of producers transforms into the society of consumers. The former fetishized commodities, whereas subjectivity is considered an attribute of the latter. It is significant what Zygmunt Bauman said about the society of consumers, namely that [...] *no one can become a subject without first transforming into a product, and no one can save one's subjectivity in a safe way if one does not have and does not constantly add the qualities which are required from a marketable commodity. The “subjectivity” of the “subject” and most of what can be achieved because of it focuses on the continuous effort to become a marketable commodity* [1, p. 149–150]. This is an extreme position – revealing, in Bauman's opinion [1, p. 150], the true, concealed identity of the society of consumers. However, it seems to make it easier

to see the ongoing changes. Transforming oneself into a “commodity” is totally different than treating “others” in a similar way – that's what we see, e.g. in trading people today (selling children or women to brothels; forcing emigrants to slave work, etc). The positive “commoditization” is nothing else than, to use the terms with no pejorative connotations, making effort to be attractive for other participants of an event.

Ethics changes too. Privatization regards the normative systems (which develop at the level of large communities) for the benefit of moral choices of individual persons and responsibility for themselves as well as their decisions. It can be said that this is democratization of responsibility. The previous order of being subjected to the rules is being replaced with stimulation. PR (public relations) plays its role here too as well as advertising, encouraging desirable behaviors [1, p. 32, 33 and others]. Furthermore, those new instruments should be required to demonstrate responsibility. It does not mean, however, that moral patterns should be rejected. It is rather about shifting the center of gravity from the requirements which are external for the subject to the development of the need to assume an expected attitude in it.

Relying on forecasts is always somewhat risky. Globalization is not a finite process, but, just like other trends which also regard ethics, it seems to be established – more to be observed than anticipated. So they can constitute a legitimate basis for search of the shift of accents in the approach to professional ethics.

Reservations and comments

The current state of the ethos of the profession of an architect is defined by the *European Deontological Code for*

Providers Ethics of Architectural Services (EDCPAS) (Architects' Council of Europe) as well as the *Code of Professional Ethics of Architects (CPEA)* (The National Chamber of Architects of the Republic of Poland). The latter has a very similar structure to the former, however, it does not imitate it – a little different distribution of accents is visible.

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Personally, I do not apply a routine approach to the issues of professional ethics. I haven't participated in creating any of the codes, so it is easier to weigh the nuances and notice differences – also when they are not so radical. On the other hand, my judgments are certainly somewhat subjective. Examining issues calmly, from some distance, and without emotions does not guarantee full objectivism. The identity of the one who assumes a position does create a certain dose of bias which is often unintentional.

The postulates provided below are not burdened with responsibility which is usually present when proposing

provisions to the Code. They can be used (or not) by the legislator. They can inspire other proposals – with similar or rather opposite intent. This is a comfortable situation for the one who presents the suggestions. The presentation can be full of exaggerations or it can be even discouraging; then the message is clearer.

Opting for the proposition included in the title requires arguments which are both general and indicate some specific points. The latter have been collected together and each of them has been separately assigned a mark and number (corresponding to the symbol on the attached figure.)

Obligations and dilemmas of an architect; their reflection in law

It is impossible in a short presentation to refer to all rules set forth in the codes and the dilemmas they entail. And there is no reason to quote the rules which seem to be indisputable. A selection has been made and only the problems which have not been provided for in the codes (sometimes out of necessity to be concise) are indicated here. Some of the obligations, rules, and desirable conduct must be to some extent contradictory and complex – e.g. the price of the project. The client is interested in the price which is as low as possible, but the high quality of the project is also in his interest. In order to provide such a service, an architect must have, among other things, funds to run an office. The client would like to construct the house cheaply and the low costs do not always guarantee good architecture – paradoxically, it often requires more workload on the part of the designer. The fee, however, corresponds to the cost estimate (some percentage). It is advisable to have a pricelist, but the obligation to strictly follow it can be difficult. The consumer ethics seems to be useful in resolving such disputable situations. Conflicts usually appear in the relations with other participants in the investment process. It would be advisable to consult other participants in the process, or at least inform them of the normalized obligations in this area before their implementation.

(1) Civilized competition for orders, with no ruthlessness, has nothing to do with altruism. This is the interest of the client and society in its broad sense. *EDCPAS* [2] puts forth the relevant provision in the general obligations: *During the negotiations of a contract, the architect shall not verify the offer of fee with the use of knowledge of the fee offered by other providers of architectural services. This rule is necessary to protect the client and society against failure to fully use all available resources by any provider of architectural services.* The provisions of *EDCPAS* may be the effect of longer experience with market economy of the “old” countries of the Union. If so, then a need to incorporate them into *CPEA* will arise sooner or later [3].

(2) *CPEA*'s obligations toward society, and more precisely in the interest of all citizens of Europe, include an instruction to promote in an appropriate and responsible way the social role and significance of architecture. *EDCPAS* does not have a similar provision. Despite its pompous form, this provision seems right – if there are indications that the society has no such knowledge. Still,

its implementation remains problematic. Furthermore, the question arises whether, and to what extent, this is a task for architects/architectural firms or maybe for architects' associations.

Indoctrination of the environment and clients – especially in the situation when the architectural design is statutorily restricted to one group of professionals – can be counter-productive. It seems adequate to include knowledge of architecture in school curricula, indicating contemporary issues (knowledge regarding history of architecture is popularized through numerous publications on art history.) As one can expect, education in this respect would be beneficial for the care for the generally accessible spaces, which leaves much to be desired (“graffiti,” litter, illegal dump sites, devastation of small architecture structures, green areas, etc.).

(3) The necessity to observe the law which applies to architects is indisputable. Both codes referred to the above address the especially sensitive issues such as offences in general and specifically financial and tax offences [*EDCPAS* – 2.5 and 4.13; *CPEA* – 2.5 and 4.16]; they also provide for intellectual property rights [*EDCPAS* and *CPEA* – 4.5 and 4.6].

Apart from the construction law and copyright, there are a number of paragraphs providing for professional conduct included in different codes. Law is subject to amendments; during periods of revaluation they are numerous. Would it be helpful to make “excerpts” of legal acts which do not refer directly to architecture? Incompleteness of such a task seems to bear some reservations. The wide range of laws, possible interpretations, and unpredictability of situations seem to prevent the enumerative indication of acts which should/could affect the professional decisions of an architect. The old rule which says that *ignorantia iuris nocet* (being ignorant of law harms) will necessitate legal consultations.

(4) *EDCPAS* and *CPEA* (in both general obligations and those toward interest, public, client, and the profession) stress the necessity to possess knowledge, skills, commitment, diligence, impartiality and honesty in practicing the profession. Such conduct can be summarized in one word: “responsibility.” In the opinion of Konrad Kuczak-Kuczyński, the responsibility, education, and even talent are not enough to create *architectural events* comparable to those by Ronchamp and La Tourette Corbusier or

Fondation Cartier at Bld. Raspail Nouvel. Without prejudice to their role, Kucza-Kuczyński emphasizes the necessity of vocation and passion [5, pp. 27–29, 32–34]. He considers the *rejection of the Unité d’Habitation and making fun even today of the demolition of Paris to make room for skyscrapers* tragic [5, pp. 31–32].

Vocation and passion are, if considered separate from the objectives to be achieved, adiabatic. They assume moral significance only by their objectives. Good will itself does not guarantee positive results; as the saying goes – *the road to hell is paved with good intentions*¹. It seems safer to content oneself with the pragmatic responsibility and place vocation and passions – both romantic which draw on feelings and extreme at the same time – in the realm of personality of the designer, keeping in mind their other, dark side.

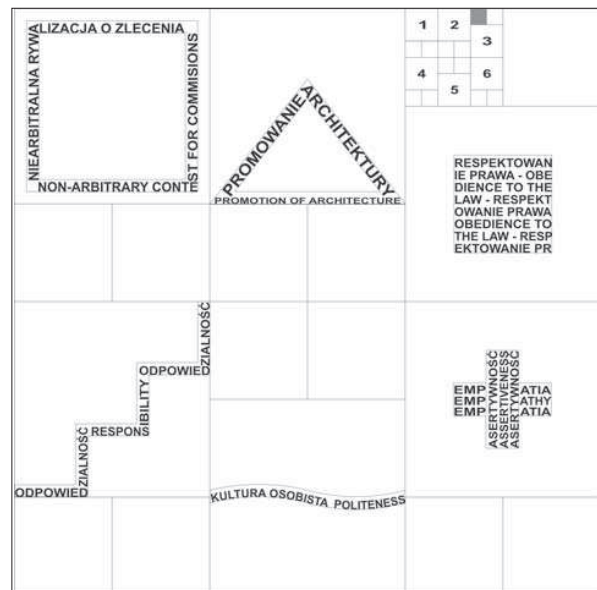
(5) The personal culture manifests itself in treating partners with respect. This also regards the relations between boss and subordinate or service provider and customer. It is good when the relations are based on authority. Wherever there is no authority, the threat of mobbing arises. Respecting the partner’s rights is as fundamental as protection against passive smoking or resignation from vulgar language – even when it seems to be the usual language of the other party. *EDCPAS* and *CPEA* stress the problem with discrimination against minorities [4.4] and the ability to accept criticism [3.13].

The rules regarding personal culture are difficult to enforce – especially when they are violated by the stronger party. So maybe even greater attention should be paid to them as otherwise the prestige of the profession suffers.

(6) The development of emphatic skills can be encouraged. However, understanding/acknowledging an interlocutor’s point of view is not the same as sharing it, although one’s conviction of being right should not be automatically assumed. Empathy seems to be significant especially when our position is different. It is easier to argue against different ideas when the premises that formed them are known. It is important to convince an investor to make the right decisions (so that they are not imposed on him) – decisions which ultimately can prove beneficial to him.

Paradoxically, assertiveness, which is the opposite extreme, is equally necessary (from the ethical perspective). The inability to enforce necessary requirements and submission to pressure (such as hasty setting of tighter deadlines, reducing costs, changing materials – which greatly affect the quality of the designed structure) can prove socially harmful (and in extreme cases – catastrophic with casualties). Therefore, assertiveness in the right cause is not only in the interest of the designer who is legally responsible for the decisions made.

The complexity and the extensive environment where architecture is implemented, the multi-faceted character of the participants in the construction process (as well as the conflicts of interest which sometimes accompany it), the significance of the tasks (also due to committed funds,) the



consequences of mistakes – require the application of relevant norms for the profession, including its deontological aspect. When one realizes the unpredictability of new phenomena and their inertia, the same reasons as listed above make one cautious about formulating excessively detailed deontological rules. It seems inevitable to leave some space for individual sensibility (such an approach is consistent with the observed phenomenon of scale beyond the profession, manifested in the consumer ethics).

Until recently, the typical designs, not fully controlled by applicable laws and customs, provided new challenges. Their popularity among clients (extensive market offer, low prices of mass-produced designs) exceeded the argument of the uniqueness of space and social context of a single-family house. The aversion of some professionals to the enclosed estates will not prevent their development as long as there are reasons for their construction that extend beyond architecture (security, order maintenance). Sustainable design is the necessity understood by the professional circle despite the effort to assimilate new knowledge and (often) the need to change the usual attitude to designing. The difficulty lies in convincing the client to assume the ecological attitude and its promotion (especially the financial one) by the state.

The resolution of such dilemmas requires time and competences. The latter develop in individual design actions. The realm of consumer ethics is a place of negotiations, or in other words – the space-time for the decisions to emerge. Proven solutions become practice within the frame of applicable law or they complement it, sometimes initiating desirable conduct. For many architects, typical designs and enclosed estates fall too close to the border that defines what is ethical. Sustainable design, on the contrary, is almost a moral obligation. The necessity to manage the ecological techniques and technologies (which are in their development stage) is the cost to be paid. These are some of the obli-

¹ *The road to hell is paved with good intentions* – saying by Samuel Johnson, after: [4, p. 212].

gations of the architect. The designing paradigm is changing. The energy certificates impose a slightly different point of view. The indicated changes do not have to take place at the cost of the form, though they will (or even should) affect it.

Summing up, one can postulate the complementarity of normative ethics and consumer ethics. The latter, let me repeat, comes down to individual responsibility and choices made where dilemmas arise, which should not be identified with freedom to make any decisions, which is based only on the personal sensitivity of the parties of the dispute/conflict. The decisions should (or must) be compatible with the general ethical norms collected in the professional codes. Would it be shifting the decision making in numerous disputable situations to the participants in the event? Certainly, it would be so. Such are the costs of an extensive area of freedom. The advantage here is the possibility to find a more rational solution.

It does not seem reasonable to further specify CPEA. Each conflicting situation which arises as a result of its special characteristics can benefit from individual consideration. Excessive restrictions can, on the other hand, impede “moral negotiations” – both between professionals and in contact with others. It is good when the established and acceptable ethical norms provide guidelines, leaving some free area and a basis for relatively safe actions. It is possible then, without strictly following doctrines, to adjust to specific cases. Dilemmas at the same time constitute a “laboratory” for normative ethics, and in extremely difficult situations are supported by litigation.

The codes would be then collections of general deontological rules defining the professional and moral obligations of the architect – the rules which focus on good architecture. It can be presumed that it is the ultimate objective of all participants in the investment process (and if it is not, it should be demanded that it be) and of good architecture in its numerous aspects, but without ignoring the significance of its formal dimension. They demonstrate value in themselves in the long run. It is the Form with the capital F which determines the architectural transcendence in time. The Form which is more a synthesis of the elements that shape a structure rather than the packaging or surplus of the building matter.

It is difficult to predict if making the normative ethics less strict would affect the number of cases that would require court resolutions (Chamber or Administrative Court). The argument for the alleged increase in their number is the claim that a greater number of issues which are not straightforwardly regulated cause more doubts. On the other hand, the argument against it is the fact that a less restrictive law (that is only a different form of description of the same legal state) facilitates reaching compromise between the parties in dispute. Presumably, the degree of submissiveness, to use the term coined by Tadeusz Kotarbiński, is more significant here.

However, it seems indisputable that the knowledge of court rulings regarding dilemmas which are analogous (or rather similar ones – situations never repeat literally for instance due to time sequences) to those which we face is helpful. It can be one of the factors, perhaps even decisively contributing to the settlement of a dispute. It would be worth documenting – on a regular basis – court decisions with glosses. The comments regarding the circumstances, legal basis or explaining the terminology of the professional jargon can be necessary for correct understanding and interpretation of the ruling. An electronic database seems to be the most convenient way of providing access to the collected documentation, which would be easy to browse, search, and group by different criteria (for example by subject – copyright, cost estimate, schedule, etc.; by the settlement venue – Chamber, Administrative Court; by the place where a dispute originated – within the design team, between designer and client, designer and office, etc.). Other statistical information reported by the program such as the number of cases in specific areas or proportions of decisions (for/against the architect) would serve as a red light. It would inform of the threats regarding for instance the increase in unethical conduct of one of the participants in the investment process, unclear provision of the law or its incoherence in some area. It would provide research material for the Chamber, indicating a need for additional legal regulations or specifying the existing ones, providing at the same time an argument used when dealing with an external legislator. It's worth noting that regular updating of the base would enable the tracking of reactions of the professional environment to the introduced changes.

Summary

The order which globalization shall cause is not fully known. We can observe globalization; rejecting it does not seem to predictably affect its course. This also regards ethics – the consumer society exists in reality. The normative systems are being privatized for the benefit of moral choices and the individual responsibility for them.

Consequently, it does not seem reasonable to further specify CPEA. Each conflicting situation which arises as a result of its special characteristics can benefit from individual consideration. Excessive restrictions can impede “moral negotiations” – both among professionals and in contact with others.

It is good when the established and acceptable ethical norms provide guidelines, leaving some free area, and a basis for relatively safe actions. Therefore, it is possible, without strictly following doctrines, to adjust to specific cases. Dilemmas at the same time constitute a “laboratory” for normative ethics, and in extremely difficult situations are supported by litigation. The postulated development of an electronic database of court resolutions would be helpful in making individual (consumer) decisions and formulating normative provisions.

Translated by B. Setkiewicz

References

- [1] Bauman Z., *Szanse etyki w zglobalizowanym świecie*, Kraków 2007, pp. 149–150.
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- [5] Kucza-Kuczyński K., *Zawód-architekt. O etyce zawodowej i moralności architektury*, Warszawa 2004, pp. 27–29, 32–34.

Komplementarność etyki normatywnej i etyki konsumenckiej

Porządek, który będzie rezultatem globalizacji, nie jest nam do końca znany. Globalizowaniu możemy się przyglądać; przeciwstawianie się nie wydaje się mieć przewidywalnego wpływu na jego przebieg. Dotyczy to także etyki – społeczeństwo konsumenckie istnieje realnie. Dochodzi do prywatyzacji systemów normatywnych na rzecz moralnych wyborów oraz odpowiedzialności za nie pojedynczych osób.

Wobec takiego stanu zewnętrznego nie wydaje się celowym uszczegółowianie KEZA. Każda zaistniała sytuacja konfliktowa, z powodu swoich cech szczególnych, może zyskać na indywidualnym rozpatrzeniu. Nadmierne restrykcje mogą utrudniać „moralne negocjacje” – wewnątrz zawodowe i na styku z innymi.

Dobrze, gdy utrwalone i akceptowalne normy etyczne są drogowskazem, pozostawiającym pole manewru, i gdy stanowią podstawę dla w miarę bezpiecznego poruszania się. Można wtedy niedoktrynalnie dostosować się do konkretnego przypadku. Dylematy stanowią równocześnie „laboratorium” dla etyki normatywnej – w szczególnie trudnych sytuacjach wspomagane postępowaniem sądowym. Postulowane utworzenie elektronicznej bazy danych rozstrzygnięć sądowych byłoby pomocne w podejmowaniu indywidualnych (konsumenckich) decyzji oraz formułowaniu normatywnych zapisów.

Key words: consumerist society, privatization of normative ethics, dilemmas of architectural practice

Słowa kluczowe: społeczeństwo konsumenckie, prywatyzacja etyki normatywnej, dylematy praktyki architektonicznej



Bad Architect – a fragment of woodcut from Philibert de L'Orme's treatise; Oeuvres de Philibert de l'Orme, [ed.] Regnaud Chaudiere, Paris, 1626, illustration after p. 329 (open library resource: <http://ia600209.us.archive.org/23/items/architecturedeph00lorm/architecture-deph00lorm.pdf>)

Zły architekt – fragment drzeworytu z traktatu Philiberta de l'Orme'a; Oeuvres de Philibert de l'Orme, [ed.] Regnaud Chaudiere, Paris, 1626, il. str. 329 (źródło open library: <http://ia600209.us.archive.org/23/items/architecturedeph00lorm/architecturedeph00lorm.pdf>)