



Ireneusz Huryk*

Code of ethics – review of problems associated with codification of professional practice

Professional ethics and professional morality

The Principles of the Architect's Professional Ethics which were adopted on November 24, 2002, during the Extraordinary Conference of the Chamber of Architects proved to be so impermanent that a new Architect's Code of Professional Ethics, based on the draft of the code prepared by the Architects' Council of Europe, was adopted already on December 18, 2005. As it turned out later in practice, many of its provisions cause doubts among both the members of the Chamber of Architects commenting it and among judges of the disciplinary courts who should resolve disputes immediately. The necessity to interpret the rules included in the code was the reason for organizing trainings in the National Chamber. A good example of an unclear provision of the code which needed a straightforward interpretation was provision 4.5: *Architects shall not claim the intellectual property or use the ideas of other architects, firms or other organizations without their consent.* The judges could not resolve the disputes regarding intellectual property on the grounds of professional liability on the basis of copyright law, which at first seemed unavoidable. Only the special training

produced an unambiguous position according to which the disciplinary liability covers the issue of use of the ideas of other architects in a broader sense than the copyright law.

The Code of Ethics provides in an orderly fashion the norms which oblige the members of the Chamber to proceed properly. Their moral convictions are, however, a different issue. The code provides for instance that the fee should enable the architects to conduct their services properly. Lack of commissions, however, results in lowering the costs and quality of execution of the projects. Despite the fact that the architects' moral convictions can be consistent with the provisions of the code, the procedure they follow is different. The professional morality understood as the architects' way of conduct, which is judged with the use of moral criteria, is then a separate realm which is subject to correction with the use of the code. Such a subjection of the real situation to codified principles should result in their internalization among the members of the corporation and improve the sphere of their conduct.

The profession of social trust in the context of articulation of deontological principles

The preamble to the Code of Ethics obliges us to maintain: *impartiality, professional confidentiality, honesty, competence as well as professionalism and the highest possible quality of our work, offering this way the society special and exceptional knowledge, capabilities, and skills necessary to develop culture and build environment.* It attributes then the important features characteristic of

the profession of social trust to the architect's profession. The connection between the special significance of that profession for society and the expectation of very high ethical requirements traditionally shaped by the very environment of the corporation seems obvious. In practice the tradition of providing higher than standard ethical norms and not forced from outside was shaken. At present the situation turns the corporation into a guardian of the quality of performance of the profession of social trust. The role of the disciplinary courts seems to be twofold.

* Silesian District Chamber of Architects

On the one hand, the judges resolve disputes and, on the other hand, they assess if the object of proceedings violated the rules of ethics. Regardless of the conse-

quences of the conduct of the accused toward the victim, the very fact of violation of the norm is blameworthy.

Basic requirements of the Code of Professional Ethics

Codification of norms and ethics of aspirations

The assumption behind a code without description of values and ideals advocated by corporations is that it is a manifestation of morality of obligations and not morality of aspirations. The task of such a code is to provide minimum standards of conduct for the members of the Chamber and not to indicate ideals to be pursued, whereas professional ethics on the outset should assume higher requirements in comparison to the entities it addresses than the requirements set by the norms of general ethics. The code cannot be justified only by securing the interests of the members of the corporation. Public interest should remain its basic aspect. The code should not provide norms which are common anyway either, but indeed it must regulate the specific problems connected with the performance of the architect's profession.

Care for public interest and securing the interests of the members of the corporation

The significance of the conditions for the growing understanding that the fundamental principles are necessary for architects implies feedback in the relations between society and the members of the corporation. In their actions, architects affect very strongly the stability of the environment, the shape of public spaces, conservation of energy, allocation of resources, etc., which in turn burden them with a lot of responsibility. They must possess knowledge of various needs, values, and conduct characteristic of various cultures, as well as the influence of that variability on the role of the architect in society. They should be aware of the fact that architectural education is not complete at the moment when they get their qualifications but it continues throughout their whole lives and it always covers the understanding of all relations both between people and the matter which is transformed. It is necessary to assume the position of openness to continuous improvement, growth, and broadening of perspectives in order to understand the power of their influence – the power of architecture. In the light of these aspects the questions of the benefits for society and ethical activities become especially important. They provide exposure to criticism and opinions on creative acts, and criticism can cause architects to feel threatened. It is difficult for architects to get honest opinions on their activities, however, it is necessary for their professional development.

Specific regulations regarding the architects' activities

The structure of our Code of Professional Ethics is relatively clear. The list of norms is preceded by a preamble which stipulates for instance that the Code provides the [...] *rules of conduct which apply to all architects who offer architectural services which regard all professional activities*. This is a postulative provision in its nature and it is

unclear as it is impossible to enforce the observance of the Code by the architects who are not members of the Chamber of Architects. The consequences of such a situation are pitiful for the reputation of the architect's profession.

Another structural element of the code is a short note which describes architectural or multi-disciplinary firms as entities which would be subject to the Code of Ethics, which seems at least awkward. This is another postulate which does not have any connection with provisions of the *Act on Professional Self-Governments*. Art. 8 stipulates that *the tasks of professional self-governments include in particular [...] providing the principles of professional ethics and supervision of their observance*. At present, such supervision is possible only in regards of the members of the Chamber.

The basic contents of the code include four principles: general obligations, obligations to society, obligations to clients and obligations to the profession. Each of the principles includes further rules whose violation can be the basis for initiation of the disciplinary proceedings. The opinion of the Screener for Professional Liability, which is the basis for the disciplinary court to initiate the proceedings, should establish which rule or its part was violated. In the process of internal trainings judges noticed a lot of provisions which seem to be too general or imprecise. Let me illustrate that with a fragment of rule 1.3: *In order to assure the fulfillment of the required professional standards, the architects who are directors, shareholders or owners of firms shall have qualified and properly supervised employees as well as adequately and effectively apply internal rules of conduct*. Similar general instructions are included in rule 2.1: *In their work, architects shall respect the existing values, natural and cultural inheritance, and they shall care for their maintenance and development. They shall strive to improve the quality of life and residence as well as the quality of environment and surrounding in the way which would not violate their balance, being committed in their actions to the effects of their work which would benefit in a broad sense the interests of all those who can expect benefits and satisfaction from them*.

There are more similar provisions but may those two examples testify to the possibilities of supervision of the observance of the code.

Scope in respect of application of principles not only in relation to conduct which is directly connected with the practice in the profession

Formulating the principles of professional ethics should be based on the assumption that the members of the Chamber of Architects shall act in compliance with the code of ethics not only when their activities are directly connected with the performance of professional duties. Due

to the social expectations the requirements of the persons entrusted with confidential information to follow ethical principles also in private life are high. Such a position is

also connected with the fact that the code of professional ethics applies to the persons who are professionally inactive and candidates to perform in that profession.

The purpose of existence of the code of ethics

List of norms and their unambiguity

The “engineering” approach to ethical issues is based on the assumption that ethics is special technical knowledge which can be expressed with the use of instructions. The very codification of the principles of professional ethics contributes to an unambiguous establishment of obligations and restrictions. However, a set of written principles shall not be considered comprehensive code. One can imagine how destructive the effects would be of the conduct of the persons bound by the code who claim that they are exempt from passing independent judgments and blindly believe the ethical attitude of the authors of the codification.

Observance of the code in practice of the disciplinary court at the District of Architects

The experience of the Disciplinary Court at the Lower Silesia District Chamber of Architects over the first eight years of its existence can seem utterly modest and at the same time varied and regarding the fun-

damental problems connected with the practice in the profession of architects. We considered the opinion of the Screener for Professional Liability regarding the commission of disciplinary violation by an architect of rule 4.3. of the Code of Professional Ethics i.e. exposure of representatives of society to loss of trust in the profession of public trust, that is the profession of architect. Another opinion on the commission of disciplinary violation regarded a member of the Chamber of Architects who violated rule 4.5. of the Architect’s Code of Professional Ethics by undertaking to continue to use the design documentation developed by a different architect and making significant changes to the original design without obtaining consent of the design author to make them. The third case of the commission of disciplinary violation was based on the assumptions that an architect made a design for renovation of a historic facade with the use of elements of earlier design without obtaining consent of its author.

The basic ethical principles which apply to architects

Sincerity, independence, impartiality, competence, loyalty, diligence, reliability, responsibility. These values are mentioned in the Code many times in the context of all four principles. The repetitive explanation of their mean-

ing in effect diminishes their significance and gravity. In fact they are the basic principles whose application to the profession of architect should be stressed emphatically and directly.

Ethics of virtues as ethics of aspirations

Separating in ethics being a good person from being an architect undermines the practical application of professional ethics. The efficient technical functioning in professional life does not automatically make anyone morally good. If conduct of an architect does not result from proper moral motives, it does not make him a better person. The need to infuse the right role to the internally integrated moral object following good motives and intentions which are the basis for performing good deeds is the basis for constructing the proper code of professional ethics. Professional ethics should assume acquiring proper moral dispositions – virtues which enable good practice in the profession. In this context, it is important

to establish the right objective of the architect’s conduct. Can words, social prestige and high fees decide about that conduct? Can the ethos of the profession be sacrificed for political or economic purposes?

The basic ethical principles listed earlier can be preserved only by acquiring proper moral qualities which would strengthen the architect in performing the vocation (duty, mission.) Lech Niemojewski lists five virtues necessary in the struggle for architecture: vocation, friendship, confidence, dedication and willingness to seek advice. He also emphasizes that it is only with dedication in service of the idea of architecture that benefits the society.

Ethical consequences of design decisions

Situations when any decision causes somebody’s dissatisfaction

When an architectural design is ready the investor accepts offers for construction of a structure. He usually selects a contractor who shall present an inexpensive proposal. An architect would like the designed building to be as good as

possible. At the same time the drive to cut the building costs at the stage of construction changes the originally designed “gem” into one more product of the developer. Whose benefit then is the architect supposed to fight for? The benefit of future inhabitants? The benefit of the developer? The benefit of the contractor? Or the benefit of society?

Designing as creative work closely connected with the system of values represented by architects

The activities conducted by architects result from their moral disposition. They can meet the challenges of the

profession by acquiring such moral traits which would enable them to fulfill the mission. Fame, prestige, high fees cannot be their primary objectives. What man you are cannot be separated from what architect you are.

Self-reflection as a tool necessary for improvement and ethical growth

Residence, work, and rest need constructing adequate buildings. It is not possible to do without a roof over one's head. This is where architects come in and they must design ordered structures in the correct way. In order to do that first they should build themselves and first of all they should strive to become fully capable of performing service for Architecture and work on the basis of moral principles in a spirit of responsibility

before themselves. May these words be summarized by a sentence from my favorite book "The Carpenter's Disciples": *In principle one should work with clear intentions and disregard for oneself, constantly keeping in mind one's death that will come and must come, so one will have to give an account of wasted time and talent, rejecting the good and taking vain pride in popularity.*

Translated by B. Setkowicz

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Kodeks etyki – przegląd problemów normowania praktyki zawodowej

Artykuł porusza kwestie: zależności pomiędzy etyką zawodową a moralnością zawodową, roli architekta jako osoby uprawiającej zawód zaufania publicznego, normowania zachowań

profesjonalnych, etyki aspiracji, celowości istnienia kodeksu etyki architekta.

Key words: professional ethics and professional morality, deontology, ethics of aspirations, aretology

Słowa kluczowe: etyka zawodowa a moralność zawodowa, deontologia, etyka aspiracji, aretologia