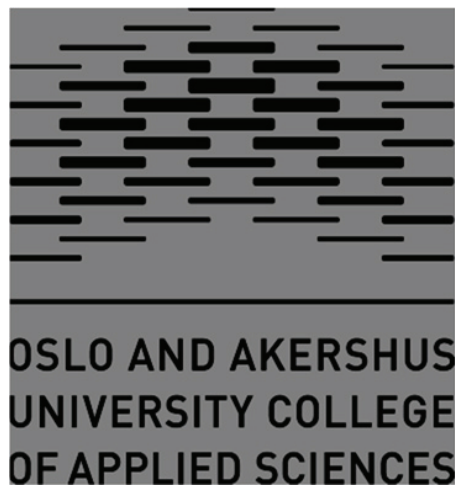


Taking Roles Seriously

On Professional Duty and Virtue

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There is a peculiar brand of ethics called Phil's-osophy, where one of the more sensible maxims reads "Act like a parent, talk like a peer. I call it peerenting." Luckily, both of my parents can peerent fluently, which means I can update them on their grandchildren and receive helpful academic advice in return. They do not only deserve some of their books back, but also thanks for incitements to pursue political philosophy.

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SUMMARY

This PhD project investigates how central moral concepts apply to the morality of professional roles. The moral language of duty and virtue is commonly invoked to legitimise or criticize the actions and attitudes of agents who hold roles within law, medicine, and other basic social institutions. The fact that these agents hold roles dedicated to key human goods is clearly morally significant. However, it is less transparent how the professional role makes a moral difference. Are professional duties just natural moral duties in a special context? Are professional virtues conceptually different from ordinary moral virtues in important ways?

The ambition of the project is to develop a unified account of the normativity of professional roles. It draws on moral, political, and legal philosophy in order to account for how roles can become a source of morally authoritative reasons. The main claim is that professional role morality should be understood on a promise model. Professional duties are grounded in a promissory relation to the public. Contrary to some existing models, professional role morality is neither a direct translation from ordinary moral principles nor internal to professional practice. The moral basis of professional roles is constituted by an agreement with the public, where a commitment to special standards is exchanged for task monopoly. Role requirements have an authority that is largely content-independent by virtue of the public's promissory claim on the profession.

It is argued that this promise model has significant consequences for how we should understand particular moral concepts like supererogation, virtue, and integrity. These concepts are contested in the literature on professional ethics. With the help of the promise model, this project challenges some prevalent views and constructs alternatives. Is there reason to accept the position that professionals are bound by fairness in a way that prohibits them from going beyond their duties *qua* professionals? What are the implications of the widespread claim that virtue has a unique teleological structure in the professional context? Can professional integrity be sensitive to broad-based moral concerns and still be a distinct virtue?

SAMMENDRAG

Dette ph.d.-prosjektet er en undersøkelse av hvordan sentrale moralbegreper kan anvendes på profesjonsroller. Det moralske språket for forpliktelse og dyd blir ofte brukt for å legitimere eller kritisere handlingene og holdningene til aktører som har roller innen lov, medisin og andre viktige samfunnsinstitusjoner. Det er åpenbart moralsk relevant at disse aktørene har roller som er dedikert til grunnleggende menneskelige goder. Men ideen at rollene utgjør en moralsk forskjell trenger nærmere forklaring. Er profesjonsrollens forpliktelser bare vanlige moralske forpliktelser i en spesiell kontekst? Er profesjonsdyder begrepsmessig forskjellige fra vanlige moralske dyder?

Ambisjonen til dette prosjekter er å utvikle en enhetlig framstilling av profesjonsrollers moral. Denne framstillingen bygger på moralfilosofi og teorier om politisk og rettslig begrunnelse. Profesjonsroller blir tolket som kilder til moralsk autoritet. Hovedpåstanden er at moralen som styrer profesjonsroller bør forstås i lys av en løfterelasjon til samfunnet.

Noen teorier om profesjonsroller påstår at vi bør se profesjonsmoral som en direkte oversettelse fra vanlig moral. Andre bestrider dette og hevder at profesjonsmoralen er avledet fra profesjonspraksisens interne goder. I motsetning til begge disse synene, hevder jeg at vi bør se det moralske grunnlaget for profesjonsmoralen som konstituert av en avtale med samfunnet. I denne avtalen binder profesjonen seg til visse standarder i bytte mot oppgavemonopol. Samfunnet har et løftebasert krav på at rolle innehaverne oppfyller disse standardene. Dette kravet har en autoritet som er delvis uavhengig av innholdet i kravene.

Jeg argumenterer for at løftemodellen har viktige konsekvenser for hvordan vi bør forstå de enkelte moralske begrepene, som supererogasjon, dyd og integritet. Disse begrepene er omdiskuterte i den profesjonsetiske litteraturen. Ved hjelp av løftemodellen utfordrer dette prosjektet noen utbredte syn, og det utvikles alternativer. Er det en grunn til å akseptere påstanden om at profesjonsroller er betinget av rettferdighetshensyn som gjør det umulig å gå utover sin plikt *som* profesjonsutøver? Hva er implikasjonene av den utbredte påstanden om at dyd har en unik teleologisk struktur i den profesjonelle konteksten? Kan profesjonell integritet bygge på generelle moralske betraktninger og fremdeles være en særegen dyd?

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The four articles

Article 1

Eriksen, Andreas (2015) The Authority of Professional Roles. Published Autumn 2015 in *Journal of Social Philosophy* 46(3), pp. 373-391.

Article 2

Eriksen, Andreas (2015) Beyond Professional Duty: Does Supererogation Belong to the Morality of Roles Published Spring 2015 in *International Journal of Applied Philosophy* 29(1), pp. 85-101.

Article 3

Eriksen, Andreas (2015) Should *Eudaimonia* Structure Professional Virtue? In press at *Journal of Philosophy of Education*.

Article 4

Eriksen, Andreas (2015) What Is Professional Integrity? In press, *Etikk i praksis – Nordic Journal of Applied Ethics* 9(2), pp. 3-17.

1. CAN ROLES MAKE A MORAL DIFFERENCE?

“Don’t worry, I’m a professional” is a jocular phrase in popular culture. The comic effect usually results from the apparent recklessness of the person who asserts it or the seemingly sordid ends pursued. It trades on the contrast with genuine professionalism. True professional role holders are governed by standards that for some reason deserve to be taken seriously. This project looks at what it means to take roles seriously and why we should.

The importance of professional roles is both familiar and strange. It is familiar in the sense that we all treat professional roles as potential reasons for trust. Usually, we do not trust doctors, lawyers, or teachers merely because they have certain skills, but also because they use these skills in the capacity of role holder. They act in the name of a profession that serves our needs according to publicly declared principles and rules. We know that our doctor is bound not to divulge sensitive patient information, that our lawyer has duty of loyalty to our legal interests, and that our teachers have a role responsibility not to obstruct access to various points of view. In other words, our trust is warranted by the fact that professionals are bound by a special role morality.

The strangeness soon appears when we ask how the role can justify what would otherwise be wrong. As will be seen in more detail later, professionals are required by their role to protect the confidentiality of patients involved in criminal behaviour and to zealously defend lying clients in court. On the face of it, the role requirements that warrant our trust must *either* be based on moral considerations *or* have a non-moral grounding. But neither alternative gives us an obvious reason to see roles as having a moral weight of their own. How can roles make a difference in our moral evaluation of agents?

Insofar as roles are governed by the same moral considerations as ordinary conduct, it is unclear what normative work is done by the roles themselves. For example, if zealous representation is warranted by ordinary moral considerations, then why appeal to the lawyer role to explain the justifiability of acts of loyalty to clients? If the duty of confidentiality is justified by our everyday thinking about right and wrong, then why speak of a special role morality? Roles do not seem to shield from moral blame or authorize immoral actions; they just highlight certain moral features of the agent’s situation. It appears we could make things easier by omitting reference to the roles and simply saying that professionals have the same moral responsibilities as anyone else, but their circumstances are special.

The other alternative is that professional roles make a moral difference by somehow conflicting with ordinary morality. For example, one can argue that roles have a non-moral

grounding, in the sense that valid role requirements cannot be derived from ordinary moral considerations. Instead, the grounding is some profession-specific value, like patient health or legal justice. Professional role morality is then seen as being internally derived from such key values of the profession. For instance, the duty of confidentiality may enable a trusting relationship with patients, which is a precondition for effective diagnosis and treatment. This role requirement is thereby justified by how it serves the key goods of medicine. However, this invites the question of why roles should be taken seriously from a moral standpoint. Granted that the principle of confidentiality promotes the good of health, how does this establish that role holders should give this good priority when moral considerations conflict? Professional roles appear to be just a cloak that signifies that the agent is loyal to some value or an insignia that predicts behaviour, without any obvious connection to moral reasons.

1.1 A foundational inquiry

This strangeness has inspired several philosophical inquiries to discover the “ground” or “foundations” of professional roles.¹ This kind of foundational approach is not neutral with regards to the justification of concrete decisions, but its success does not depend on providing determinate answers to particular issues. The primary aim of such theories is to offer a framework that enables us to understand the conditions for valid justifications, not substantive conclusions to the moral problems of professional practice.

For example, some foundational accounts emphasize how professional roles are partly constituted by a promissory obligation. One version of this is developed and defended in my Article 1 (there are summaries of the four articles in Section 9). This is a model that gives roles a moral weight of their own. Seeing roles as bound by a promissory obligation has implications for what counts as a satisfactory justification. For one thing, the decisions must be justifiable *to the promisee*. Some argue against promises as the source of professional responsibilities because “promises to meet professional standards cannot themselves establish the content and full justification of the standards” (Martin 2000, p. 36). That is an instructive way of missing the point of foundational inquiries. Even though a promissory theory of professional roles does not provide full justification, it can say something about what justifications must achieve.

¹ The foundational approach is already apparent in the titles of several books on professional ethics, such as *The Foundations of Professional Ethics* (Goldman, 1980), *Grounding Professional Ethics in a Pluralistic Society* (Camenish, 1983), and *The Ground of Professional Ethics* (Koehn, 1994). The foundational approach is sometimes labelled the “meta-ethics” of professional morality (Freedman, 1978).

My project offers a distinct foundational approach. It is distinct in its ambition to interpret basic concepts of professional role morality and discover their interrelated structure. The overarching questions are similar to earlier accounts: What is the moral ground of professional role morality? How does this role morality diverge from ordinary morality? However, the procedure of this project is to unpack some of the sub-questions involved in these comprehensive questions. Moral evaluation involves various kinds of concepts, such as duty, authority, virtue, goodness, and fairness. These concepts should not be applied wholesale to professional role morality. Instead, attention should be paid to how they involve distinct standards for evaluating professional actions and attitudes and how these standards fit together.

This is not just a matter of rearranging the generic terms of ordinary morality. The various basic moral concepts that structure ordinary morality will require *reinterpretation* in order to fit the practices and roles we are considering. What does the ground of professional obligation reveal about the nature of professional virtue? Are professional duties tied to fairness in a way that precludes supererogation? Is professional integrity distinct from other kinds of integrity? As I will show, such conceptual questions have important consequences for how we determine professional liability and merit.

This approach rests on the important methodological assumption that the interpretation of basic moral concepts should both capture platitudes and vindicate moral force. Asking what a concept such as professional virtue *is* also involves asking about its *value*. This is sometimes put in terms of criteria of *descriptive* and *normative* adequacy (cf. Sumner, 1996, pp. 8-10). On the descriptive side, theoretical accounts must be faithful to typical cases of ordinary use. Although ordinary use may be somewhat incoherent in its actual application, the criterion of descriptive adequacy says that the theoretical accounts should aim to make sense of pre-theoretical intuitions. However, the idea of “making sense” immediately brings us to the criterion of normative adequacy. A theory of the concept of professional virtue should not merely fit the descriptive data, but make it cohere in a way that gives it moral force. It should show how this concept is bound up with value.

Take the virtue of professional integrity in the medical context as an example. An account that restricts this virtue to decision-making in a specific area, such as euthanasia, would fail the criterion of descriptive adequacy. People appeal to the virtue of professional integrity in many kinds of professional circumstances. What if one broadened the range of cases, but held that the virtue is about eloquence of speech? This would fail the criterion of normative adequacy. Even if eloquence happened to be value that is largely correlated with actual

expressions of professional integrity, it does not explain the moral force of decisions made in the name of this virtue.

A central challenge for this project is to identify how and when the values that are needed for the normative adequacy of an interpretation change from context to context. For example, Article 4 argues that the moral force of professional integrity is derived from the value of fidelity to the promise that the profession has made to meet certain standards. It is a virtue that requires careful attention to how these standards are best realized and compliance even when the role holder personally disagrees. This makes it into a different virtue than ordinary integrity, which is primarily about the value of standing for one's *own* convictions.

This kind of change in the criterion of normative adequacy is not something we can take for granted with other concepts, such as supererogation or virtue. The conceptual distinctness of the various elements of professional role morality must be established separately in each case. For example, the fact that professional *integrity* has distinct requirements does not imply that the general concept of professional *virtue* has a different structure than ordinary virtue. Some argue that profession-specific values, such as health in medicine, take the place of *eudaimonia* or flourishing as the governing end of virtue. The idea is that ordinary virtues are character traits that serve *eudaimonia*, while professional virtues are determined by how they promote profession-specific values. This would make professional virtue teleologically distinct from the general Aristotelian concept of virtue. Article 3 argues against this way of seeing professional virtue as distinct.

Importantly, the goal here is not simply to see how various ordinary moral concepts fit the professional context. Rather, it is primarily an inquiry into why certain concepts are vital constituents of professional role morality. This investigation makes no claim to be comprehensive, but aims to pick some concepts that are central to our evaluation of role holders. In this regard, my project adheres to Roger Crisp's argument for parsimony:

Rather than taking moral concepts at face value, as items already guaranteed a place in our conception of the normative realm, we should begin by assuming an empty world and then populate it only so far as is necessary, beginning with fundamental and carefully constructed questions. (Crisp, 2014, p. 29)

Even though Crisp speaks of the whole "normative realm," it is crucial to note that this principle of parsimony can lead to different conclusions depending on the particular normative order in question. For example, Crisp formulates this principle as part of his anti-supererogationist stand. That is, he believes we should expel from our conception of morality the idea of praiseworthy actions "beyond the call of duty." But does his argument have the same force with

professional role morality as it does with ordinary morality? That depends on the values bound up with the concept. Article 2 engages with the argument and concludes that professional role morality has especially much to lose by expelling the concept of supererogation. This normative order needs the idea of upper limits to duty because the alternative is a dangerous blurring of the threshold for blame and in particular self-blame. This danger is particularly acute for professionals who regularly make consequential and morally complex decisions.

1.2 Overview

The preceding pages have provided an initial description of the theme and character of this project; I will defer my main arguments on these matters to the articles. The goal of the rest of this introduction is threefold: unification, elaboration, and justification. I should perhaps mention a fourth aspect—which is more of a consequence than an intentional aim—namely raising further questions. The current section will explain these goals by way of giving an overview of the upcoming sections of this introduction.

The need for *unification* arises due to the relatively disparate concerns of the articles. The intention here is to shed light on the underlying connections and emphasize the thematic unity. For example, what is the common concept of professions and professional roles that runs through the articles? Section 2 presents some central features of professions that are important to any interpretation of basic concepts of professional role morality. Section 3 provides a richer description of the sense on which professional roles are warranted in wrongdoing. This is an argument against seeing professional morality as in conflict with ordinary morality. This no-conflict view marks an important criterion for the interpretation of concepts.

The call for *elaboration* stems from the condensed format of the articles. To a significant extent, they rely on implicit ways of understanding concepts such as practice, authority, and ordinary morality. The introduction includes an attempt to give a fuller account of the conceptual foundations of some of my claims. For example, all the articles deal with roles and professional practice, but the normative relation between these two concepts is never made explicit. Section 4 is an attempt to explain how the responsibilities of roles relate to the positive content of practice. The notion of “taking roles seriously” involves the concept of practical authority. Section 5 pays special attention to this much-debated concept. Section 6 proceeds by clarifying how I understand ordinary morality and how my conception enables me to raise some of the questions pursued in the articles.

Finally, the introduction is an opportunity to *justify* the overarching concern with the morality of professional roles. By weaving together the themes and issues of my articles, I hope

to show how professional roles generate a set of related questions of genuine philosophical interest. In some parts, this introduction goes beyond the claims of articles and examines fairly conjectural arguments. For example, Section 7 addresses the question of whether taking roles seriously commits us to what I call “realism” about professional morality. Is professional role morality a unified domain of facts, some of which are judgment-independent?

The introduction also shares the aim of the articles to exemplify how concrete issues of professional ethics can benefit from a general moral theoretical framework. This is most explicitly discussed in the concluding remarks in Section 8. The summaries of the articles in Section 9 are preceded by a brief overview that relates the major concepts of the articles to the case that is used as main example in this introduction.

2. PROFESSIONS

In order to interpret the concepts that structure professional role morality, we need at least a rudimentary idea of what a profession is. The role morality to be investigated must fit with a recognizable and coherent idea of organizing work. Some believe, to the contrary, that the concept of a profession is too “normative” to allow for a direct characterization and that one should instead argue “dialectically” for one’s definition (Koehn 1994, p. 15). The claim is that we must work out the framework for professional morality and the concept of a profession simultaneously. This seems to be an overstatement. The concept of a profession has some widely recognized features that arrange our understanding of this kind of work.

In this section, I will focus on three such features: *jurisdiction*, *asymmetry of knowledge*, and *fiduciary responsibility*. These interrelated features are present to various degrees in the occupations that are commonly identified as professions. By themselves, the three features provide a starting point that does not predetermine how seriously we should take roles. In my articles, I invoke some of these features to support particular stands, but not to show that competing theories are precluded on conceptual grounds. Nevertheless, these features do say something important about what professional roles are. They show how taking on a professional role involves representing an institution that has been awarded privilege and trust on account of a claim to know better.

The professions have come into being through a process of gaining acceptance for exclusive rights, such as a monopoly, organizational autonomy, licensing, and others. Andrew Abbott (1988) describes this as a pursuit of “jurisdiction” that consists in besting other professions in obtaining public and legal recognition as the authority concerning some socially

important good. The professions present themselves to public opinion as the most eligible candidate for some task field and this public image helps secure and maintain legally sanctioned rights. Abbott identifies several kinds of variation between professions and between the professional systems of different countries, but also explains how the mode of operation is fundamentally the same. One noteworthy variable is the audience for jurisdictional claims; in some countries, the political and legal institutions are the primary audience, while the public media is a more prominent channel in others. For simplicity, I will simply refer to “the public” as shorthand for the complex set of interacting institutions addressed by the professions.

The asymmetry of knowledge is a feature closely related to the jurisdictional claims of the professions. “Professions profess to know better” is Everett Hughes’s encapsulation of “the essence of the professional idea and the professional claim” (1984, p. 375). In granting the professions their jurisdictional claim, the public is not simply choosing some bidder to perform an antecedently defined task. Rather, the jurisdictional claim includes the diagnosis of the problem and the most adequate solution. The professions make this claim with reference to a knowledge base that is inaccessible without extensive education. The claim refers to a theoretical framework that has application to a field of distinct but related problems, for example a theory of immunology or a theory of the principles of learning. Hence, Talcott Parsons described the production of new knowledge as one of two principal functions of “the professional complex” (1978, p. 36). The other principal function of the complex is applying this knowledge to practice, which is why the education of practitioners is often connected to research institutions.

The asymmetry in knowledge between the professions and the public leads to the “fiduciary responsibility” of the professions.² The professions have been *entrusted* to take care of certain goods on behalf of the public. This transaction of trust is performed in the act of awarding the profession jurisdiction. The public is the vulnerable party that cannot fully monitor or sanction the profession because the profession itself must help identify valid standards and transgressions. The public can of course attempt to change the relationship from fiduciary responsibility to more direct accountability. That is, instead of trusting the profession to be guided by the appropriate principles and standards, the public can make the jurisdiction less autonomous and more subject to mechanisms for external governance. For example, the public can increase the use of monitoring or incentives. However, this does not simply to change the relationship; it also alters one of the parties to the relationship. As Eliot Freidson argues (2001),

² The term fiduciary responsibility is associated with Parsons (1978, pp. 25-27), but he uses it to identify a somewhat different and diffuse set of fiduciary relations.

professionalism is a mode of organizing work. Increased hierarchical control and monitoring is a turn towards the bureaucratic model of work, while intensifying the use of incentives is a move towards governing the work by market mechanisms. Freidson's main point is that professionalism operates by a "third logic" of controlling work, where independence from external governance is key. The fiduciary status of the professions is a constitutive part of this ideal-type representation of work.

The moral question of how roles change the normative situation remains open. So far, I have been fairly abstract about what kind of challenge this question poses. The next section will put some flesh on the bones of this issue.

3. NACHTMANN AND THE PUZZLING STATUS OF ROLES

As I was framing the research questions, something happened in my hometown of Tromsø that received nationwide attention. It was an incident where key dimensions of professional morality were brought to the fore:

The University Hospital of North Norway, January 2012. An unconscious man is brought to the intensive care ward and a bag of amphetamine is found on him. The hospital is not allowed to store illegal substances, so they call the police to take care of it. A police officer arrives and asks who the patient is. Chief physician Hansjörg Nachtmann says he refuses to answer because his role commits him to confidentiality. The police reply that they will find out anyway because they are taking the bag for DNA analysis. Nachtmann feels he has to protect his patient, so he rubs the bag in his hands. "Is this what you mean by DNA on the bag?" he asks. The police officer reacts sharply, he believes that confidentiality only requires Nachtmann to remain silent, not actively destroy evidence. A fine is issued.

On the advice of his medical association, Nachtmann refuses to accept the fine. The prosecution takes the case to the District Court. The decision is against the fine, but the prosecution appeals the case. In both courts, the verdict is acquittal on the grounds that Nachtmann did not have the necessary intention to violate the law, but acted on the mistaken belief that confidentiality includes active destruction of incriminating patient information. The case ends in the Supreme Court, which does not attribute any mistaken belief to Nachtmann. On the contrary, it acquits him on the grounds that the duty of confidentiality requires active protection of patient information; it does not just involve a passive duty to silence. (Braaten 2013; Pedersen 2012; Norwegian Supreme Court 2013)

Professional role morality is evidently treated as a powerful source of justification. The spoliation of evidence is usually considered a serious offence. Somehow, Nachtmann's role morality is supposed to acquit him of what would otherwise qualify for both legal and moral culpability. Let us bracket the question of whether we agree that the medical role should in fact require such active intervention. The question is how to make sense of the very idea that professional roles can make a moral difference. In what sense should the medical association

and the Supreme Court treat the morality of a professional role as a reason for doing what morality and the law usually prohibits?

3.1 Justified wrongdoing without release from moral obligations?

The case of *Nachtmann* highlights how professional roles involve what I will call the condition of *justified wrongdoing*. This condition says that professional roles can justify presumptive wrongs. In order to take roles seriously, we need to know in what sense professional roles possess this justificatory power.

One possibility is that professional obligations can *trump ordinary moral obligations*. Daniel Wueste mentions this alternative in “Taking Role Moralities Seriously” (1991). He starts in the same vein as us, namely by noting that “a role agent may be obligated to perform an act that is wrong” (1991, p. 407). However, Wueste interprets this in terms of a *conflict* between ordinary moral obligations and professional role obligations. As he writes, roles are not taken seriously insofar as “the work of obligation is done by the sanction of critical morality” (p. 409). On this account, professional morality will inevitably give rise to role obligations that contradict moral obligations. Such conflicts must be resolved by a presumption in favour of *either* role obligations *or* ordinary moral obligations.

Some years later, Wueste took a stand on this quandary and argued for a presumption in favour of role obligations over ordinary obligations (1994, p. 111-115). To defend this view, he uses an example that has parallels to the case of *Nachtmann*. An attorney is duty bound to represent a client, but he knows the client is making false statements to get a lighter sentence. We see again how the conclusions reached by consulting professional morality appear to diverge from the conclusions we arrive at from ordinary morality. On the one hand, the attorney is under an ordinary moral obligation not to facilitate an unjust outcome. On the other, he has a role obligation to argue statements that are adduced as evidence by the prosecution, even though he knows them to be false (because his client told him so).

Wueste argues that there is a presumption in favour of role obligations in such cases because clients and patients have to rely on the bindingness of the role. They seek the assistance of an agent with whom they have no personal bonds or loyalties. Therefore, they would not disclose the necessary personal and sensitive information “if there were no check on the personal—including moral—idiosyncrasies of the professional” (1994, pp. 114-115). The crucial point for Wueste is that role obligations are presupposed and of primary importance on both sides of the relationship between professionals and clients.

This argument does not establish that professional role obligations can trump ordinary moral obligations. A mere “check on personal idiosyncrasies” is not sufficient to establish the normative power necessary to overwrite moral obligations. The constraint of having public rules may be of great value for those who do not personally know the members of the profession and have to rely on their actions, but there must also be moral constraints. Wueste recognizes this and says that a precondition for taking roles seriously is that the practice is morally justified (1994, p. 109). However, this begs the question. It illicitly presupposes that a practice can be both morally justified and still trump moral obligations. How can a moral verdict count against a moral obligation?

In reality, when we admit that taking roles seriously presupposes morally justified practices, we leave no room for moral obligations to conflict with professional role obligations. Suppose considerations like maintaining trust and respecting personal information justify keeping the confidences of a lying client. The success of this justification does not depend on somehow overwriting a prior obligation to truthfulness or justice. A convincing justification brings out how confidentiality does not contradict the fundamental values of moral respect that underlie ordinary truthfulness (cf. the theory of unity of value developed in Dworkin 2011, esp. pp. 118-120). Assume the attorney in Wueste’s example genuinely believes that his role is morally justified and that confidentiality is a legitimate requirement in the case at hand. It is not clear how he can still hold himself to have a *remaining* moral obligation that is somehow undermined. It seems more correct to say that his moral obligation to truthfulness does not require him to divulge information given to him in confidence *qua* attorney.

Let us therefore consider an account that does not interpret legitimate role obligations as conflicting with moral obligations. In his *Ethics for Adversaries* (1999), Arthur Applbaum repeatedly asks, “Should we take roles seriously?” He affirms this in a highly qualified way: “Roles do not overwrite moral prohibitions with moral permissions. Roles *can* overwrite moral permissions with moral obligations, and so, in that respect, are to be taken seriously, but that is another matter” (1999, p. 109, italics in original). This suggestion is akin to seeing morality as software to which the professions have been given limited programming rights. Roles should only be taken seriously as *transformers* of what is ordinarily discretionary or permissible into genuine moral obligations. For example, wearing ties or filling out forms in triplicate are not in themselves moral obligations, but holding a role may make these acts obligatory. One way to interpret the suggestion is that it denies that roles can make a moral difference in the sense of releasing agents from their ordinary moral obligations. Let us call this the *no release* condition.

3.2 Wrong acts, obligatory actions

On the face of it, the justified wrongdoing condition conflicts with the no release condition. The no release condition seems to say that professionals are not justified in wrongdoing. The most obvious solution is to get rid of the justified wrongdoing condition, as it already jars with common sense. Many have agreed with John Stuart Mill that justified wrongdoing is an oxymoron because we “do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it” (1861, p. 72). However, the task of uniting these conditions is important for my project.

That is because the justified wrongdoing condition helps bring important features of professional role morality into view. Even though the notion of justified wrongdoing may sound paradoxical, it helps draw attention to aspects of professional action that are illegitimate absent special justification. In Nachtmann’s case, no matter how we describe the situation, evidence was destroyed in defiance of the police. The spoliation of evidence is the kind of wrong that has standardized decrees of legal punishment. By highlighting how professional role morality can involve actions that for which others would be liable, we recognize the call for legitimation. We should therefore embrace the paradoxical-sounding notion of a justified wrong. But how do we unite the condition of a justified wrong with the condition of no release from moral obligations?

Christine Korsgaard’s way of tying obligations to *actions* instead of *acts* is helpful in this regard (2009, pp. 8-18). The concept of an act captures the thing done independently of the ends or purposes for which it is done. Examples of this are making false promises and committing suicide. We can do these things for a variety of ends. Actions include the end, for example “making a false promise to get some ready cash” or “committing suicide in order to avoid problems ahead” (Korsgaard borrows these examples from Kant). In the case of Nachtmann, the spoliation of evidence is the act. The spoliation of evidence in order to protect patient confidentiality is the action. The object of choice is not the act, but rather the whole package that includes the end for which the act is done.

In light of this, we can see how the conditions of justified wrongdoing and no release do not conflict because they refer to different kinds of concepts. The justified wrongdoing condition refers to the act. Professionals are sometimes justified in doing acts that are wrong for non-professionals.³ The no release condition refers to actions. Professionals are never

³ The claim that they are justified implies that the role creates *exceptions* to moral and legal norms as opposed to giving role holders an *excuse*. This makes my notion of justified wrongdoing different from the one developed by

released from their ordinary obligations of responsiveness to moral principles. We now see the ambiguity of the claim that “Roles do not overwrite moral prohibitions with moral permissions” (Applbaum 1999, p. 109). “Prohibition” can refer to both acts and actions. There is a moral prohibition against the spoliation of evidence, but this “act prohibition” can be overwritten by professional morality. There is also a moral prohibition against the spoliation of evidence in order to get some ready cash, and this “action prohibition” cannot be overwritten by professional morality.

4. PRACTICES AND ROLES

The previous section focused on the moral bounds of professional roles. But why speak of professional *role* morality and not simply the morality of professional *practice*. Does the role have any moral independence from practice? While Applbaum and Wueste disagreed about how seriously we should take roles, they have a shared conception of the relation between roles and practice. In their view, the standards of practice determine the role. For example, Applbaum argues at length for “practice positivism as the correct view of roles” (1999, p. 51). Practice positivism is like legal positivism in that there are no inherent moral constraints on what counts as part of the practice. Applbaum further assumes that the *role* is simply what the content of the *practice* is. Roles are just “stitched together from the shared social meanings of those who profess to be doctors and those who call upon their services” (1999, p. 59). Being a good role holder is just a matter of satisfying the standards of practice, it is not tied to any independent moral standard. Similarly, Wueste describes the morality of roles as an institutional morality. By this he means that the norms that are either i) created, applied, and enforced by some organization, or ii) generally accepted, followed, and sanctioned informally within some community (1994, p. 104).

This widespread form of role positivism has consequences for how one interprets central concepts of professional role morality. For example, it excludes the approach to professional

Sarah Buss (1997). She is explaining how agents can be justified in making inferences that lead to false beliefs, and thereby having an excuse for wrong actions. However, she also argues for conception of wrongness that is relevant for our current concerns. In particular, she emphasizes how wrongness can be part of the moral meaning acts, irrespective of the reasons for which the acts are done: “Our intentions are, of course, relevant to what we have done, but they are not the only thing that is relevant. We cannot change the meaning of what we do simply by intending to mean something different by doing it” (Buss, 1997, p. 352).

integrity that is developed in Article 4. This article argues that the virtue of professional integrity is best understood with the help of Ronald Dworkin's figure of a chain novelist. A chain novelist is someone who continues a story that other authors have started. The author has to interpret what the story is about and how to develop it as a unified text. In suggesting that professionals should have the same relationship to their practice as chain novelists have to the unfinished story they are handed, I am implying that their role is *constructive* and not just application of a pre-existing set of norms. But all this presupposes that there is some normative relation that allows role holders to keep their "professional hat" on even when they critically reform practice to make up for some moral deficiency or develop it to extend to new sorts of cases.

In this section, I will argue that the content of professional practice does not exhaust the responsibility of professional roles. This argument will be developed by considering three different interpretations of the relationship between practice and roles. Firstly, one can view practice as something that develops out of what role holders do. A practice is established as the actions of role holders gradually begin to form a pattern. Secondly, one can conceive of practice as constitutive of the role. That is, the role is defined by the rules or norms of the practice. The third solution is to see them as co-original or equiprimordial. Practice gives meaning to the role, but the role also defines the practice. The third way to conceive the relation is the one I will defend here.

4.1 A preliminary description

Before we consider the three options, a short note on how I will understand the terms practice and role here. There is a number of ways complex social interactions can be brought under the heading of a practice.⁴ My focus is on practices as normative phenomena or as reason-giving components of the social world. It might seem somewhat counterproductive to go beyond this minimal description of practices and roles before I start investigating the merits of the three aforementioned relations because a main object of investigation here is precisely how we should use the concepts. For example, some understand practice partly by how it defines roles. I will nevertheless try to find some common ground by mentioning two widely recognized aspects of the phenomena that I call practices and then connect them to roles.

⁴ Jaeggi 2014, Ch. 2, provides an instructive overview of relevant literature and a discussion of the commonly associated aspects of practices.

We find these two aspects in part of Alasdair MacIntyre's oft quoted definition, according to which practices are "coherent and complex forms of socially established cooperative human activity" (1984, p. 184). This is a snippet of a larger definition of his term, which introduces a theory of how the virtues depend on the "internal goods" of certain kinds of activities. This theory has been highly influential in professional ethics and I engage with some its adherents in various ways in my articles.

For now, it is sufficient to note agreement with two of the features mentioned in the quoted part of the definition. Firstly, a practice is a form of *complex social cooperation*. To use MacIntyre's examples, tic-tac-toe, planting turnips, and bricklaying do not count as practices. Chess, farming, and architecture do. Secondly, a practice is a *socially established way of doing things*. A practice is in this regard similar to what John Searle calls an institution (2005). Like Searle's concept of an institutional fact, the rules of a practice depend on collective recognition or acceptance. Searle's famous example is how a piece of paper becomes money because of the collective acceptance of treating it as such. Similarly, certain actions count as malpractice because of collectively recognized standards. This condition of collective recognition still permits deep disagreement about what the standards of any given practice are.

Roles are the responsibilities assigned to agents with regards to some socially recognized way of doing things. Roles are therefore equally subject to social construction (in Searle's sense). The role of nurses changes as the collective recognition of their responsibilities change. Nevertheless, as I will argue in this section, the emphasis on social recognition does not mean that roles are fully specified by the conventions of practice. The role is not grounded in practice; it is rather grounded in the legitimate expectations of those who have *assigned* the responsibilities.

In this regard, it is useful to elaborate on the connection Dorothy Emmet makes to the theatre: "In a role one sees oneself in a situation in relation to others who also have their parts in the situation. It is of course a metaphor from the theater where one plays a part in relation to other parts" (Emmet 1966, p. 140). This image can help foreshadow the relationship between roles and practice that I will eventually favour: in playing a part in a theatrical piece, actors are not merely bound by the script on the page. Typically, a director who wants to achieve a certain interpretation of the play has assigned them the role. The actors justify their role decision to the director who has entrusted them with the responsibility. In the case of the professions, it is the public that has entrusted the role holders. Perhaps most of the public expectations will be generated by positive conventions of practice, but there is a *bond of fidelity* to the public that

gives the role critical independence. We can have a collective recognition of the role as separate from our collective recognition of the content of practice.

4.2 The primacy of roles

The idea of seeing roles as primary is probably excluded by even this minimal description of practices and roles. All the same, it is worth seeing how this relation has been tried out in the tradition of legal realism. Here, the practice of law was seen as wholly derivative of what role holders do. In “The Path of the Law” (1897), Oliver Wendell Holmes, Jr., notoriously claimed that “The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law” (1897, pp. 460-461). His point was that the concept of a legal duty should be understood from the perspective of the “bad man”—that is, solely in terms of the likelihood of being punished. Consequently, there is no axiomatic or principled practice of law that determines the role of judges; it is rather the actual legal decisions that create the path we know as the practice of law.

This line of thinking naturally extends to other professions. For example, one could claim that the practice of medicine is determined by what doctors do and not by some antecedent set of principles. To use Holmes’s method, we must look at medicine from the perspective of the sick person and ask; what is the actual treatment one gets? Ignore all abstract talk of patient rights and medical principles as long as this does not predict the likelihood of treatment.

The primacy of roles view leaves us without a genuine professional role morality. Agents cannot take their roles seriously because there is no content there to be complied with. Their practice is only the trail they leave behind them. That is not by itself a decisive argument against the view. Holmes deliberately ventured to wash concepts of professional practice with “cynical acid” in order to bring out their concrete consequences. As prudent advice to the bad man or sick person, that is perhaps a sensible approach. But neither the bad nor the sick have reason to want *role holders* to have this attitude to their practice. It is not that role holders would necessarily make immoral decisions or act intentionally against the interests of clients and patients, it is rather that in entrusting important decisions to strangers, bad and sick people need the assurance that certain public standards warrant their trust. This trust is not warranted solely by the content of these standards, but also by the fact that they are public standards and thereby something on which one can base plans. In other words, we have good reason to reject the subordination of practice to roles.

4.3 The primacy of practice

Let us try the opposite (and far more popular) view, where practice is considered primary. John Rawls's "Two Concepts of Rules" (1955) is the classic source of this view. In the course of his explanation of the distinction between justifying a practice and justifying actions falling under a practice, he is explicit about the relation between practices and roles: "We may think of the rules of a practice as defining offices, moves, and offenses" (1955, 23). As he goes on to explain, practices have a "stage-setting function" that enables certain roles to exist and actions to take place. The game of baseball creates the role of batter and enables the action of hitting a homerun. Similarly, one can say that medical practice creates the role of cardiologist and enables actions like postoperative consultation. Most importantly for our purposes, Rawls does not believe roles can change the practice:

If one holds an office defined by a practice then questions regarding one's actions in this office are settled by reference to the rules which define the practice. If one seeks to question these rules, then one's office undergoes a fundamental change: one assumes the office of one empowered to change and criticize the rules, or the office of a reformer, and so on. (1955, p. 28)

This strict division of moral labour finds resonance in contemporary professional ethics, especially with regard to the lawyer role. For example, W. Bradley Wendel holds that "the lawyer's professional obligations exclude resorting to ordinary moral considerations in deciding how to act" (Wendel 2010, p. 171). Compare Tim Dare's account of the lawyer's role: "Qua lawyer, they may not appeal directly to the considerations of ordinary morality that justify that role" (2009, p. 54). Drawing extensively on Rawls, Dare develops a conception of the lawyer role where the moral point of view is necessarily detached from the professional view. Deliberation about the moral merits of the various parts of practice belongs to the reformer role, and one should only engage in this when one has stepped out of the role as professional.

The main problem with this view is that professional practice is dissimilar to baseball in a morally important respect. Rawls notes that if a batter were to ask for four strikes, we would assume that he is asking what the rule is. And if, "when told what the rule was, he were to say that he meant that on this occasion he thought it would be best on the whole for him to have four strikes rather than three, this would be most kindly taken as a joke" (Rawls 1955, p. 26). The batter would not be taken seriously because he would be mistaking his role. He would be treating the practice as an unfinished structure that could evolve with the participation of the role holders. But baseball is what I will call a "closed" practice. It is closed in the sense that it only requires role holders to observe the rules and take the practice as settled; it does not rely

on role holders having a critical stance towards the rules and developing the practice further. Role holders should play *by* the rules, not engage *with* the rules.

Our most important social practices are not closed in this sense. Marriage, for example, is an “open” practice (never mind the licentious overtones). Participants who want to change the rules because it would “be best on the whole” are not stepping out of their role as married and into the role as reformer. It is part of the practice of marriage that participants (and others) work out the rules as they go along.⁵ Therefore, it is not just a *moral* mistake to believe that same-sex marriage and marital rape are oxymorons. It is *conceptual* confusion about the inherently open nature of this practice.

Importantly, the open nature of a practice does not by itself imply that participants should discount arguments based on tradition or convention. That is a substantive question because these values may be part of what is good about marriage. However, the practice is founded on other values as well and a strong or one-sided emphasis on tradition may be incompatible with these other considerations.

4.4 The equiprimordial view

Is professional practice open in a similar sense? If we affirm this, we are also rejecting the strict division of moral labour, where justification of practice is separated from the justification of decisions falling under that practice. It would then be part of the professional role to engage in the reasoning that justifies the practice and to develop the practice in light of this. In other words, practice and role would be mutually constitutive. How do we determine the status of professional practices in this regard?

This should not be mistaken for a sociological question. As a matter of empirical observation, it may be that doctors, lawyers, and teachers actively engage in reform of their practice. It is still a normative question whether or not these actions should be described as *part* of their professional role. I will borrow an element of Rawls’s procedure to test the plausibility of seeing professional practices as open. The idea is to adapt his baseball case using some examples from the professional context. Firstly, a doctor asks his superior if he can operate

⁵ The distinction between open and closed practices may appear to be parasitic on the distinction between regulative and constitutive rules (as developed by Searle, 1969; 1995). That is, baseball is closed because its rules define the behaviour, while marriage is open because it regulates behaviour that can be antecedently defined. This appearance of conceptual dependence is false. The rules of traffic are regulative, but the practice is closed. One can drive at a certain speed without being guided by rules, but a driver cannot justify his speeding to the authorities by complaining about the rules. The rules of storytelling are constitutive, but it is an open practice. To set up a dramatic payoff one must be guided by the practice in some way, but one is also participating in the practice by overtly challenging the conventions of creating a narrative.

without consent. Secondly, a junior associate attorney asks a senior whether she should ignore a legal technicality that can get her corrupt client off the hook. Thirdly, a teacher asks the principal if he can change the curriculum and remove certain religious texts. Suppose the doctor is reminded of how the rules of consent prohibit treatment in this case. The lawyer is served some lines from the professional code about zealous representation, and the teacher is put in mind of the teacher's responsibility to enable access to various points of view.

If professional practices were closed, then these responses would settle the matter. Any questioning of the validity of collectively accepted ways of applying standards would imply stepping out of the professional role and into the role of reformer. To paraphrase Rawls: if, when told what the rule was, they were to say that they meant that on this occasion they thought it would be best on the whole to perform the proposed action, this would be most kindly taken as a joke. But in fact, their reply is not most kindly taken as a joke in this case. Not just because of the seriousness of the matter, but also because they are not guilty of a conceptual confusion. Their reply is not incongruous in the way it was in mouth of the batter. Whether or not the critical stance is part of what it means to be a professional is a substantive question.

The main problem with seeing the professional role as having an incorporated critical stance is the unclear grounding. What makes the dissent or reform part of one's professional activity as opposed to just acting *qua* moral agent? To identify this grounding, it might be useful to return to the example of marriage and see why it is an open practice. Suppose soon-to-be Mr and Mrs Jones decide to write a prenuptial agreement that spells out what their practice of being married will consist in. For example, the agreement might state their commitment to an equal distribution of marital assets. After a few years, Mrs Jones decides she deserves a higher percentage because she works more and secures a larger part of the income. She wants to change their practice of being married, but she does this *qua* wife. She is addressing Mr Jones as someone with whom she stands in a special relation. Her commitment of fidelity to Mr Jones underlies both the practice they have developed and her role as participant in this practice.

This way of seeing the relation between practice and role can be applied to the relation between the professions and the public as well. As a step towards being entrusted with jurisdiction over key social issues, professions adopt certain publicly negotiated standards of conduct, most conspicuously affirmed in their codes of ethics. As sociologists note, part of the purpose of such codes is to "persuade the public that the formulation of ethical standards justifies trust" (Freidson 2001, p. 214). Analogously to the prenuptial agreement, the public standards that define professional practice reduce the uncertainties associated with engaging in

a trusting relationship.⁶ In other words, the primary normative relation is grounded in fidelity to the public that has been invited to trust the profession. Similar to Mrs Jones's addressing of her husband, role holders who attempt to publicly reform practice are addressing society *qua* professionals insofar as they are honouring the relationship of trust.

This account does not slide back to the primacy of roles view that was outlined above. It does not reduce practice to whatever role holders find most appropriate by their own lights in the circumstances. Role holders who fail to see existing norms of practice as having *prima facie* authority are not respecting the grounds of public trust and thereby not acting in the name of their profession in the appropriate sense. In highlighting how a commitment to trustworthiness underlies both the practice and the role, this account imposes a substantive constraint on the critical and constructive stance incorporated in the professional role. Dissent and the development of practice must be public if they are to satisfy the standard of trustworthiness. Secretly advising patients on how to take a lethal overdose or covertly throwing a case because one disagrees with rules of evidence are ways of circumventing the word of the profession. Whatever the merits of these actions from the perspective of ordinary morality, the agents are not acting in the capacity of their roles.

There can be many motives for evading public discussion of one's dissenting actions. Agents do not respect the authority of their roles if their reasons are merely prudential or self-interested, such as a fear of sanctions. However, they may also have moral reasons for the non-public dissent. For example, a belief that the role does not have the authority to make a certain demand combined with a doubt that public discussion leads anywhere. However, all this talk of dissent in particular cases presupposes that roles generally have some genuine authority. But what does a role having authority mean? How does an authoritative role figure in moral reasoning?

5. AUTHORITY

For agents to take their professional roles seriously, it is not enough for them to believe that their role is good or worthy of commitment. Agents can find their work praiseworthy and meaningful without actually experiencing themselves as being bound by their professional morality. Perhaps they are lucky enough to find a complete overlap between personal conviction

⁶ Harald Grimen (2008, p. 204) notes that in licensing professionals, we have only a vague idea of how and when they will perform. He therefore suggests that we should replace the model of a contract with the model of a marriage, where trust is given on a more insecure basis. My suggestion is to combine the models in a rather unromantic but sensible arrangement.

and professional morality. This overlap is unlikely and Article 1 is an argument in favour of role requirements in cases of reasonable disagreement.

That argument is framed in terms of asking for the authority of professional roles. While roles are often spoken of as requiring devotion and wholeheartedness, they also have an authority that commands *respect* (in the sense of the Kantian expression *Achtung*). Although it may be meritorious for agents to identify with the ends of their work, the role imposes *necessities* of action even where agents are ambivalent or partly in disagreement with the requirements. In this section, I will assume this claim to authority is legitimate and pose a more analytical question; how does authority manifest itself in professional roles?

I will discuss three aspects of authority that important for professional role morality: *the commanding aspect*, *the bounded aspect*, and *the accountability aspect*. This is a characterization of the *practical* authority of roles, which is the authority affecting what is to be done (cf. Raz, 1986, p. 29). It is necessary to distinguish this from two other kinds of authority; namely *epistemic* and *institutional* authority. Epistemic authority concerns our reasons to believe, like when we rely on the judgment of experts. Institutional authority governs normative statuses internal to an institution, like when the managing director of a hospital approves a policy issue for the oncology department. Both of these forms of authority share aspects with the conception of practical authority I will elaborate it here. For example, all forms of authority are bounded. Epistemic authorities refer to a restricted area of expertise, while institutional authorities have limited discretion over specified subjects. As I will argue below, institutional authority shares the commanding aspect with practical authority, but lacks the aspect of accountability.

5.1 The commanding aspect

The first aspect concerns the mode of reason-giving involved in practical authority. In the film *The Thin Red Line* (1998), there is a scene where Colonel Tall is explaining to Captain Staros that this military campaign is too important to be left in the hands of the soft-hearted: “And if you don't have the stomach for it, now is the time to let me know.” Staros attempts to assure Tall of his dedication: “No, sir. You're right... about everything you said.” Tall grunts “Fine, fine” and dismisses Staros. A moment later, he tells Staros to remember one last thing: “It's not necessary for you to ever tell me that you think I'm right. Ever. We'll assume it. Dismissed.”

In his bullish way, Tall is drawing attention to a key aspect of all practical authority (although seldom expressed this bluntly to subjects). It is part of the concept of authority that subjects should comply with commands by virtue of their origin and not the merits of their

content. Hobbes famously distinguished the reason-giving force of commands from counsel by drawing attention to this feature: “Command is, where a man saith, *Doe this*, or *Doe not do this*, without expecting other reason than the Will of him that sayes it” (1985, XXV; cf. Hobbes, 1983, XIV.1). When Staros expresses his agreement with Tall, this mode of acceptance is rejected because it gives the impression that Tall is merely offering his advice. Tall has the practical authority in this matter and does not need agreement. In giving information about his views, he does not intend to leave it up to his subjects to act on the merit of the substantive considerations. In fact, Tall does not even have to “assume” that Staros agrees because his authority does not depend on any such assumption.

5.2 The bounded aspect

Some interpret the commanding aspect of authority as involving a “peremptory” or deliberation-excluding function. This is supposed to cut off independent reasoning about the merits of the command (Hart 1982, p. 253). On this account, compliance with authority requires more than respecting the decisions of the commander. It also entails refraining from even considering the pros and cons of the decision. However, Tall does not simply shout “Do this and do not do that” like Hobbes’s sovereign. His commands are usually supported by information that reveals his reasoning. A general reluctance to explain the reasons for his actions would diminish his authority. This is because his mandate is to make decisions that promote their common end. The sphere of authority is always restricted to a more or less determinate area. Although Tall’s decisions do not have to find full agreement, they must nevertheless be recognizable as good faith efforts to serve their cause.

This constraint on authority is in fact what created the tense situation between Staros and Tall. It comes to the fore in a dramatic highpoint in the movie. This is where Staros contradicts Tall’s command because he refuses to send his men on what he perceives to be a suicide mission. Importantly for our purposes, Staros is not necessarily disrespecting the authority of Tall’s role in this case. Rather, he is denying that Tall’s role actually covers this decision. That is, the decision does not have authority because it reaches beyond the dominion of the role. This is grudgingly acknowledged by Tall: “If you feel that strongly, maybe you have a reason.”

5.3 The accountability aspect

I have so far discussed two aspects of the authority of roles. Firstly, their claim to function as a reason even when the subject disagrees with the merits of the decision. Secondly, the restricted area of command. The third aspect of practical authority has been especially highlighted and explored by Stephen Darwall (2006; 2013, esp. p. 141). It concerns the conceptual relation between having the right to make demands and the standing to hold addressees accountable to these demands.

It is not evident how this makes practical authority different from institutional authority. That is because institutional authority shares the commanding aspect of practical authority. However, someone can have the right to issue institutional commands without thereby having the standing to hold subjects accountable to these demands. Andrei Marmor (2011) uses an example similar to the situation between Tall and Staros to make this point. During operations in a presumed just war, a soldier is ordered to carry out a highly dangerous attack. Marmor argues that this sort of institutional command can create a genuine moral obligation, but it is not owed to the institution: “Would it make sense to suggest that he owes this obligation—to risk his life, remember—to the commander who ordered him?” (Marmor, 2011, p. 256). The commander has the institutional authority to declare what the substantive requirements of the soldier role will be. However, determining who has the moral standing to hold the soldier accountable for transgressions is a different question. Those who have this standing have practical authority, not mere institutional authority.⁷ In discovering the practical authority of the professional role, we need to locate the agents to whom role holders are accountable.

Let us now suppose that Tall’s order was in fact within the bounds of his institutional authority. Staros’s disobedience is thereby a transgression of a legitimate role requirement. That does not mean that Staros wrongs Tall *qua* colonel. However, he may wrong Tall and others *qua* moral persons. In holding the role of captain, Staros may be morally accountable to those who benefit from the institution, but not to the institution itself (cf. Marmor 2011, p. 258). Naturally, this fits with the institutional self-representation of the military. The mottos of the various divisions emphasize a commitment to country and comrades, not to the institution as such. However, the military is a special case and the reality of these relationships of accountability depends on several controversial issues. Our question is primarily whether this

⁷ Marmor would disagree because he does not take the institutional conception to be a version of practical authority. Rather, he believes practical authority is essentially institutional. Hence, he denies that practical authority is conceptually connected to the accountability aspect.

structure of authority holds for professional roles in general. Why are professionals accountable to those who benefit from their roles?

Those who benefit must somehow have acquired the standing to hold role holders accountable for transgressions. The preceding sections have already touched upon most of the elements that are required to make sense of this. Firstly, the professions have been granted *jurisdiction* by the public. The professions receive this due to their claim to be *trustworthy* with regards to some key social value. For example, the medical professions invite us to trust that they can serve our health needs according to the appropriate standards. Given the public's acceptance by way of granting jurisdiction, this invitation to trust has the normative effect of *promising*.⁸ Importantly, it has this effect whether or not the public actually trusts. It is not the trust itself that changes the normative relation, but rather the dual performatives of the profession's *invitation* and the public's *acceptance*.

This promissory grounding brings us to the crucial point concerning the authority of professional roles. In making a promise to the public, the public is *handed the authority* to hold the profession accountable to special obligations. The transfer of authority to hold accountable is an essential part of promising. In promising, we give others the authority to hold us accountable to a demand we would otherwise not be subject to.⁹ This transaction can make blame or sanctions warranted. The liability to blame is self-imposed. Therefore, the threat of being held accountable is different from coercion because it respects the subject as free and equal.

The accountability aspect highlights how the authority of the role is grounded in a promise to the public. The promissory account of professional role morality is defended at greater length in Article 1. The primary aim in this section has not been to support this account, but rather to clarify what it means to ask for the authority of professional roles. The three aspects spelled out here capture how the deontic dimension of professional role morality asserts itself to the agent. But there are other dimensions to professional role morality, in particular concerning merit and attachment. In the next section, I argue that capturing these further dimensions requires us to start with a broad concept of ordinary morality. Only with this starting

⁸ Many philosophers have defended the idea that promising essentially involves an "invitation to trust," including Friedrich & Southwood, 2011; Scanlon, 1998; Watson, 2004.

⁹ As Gary Watson puts it, "To (successfully) exercise promissory power is to authorize others to hold you accountable to demands to which you would not otherwise be subject" (2009, p. 165). In a similar vein, David Owens emphasizes that it is *authority* that is handed over: "In promising you a lift, I grant you the authority to require me to give you a lift" (2006, p. 71).

ground can we find the essential concepts for a descriptively adequate and normatively appealing vision of professional role morality.

6. WHAT IS ORDINARY MORALITY?

We now have some sense of what it means to take roles seriously, both in terms of how roles relate to wrongdoing and how roles govern agents. Some of this supports the idea that professional role morality is *divergent* from ordinary morality. For example, acts usually recognized as wrongs can be justified by virtue of the fact that the agent is a role holder. In addition, decisions may have authority despite being imperfectly sensitive to moral reasons.

However, one difficulty in assessing how professional morality diverges is that there are several different conceptions of what it diverges *from*. The point of departure has many names, such as “non-acquired morality” (Freedman, 1978), “natural duties (Rawls, 1999), “ordinary or everyday morality” (Williams, 1995), “rational ethics” (Gewirth 1986), “critical morality” (Wueste, 1991), and “common morality” (Beauchamp & Childress, 2009; Gert, 2004). Some of these authors just use their term to refer to whatever constitutes the original moral world, without much explicit commitment in this regard. Others have quite elaborate technical terms in mind (in particular those who use the terms “common morality” and “rational ethics”). In between are those who state their allegiance to some general school of moral thought (such as contractualism, utilitarianism, or virtue theory), which gives us an idea of what features of morality they are most concerned with (for example, rights and obligations as opposed to character traits and motivation).

This state of affairs makes it difficult to make a general assessment of how the different conceptions of ordinary morality influence the different accounts of a morally legitimate and yet substantively distinct role morality. Instead of attempting such a comparative assessment, I will outline the concept of ordinary morality that guides *this* project. The plan is to delineate a broad conception of morality, but I will first present a narrow conception as a foil.

6.1 The narrow conception of morality

According to the narrow conception, morality is a nexus of obligations; it is a matter of what we can *demand* of each other *qua* moral agents. The relevant standards for actions are those where failure of satisfaction warrant *blame*. Peter Strawson articulated a narrow conception as an intentionally minimal interpretation, describing it as “the sphere of the observance of rules,

such that the observance of some such set of rules is a condition of the existence of a society” (2008, 34).

He introduces this as an analytical counterpoint to the concept of the ethical, which concerns how to live a flourishing life. Morality imposes obligations, while the domain of the ethical grounds existential attitudes towards “personal ideals.” These ideals are images of how to respond to the meaning of human life or lack thereof. Morality, on the other hand, has the function of providing a social framework for the realization of different or competing ideals. In Strawson’s schema, the ethical concerns the things that truly matter, while morality exists as constraint on our pursuit of what matters. This way of carving up domains of practical reasoning allowed Strawson to make a forceful argument for a liberal society. However, I will be using the term ordinary morality in a way that is wider than Strawson’s minimal interpretation and which incorporates several aspects of moral evaluation.

6.2 The broad conception of morality

The narrow conception can include the concepts we have discussed so far, such as wrongs, obligations, authority, and accountability. Nevertheless, it still comprises only part of the normative landscape we know as ordinary morality. As T.M Scanlon notes (1998, 171-177), the term morality is commonly understood in a broader sense than what is covered by his own notion of “what we owe to each other.” It includes responsiveness to values that are only indirectly linked to moral obligations, like concern for friends and children. Of course, we often have moral obligations to friends and children, but part of our moral relation to them is governed by considerations that cannot be reduced to, or derived from, matters of obligation.

The reasons for including some value in the broader notion of morality will largely depend on the value in question. One particularly interesting example Scanlon mentions is developing one’s talents and striving for excellence in one’s work. I will use this example as a way of approaching the broader concept of morality. It is less directly other-regarding than the other examples and therefore less self-evident. Furthermore, it provides an opportunity to assess the moral importance of gaining professional skill in disjunction from the value of the *ends* of professional work. Professional excellence is often thought to be distinct from general occupational skill because it promotes goods with a “strategic role in a flourishing line” (Cocking & Oakley, 2001, p. 79) or enables us to obtain “basic social values” (Bayles, 1981, p. 10). However, the claim now is that achieving high standards in work is part of the broader concept of morality, *irrespective* of the moral worth of the ends. That is, one can be open to

moral criticism for failing to appreciate the value of professional excellence, without actually infringing anyone's rights or depriving anyone of important resources.

I will briefly mention some interrelated reasons for seeing the development of talent in a moral light. The points are drawn from the well of pertinent observations John Rawls made in *A Theory of Justice* (1999). The main objective here is not to establish this as part of the broader morality, but primarily to highlight the kind of reasons that would help this task. Firstly, constantly disregarding one's talents, and thereby one's life-plan opportunities, is a way of not taking seriously a key value that moral obligations are supposed to protect. Rawls elaborates the relevant idea in his introduction of the Aristotelian Principle, which concerns the intrinsic pleasure of becoming proficient at some complex activity: "The things that are commonly thought of as human goods should turn out to be the ends and activities that have a major place in rational plans" (1999, p. 379). Secondly, developing one's talents can lead to relationships in which participants are truly happy about each other's successes: "One who is confident in himself is not grudging in the appreciation of others" (1999, p. 387). Thirdly, Rawls explains how excellences are attributes that enable mutual support in self-realization: "They form the human means for complementary activities in which persons join together and take pleasure in their own and another's realization of their nature" (1999, p. 389).

The point of having a broad concept of morality is that we can include values like striving for excellence without claiming that it is *owed* to anyone. That is, the criticism that belongs to this wider moral field is not blame, if blame is understood as essentially involving addressing someone as failing to meet their moral obligations. Rather, the criticism that is relevant here is compatible with pity and solicitude. The goal is not to make the addressee suffer in recognition of a mistake, but rather provoke a shift in perception that makes some key human value come alight. We have an interest in offering such criticism partly because our own appreciation of the value is impoverished without embeddedness in our social world. As Scanlon writes, "our striving for excellence in a field is much less meaningful without some community of others who see the point of our striving" (1998, p. 176). His point is that morality is closely connected to the value of having a shared sense of what is worthwhile. In criticizing those who fail to appreciate some value, we may be trying to enrich the kind of bond we can have with them or explain why there is some distance between us. This kind of moral interaction would not be captured by a narrow conception restricted to obligations and blameworthiness.

But how broad is this broader morality? Any delineation of the concept must probably rest on substantive *moral* reasons; there seems nothing *conceptually* incoherent about some very inclusive concepts. For example, some people who cannot appreciate music experience

themselves as subject to moral criticism. In a recent interview, a prominent Norwegian think-tank director claimed that revealing that she does not like music is tantamount to “saying that one does not like children or flowers. It is like admitting to being a stunted human being” (Hovda, 2015, p. 4). I want to reserve the category of morality to a narrower domain. Although Scanlon is apparently agnostic in this regard (1998, p. 392 n.28), taking aesthetic appreciation to be a matter of moral concern seems problematic. Absent special commitments, there is nothing morally dubious about someone who cannot enjoy music or paintings. The (morally substantive) reason is that lack of appreciation in these spheres does not necessarily reveal an attitude of indifference towards socially shared values in general. Those unmoved by music may make themselves ineligible for certain relationships based on an appreciation of rock or opera, but that leaves a whole range of other functionally equivalent social arenas. As noted above, people’s failure to develop talent has greater social scope and is therefore more revealing of a morally relevant indifference.

On my account, then, morality includes some deficiencies that are not subject to blame but rather to milder forms of reaction, such as disappointment or dismay. Absent special circumstances, it does not include failures to respond to values in restricted or specialized domains, such as aesthetic or athletic value. Imperviousness to such value is consistent with mutually rewarding social relationships.

6.3 The usefulness of a broad concept

Nevertheless, this may seem to come down to a mere verbal point. Does it matter whether we register such non-blaming criticism and complaint on the *moral* record? Why not simply reserve morality for obligations and use some other term for the broader field? The normative import of the choice of terminology depends on the theoretical objectives. In my case, the aim is to see how professional roles change our moral evaluation of agents and actions. The point, now, is that the task of seeing how roles “make a difference” calls for a broad notion of morality.

Consider a doctor volunteering to go to a plague-ridden city. He experiences this act as morally appropriate and something he “must” do. On the narrow conception, we must parse moral appropriateness in terms of obligation. But it is important to recognize how this involves a morally substantive interpretation of the situation. A broad conception retains the possibility of interpreting the necessity as something not grounded in obligation or the expectations of others (cf. Bernard Williams’s concept of a “practical necessity,” 1985, pp. 187-188). It may be a demand that the doctor makes on himself and that he would not make on others. On the narrow conception, this necessity is *either* an obligation *or* relegated to the ethical and thereby

treated as a response to a “personal ideal.” On the broad conception, such heroic acts belong to the “higher flights of morality,” as J.O. Urmson put it (1958, 211). By choosing the broad conception, we can ask important questions that do not arise for those who have adopted the narrow conception. For example, do these “higher flights” of ordinary morality exist in professional morality as well? Is there such a thing as professional supererogation? As I argue in Article 2, we need a concept of professional supererogation in order to determine the professional liability of role holders. Without this concept, it is difficult to identify the upper limits to obligation and the preconditions for blame.

The importance of a broad conception of morality is not restricted to the issues connected to supererogation and the limits of blameworthiness. An equally significant component is the Aristotelian conception of virtuous moral agency. To see the relevance of this and how it is excluded by the narrow conception, let us consider three kinds of judgments that could lead the doctor to volunteer to go to the plague-stricken city. This time we assume there is a genuine moral obligation for the doctor to go. In the first scenario, imagine the doctor is Walter Fane from W. Somerset Maugham’s novel *The Painted Veil* (1925). Fane drags his wife to a remote Chinese village in order to take the place of a missionary doctor who died in a cholera outbreak. This is an opportunity to put an end to his wife’s infidelity with another British official in Hong Kong. In this case, his motivating reason is straightforward self-interest; he is not *guided* by moral concerns.

Most narrow conceptions can place higher demands on agents; they are not restricted to mere outward *conformity* to moral obligations. They can call on agents to *comply*, which means that moral actions must express something beyond the fortunate coincidence between self-interest and morality. In order for this condition to belong to the narrow conception, it is enough to establish that we are blameworthy for not according authority to moral considerations. This leads us to the second scenario, where the doctor acts only out of this recognition of moral duty but without any emotional attachment to the cause. Unlike Fane, this doctor does not have any independent motive to go the plague-ridden city. Not even a shimmer of philanthropic inclination. To use Kant’s characterization, suppose that “nature had implanted little sympathy” in his heart, he is “by temperament cold and indifferent to the suffering of others” (2012, p. 14). Kant maintains that this kind of person exemplifies a moral worth of character beyond compare, which begins to show when he does the good deed, “not from inclination, but from duty” (2012, p. 14).

There is not much to object to here if morality is merely “the sphere of the observance of rules, such that the observance of some such set of rules is a condition of the existence of a

society” (Strawson, 2008, p. 34). This doctor rises above his inclinations and does what can be demanded of him as moral agent. However, as noted above, the broad conception of morality opens up for moral criticism whenever attitudes display an indifference towards key values in social interaction. Kant explicitly writes that the person is cold and indifferent. In order to capture the morally relevant failure in this case, we need to move beyond the narrow conception and towards the Aristotelian concept of virtue. Kant’s concept of full moral agency would only amount to what Aristotle called continence or moral self-control. Continence is when one acts according to one’s judgment, even though one has contrary inclinations. To illustrate the virtuous counterpart, let us look at a third version of the volunteering doctor. This time, he is more like Albert Schweitzer, who travelled because he had always been “stirred” by the fate of those denied decent living conditions or health.¹⁰ His decision to go to Africa was made on the background of a moral perception of the situation where emotion and understanding is combined. Moreover, it is made wholeheartedly, without lingering regret concerning personal sacrifices. This sensitivity to the suffering of others gives his decision a higher moral worth than had it been a mere cold and indifferent response to duty.

Does then the broad concept of morality contradict Kant by according moral worth to natural inclinations and emotions? As it stands, this is too simple a way of putting it. Kant’s point was that natural inclinations and spontaneous emotions do not deserve moral esteem because they are unprincipled and may, therefore, go wrong in a number of ways. It is a mistake to reject this claim in order to endorse the Aristotelian virtue theory, which includes emotional dispositions. We can easily see how this way of contrasting Kant’s claim with the Aristotelian concept of virtue misfires when we find a similar point made in the *Nicomachean Ethics*: “For these natural states belong to children and beasts as well, but without understanding they are evidently harmful” (1999, 1144b7-10). The Aristotelian concept of virtue highlights that the goodness of traits like temperance and bravery depends on how the emotions *respond to reasons*. Aristotelian virtue involves taking pleasure in doing the right thing. There is harmony between judgment and emotion (“the excellent person is of one mind with himself, and desires the same things in his whole soul,” 1166a15). The relevant difference then between Aristotle and Kant is that Aristotle rejects the strict opposition between action that is guided by principled judgment and action motivated by emotion (cf. Hursthouse, 1999, Ch. 4). Rather, Aristotle

¹⁰ See *Out of My Life and Thought: An Autobiography* (Schweitzer 1933, 82). Schweitzer had actually studied Kant’s moral theory extensively and was deeply critical of the neglect of the emotions (cf. Cicovacki, 2012, esp. p. 118).

emphasizes how our moral learning involves sensitizing our emotions to what is fine or choiceworthy.¹¹

Once we appreciate this virtue dimension of the broader concept of morality, we can ask new kinds of questions about professional morality. For example, in Article 3 I investigate whether professional virtue is governed by *eudaimonia* in the same sense as ordinary virtue. This requires an interpretation of *eudaimonia* that makes sense in both contexts. For starters, contemporary senses of “happiness” will not provide a very helpful translation of the Greek term. As Schweitzer states, his happiness back home was part of what prompted him to leave: “It struck me as incomprehensible that I should be allowed to live such a happy life, while I saw so many people around me wrestling with care and suffering” (1933, p. 82). However, on the same page, he describes his action as adding “outward to inward happiness,” with reference to how devoting oneself to humanity is a way realizing a more justified life. This latter idea comes closer to the concept of *eudaimonia* that governs virtue.¹² In the article, I argue that we need a conception of care as “investment of the self” to make sense of the eudaimonistic component of professional virtue. Professionals who do not care in the right way about the ends of their professional practice are open to criticism for failing to appreciate the values of their practice. This does not mean that virtue requires professionals to devote themselves completely like Schweitzer, but it does require that the success of their work matters to them.

7. BEING REALISTIC ABOUT ROLES

The previous section outlined how a broad conception of ordinary morality helps us go beyond the deontic dimension of professional role morality. In asking how professional role morality diverges from ordinary morality, we must be clear about what aspect of ordinary morality is in question. For example, professional duty needs a different story than professional virtue. The concept of professional duty is more tightly bound up with concepts such as demands, accountability, and respect. The promissory relation illuminates this cluster of deontic concepts in a particular way. It is a further task to determine how the virtues should be responsive this promissory relation. Their narrative requires more attention to concepts of agency such as motivation and hermeneutic sensitivity.

¹¹ Arguably, one can “make room for character” in Kant’s philosophy as well (cf. Herman, 1996).

¹² Schweitzer endorses “the saying of Jesus: ‘Whosoever would save his life shall lose it, and whosoever shall lose his life for My sake and the Gospels shall save it’” (1933, 82). Compare Aristotle: “This is presumably true of one who dies for others; he does indeed something great and fine for himself” (1169a26-29).

One could agree with all that has been said so far, but still argue that professional role morality diverges in a more fundamental sense. Ordinary morality could appear to be “real” or “objective” in a sense that professional role morality is not. Although invoking terms like moral realism or objectivism stirs up a hornet’s nest of controversies, they are connected to some common-sense ideas about ordinary morality. The question is whether these ideas are appropriate when applied to professional role morality.¹³ The question is pressing in part because of the quasi-legislative function attributed to roles in Section 4. The critical independence of roles needs foothold in the reality of the promise. In this relatively conjectural section, I will focus on two “realist aspects” that may provide some foundation but that stand in need of defence in the domain of professional role morality.

Firstly, realism takes morality to be a unified or coherent domain of facts. Call this the unity aspect. When we discover inconsistencies between our convictions, we attribute this to a fault in our own reasoning and not some inherent feature of morality itself. We see coherence as something to be achieved by looking closer at the reasons that support our individual judgments. I may hold that effort should pay and still believe that society should have a more equal distribution of wealth. When asked about the relation between these convictions, it would be strange if I were to claim that they are just two incompatible facts about morality. Rather, I must explain how my idea of desert-based income fits with the value of equality.

Secondly, we hold that the content of our moral convictions can be true independently of the fact that we hold these convictions. Call this the aspect of judgment-independence (it goes by many names in the literature). It is not the psychological fact that we believe that slavery is wrong that makes it wrong; it is rather a moral fact we have discovered through moral reasoning. In *Being Realistic About Reasons* (2014), Scanlon notes that judgment-independence is an important but weak form of objectivity in general (p. 93-95). There can be judgment-independent truths about who won some game we just invented. However, this form of objectivity becomes more controversial when the standards have not been chosen or instituted through some voluntary procedure. Moral realism argues that there are moral facts that are independent of choice. This is unlike the social facts that have come into being through performatives, such as declarations.

¹³ This question has parallels at higher levels of abstraction. Some claim that *normative* realism does not establish *moral* realism. That is, the idea that there are truths about reasons or “oughts” could still allow for positions that deny moral truths. As David Enoch writes of his own brand of realism in *Taking Morality Seriously*: “Robust *Metanormative* Realism is consistent with denial of Robust *Metaethical* Realism: it cannot be ruled out without argument that though there are some normative truths, none of them is recognizably moral” (2011, p. 3, italics in original). Similarly, one step down the ladder of meta-levels, we cannot assume without argument that *moral* realism establishes that *professional role morality* contains normative truths.

Let us ignore whatever meta-ethical or metaphysical problems these ways of thinking may pose.¹⁴ In particular, I will largely assume that talk of moral truth is warranted. Furthermore, if the label realism evokes too many unhelpful connotations, just think of it as “the unity and judgment-independence view.” The relevant question is whether these two aspects are part of professional role morality. This question affects how seriously we can take roles. In particular, it raises two issues for the promise model. In this section, I want to address these issues because of the centrality of the promise model in my framework for professional role morality. We can approach these potential difficulties in terms of an “anti-realist” challenge, which goes as follows:

“Grounding professional role morality in a promissory relation makes it relative to the intentions of the participants in the promissory transaction. This is incompatible with both the aspect of unity and the aspect of judgment-independence. Firstly, we have no reason to believe that the promise is coherent. In fact, a quick look at the codes and regulations issued by the governing bodies shows that it is a mess. Secondly, there can be no discoveries of promissory duties because a binding promise is an inherently intentional construct. Promises bind by virtue of their content being understood and accepted. Therefore, one cannot discover new promissory duties beyond what the public already expects.”

To see the potential harm of this challenge, let us briefly consider the alternatives we are left with if this objection is sound. One alternative is to discard the promise model. This suggests itself if the model wrongly restricts professional role morality to an incoherent domain of positively recognized content. The second alternative is to keep the model and construct an error-theory for much of professional role morality. This alternative renders as unwarranted the pervasive talk of what the role *requires*. That is, when people speak as if the role authoritatively commands decisions that go beyond public’s understanding and acceptance, they are wrong about the scope of professional role morality.

¹⁴ For reasons of space and division of labour, the section does not explicitly engage with sceptical arguments against moral truth. J.L. Mackie’s *Ethics: Inventing Right and Wrong* (1977) is the *locus classicus* of scepticism, but there are many versions. Furthermore, the section does not explicitly state how it relates to the controversies internal to the realist camp. Realism has been given many different defences in recent years, including Dworkin, 2011; Enoch, 2011; Parfit, 2011; Scanlon, 2014; Skorupski, 2010; and Tännsjö, 2010. They are united in their belief in moral truth, but they vary in their “ontological commitments” and the terminology they use to describe those commitments. The version of realism that I primarily draw on in the text holds that the standards of normative truth are internal to the normative domain (this is somewhat pejoratively called “quietism”).

I will argue that we should reject the anti-realist position about professional role morality. The promise model supports the idea of seeing professional role morality as a unified domain of facts. It can also accommodate the idea of discovery and judgment-independence.

7.1 The aspect of unity

Let us first look at how the unity or coherence figures in inquiries into moral truth. It is an aspect that highlights how moral convictions are supported by further propositions of the same kind. They are not supported by appeal to some causal story of how we came to hold these convictions. The most compelling account of this realist aspect has been put forward in Ronald Dworkin's *Justice for Hedgehogs* (2011). In this section, I will argue that it is an aspect that applies to professional role morality as well.

The realistic view of ordinary morality is sometimes ridiculed because it appears to assume that we are somehow “in touch” with some strange moral sphere of the natural world, like a radio tuned to the “moral frequency.” Talk of moral realism may seem to involve strange moral entities “out there” that causally affect our moral sensory apparatus, in the way our ordinary sense inform us about the world. However, the only “sphere” we need in order to warrant talk of moral facts is the familiar discipline of giving moral reasons for our moral convictions.

For example, two people may disagree on what loyalty to a friend requires when one can do more for a stranger. Arguments in favour of one reading of loyalty can draw on how further moral considerations are connected, like trust and emotional commitment. Suppose Jane argues that the virtue of loyalty in friendship can require neglecting even serious needs of a stranger one is uniquely positioned to help, because friendship is such a fundamental human relation. Tom discards this interpretation of loyalty as too extreme because it undermines the idea of respect for human dignity that is also presupposed in friendship. What could establish one interpretation of loyalty as more plausible than the other?

The success of their interpretations depends on how they capture what is valuable about the virtue of loyalty to friends. There is no neutral meta-ethical procedure to determine which interpretation is best. The only feasible procedure is holistic and internal to the domain of moral reasoning. As some realists have suggested, we should borrow Otto Neurath's image of a mariner repairing his ship while afloat (Dworkin 1986, p. 111; McDowell 1998, pp. 36-37, 187). Challenging a moral position presupposes that we hold certain moral convictions constant. In developing our moral outlook, we change it plank by plank. In doing this, we depend on the support of the rest of our convictions. We cannot have, and do not need, an external standpoint

in order to have moral truth. A non-moral standpoint cannot establish a moral claim. We can only argue for a moral position within the greater moral conceptual scheme that we orient ourselves in.

At first blush, this coherence model of moral reasoning does not fit with professional morality. The holistic procedure suggested by Neurath's ship metaphor presupposes unity is possible or at least warranted as a regulative idea. How are we entitled to this idea of unity in the realm of professional role morality? It is certainly not evident that the various professional requirements cohere in a principled fashion. For example, Article 1 discusses the case of a physician with a doping athlete as patient. Those who have studied the variety of relevant codes of conduct note deep tensions in the way health professionals are bound both to the interests of the patient and to the fight against doping (McNamee & Philips, 2011). Similar tensions surfaced when the police officer that spoke with Nachtmann asked him about his duty to report illegal activities. Nachtmann experienced this as an attempt to pressure him to reveal the patient identity (Norwegian Supreme Court, 2013). As we have seen, instead of giving in to this pressure, he acted in the name of his duty of confidentiality.

A realist account of professional role morality requires that there is no inherent tension between valid duties. The duty to report and the duty of confidentiality cannot be contradictory. As realists, we need to treat the conflict as part of our incomplete understanding and not as built-in fault in professional role morality. Anti-realists, on the other hand, can happily accept that it is a domain of inherently conflicting duties. They may recognize that a conflict between the duty to report and the duty of confidentiality creates difficulties for those who feel the tug of both duties, but that does not mean that further interpretation of duty will resolve anything. Cases of conflict are just symptoms of a badly designed practice. Role holders are like actors with two directors giving contradictory character instructions. There is no true character to discover; the actor must simply decide which instruction is most appealing.

However, the conflict does not merely create difficulties for those who have to decide between two duties. It is also a problem for those whose rights are supposed to be secured by these duties. What is the value of a duty of confidentiality that is hostage to the role holder's potential allegiance to a duty to report? Denying there are truths to be discovered in hard cases implies that patients and clients have no reason to complain when they disagree with a decision. They are like an audience that has seen an incoherent performance. Disappointment is appropriate, but attitudes that invoke an entitlement to a different decision are not.

For example, the narcotic-abusing patient could be disappointed in Nachtmann if his identity was revealed to the police. Similarly, the police officer might be angry with Nachtmann

for choosing confidentiality over the duty to report. However, as one anti-realist put it, without facts to determine the matter, they must settle for “indignation without accusation” (Stemmer 2000, p. 139). Genuine indignation, on the other hand, comes with the kind of authoritative address discussed above in Section 5. It summons the addressee by appeal to a moral fact that constitutes blameworthiness. But the disunity of professional practice does not seem to leave us with anything is to ground blameworthiness in these cases. There is allegedly no truth to be discovered about what should be done in the situation.

The anti-realist position seems to follow from the deep tensions in professional codes of ethics. However, this conclusion relies on the premise that professional role morality is exhausted by the positive content of practice. But we have already seen roles are not grounded in the content of practice (*pace* the primacy of practice view, cf. Section 4). Rather, the ground of professional role morality is the promise the profession makes to the public. It is this promise that gives moral authority to the content of practice. It is thereby also the guiding notion in interpreting the positive requirements and resolving the lack of congruity between them. In addition to what has been said above in Section 4, I elaborate and defend these particular claims in Articles 1 and 4.

The relevant point now, is that seeing conflict as the result of a badly designed practice does not respect the logic of promising. We are entitled to treat unity as a regulative idea for resolving conflict if the promissory grounding is defensible. Apparent conflicts between important role requirements must be resolvable, because a binding promise cannot be contradictory. One cannot promise to respect both the value of legal justice and a principle of zealous representation that impairs this value. Similarly, a promise to effectively diagnose and treat disease cannot include an incompatible commitment to patient autonomy. This constraint of coherence or unity arises from the function of promises to invite trust.

A promise licenses the promisee to trust that certain considerations will guide the promisor’s future behaviour. This purpose is defeated if the promise does not provide a coherent set of requirements. Lawyers do not invite us to trust that they will respect the value legal justice if they announce that their commitment to zealous representation can silence this value or allow them to disregard it. Similarly, health professionals have not invited us to trust that our patient confidentiality will be respected if it is hostage to a conflicting concern, namely a duty to report. In order to warrant our trust, lawyers must articulate a standard of zealous representation that honours their commitment to legal justice. Likewise, the promise to respect our patient confidentiality must be given in way that is sensitive to the duty to report. In other words, the

promissory grounding precludes the equal validity of conflicting requirements and allows the possibility of truth in professional role morality.

7.2 The aspect of judgment-independence

Anti-realists may grant us the aspect of unity only to retort smugly that we have bought this idea at the cost of judgment-independence. The promissory grounding that introduces the constraint of coherence will also imply what is known as the “uptake requirement” on promising (a term introduced by Judith Jarvis Thomson, 1990, p. 298). Uptake refers to the condition that promises must be received, understood, and accepted in order to be binding. For example, suppose John attempts to give Susan his word that he will do her taxes. He may offer cogent arguments about the merits of doing so, but it is not true that there is a promissory reason for him unless Susan understands and accepts freely.

When we apply this condition to the promise of the profession, it seems to leave no room for the discovery of new role requirements. Rather, something counts as a role requirement if the public has understood and accepted it as such. The truth of statements about what professional role morality presupposes uptake. Anti-realists claim that this precludes the idea of making discoveries about what the role requires. Naturally, we can discover some moral facts about particular professional roles that nobody knew before, for example that that they produce social injustice or that they are insufficiently sensitive to personal autonomy. However, the anti-realists hold that anything that revises or expands on positive practice will be truth-apt only in the sense of being supported by ordinary morality. There are no truths to be discovered about what the role requires *qua* promise.

We do not get anywhere by replying that the moral discoveries that the anti-realist recognizes presuppose the promise. That is, the anti-realist position is not disturbed by the fact that moral discoveries about the adequacy of professional role morality refer to actions that are defined by a collectively recognized practice or what Searle calls an institution. Anti-realists will treat discoveries as what Searle calls “fallouts from institutional facts” (2010, p. 117). Institutional facts require actual collective recognition for their existence, but these facts can themselves generate facts that do not require collective recognition. Therefore, Searle calls fallouts “intentionality-independent facts about intentionality-relative phenomena” (2010, p. 117). Recessions would occur even if people did not recognize them, but the money institution they depend upon would not. Similarly, the moral injustices generated by the duty of confidentiality can be a judgment-independent fact, but the duty itself cannot. Anti-realists will emphasize that these moral discoveries about the content of the promise do not themselves

change the promissory reasons for role holders. As Searle writes, fallouts are essentially external to the logic of creating normative requirements: “They carry no additional deontology, so no new power relations are created by fallouts” (2010, p. 117).

Let us consider how this works with an example from the legal context. The lawyer profession invites the public to trust that it adequately serves legal justice. Suppose that the so-called “cab rank rule” is a precondition for this professional end. The cab rank rule requires lawyers to accept all clients they are competent to represent, instead of filtering them out according to how desirable or deserving they seem. They must accept them in the order they come, like passengers standing at the taxicab rank. Some argue that this rule does not respect the moral autonomy of lawyers, who should be allowed to consider general public welfare when selecting clients (Quinlivan, 1998, p. 138). Let us assume this view prevails in some society. One lawyer realizes how this view of lawyer autonomy is incompatible with other central aspects of the lawyer role. For example, she sees how it conflicts the principle that lawyers should not be personally tainted by the immorality of the client’s projects. Making acceptance voluntary seems to tie acceptance closer to moral endorsement (cf. Wendel, 2010, pp. 150-151). She uses such arguments to convince both her colleagues and the public how they have been mistaken in not instituting the cab rank rule. She explains how rejecting morally repulsive clients is not part of lawyer autonomy. Her arguments have made it evident that this rule is required by idea of legal justice promised by the profession.

According to the anti-realist, this is not a discovery of a promissory reason. It is rather the discovery of how the promise should be altered or supplemented. The main problem with this position is how it disguises a substantive interpretation of the promise as a conceptual claim. In maintaining that the discovery is not a promissory reason, the anti-realist is making a first-order assertion about what the public is entitled to expect. The anti-realist is claiming that the public has no right to the kind of protection that the cab rank rule affords.

However, there is no conceptual confusion in speaking of discoveries of promissory reasons. From the mere fact that the connection between the cab rank rule and the end of legal justice was discovered after the promissory relation had been established, it does not follow that the rule cannot have been part of the promise all along. In other words, we can say that the participants to a promissory transaction were mistaken about what the promise implies and still respect the uptake requirement.

To see how, let us suppose the public trusts that the lawyer profession itself knows best whether the cab rank rule should be instituted or not. The public understands and accepts the invitation to trust that the lawyers will treat such issues as a matter of professional integrity and

that a responsible decision will be reached. That is, the promise generates legitimate expectations concerning the quality of professional reasoning about what the positive role requirements should be. This way of interpreting the promises changes the meaning of the discovery of the reasons for the cab rank rule. In realizing that legal justice requires this rule, the lawyer is not operating outside the bounds of the promise. Instead, she is being good on the word of the profession to reason responsibly about what the role requirements should be. To use Searle's phrase, her discovery "carries additional deontology" by virtue making it plain why the lawyer profession can be held accountable to the cab rank rule.

This preserves an important notion of judgment-independence for the domain of professional role morality. New facts about what is owed to the public can be discovered. Establishing that these facts can be identified as part of the promise—as opposed to mere supplements—has consequences for how we are to evaluate professionals. While Section 4.4 argued that roles have a critical *independence* towards the positive content of practice, the current section has argued that this independence can be used to discover *promissory facts*. It is the rejection of the idea that the reality of the professional role-responsibility is exhausted by prevailing views. Professionals who have the determination and vision to challenge the collective recognition of practice can reveal what the promise actually entails.

7.3 Realism and discretion

The idea that professional role morality is a unified domain of judgment-independent facts may give the impression the concept of professional discretion is misguided. Is this realist view of professional role morality compatible with the idea that some decisions that are up to the professional? For example, can there be cases where both operating without consent and postponing operation until consent is obtained are justified options? Analogously, are there cases where both presenting perjured testimony and withdrawing from the case are reasonable decisions?

It would be strange for a theory to exclude these options in advance. However, the possibility of role discretion to choose between conflicting alternatives is not in itself a concession to the anti-realist. The threshold for the justifiability of a decision is not that is perfectly guided by an accurate view of the facts. A decision can be justifiable without being the best decision one could make. Someone with more time, knowledge, and intellectual capacity may see mistakes in a justifiable decision. Professionals have a duty to make decisions that respond to the principles of their practice, but it is what Kant called an imperfect duty (cf. 1996, p. 153). The decision must reflect a good faith attempt to do what best honours the

promise of the profession. On the realist view, this means that it must be recognizable as a sufficient endeavour to reach a true verdict.

This form of discretion is inevitable because the professional work often involves complex decisions that require judgment in the absence of mechanical procedures. In *Taking Rights Seriously* (1977), Dworkin labels this “weak discretion” as opposed to “strong discretion” (pp. 31-33). The latter is when the agent is not bound by any standards of the role. Dworkin’s example of strong discretion is a sergeant asked to pick *any* five men for patrol. This sergeant would only have weak discretion if he were told to pick the five *best* men.

Is it never the case that professionals have strong discretion in matters of their role morality? That would be cases where standards of the role morality cannot provide one single best answer. This is a form of local anti-realism. It could, for example, entail that we cannot decide between the police officer and Nachtmann, because the case is fundamentally lacking in answer either way. This form of anti-realism does not repeat the challenge of conflicting requirements. It is the different challenge of *incomplete* requirements.

We cannot rule this out by appealing to the promissory grounding of professional role morality. Even though promises must be coherent, they do not have to pre-determine the relevant future decisions. In any case, we should connect this question to another distinction that Dworkin has highlighted, namely the distinction between indeterminacy and uncertainty (2011, p. 91). In order to claim that a case is indeterminate, in the sense of having no unique best answer, we need an argument that engages directly with the requirements in question. Claims of indeterminacy are first-order substantive assertions about the responsibilities of role holders. These claims need the support of a careful analysis of the arguments for deciding issues in professional role morality. Is it possible that professional role morality comes to an end when cases reach a certain complexity, thereby delivering no final verdict?

Evidently, only someone deeply familiar with the morality of a professional role is entitled to make claims about indeterminacy. Take the case of informing advanced cancer patients of their diagnosis. Medical professionals sometimes speak of a fine line between telling patients of the realities and holding out some hope. On the one hand, they are committed to truthfulness and patient autonomy. On the other, they need to maintain a trusting relationship and protect patients from the harm of direct exposure to the realities. In addition, they have to take into account what the patients already know, interpret the interests they express, their emotional disposition, and other factors in order to find the appropriate way to communicate. Interestingly, even in these morally complex cases, professionals still speak of their deliberative conclusions in terms of what they “have to do” (cf. the quotes in Gordon & Dougherty, 2003).

Perhaps they are wrong and there is a way to establish that in cases like this there is no uniquely best solution to aim for. Dworkin's point is that we cannot establish such claims by merely registering the level of uncertainty that surrounds the situation. Uncertainty is the default position of moral thought and the inevitable prelude to firm convictions in difficult matters. However, it is easy to confuse persistent uncertainty with indeterminacy. The fact that one cannot form a firm conviction about some matter may tempt one to conclude that no definite solution exists. However, the difficulty of the challenge does not imply an absence of truth. A move from uncertainty to a claim of indeterminacy must be earned by explaining what the public is justified in expecting from professional decision-making in the area in question.

Even if *local* indeterminacy should prove warranted, there cannot be a *general* indeterminist view of professional role morality. By virtue of their promissory grounding, roles cannot be understood as a ragbag of conflicting yet equally valid duties. That does not imply that there must be straightforward ways to resolve appearances of incompatibility. But it does mean that principled coherence is a sound regulative ideal.

8. CONCLUDING REMARKS

Roles deserve to be taken seriously, but their moral importance is multifaceted. This introduction was an attempt to describe and connect some of the main dimensions of importance that structure the articles. At some points, the process of writing this overarching narrative for the morality of professional roles has made plain to me some imprecisions in the articles.¹⁵ All the same, none of the conclusions reached in this introduction conflict with their main claims. Indeed, the principal purpose has been to support the articles by providing a more comprehensive framework.

I want to round off with a note on the scope and application of this framework. This approach to the morality of roles has the appearance of a macro-level theory of professions combined with a micro-level theory of the merits and liabilities of individual role holders. What about the meso-level of institutional life? Most of today's professional roles are staged in complex organizational structures, where decisions may be subject to many kinds of institutional authority. Professional associations, organizational managers, ethics boards, and

¹⁵ Some imprecision is terminological, as when Article 2 speaks of "indeterminacy" where "uncertainty" would be more appropriate (cf. the distinction in Section 7.3). Another example concerns more substantive matters, namely the relation between practices and roles. Section 4.4 argued that roles are grounded in a promise that allows a critical distance to the positive content of practice. The articles do not clearly distinguish between *profession* as the agent of a moral transaction and *practice* as the collectively recognized content of the promise.

general counsels are among the parties that may have a say in what professionals should do. The meso-level is where professionals must deal with conflicts between the interests of the patients and clients they serve, on the one hand, and the economy and policies of their employing institution on the other. In fact, some of the most controversial issues of professional ethics, like assisted suicide, are often handled by inherently institutional mechanisms, like an organizationally defined hierarchy of authority and deliberative procedures for conflict resolution. In light of such cases in particular, some speak of an “institutional turn” in professional ethics (cf. Thompson, 1999).

This project conforms, insofar as the turn signifies a move away from the image of professionals as independent agents dedicated solely to their patients and clients. However, the call for a turn can also be read as the claim that the philosophy of professional role morality should be practical and “applied” as opposed to foundational and theoretical. On this reading, the claim is that professional ethics should be more concerned with institutional design and the moral quality of procedures, instead of foundational questions of the ground of professional roles and the meaning of basic concepts.

This makes it seem as if the different kinds of questions can be answered independently of each other. But foundational moral theory and institutional design should be seen as mutually supportive. The authority of institutional procedures presupposes a background of basic accountability relations that structure the role. Furthermore, the moral weight of institutional decisions depends on clear conceptions of the terms of evaluation that are used to determine responsibilities. Conversely, the plausibility of philosophical interpretations of key concepts of professional morality requires sensitivity to the cooperative and institutional nature of practice.

Given this relation of reciprocal support, a turn towards institutional life quickly reveals that my project ends where many tough questions begin. The task of fitting actual decision-making to a general conception of supererogation, virtue, or integrity may differ greatly from profession to profession. Roles are embedded in distinct institutional structures with accordingly varied types of conflict. For example, a law firm acting on behalf of the interests of a wealthy commercial corporation may encounter questions of professional integrity very different from those facing teachers in a school in a poor area.

Nevertheless, there remains an important shared normative order. There is such a thing as a professional role morality that transcends the particular professions. It is founded on fidelity to the invitation to trust that forms our core idea of a profession. This foundation provides structure to key concepts of professional morality. At least, that is what will be argued in the following articles.

9. ARTICLE SUMMARIES

9.1 Overview of main concepts

This section provides extended abstracts of the four articles. As a bridge, let us take brief look at how Nachtmann's case relates to the main concepts of the articles.

1. *Authority*

The role has authority over Nachtmann. Whether to protect the confidentiality of his patient was not up to him. He may personally believe that confidentiality should only include the passive duty to silence and not the active destruction of evidence. But the role commands compliance in the face of disagreement. Not simply in the sense that Nachtmann will be sanctioned for transgression, but in the moral sense that transgression violates a legitimate demand on him that calls for respect.

2. *Supererogation*

It may be that many of Nachtmann's colleagues have turned over evidence in similar cases. Perhaps there is a common understanding that one does not interfere with police work and this has shaped the actual practice of confidentiality. Given this, it could be unfair to blame those who have done less than Nachtmann to protect their patients. That does not mean that Nachtmann has stepped outside the sphere of his role morality. Rather, he went beyond the call of duty *qua* professional.

3. *Virtue*

Nachtmann's actions can be taken to display various virtues. However, in attributing virtues to him, we are also making claims about his guiding motivations. The Aristotelian conception of virtue does not only require right action, but also acting with the right emotional disposition of character. A virtuous professional act is based on a direct appreciation of what makes the ends of the practice worthy of commitment and care.

4. *Integrity*

Should we ascribe integrity to Nachtmann? This could be defended by appealing to his determination to stand for his conviction even at the personal cost of confrontation. However, insofar as we want to ascribe *professional* integrity to him, we must also appeal to his ability to take an interpretive stance in order identify the demands of his role. As his case shows by its long journey through the legal system, recognizing the true obligations of professional morality is not a matter of simple deduction. In other words, professional integrity is an interpretive virtue.

All of these claims are controversial and the articles aim to defend them against competing conceptions. Each article is organized similarly around distinctive models or role conceptions that are compared against each other. Below follows an outline of the main positions.

9.2 Summaries

ARTICLE 1

The Authority of Professional Roles

Published Autumn 2015 in *Journal of Social Philosophy* 46(3), pp. 373-391.

The article investigates the source of authority for professional roles. Are professionals bound by the norms of ordinary morality or do they have some independent grounding? The article begins with a discussion of two existing models that give contrary answers to this question.

First out is the Practice Model, which derives professional norms from the “internal goods” of professional practice, such as health or education. The norms of professional practice are different from ordinary morality because professionals are supposed to grant added weight to their key professional good. This model fails to explain how professionals are bound by professional norms that serve more “external” or broad-based ends, such as autonomy and justice. I argue that it leads to an unacceptable detachment of professional ethics from ordinary morality.

The second approach is called the Translation Model. The idea is to view professional morality as derived from a base of universally valid moral content (i.e. “common morality”). On this approach, professional morality is not substantively divergent from ordinary morality. It is only a matter of specifying the relevant context and translating the universal principles into this context. This model fails to explain how role holders are bound by role requirements they disagree with. It is argued that we need a model that takes into account the political nature of professional morality, where the authority of roles is understood against the background of reasonable disagreement.

The Promise Model is articulated and defended, wherein the obligations of professional roles are grounded in an act of self-binding by the profession; the public is the promisee, and thereby entitled to make role-dependent claims. In exchange for jurisdiction, the profession promises to comply with socially negotiated standards of conduct. The promise is neither a discrete event nor a hypothetical transfer of authority, but constituted by a range of invitations to trust. Codes of ethics provide the primary example, but announcements, patient or client

conversations, and institutional self-representations (symbols, titles, and mottos) are also relevant. It is the responsibility of professionals to interpret these invitations as a unified promise. The ambition should be to make the various codes and institutional self-representations cohere in way that allows for a unified professional voice.

This model retains a connection to ordinary morality, but does not reduce role authority to individual conscience. Legitimate promises bind the role holder even in the face of moral disagreement. Nor does it lead to a problematic detachment from ordinary morality. Promises cannot overwrite moral obligations; they only impose special obligations within the bounds of the existing moral framework. Professional roles do not shield agents from moral responsibility when role requirements conflict with basic moral principles of respect and concern.

ARTICLE 2

Beyond Professional Duty: Does Supererogation Belong to the Morality of Roles

Published Spring 2015 in *International Journal of Applied Philosophy* 29(1), pp. 85-101.

Can professionals go beyond their role obligations in morally praiseworthy ways *qua* professionals? This article argues that the concept of professional supererogation is an important part of professional role morality. There is reason to emphasize the upper limits to professional responsibility even if one is sceptical about supererogation as a feature of ordinary morality. The argument is conducted as a discussion of three role conceptions.

The first conception denies the usefulness of a concept of supererogation altogether. The article calls this role conception the Good Professional because it endorses the so-called “good-ought tie-up.” On this account, being morally good is conceptually downstream from duty; moral duty is to respond to the fittingness of an action and there is no sense in which moral goodness can diverge from what is fitting. The virtuous agent “hits the mark”; there is no moral space “above and beyond” the call of duty. It is argued that this view is particularly unsuited for professional morality. The fact that professionals have special skills magnifies the uncertainty concerning what constitutes sufficient effort. This uncertainty is joined to an enhanced ambiguity in the moral questions themselves. The Good Professional’s denial of supererogation carries a danger of obscuring the appropriate scope of guilt for not doing enough or having made the wrong decision. This blurring of responsibility is injudicious, given the severity of this kind of self-assessment.

The second role conception denies that supererogation is a concept that extends to professional morality. This position is dubbed the Fair Professional because it sees professionals as primarily bound to fairness. The concern with fairness cancels the possibility

of supererogation because fairness concerns what is due to someone, and giving someone more than their due is not being fairer. Therefore, to go beyond role requirements one must be promoting some other value and thereby acting *qua* ordinary moral agent instead of *qua* professional. I argue that fairness is not the primary aim of professional roles; it is rather a constraint on the interpretation and pursuit of profession-specific ends, like health or legal justice. A nurse who brings books from home to a patient is acting in a caring fashion that is continuous with her role. She is doing more for her patient than might be required. However, she does not “have a patient” as a moral agent.

The Reasonable Professional is developed as a third alternative. The name and approach is derived from the legal figure of a reasonable person, which is often used as a device for determining liability. The Reasonable Professional attributes substantial weight to common understandings of practice. It does so out of respect for the fact that the professional role is an additional or special responsibility taken on by the agents. A sense of common practice enables them to estimate the scope and gravity of taking on this additional responsibility. It provides a footing for agents who need to assess what can be legitimately expected of them as role holders. The burden of professional liability is to be imposed on fair terms by assuming that all have an equal interest in freedom from such liability. In this way, the obligations of the role are disconnected from personal idiosyncrasies in the experience of the burdens.

The standard of reasonableness demarcates the upper limits to duty in terms of the fairness of being held accountable to a special responsibility, which does not by itself imply any *a priori* restrictions concerning the possible severity or scope of the burden of liability. The Reasonable Professional is a standard that can be applied regardless of how exacting the practices are. Furthermore, this role conception is not committed to a static view of professional practice. It is compatible with seeing the negotiation of professional morality as a continuing process, where over time role duties may come to include what was previously considered supererogatory.

ARTICLE 3

Should *Eudaimonia* Structure Professional Virtue?

In press at *Journal of Philosophy of Education*.

This article applies the Aristotelian conception of virtue to the professional context. Using the case of teaching, the article argues that the merit of professional action is linked to *eudaimonia*, the Greek word for living well or flourishing. The article interprets *eudaimonia* in terms of care, where care is understood as involving an investment of the self. Virtuous role holders are

invested in their practice in a way that makes professional excellence part of their own good. Failing to care about the ends of professional practice reveals a lack of appreciation of their worth.

This Investment View is contrasted with the currently popular claim that professional virtue is determined according to profession-specific teleological structure. Unlike ordinary virtues, which are governed by *eudaimonia* or human flourishing, professional virtues are allegedly derived from key professional ends, like health or education. This Key Goods View holds that we should determine which traits are professional virtues by considering whether they promote the key goods. Trustworthiness in medical practice is a virtue if it is shown to be conducive to promoting health. Ordinary virtues will become professional vices if they prove to hinder the promotion of key goods.

The article argues that the Key Goods View delivers an unconvincing criterion for determining the merits of character traits. Firstly, this view fails to explain how ordinary moral virtues can become vices in the professional context. We would hardly consider trustworthiness to be a professional vice if it somehow turned out to be inefficient in promoting health. The good of health does not have the normative power to change basic norms of respect for persons. Secondly, virtue has hermeneutic priority. We do not understand the ends of professional practice independently of a conception of virtue. The end of medical practice is to promote health fairly, conscientiously, and with integrity. In other words, we do not derive the relevant virtues from the key end of the profession. We use an image of the virtuous professional to understand the professional ends themselves.

ARTICLE 4

What Is Professional Integrity?

In press, *Etikk i praksis – Nordic Journal of Applied Ethics* 9(2), pp. 3-17.

Integrity is widely regarded as a central virtue for professionals. This article investigates whether professional integrity is importantly different from ordinary integrity. The main claim is that professional virtue is a distinctly interpretive virtue. In being good on the word of their profession, professionals of integrity are responsive to the entrusted nature of their responsibility. They extract a vision of how to realize the ends of their profession from various sources of legitimate expectations, and they let this vision guide them. The account is developed as a response to two competing views on how to understand professional integrity.

The first candidate is the Teleological View. This view pictures professional integrity as a commitment to the key end of professional practice. For example, doctors of integrity will

not compromise the values of life and health. Actions may be fully justifiable from the standpoint of ordinary morality and still conflict with professional integrity's concern with the key ends of practice. It is argued that this results in too narrow an understanding of the reasons that guide agents with this virtue. Drawing on the unity of virtue thesis, the claim is that integrity should be integrated with broader considerations, like justice and autonomy.

The second contestant is the Generic View. This view denies that professional virtue is distinct; the distinctions commonly made between types of integrity serve only to make clear the content of the relevant set of convictions that guide agents of integrity. Integrity is always about being good on one's word and standing for one's convictions before others. We appreciate integrity because it makes people worthy of trust. The problem with this view is that ordinary integrity is insufficient to warrant trust in the professional context. Our trust in role holders is in the word of their profession, not the soundness of their personal convictions. The virtue of professional integrity is distinct because of the way it requires responsiveness to the legitimate expectations of the public.

The Interpretive View highlights how professional integrity is an epistemic virtue that calls on role holders to reason responsibly about what their practice requires. Role holders of integrity see themselves as part of a profession that has offered its word to the public, and they recognize their responsibility to achieve clarity about what this means. The view likens this work to the task of continuing a novel that others have started. Role holders should interpret the word of their profession in a way that exhibits principled unity rather than a mishmash of different visions. Ideally, judgments made in the name of a profession draw on grounds that affirm the assurance relationship to the public. These judgments are informed by existing rules and procedures in a way that realizes the promise made to the public.

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Article 1

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The Authority of Professional Roles

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1. Introduction

Are the norms that bind professionals derived from ordinary morality or from features internal to their practices? This question colors much theory on professional ethics. The debate concerns the status of norms that govern professional roles. The norms in question are general, role-dependent requirements, like confidentiality, respect for patient autonomy, and zealous representation. One side of the debate pictures professional ethics as a branch of ordinary morality, in which role requirements are ordinary moral norms fitted to context. The other side thinks professional ethics has its own normative foundation, in which the norms that govern the role derive from the values internal to professional practice. The heart of the debate is the source of the authority of professional roles: what is the ground of justification for an ethics that seemingly diverges from ordinary morality?

Issues of loyalty to patients or clients provide paradigm cases of what appears to be a substantive conflict between ordinary morality and the demands of the professional role. Imagine a lawyer with a client who has borrowed a sizeable amount and promised to pay it back. The loan enabled the client to create a flourishing business, while the lender has gone bankrupt. Years have passed, and the lender wants to reclaim the money. Words did not get him anywhere, so he goes to court (this resembles *Zabella v. Pakel*, a stock example in legal ethics). The ordinary moral considerations are clear: the client who has borrowed money has a moral obligation to repay it. Nevertheless, the lawyer has a professional duty to represent his client zealously. The lawyer therefore advises the client to plead the statute of limitations, which provides that an action to recover on a debt must be filed within six years of the debtor's default. There seems to be a substantive divide between the call of moral duty and the professional role here. The role is concerned with a legal technicality that serves the client while ordinary moral considerations identify an obligation to repay the money. A less quotidian example, but a realistic one, is the physician who discovers that the gold medal-winning athlete she is treating is doping. Again, ordinary morality would call on this physician to stop the injustice against those deceived by this athlete. However, it is not evident that this is a sufficiently compelling reason to disclose the information, according to the ethics of the professional role.

These cases not only illustrate diverging requirements, but also decisions that have somehow been taken out of the hands of those who hold professional roles. For some reason, they are supposed to act in accordance with norms that are declared part of a professional practice. The role calls for compliance even in the face of disagreement. The notion of the authority of professional roles gestures toward this recalcitrant feature, and the question is how this authority is grounded. In this article, I will articulate and defend a promise model for professional roles, which claims that these roles stand in promissory relation to the public. This elaborates and clarifies a strand of contractual theory in professional ethics. A main task in this article is to investigate how the contract between a profession and society can provide reasons for the moral deliberation of those who hold professional roles.

It should be noted from the outset that the notion of promising is used in a way that differs from some existing theories. Daryl Koehn's (1994, esp. 54–68) account of what she calls “the ground of professional ethics” emphasizes the binding power of the professional pledge or vow. This pledge binds those who occupy professional roles by being accepted by the public, and thereby enables clients to trust them. Kent Greenawalt (1990, esp. 280–81) provides a more detailed account of how voluntarily assuming a role can amount to a tacit promise, making the role a promissory obligation even without an oath. Both accounts use the concept of promising as a way of explaining how agents are bound to the role, which concerns a different question than the one pursued in the current article. The tacit or explicit pledges of agents presuppose that the institution is endorsable. The pledge refers to a practice that is somehow considered worthy of allegiance. The models I discuss aim to describe how professional roles can have this quality and still diverge from ordinary moral thinking. They attempt to clarify what makes an apparent divergence justified.

2. Two Competing Models

In this section, I will outline two competing models—the practice model and the translation model—and explain why neither is satisfactory.

Benjamin Freedman (1978) offers a proto-account of what I will call the practice model: “The difference between professional morality and ordinary morality is in the way they resolve value conflicts, professional morality granting an added weight to its own value” (14). This way of looking at professional ethics has developed into an influential approach that draws on Alasdair MacIntyre's (1984) teleological concept of a practice. The notion of an internal good is important in this regard. A practice, like painting or playing chess, is constituted by an internal good; one does not understand the practice without seeing how actions promote this good. One plays chess to win, and one paints to achieve a certain artistic expression. An agent may, of course, do either of these things solely to obtain prizes or fame. Based on MacIntyre's line of reasoning, the agent in this case does not really participate in the practice. This conception

of practices and internal goods has a structure that is shared to a varied extent by different accounts of professional ethics (e.g., Pellegrino and Thomasma 1993; Oakley and Cocking 2001; Alexandra and Miller 2009; Sellman 2011). These accounts view professional roles as being structured around key goods like health or legal justice. The normative credentials of the role derive from the fact that it promotes a key human good.

Contrast this with the translation model. Many theorists describe professional ethics as binding when understood as ordinary morality translated into a special context (e.g., Veatch 1981, 106; Luban 1988, 155; Freidson 2001, 215). This approach finds most sophisticated expression when linked to the notion of a “common” morality. The idea of a common morality has been elaborated by bioethicists such as Bernard Gert (2004) and Tom L. Beauchamp and James F. Childress (2009). This morality is common in the sense that it consists of norms to which *anyone* serious about living a moral life must be committed (Beauchamp and Childress 2009, 4). It has abstract moral content, like “be truthful” and “do not cause suffering.” These are standards of action that ground individuals’ more intuitive case-specific judgments. Common morality also comprises various character traits that are supposedly universally recognized, like integrity, trustworthiness, and kindness. The content of these lists is fundamental in the sense that there is no more basic starting point for justification. However, these lists are abstract and need to be interpreted in light of specific circumstances. Beauchamp and Childress surmise that “the reason why directives in particular moralities often differ is that abstract starting points in the common morality can be coherently specified in more than one way to create practical guidelines” (16).

It seems undeniable that both of these models capture aspects of professional morality. For instance, there are surely key goods like health and legal justice associated with professional practices, and the norms that govern these roles are partly justified by their reference to these goods. At the same time, our evaluation of professional role holders is not radically detached from ordinary moral evaluation, so there must be some translational work going on. Nevertheless, neither model can answer the question of how professional roles gain their authority. In order for a model to succeed in this regard, it must explain how the role creates special obligations. The challenge is to reveal both what makes role obligations distinct from ordinary morality and what gives them moral authority.

The two models briefly described here are inadequate for this task. Let us look at the practice model first. It provides us with distinct obligations, but cannot account for authority. This is laid bare in a claim by Edmund Pellegrino (2001), a prominent defender of the model: “This morality is internal since it is derived from the nature of medicine itself and not from the application of pre-existing moral systems to medicine” (2001, 562). This defense of the practice model inadvertently exposes the need for an account that better preserves some connection to ordinary morality. The notion of deriving an ethical system

“from the nature of medicine itself” provokes the question of how anyone could be morally bound by this system. If there is no transmission from the “pre-existing moral system” to professional roles, then professional role obligations seem insulated in a way that makes them morally arbitrary.

For example, let us assume confidentiality is a norm properly derived from the nature of psychiatry. Why should the psychiatrist disclose information to prevent serious injury to a third party if disclosure cannot be derived from the practice itself? And what about physicians who respect patient autonomy in cases where patients choose the actions that do not serve their health, the key good of the medical practice? Advocates of the practice model have provided various responses to such objections. It has been proposed that ordinary morality “overpowers” professional morality in some cases (Freedman 1978, 10). Others claim that a proper understanding of health, as the key goal of practice, requires an appreciation that patients have other interests as well (Oakley and Cocking 2001, 91–92). These solutions are not sufficient to explain how professional ethics gains moral authority. Ordinary moral considerations appear like annoying obstacles that have to be respected in order for the practice to be tolerated by society; these considerations do not explain how the inner nature of practice could provide moral reasons in the first place.

The main deficiency of the translation model, on the other hand, is that it makes the practice superfluous. It can account for the authority of professional norms as long as they are derived correctly from common morality. But it is unclear how a translation would have authority for people who disagree with it. Some defenders of the model claim that an institutional decision is “morally preferable to another *only* [italics added] if we can show that the position rests on a more coherent specification or interpretation of the common morality” (Beauchamp and Childress 2009, 25). The true test of a code of ethics is whether it is something one could wind up with through the process of “reflective equilibrium” when starting from one’s personal judgments (cf. Beauchamp and Childress 2009, 385). These strong claims on behalf of the translation model overreach. They ignore that one can agree that an institutional decision is a coherent interpretation of the principles of common morality and without contradiction deny that role holders are bound by it. For instance, one may agree that common morality’s principle of autonomy is adequately translated in a new decision on patient rights, but still oppose the way this decision was made. Perhaps some important groups were not consulted, or the decision was made for the wrong reasons. Conversely, one may disagree with the content of a decision, but still accord it authority by virtue of the way it was made.

Professions are entrusted with social values that can be realized in a multitude of ways. Issues of education, health, and legal justice are shot through with reasonable disagreement. How do we deal with disruptive students? What counts as futile treatment? Can lawyers filter their clients, or should they accept them according to the “cab rank rule”? The translation model focuses on content and neglects to explain how the social process of articulating this content plays

a part. An adequate model must establish a connection to common morality that also acknowledges a lack of consensus on how to specify its principles. By acknowledging, I do not mean just recognizing it as a disturbance to be reckoned with;¹ an adequate model should incorporate reasonable disagreement as part of the normative logic that accounts for the authority of roles.

In the next section, I will consider a contract approach to professional ethics, which emphasizes the negotiated character of professional obligations. I do not describe it as a separate model of role authority, but rather take it to be a preliminary step towards my own promise model. This serves to situate the professional role as a social institution and to clarify that the professional role is obligated to the public. However, I will argue that the contract perspective does not explain the authority of the role by itself. The promise model is needed to account for how the contract gains force in moral deliberation.

3. The Contract Perspective

Professions present themselves as worthy of being entrusted with tasks of great social importance and claim that their way of doing things is most responsive to the needs of society. This claim is something they need the public to endorse. They need this endorsement in order to acquire what Andrew Abbott (1988) calls their jurisdiction. This is a key term in his influential analysis of the structure of the professional system, and it refers to a monopoly over a domain of tasks: “In claiming jurisdiction, a profession asks society to recognize its cognitive structure through exclusive rights” (59). The normative relation that Abbott identifies is privilege; the professions ask to be handed special rights.

In an article on the purposes of codifying a professional ethics, Lisa Newton (1981) emphasizes that jurisdictional privilege is one side of a contract between the profession and society (46–48).² That is, there is an exchange of promises. The other side of the contract is the profession’s promise to reliably deliver skilled services. Important for our purposes, she writes that “the Code of Ethics is a profession’s major offer in the negotiation of that contract” (48). The manifest code is described as the external and enforceable side of professional ethics. However, Newton is not satisfied with the strategic negotiation perspective on professional ethics. She introduces a second purpose of codification: The code is not simply a bargaining chip, but also a refinement of personal conscience. The second purpose concerns the process where ethical conscience is externalized, tested, and refined (48–49). She describes this as the “internal aspect” of professional ethics (1981, 45).

This internal aspect is evidently not some arbitrary addendum, because professional ethics should somehow connect to first-person moral reasoning. The role must interlock, in one way or another, with the moral outlook of the role holder. Only then will it be recognizable as something shaped by genuine moral reasons. In bargaining mode, one may treat the negotiated code as a mere strategic instrument. Its reason-giving force depends on the negative consequences

that follow a transgression. In that case, the role itself does not have authority. It is rather something to be conformed to out of fear of sanctions.³ A physician who merely conforms to norms regarding patient rights does not take a stand on their justification and will not internalize them. Patients' rights are there like brute facts to be obeyed on pain of negative consequences.

A model for the authority of professional roles should account for how they can function as a source of reasons independently of sanctions. This means that it will be useful to investigate what Newton frames as the internal aspect of the code. As mentioned, she describes this aspect as the process of "articulating and refining" ethical convictions to purge them of the "subjective and irrational" character they may have in the individual practitioner (48–49). The code of ethics belongs on a path of purification, where one discovers the core motivation and justification for engaging in a practice and striving for excellence. Newton describes the dialectical enterprise of testing the internal conscience against the external code as "the heart of the professional ethic" (49). Practitioners test their convictions through experience and against colleagues through dialogue, and this results in common rules that must be further tested and internalized. Newton does not spell this out with examples, but the idea seems clear enough. A medical professional may, for instance, experience a disturbing discrepancy between her sense of when it is permissible to treat without informed consent and the existing regulations. For the role holder, these rigid regulations are unsuitable for a practice truly sensitive to moral principles. Newton seems to be describing a procedure for dealing with such cases. This practitioner should test her convictions against others; she must check whether her arguments are strong enough to persuade, or perhaps she herself needs to correct her perception of the matter. If her convictions gain a foothold within the practice, the role requirements may be changed for the better and become internalized by other members.

According to my reading of Newton's account, the promise involved in the contract does not gain real authority in the internal perspective. Instead, the model seems to come close to being a variant of the translation model. The internal perspective is introduced as something inherently opposed to codification: "it is of the essence of conscience to resist prior decision of cases by rules, which is precisely what a Code aims at doing" (46). The dialectical process she describes is a kind of specification of moral principles, where the opinions of others serve as useful input. It is, however, unclear how the role gains authority when there is a gap between conscience and code. Newton's account of the internal aspect sits in tension with the kind of pre-emptive decision that the external code seems to call for. This may be why she describes "the heart of professional ethic" as a dialectical process towards unification between the external and the internal. Neither aspect is satisfying in its own right; they must unify in order to resolve the tension. This indicates how the genesis of professional ethics, as a "bargaining chip" in negotiations for jurisdiction, creates a tension between the "external" code and the "internal" conscience.

The task for the rest of this article is to show how the promise model can resolve this tension. This can be achieved without requiring full agreement or overlap between conscience and code. A dialectical process towards this harmony may be a regulative ideal for any profession, but the notion of role authority must apply to roles long before any such unification. In the next section, I will incorporate into the internal perspective the notion of promising, and thereby overcome the tension.

4. The Promise Model

The promise model I will articulate in this section focuses on one side of the contractual relationship between society and the professions. The pertinent side of the contract is the authority handed to the public, the act of self-binding by the profession. In this conception, the authority of the professional role is grounded in the act of giving the public a special standing to make demands. It is useful to develop this account as a response to Benjamin Freedman's (1978) protest against the idea of seeing professions as promisors. The response should establish that the notion of promising delivers a coherent theory of how professional roles gain authority in practical deliberation.

My model focuses on promises as an instrument of changing normative statuses between agents. To promise is to give up part of one's liberty by binding oneself to another. For example, I am at liberty to refuse to mow my neighbor's lawn. Without a promise on my part, my neighbor cannot demand any such action of me. If I were to promise, however, I would relinquish this liberty and give my neighbor a claim on me. My neighbor now has the authority to demand that I mow the lawn.

Freedman's objection is that the case of professional ethics is not analogous. His main example is the rule of confidentiality, which he interprets as a case of reordering values (1978, 12). Professional ethics gives loyalty to patients or clients a higher priority than ordinary morality suggests, which means that it overwrites moral laws. This allegedly causes problems for the image of a professional practice handing authority over to the public. The promise model describes professions as relinquishing a right, but they cannot relinquish a right they do not have.⁴ For example, I can give up a right to refrain from mowing my neighbor's lawn, but I cannot relinquish a right to refrain from stealing gas to start her lawnmower. In this case, I am not at liberty to steal anything, so I cannot promise to do so. Similarly, one cannot bind oneself by moral procedures to "contravene" ordinary morality, which is supposedly what professional roles demand (Freedman 1978, 12). The promise is therefore invalidated, because one cannot promise to do evil.

Freedman's own solution is that we see professional ethics as a kind of "special privilege." Not the privilege of task monopoly, as discussed by Abbott, but rather liberation from ordinary moral constraints. Allegedly, society "allows" this because of the beneficial consequences (Freedman 1978, 11, 14).

This is not a viable alternative to the promise model, and the reasons for this are worth mentioning. First, many of the situations governed by professional ethics cannot be described without an institutional background. This gives reason to doubt that the public has exempted professionals from the same obligations that nonprofessionals are bound by. The actions involved in patient consultation or witness examination are given meaning by the larger practices they are part of and have no determinate analogues in ordinary morality.⁵ Even if we ignore this, we are still left with the range of professional role obligations that are morally good but not obligatory for ordinary people. Discussions of the divergence between ordinary and professional morality often focus on seemingly immoral deeds that are warranted by the professional role (cf. the examples used in the Introduction). However, professionals are sometimes obligated to risk their lives or make great sacrifices for the sake of some socially valued end. Such professional obligations are often considered above and beyond ordinary moral duties (supererogatory). This makes the category of “special privileges” particularly unsuited for professional ethics as a whole.

In the search for the authority of professional roles, we are looking for a grounding that justifies the role as a coherent source of moral reasons for action. Part of the attraction of the promise model is that it handles acts that resemble supererogation (e.g., risking one’s life) within the same framework as acts that would be transgressions of ordinary moral norms absent special justification (e.g., zealous representation of immoral clients).⁶ That is because the promise binds in the same way in both cases; they are all acts that members of the public are entitled to demand of role holders. It offers a unified source of authority, where compliance to the principle of confidentiality is owed to the public in the same way as the duty to care in the face of virulent epidemics. It is not as if professional ethics contains some requirements that by coincidence are morally praiseworthy, and other actions that need to be excused from the perspective of ordinary morality.

Furthermore, the “special privilege” proposal is vulnerable to Freedman’s own arguments against seeing professions as promisors: it is just as impossible to authorize someone else to contravene morality as it is to bind oneself to immorality. Therefore, his solution fails by his own view of what constitutes professional ethics. However, there is no reason to accept a view that describes any part of professional ethics as a contravention of ordinary morality. There may, of course, exist norms in professional ethics that some would want to characterize as genuinely contrary to moral principles. For example, medical professionals who are opposed to abortion may see their role requirements connected to such medical procedures morally unjustifiable. The debate on the right to conscientious objection for professionals is about reactions to particular requirements that are seen as immoral. These cases concern special topics with particular connections to fundamental moral principles, like the inherent worth of humans. This debate makes little sense on the assumption that professional ethics as a whole is a contravention of ordinary morality. The issue of

conscientious objection is rather an indication of the strong sense of personal moral responsibility that persists even when one acts in the name of a practice. The problem lies not with the promise model, but with Freedman's implausible notion of the divergence between ordinary morality and professional ethics. This divergence does not consist in rearranging the moral landscape, but in arranging a promissory relation within the bounds of morality.

By drawing attention to the impossibility of evil promises, Freedman has, in fact, emphasized a prime asset of the promise model: the model is attractive because it comes with built-in constraints against illegitimate role requirements. It does not presuppose the possibility of promising to do evil. Rather, it concerns a promise to act in accordance with a set of moral standards that have been negotiated with the public. Of course, many of the decisions that govern professional roles involve a kind of compromise with the role holder's own views. However, the claim is not that professional role holders are bound by a promise to compromise their basic moral principles. Nobody thinks that a physician who simply accepts one morally grotesque role requirement after another can appeal to his role as justification. Instead, the question is how a professional role can have the authority to demand compliance in cases of disagreement among people who respect key social values but have different conceptions of them.

5. Actual or Hypothetical Promise?

What kind of promise has the profession made and how does it happen? This account of the promise model has so far been concerned with the formal possibility of promising a commitment to professional ethics. The previous section established that the promise is not undermined by the content of role obligations. However, the account has not yet explained what actually constitutes the promise. This section investigates the nature of the performative that binds the profession to public expectations.

Paradigm examples of promising usually include some specific speech act that has the effect of self-binding. However, in the case of the professions, we have a plurality of invitations to trust. The arenas of public opinion, law, and workplace are used to communicate that the standards of the practice warrant trust. The problem is that these claims do not automatically fit together as puzzle pieces of one big promise. They need interpretation. The case of the physician with a doping athlete illustrates this well. The variety of relevant codes issued by the governing bodies reveal deep tensions with regard to whether the physician should disclose or not (McNamee and Phillips 2009). On the one hand, physicians are liable for any type of complicity involving an anti-doping violation. On the other hand, it is not clear that the consequences of doping are sufficiently harmful to warrant disclosure. In other words, the distinct codes seem to generate mutually defeating expectations and the idea of a unified grounding promise seems to disintegrate.

We cannot simply write this off as an exceptional case. Instead, the promise model must face this and other kinds of tension as part of professional practice. In addition to the tensions between various codes, the statements of the distinct codes are general and vague. There can be no mechanical application of principles that govern issues like medical futility or conflict of interests with regards to client loyalty. Furthermore, the written code is not exhaustive of professional ethics. It is a breach of professional ethics to prescribe a drug that is not effective, regardless of whether it has been made explicit in the rules or not (cf. Beauchamp and Childress 2009, 42). These tensions and indeterminacies are part of an ongoing process where both the public and the professions continuously renew their commitments. Given this processual nature of role obligations, there is no hope in grounding their authority in some discrete event of self-binding. What is the nature of the promise then?

Another possibility is that the model ascribes the promise to the profession without presupposing any actual performative utterance. In this case, the promise model uses a hypothetical transfer of authority to explain how the public has the moral standing to make demands on professionals. This option has the merit freeing us from the need to identify some specific act that constitutes promising. However, it also has the major disadvantage of entangling us in the notorious contractualist problem of explaining how hypothetical promises can bind. The model becomes mere wishful thinking if no authority has actually been shifted.

Summing up, both alternatives are implausible. The promise of professional practice can neither be a single event nor a hypothetical construct. I have given attention to these alternatives in order to separate them from the conception of promising that is actually at work in the promise model. My claim is that the promise involves real performatives and therefore a genuine shift of authority, even though it is not constituted by a discrete act. It is not a hypothetical promise, because the profession overtly invites the public to trust by way of assurances concerning the commitments involved in professional practice. These assurances come in various forms, like of codes of ethics, announcements, patient or client conversations, and institutional self-representations (symbols, titles, and mottos). In general, invitations to trust have the normative effect of promising (cf. Scanlon 1998, 306–307). They declare a certain intention and commitment with the aim of getting others to rely on it. This goes for the various kinds of assurances given by the professions as well. These invitations to trust warrant the public in relying on the word of the profession and holding members of practice accountable for transgressions.

The idea that a profession's invitations to trust are real promissory acts still leaves us with the difficulties of incompleteness, vagueness, and tension. The worry above was that these features of professional ethics show that there is no unified promise. However, the fact that professional ethics is complex and in need of interpretation does not by itself warrant the conclusion that it is incoherent and divided. Importantly, this conclusion would not be a morally neutral and purely theoretical observation. Denying the coherence of the professional

promise is to make a moral verdict concerning what it is to be a responsible role holder. It implies taking a stand on how professionals are accountable to the public. We should therefore see where this judgment leads, and, if the result is unappealing, consider an alternative. In order to do this, let us go back to the physician with the doping athlete. Suppose she decides to disclose the doping information. The athlete is upset and demands a justification. One possible response is to acknowledge that the practice is committed to patient confidentiality, but to add that in this case there is an incompatible yet equally valid commitment to public interest. The role involves loyalty both to patient and public, and in this case she simply had to choose. The public interest in doping-free sports won, but the contrary decisions would also be justified.

The athlete is right to find this answer deeply unacceptable. One cannot make contradictory promises and simply choose among them. This defeats the basic function of promises to enable trust. We therefore have reason to examine a different approach to the seeming tensions between the commitments of the role. This approach seeks to integrate the various requirements into a coherent source of moral reasons. On this approach, a satisfactory justification should explain how the professional decision flows from a single promise. The physician's answer must explain why the athlete had no right to confidentiality in this case. This involves offering an interpretation of the commitment to patient loyalty that shows how it remains intact despite the decision to disclose. For example, the physician could argue that the athlete is systematically exploiting the rule of confidentiality in a way that undermines its purpose. In disclosing the doping information in the name of public interest, she is trying to honor the true values of patient loyalty. In other words, she is not treating the various commitments of professional practice as incompatible promises. Instead, she is offering a moral interpretation of them in order to speak in the name of practice with a unified voice.⁷

Perhaps the physician is mistaken in the specific content of her conclusion, but the substantive issue concerning doping disclosure is not important here. What matters is how she approached the demand for justification. She interpreted her role as a morally comprehensible promise and not just a ragbag of incompatible rules that she is free to choose among. Of course, it could also happen that some particular requirement is truly incompatible with the principles that ground other valid requirements. For example, she may see a requirement of not revealing clinical trial results to her patients as genuinely conflicting with her loyalty to them. In this case, the promise model implies that either her conception of patient loyalty is misguided or the requirement is not a valid part of the promise. Her conception of patient loyalty is faulty if the moral reasons that support it are indeed compatible with withholding trial results in the search for better medicines.

What if her conviction that there is an insoluble conflict between the requirement to withhold clinical trial information and patient loyalty survives an epistemically responsible reconsideration of the matter? In that case, she has

reason to dissent in the name of professional integrity. This is the virtue that calls on role holders to champion an integrated and morally coherent view of practice. As some describe it, it takes the form of an “interpretive stance” and is constituted by a “deliberative capacity and competence which is deployed in the context of complex professional and organizational work to find appropriate answers and ways forward” (Edgar and Pattison 2011, 103). The promise model provides direction to this interpretative stance that guides professional integrity. Role holders with integrity seek to honor the word given by the practice by interpreting the various requirements as something endorsable by the public. In acting in the name of the practice, they make the “complex professional and organizational work” cohere in a principled and unified promise.

This outline of how the promise model fits together with an interpretive account of professional integrity touches upon another important issue. One could agree that the promise model fits with an attractive conception of professional integrity and still question the model’s relation to personal integrity. That is, we still do not have a full resolution of the alleged tension between “the internal and the external aspect” of professional ethics to which Newton drew attention. For example, the physician dissenting to a requirement in the name of professional integrity is guided by her interpretation of practice as it exists and not by a direct responsiveness to the moral principles that constitute her conscience. In the next section I will argue that it is misleading to characterize conscience, or the internal aspect, as inherently opposed to handing over decision-making authority and giving ethics an external grounding.

6. Integrity and Authority

Personal integrity is often described in terms of standing for one’s principles and moral convictions before others (Calhoun 1995). This may seem incompatible with subordinating oneself to an existing code of ethics that one partly disagrees with. Therefore, Newton’s point could be restated in terms of integrity; this virtue is inherently opposed to governance by something other than what conscience has sanctioned. I will argue that this tension can be resolved by greater appreciation of how integrity is also about responsiveness to fair principles of cooperation. This clarifies why perfect harmony between existing requirements and personal conviction is not required for the authority of professional roles.

I will borrow a case from Martin Benjamin (1990, 32–38), where he describes a conflict between a nurse and a physician over whether to continue aggressive treatment on a patient with severe brain damage due to viral encephalitis. The physician wants to continue aggressive treatment, while the nurse wants to reduce treatment. Like many issues of professional ethics, this involves both factual uncertainty and moral complexity. The prognosis is unclear, the treatment is expensive, the wishes of the patient are unknown, what counts as a tolerable living condition is undefined, and so on. In addition, there is the

question of how to deal with institutional hierarchies: who is entitled to decide what? The nurse and physician agree to continue aggressive treatment for a specific period, and then, if after that period there has been no improvement, reduce treatment significantly.

Benjamin writes that if we suppose that the nurse and the physician place a “high value on tolerance and mutual respect, it is not so clear that agreeing to the proposed compromise constitutes a threat to their integrity” (36). This is essential to the promise model. The description of the “integrity-preserving compromise” draws attention to how decisions can gain authority from being grounded in the way people value their relations to each other. Importantly, in the case where the nurse and the physician negotiate their agreement on what to do with the brain-damaged patient, they are exercising their personal and professional integrity at the same time. Their personal integrity guides their commitment to comply with fair decision-making procedures that preserve the equal moral standing of the participants. Their professional integrity guides their reasoning towards a course of action that can be defended in the name of the practice.

This brings out how personal integrity interlocks with professional integrity in a way that allows divergence between private moral conviction and actual role requirements. When the role holders justify their decision with reference to existing guidelines and regulations, they do not offer evidence for the truth of their personal moral convictions. The code does not figure in their arguments as an external manifestation of their conscience. Rather, it calls for compliance independent of its content. This feature of the code connects with a central aspect of promises: the binding force of promissory obligations is not conditional on what the promisor thinks of the merits of the action to be performed. It was H. L. A. Hart (1958) who first introduced the notion of content-independent authority, and he used promises as example: “Promises have pre-eminently the feature I have called independence of content: the obligation springs not from the nature of the promised action but from the use of the procedure by the appropriate person in the appropriate circumstances” (1958, 102).

Relying on Hart’s analysis of promises in terms of content-independence could provoke the question of whether this is compatible with dissent in the name of professional integrity. How can professionals object to requirements if they have authority independent of their content? It is worth emphasizing that we do not have to follow Hart further in associating the content-independence of promises with the exclusion of deliberation (what he calls the preemptory function). In his view, promises are “intended to be a reason not merely for the promisor doing the action when the time comes but for excluding normal free deliberation of the merits of doing so” (1982, 255). Exclusion of deliberation is not part of the promise model advocated in this article. One can easily have content-independence without the strong preemptory premise. We want professionals to question their existing roles and to publicly suggest improvements, not blind adherence to the practice. Professional role holders are perhaps the

ones best situated to grasp the imperfections in defined roles that need sorting out. A concept of authority that excludes moral deliberation implies that the role can exculpate agents for carrying out illegitimate tasks. But the model I have suggested does not shield persons from being morally tainted when their actions fail to respect the dignity of those they are supposed to serve. Instead, professional roles have authority only within the bounds of morality.

In explaining the content-independent authority of promises, Hart draws attention to how they presuppose a conventional background. His double invocation of the notion of “appropriateness” refers to the requirement of a shared understanding of how we can bind ourselves through voluntary acts. This shared understanding includes acceptance by the promisee as a condition of satisfaction for the transfer of authority. This emphasis on the conventional nature of performatives and their reliance on public acceptance invites an objection that is useful because of the way it challenges that status of the promise model as a separate alternative. The possible worry is that my suggestion is merely a version of the translation model that grounds professional ethics in “common morality.” Presumably, public approval is ultimately grounded in the ordinary moral outlook of the citizens. Why, then, should their specifications of moral principles matter now, when they were held to be insufficient in the discussion of the translation model? The promise model was presented as an alternative to the claim that the true test of a code of ethics is that its content can be arrived at through the process of “reflective equilibrium,” when starting from ordinary moral judgments. I argued that the translation model fails because of the plurality of reasonable translations. But how does the promise model avoid this problem when it still requires acceptance by the public? I reply to this objection in the next section by developing the more political aspect of the promise model.

7. Legitimacy and Promissory Obligations

In this section I want to clarify how the promise model sees the authority of the role obligations as “enabled” by the principle of respect for equal standing in social cooperation.⁸ In particular, the aim is to show how the model contrasts with the suggestion of seeing professional ethics as translation the substantive content of ordinary morality into the professional context. Let us first consider the alternative of simply modifying the translation model so that it provides more leeway in how well the principles of common morality are translated. For example, an institutional decision is binding as long as it is reasonable or makes moral sense; it does not have to be correct or perfect. Why would that not be a satisfactory alternative?

The reason is that this modification does not yet tell us anything about the moral relations between those involved in a decision. This is what the promise model offers. It gives us an alternative that connects role authority to the standard of legitimacy. This is the “normative relative” to power in the enterprise of

creating political order (cf. Williams 2005, 77). It represents the choice of treating those affected as having the right to respect and justification. The specifics of the concept of legitimacy are of course much contested, but important for our purposes is the claim that it involves a dual evaluative perspective: The legitimacy of a decision rests both on how the decision was made and what the decision is, to both procedure and content (cf. Christiano 2004; Dworkin 2011, 321–322). This dual evaluative perspective is operationalized in the promise model. The content perspective is accounted for by the constraints on promising discussed above. One cannot hand over rights one does not have, one cannot promise to do evil. The ensuing discussion aims to show that the procedural perspective is equally well accounted for in the concept of promising.

Let us revisit the case of ordinary promising. The action performed in this case, to make a promise, does not simply change the normative relation, but also acknowledges an existing moral standing. When I promise my neighbor to mow her lawn, I address her as a subject of respect and as already in possession of moral prerogatives (cf. Darwall 2011, esp. 268–74). In offering her my word, I appeal to her as someone who has a right not to be deceived and who can hold me accountable for not recognizing her moral standing. In short, the promise both assumes and expresses my acknowledgment of her status as bearer of rights. In the same way, the promise of a given profession addresses the public as source of genuine claims. The public takes part in the promissory transaction on the assumption that it has the standing to change the normative relation.

By accepting a promise, the promisee agrees to be owed something and thereby also agrees to the possibility of being wronged in ways not possible prior to the promise. Imagine that I fail to discharge the promise to my neighbor to mow her lawn. The promise has raised the bar for excuses. My reasons for not mowing her lawn must be compatible with respecting the special claims she has on me. A compatible reason could be taking my wife to the hospital, because I would not be at liberty to ignore this competing obligation. Compare this with a physician who regards current regulations of informed medical consent as too strict and acts instead on his own judgment. As argued above, competing models of professional role authority have difficulties explaining how this physician is bound to anything but what promotes the key good of his practice or translates principles of common morality. By contrast, the promise model brings out the relational nature of the role obligation; in order to act justifiably, the role holder should be able to explain how decisions respect the public as promisee. The decision not to discharge the promise is unjustified unless the role holder is bound by a competing obligation. Does the physician violate a moral obligation in complying with rules of informed consent that are too strict? The point of the promise model is not to deliver substantive answers to such questions, but to identify what the justification should achieve. The decision must show due respect for the public as promisee. But why should we think there is any disrespect of the public involved in the physician pursuing his own vision of how things ought to be?

In developing the promise model, I started with the contract perspective and the negotiation towards jurisdiction. This claim about the genesis of professional ethics is not just a sociological observation without normative consequence. It says something about the cooperative and political character of the social institution of professional practice. It is born out what Jeremy Waldron (1999) describes as the “circumstances of politics,” in which members of a group feel the need for “a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be” (102). The circumstances of politics do not necessarily involve bargaining in the name of self-interest on the part of the public or the professions. All parties involved may sincerely articulate their views of what is best for society as a whole. Nevertheless, that does not cancel the public’s need to extract promises from the professions. Even though members of the public and of the professions largely agree on the value of such ends as health, education, and legal justice, they differ on how to realize them. They recognize the need for institutions such as the medical or legal professions, but they have different conceptions of what these institutions should be like.

These circumstances reveal something substantive about the authority of professional roles. The promise of a profession responds to a need to have a common framework for decision making and accountability. For example, we disagree on what our patient rights should be exactly, but we agree that there should be some. The need for a common framework on key matters like health and legal justice is the need for institutions with content-independent authority. In order to be legitimate, these institutions must be established out of the circumstances of politics in a way that respects the moral standing of those involved. The logic of promising brings this out well. As we saw, there are normative presumptions involved in addressing someone as a promisee: The acceptance of a promise is effective insofar as it is an expression of a will that calls for moral respect. For example, I cannot put myself under an obligation to my neighbor if she has no will of her own, and is under the complete command of someone else. Her acceptance must be issued by her own will. Analogously, a body politic in which domination has ousted fairness cannot accept promises on behalf of the public. These promises “misfire”⁹ because there is no proper addressee in the absence of a principled basis that unifies the citizens. A political promise presupposes that the public can act as a collective agent, using procedures that allow decisions to be made in the name of the community. In other words, the public must be more than just a “mere heap of individual people” in order to accept promises (cf. Korsgaard 2009, 142). Citizens must be able to raise demands for justification and have reasonable opportunity to recognize the validity of their institutions.

These reflections on the role of the promisee are also claims about the authority of the promise. The promise model does not interpret the authority of the role in terms of respect for the practice of promising. Rather, the relevant respect is one owed to the public. As Ronald Dworkin puts it (1986), this respect

is lacking when the role holder chooses to “plant the flag of his convictions over as large a domain of power or rules as possible” (211). In rejecting the framework that has been adopted through established political channels, role holders express a judgment about their relation to their fellow citizens. They execute their roles in a manner that denies equal standing to participate in the design of shared social institutions.¹⁰ Their decisions are made in the name of their institutional practices, but their deliberations circumvent the procedures that respect the equal authority of citizens over their own institutions.

We can now use the promise model to reframe the example with which this article began: a lawyer finds himself bound by the principle of zealous representation to advise his client to plead the statute of limitations, even though the outcome will be a manifest injustice. The client gets to keep money that he has come by through unfair means. The question we have been dealing with the whole time is how the professional role gains authority to make such a demand on the role holder; the suggestion now is that the professional role represents the authority of the public to make claims on the role holder. Zealous representation of clients is one such claim. The binding force of the claim depends on its being appreciated as legitimate. Perhaps a lawyer’s use of secret tricks of the trade to secure every possible advantage for clients would fall short of legitimate expectations. But as noted in the discussion of professional integrity, to discharge the promissory obligation requires interpreting role requirements in such a way that they make moral sense. It is a poor interpretation of the principle of zealous representation to secure every possible advantage for clients. This principle is more attractive when read as a requirement to secure genuine legal entitlements (cf. Dare 2009, 76–88). The promise model makes clear why this is not some kind of partiality towards a practice-internal good, nor does the authority of the requirement depend on its being recognized as the correct translation of common morality. Rather, it is a legitimate expectation grounded in a promissory transaction between the profession and the public.

8. Conclusion

Public roles are said to have a “slippery moral surface” (Nagel 1978, 192), and professional roles perhaps especially so. As we have seen, there are various ways to conceptualize how the norms of professional roles both diverge from ordinary morality and still claim moral authority. I have suggested that the notion of promising provides the best model for removing this slipperiness. First, the divergence cannot be adequately accounted for by the existence of practice-internal goods or by contexts for specification of universal principles. Rather, norms like confidentiality are divergent because they are the content of a contract between the profession and the public. Professions offer to adhere to certain standards in exchange for jurisdiction. Second, the authority of professional roles is grounded in an act of self-binding: the public has been given the word that services will be delivered in compliance with the specified standards.

In this way, morally complex decisions are taken out of the hands of role holders and made into legitimate public expectations that have authority independent of their content.

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Notes

- ¹ As when it is deplored as the contemporary “confusion of voices,” in Pellegrino and Thomasma, 1993, 41.
- ² I am grateful to an anonymous reviewer for this reference.
- ³ Cf. the distinction between being obligated and merely obliged in Hart (1958, esp. 89–91).
- ⁴ Cf. the formulation in Watson (2009, 165), and the discussion of normative constraints on promising.
- ⁵ The moral relevance of the adequate description of the professional act is discussed by Bernard Williams (1995, 193–94) and at greater length by Arthur I. Applbaum (1999, esp. 76–110).
- ⁶ It is a further question whether professionals can perform supererogatory actions as professionals. See Eriksen (2015) for a discussion of the conceptual possibility and moral importance of the notion of professional supererogation.
- ⁷ This account of professional integrity draws on some central features of the theory of interpretive legal adjudication developed by Ronald Dworkin (1986).
- ⁸ Respect as an enabler of content-independence is instructively discussed in Sciaraffa (2009, esp. 251–52).
- ⁹ The term “misfire” stems from Austin (1975, 16) and describes instances where the invocation of a performative is without effect. For example, the promise is not, heard, understood, or accepted by the receiver.
- ¹⁰ I am not suggesting that legitimate decisions presuppose equal influence or equal participation, but rather that none are excluded for any reason that denies their standing as a citizen on par with every other citizen.

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Article 2

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Beyond Professional Duty: Does Supererogation Belong to the Morality of Roles?

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ABSTRACT: Professionals have a role obligation to satisfy certain standards when performing their work. However, as professionals, can they perform morally praiseworthy acts that are not within the scope of duty? According to applied professional ethics, the answer is yes, whereas some theoretical accounts of supererogation deny this possibility. I examine and ultimately reject two very different theoretical accounts that deny professional supererogation. First, a recent interpretation of Aristotle uses examples from the professional context to illustrate that the moral category of supererogation is not needed to describe heroic acts. Second, David Heyd's account of supererogation argues that the category applies to natural duties alone and not to professional as professionals. Contrary to these claims, I argue that it is not only conceptually coherent to allow for the possibility of going beyond the call of duty but also morally important for assessments of responsibility and blame in professional life.

KEYWORDS: supererogation, professional ethics, responsibility, fairness, reasonable person

1. INTRODUCTION

Why should some morally good professional acts be left outside the scope of role obligations? The distinction between performing good professional acts and merely discharging role obligations seems to resonate with common sense. It is assumed that professionals have a moral obligation to satisfy certain expectations tied to their roles but no obligation to perform every imaginable praiseworthy professional action. Indeed, professional supererogation seems to be an everyday phenomenon. For instance, a nurse might bring books from home that she thinks a patient might like. She contributes something at her own discretion and in a morally praiseworthy way. Another example might be an already overworked teacher who offers extra hours to pupils with learning difficulties.

His colleagues regularly refuse to take on this kind of workload. In going beyond what is ordinarily expected of him, he appears to go beyond the call of duty.

However, he could also be responding to the genuine requirements of the profession, while the others are responding to conventions that fall short of this. How do we decide which description is most appropriate? And if he is indeed going beyond the call of duty, is he still acting in the name of the professional role or rather as moral agent?

I have phrased the main theme of this article as the question of “professional supererogation.” Supererogatory acts are morally good but not individually obligatory. There is a range of philosophical views concerning the coherence and usefulness of this category of moral action. Many of those who find the notion useful also note its paradoxical nature: If an action is morally best or favored by the balance of moral reasons, how can it be short of moral duty? The answer to this depends on one’s conception of moral duty, which is evidently a main point of contention between the various theoretical traditions. Hence, for almost every moral theory one will have different solution to the paradox. Contractarians with a conception of duty grounded in self-interest are most indisputably in need of the concept, since a wide range of morally good actions cannot be explained with reference to self-interest (Stemmer 2000, 316–26). The usefulness of the concept for Kantian and utilitarian conceptions of duty is more contested (cf. Timmermann 2005; Vessel 2010). My goal in this article is not to defend the notion of supererogation as complementary to any reasonable conception of moral duty. Rather, I defend supererogation as belonging to the morality of roles that have been voluntarily accepted.

The importance of the category of acts beyond the call of duty has already been given some attention in the literature on professional ethics. Importantly, there are different senses of going beyond the call of duty, and not all of them imply the notion of supererogation. Michael S. Pritchard (2006) draws attention to a society’s need for “good works,” in which professionals who go beyond their basic duties: A profession may fail to provide adequately a service to society unless individual members do more than their role requires (106–7). This claim is consistent with denying the usefulness of supererogation as category of professional action. What Pritchard calls good works may fall within the scope of “imperfect duties,” the category Kant set aside for cases in which there is no clear answer as to whether one has done enough (cf. Baron 1987). For example, accepting a request to do committee work may not be obligatory, but declining all requests may fall beneath the standards the role. Normatively speaking, this sense of going beyond the call of duty simply means taking more or less of one’s share of the burdens on the profession.

In this paper, I will consider actions that go beyond the call of duty in a stricter sense. Supererogatory acts are not instances of discharging an imperfect duty, but rather acts that fall outside the scope of duty altogether. Unlike those who accept committee work on occasion, the nurse who brought books from home arguably did something other than taking her share of the profession’s overall burdens. This stricter category is sometimes emphasized as necessary in order to understand the structure of professional morality (e.g., Beauchamp and Childress 2009, 47–50).

However, this stands in unacknowledged tension with theoretical objections to the concept of professional supererogation. I aim to counter these objections and, in doing so, establish and expand on the moral importance of the concept.

It should be noted first that while this paper investigates the “strict” sense of going beyond the call of duty, I use the term supererogation in a less demanding sense than many moral philosophers. The concept is often associated with heroic actions that involve a high level of risk and sacrifice.¹ However, risk and sacrifice are missing from many examples that are used in this article, such as the instance of the nurse already mentioned. The alleged conceptual connection between moral heroism and supererogation is partly owing to the stock examples that stem from the seminal article “Saints and Heroes” by J. O. Urmson (1958). Two examples of professionals who go above and beyond the call of duty in quite daring ways are presented. Urmson’s first example is that of a doctor who volunteers to go to a plague-stricken city even though he is no differently situated than countless other doctors in other places. The second example concerns a soldier who sacrifices his life by throwing himself on a live grenade during practice.

It is noteworthy that Urmson (1988) later described supererogation as an “unnecessary blanket-term used to cover a number of types of moral actions which are as worthy of distinction from each other as they all are from duties and obligations” (169). Nonetheless, he did not reject the importance of seeing acts as morally good and yet not obligatory. I therefore suppose that it is possible to take heed of Urmson’s warning and still use the concept of supererogation. Hence, it must be kept in mind that agents can go beyond the call of duty in ways that range from the spectacularly heroic to the relatively mundane. The main aim of this article is to account for why it is important that the concept of supererogation be applied to the professional sphere.

I will discuss this supererogation with help of three “role conceptions.” These are ways to understand how professional roles relate to praiseworthy actions. The first two conceptions are created to present objections to the concept of professional supererogation, while the third conception is my positive defense.

I call the first conception the “Good Professional” because it makes duty into a matter of doing what is good or fitting. This conception interprets examples such as the nurse as instances of going beyond what professionals ordinarily do, but not beyond genuine moral duties that agents have as professionals. This role conception finds support in the view of virtue as the disposition to perform duties. Some versions of this view leave no conceptual room for praiseworthy acts to go beyond duty. I will focus on Roger Crisp’s (2014) recent interpretation of Aristotle, which argues in this direction. Does this role conception leave room for a realistic assessment of moral achievements?

I call the second role conception the “Fair Professional” because it claims that professional duty is aimed at fairness. The Fair Professional interprets putative examples of professional supererogation as actions attributable to agents as moral subjects and not as professionals. David Heyd’s (1982) authoritative account of the concept of supererogation provides reasons that support this view. On this account, professional roles are claimed to be obligated to fairness in a way that precludes supererogation qua professional. Supposedly, institutional roles have

upper limits because one cannot be more fair than required. Does this role conception build on an adequate view of the ends of professional practice?

A third role conception is needed: the “Reasonable Professional.” Contrary to the former two, this role conception leaves moral room for professionals to go beyond the call of duty as professionals. Inspired by the legal concept of a reasonable person, the Reasonable Professional represents duty as liability-responsibility. Role holders are subject to a threat of sanctions, both formal and informal, that is legitimate in view of what they have signed up for. In taking on the role, they make themselves answerable to the public that has entrusted the profession with jurisdiction and the authorities that uphold the standards (e.g., associational or legal bodies). Their voluntary acceptance determines the upper limits to professional duty, but does not preclude the possibility of acts that go beyond these limits in the name of the key values of the profession.

2. THE GOOD PROFESSIONAL

Let us first try to put ourselves in the shoes of the heroes in Urmson’s classic examples, as those who deny professional supererogation refer to these. Imagine that you are a doctor who reads about a plague-stricken city that desperately needs help. It is within your power to help its citizens, but you are not required by the standards of medical practice to travel to this city. Or imagine that you are a soldier in a squad training with live grenades. You see one slip from the hand of another soldier, and you realize that you have two choices: Either you save yourself by getting away, or you save the others by throwing yourself on the grenade. Assume in both cases that nobody has the standing to hold you accountable for choosing the less admirable alternative.

In these examples, the most praiseworthy alternative does seem to be morally fitting. On the surface, at least, these actions seem to be virtuous to do. Helping the plague-stricken city and saving one’s fellow soldiers are ways to be morally good. According to one interpretation, Aristotle would make the further claim that these good acts are responses to moral duty. Crisp (2014, 20) claims that Aristotle’s account of the virtuous person does not leave any room for the notion of going beyond duty. The virtuous person acts in accordance with the doctrine of the mean, finding the fitting response that avoids the vices of deficiency and excess. Being brave, for example, is a mean between cowardice and rashness. It is having the guts and patience to do the right thing, in the right way, at the right time, and for the right end. Crisp’s point is that this doctrine is “couched in the language of duty” (20). The virtuous person acts in the way that duty requires. There is no threshold above which actions cease to be a response to duty. One has a duty to do what is fitting in the situation, and one cannot do something that is more fitting than duty requires.

This seems to have the consequence that professionals can merely go beyond institutionally specified duties or rules of ordinary practice. They cannot go beyond the genuine moral duties they have as professionals. Institutional requirements must be uniform and cannot be tailor-made to the individual role holders. Nevertheless, professionals can respond to the situation as they perceive it and

perform fitting actions. They can assess the relevant factors and act virtuously in accordance with their abilities. The soldier who has the courage to sacrifice himself has a fitting and virtuous response, but it is not beyond duty: "It is the duty of each soldier to throw himself on the grenade; and by the time another has done so, it is too late" (Crisp 2014, 21). This role conception is labeled the Good Professional here because it explicitly ties moral goodness up with duty. The Good Professional likens duty with the target of the archer: One can miss the mark in many ways, but one can get things right in only one (Crisp 2014, 20). In other words, one cannot be more moral than required. On this interpretation, being morally good and doing one's duty are coextensive concepts. Do we have reason to accept this account of professional obligation?

I do not discuss the general merits of such moral theory; instead, I restrict my attention to its application to professionals. If, for the sake of argument, the fittingness theory is accepted as an account of moral duty in general, could the same theory be used, without further discussion, to determine the moral responsibility of professionals? It is not part of my argument to attribute this specific claim to Crisp, but rather to use his theory to construct a possible role conception. It seems reasonable to apply his arguments to the professional context, given that he is responding to Urmson's examples regarding medical and military roles. This provokes the question, is the professional context a suitable object for the fittingness theory? The fittingness theory recognizes the vice of excessive self-sacrifice (Crisp 2014, 21), but the question is whether it leaves agents with a moral framework that enables them to avoid such excess. There is a familiar sense in that professionals are expected to use their skills even outside office hours. Doctors would be blameworthy if they did not respond to someone nearby who shouted out for emergency medical aid. However, there is an equally familiar sense in that no one is expected to carry the weight of the world. Moral agents must respect themselves in their work for others. The main point of contention is this: How can agents know what is fitting if genuine moral duties have not been socially recognized and upheld as norms?

As ordinary or nonprofessional agents, we continually practice recognizing what is fitting through relationships and fiction. What are we interpreting when we try to find our way through the normative landscape? It is a question too grand for this article, but Charles Taylor's concept of a social imaginary can perhaps indicate how our moral principles are given intersubjective meaning. A social imaginary "incorporates a sense of the normal expectations that we have of each other; the kind of common understanding which enables us to carry out the collective practices which make up our social life" (Taylor 2007, 172). Taylor's concept refers to the implicit or "background" grasp we have of how we stand with regard to each other. The term *common understanding* refers to more than a mere convergent sense of fittingness among people. It is rather a shared or public source of meaning, hence it is "irreducibly social" (Taylor 1995, 138–9). The *phronimos*, or morally wise who perceives the fitting action (and acts accordingly), is a master at responding to the common understanding that encircles and gives meaning to action.

There are clearly shared expectations that provide content to the role of the virtuous professional. We all have some idea of what good doctors or teachers do. Perhaps, however, we have an even clearer image of what they should not do. We know, for instance, that good doctors should not treat without (presumed) consent, but do we know how much free medical aid they should provide to the poorest members of society?² Although something like Taylor's social imaginary might help us deal with the vagueness of moral principles in ordinary morality, there is reason to think that that indeterminacy threatens to become dangerously amplified in professional contexts without a sense of upper moral limits to duty. This is partly because of the somewhat unique moral potential that accompanies professional skills and the new repertoire of possible moral deeds. The agent with special abilities stands in an asymmetric moral relationship to much of the moral community with regard to certain actions. Special abilities create special responsibilities, but there may be little common understanding with regard to the extent of such responsibilities. Do lawyers have a special moral duty to criticize injustice publicly because of their special professional knowledge? To what extent must teachers look beyond curriculum and tend more holistically to the needs of their pupils? Add to this asymmetry the fact that professionals are often met with what Russell Hardin (1990) calls "exaggerated exhortations," presented as duties in their codes of ethics (538).

Of course, the actual moral confidence of professionals is an empirical question, and it might be the case that most professionals have a clear idea of what "hits the mark" despite the aforementioned factors. The psychological literature on issues like burnout, however, indicates that professional roles can be detrimental to a sense of accomplishment (e.g., Maslach 2003, 59–92; Schaufeli, Maslach, and Marek 1993). Furthermore, the magnified indeterminacy concerning what constitutes sufficient effort is joined to an enhanced ambiguity in the moral questions themselves. Professional specialization frequently touches on markedly controversial and difficult moral issues. For example, new health technologies demand new thinking regarding both priority and respect for life. Professionals find themselves in complex situations where any judgment might appear contestable. Health personnel, educators, and law enforcers deal with hard cases concerning priority and sensitive social problems, and they routinely make decisions that have great impact on other people's lives. In other words, they must reason within a space containing not only little common understanding but also often explicit disagreement. This blurs the normative landscape for the agent trying to identify the fitting action.

The Good Professional rejects the normative category that enables agents to appreciate the fact that one can refrain from certain praiseworthy or fitting acts with one's integrity intact. This runs counter to the expressed needs of some professionals. "I was haunted for several weeks by flashbacks of what he had recounted," says one clinical psychologist (Boulanger 2012, 322). She describes the personal effects of her own sessions with a torture victim and stresses that this kind of work is not something every practitioner should undertake. Or take the fictional example of police officer Taylor's self-assessment in the movie *End of Watch* (2012). After having heroically rescued children from a fire, he says, "Um

... I don't think I can go into another burning building. I only went in because you did." This statement is meant for Taylor's co-officer, and it could be interpreted as letting him know where he sees the bounds of duty. On this reading, it is not simply a psychological statement of what he can bring himself to do but rather a normative demarcation of the role.

The Good Professional can perhaps give the following response: "This demarcation is an interpretation of what is fitting; to go into another burning house would be the vice of excessive self-sacrifice." Things are not that simple, however. These officers went into the house to save children, and risking one's life to save several children is hardly an unfitting action (Crisp even claimed that the self-sacrificing soldier responded to duty). Presumably, the officers recognize the moral worth of this kind of action, but their debrief concerns their willingness to perform such virtuous deeds again. They explicitly distance themselves from the heroism implied by their actions. In other words, they try to separate duty from goodness. It is thereby a statement of what counts as a failure to meet the standard to which they hold themselves accountable.

To the conscientious agent, not living up to what one considers to be a genuine duty means seeing oneself as the appropriate subject of blame. This self-assessment surfaces as guilt. As Gabriele Taylor (1985) describes it, guilt has propositional content that reveals a sense of self-disfigurement to the agent: "The person feeling guilt believes that she has done something forbidden and that in doing what is forbidden she has disfigured or so harmed herself" (103). The severity of such self-assessments calls for caution in blurring the bounds of duty. The Good Professional's denial of supererogation carries a danger of obscuring the appropriate scope of guilt.³ Only agents with a sure grasp of the moral situation can be sure they have not "disfigured" themselves if duty and fittingness are collapsed. The fittingness theory revokes the opportunity to make certain moral self-assessments. In particular, professionals can no longer acknowledge some actions as morally fitting and simultaneously see guilt as inappropriate upon nonperformance. This is a substantial impoverishment of the normative landscape.

Part of the importance of the concept of professional supererogation is that it enables agents to gain a perspective on their own achievements that prevents excessive self-sacrifice. It is worth mentioning that the Good Professional is not intended as a reconstruction of actual moral consciousness but rather a call for revision. Crisp (2014) explicitly distances his theory of fittingness from "common-sense morality" (29–30). The common-sense distinction between virtue and duty seems especially apt, however, in the professional sphere. To equate one's duty with what is perceived as fitting presupposes a very confident grasp of the moral situation. Confidently perceiving an action as morally fitting is an achievement of the virtuous person. As already indicated, such an achievement is hard won in many professional roles. The Good Professional therefore appears insensitive to the burdens of not knowing whether one is in the wrong. The role conception is insensitive to what Axel Honneth (2000) has described as a "suffering from indeterminacy." In this sense, there is a close connection between supererogation and freedom. The decoupling of moral goodness from duty liberates agents from the kind of suffering that impends with the mentality of the Good Professional.

3. THE FAIR PROFESSIONAL

Whatever one may think of the fittingness theory as a revision of ordinary morality, it seems to require additional argument to apply it to the professional sphere. My objections have concerned the burdens of indeterminacy for professionals. One could agree with all this and still deny the possibility of professional supererogation. The reasons for accepting the category of supererogation in evaluating professional actions do not establish that these actions must be evaluated *as professional* actions. One could argue that the supererogatory element does not attach to the agent qua role holder. On one interpretation, the sphere of professional action starts and stops at giving people their due. John Rawls famously called justice the “first virtue of social institutions, as truth is of systems of thought” (1999, 3). The claim is not that giving someone more than their due is wrong, it is simply not what the role is about. Does the fact that professionals are acting in an institutional capacity constrain them in ways that are incompatible with the concept of supererogation?

Let us return to Urmson’s example of a doctor who volunteers to go to a plague-stricken city. Even though we might agree that his decision to volunteer is beyond duty, we might still disagree on what kind of duty it is beyond. Is it beyond his moral duties, his professional obligations, or both? The Fair Professional requires us to see him as acting beyond his duty as a man but not beyond his professional obligation. I call this conception the Fair Professional because it sees fairness as the key value of the role. Arguments that support this view can be found in Heyd’s (1982) authoritative account of supererogation. I acknowledge that there are parts of the book that seem to open up for the possibility of professional supererogation, for example Heyd’s treatment of pardoning in the legal context (159). But as in my discussion of the Good Professional, the aim is not exegetical but rather to extract arguments in order to construct and discuss a role conception.

The arguments for the Fair Professional that we find in Heyd are partly an elaboration of the following remark by Rawls (1999): “A person who does a supererogatory act does not invoke the exemption which the natural duties allow” (100). Heyd does not endorse Rawls’s position that supererogatory acts are exempted from duty because they are risky or require sacrifice. Instead, what is of interest here is that he does agree that supererogatory acts are exclusively continuous with natural duty as opposed to institutional obligations (1982, 98, 103, 119, 135). Why do Heyd and Rawls insist that supererogation relates only to natural or noninstitutional duties? As Heyd explains, institutional roles are concerned with fairness. The obligation is to a group of clients, patients, or students. The members of such groups have a claim to be treated as equally important, and this makes partial reasoning illegitimate. This primary institutional concern with fairness cancels the possibility of supererogation. Heyd explains Rawls’s restriction of supererogation to natural duties by noting how fairness sets upper limits: “Fairness consists of a certain ideal *balance* which may be legitimately surpassed only with reference to values other than fairness” (Heyd 1982, 103, italics in original). We can be more generous than what the positive moral duty of mutual aid requires, but we cannot be more fair than required. Fairness concerns what is due to someone, and

giving someone more than their due is not being fairer. Heyd and Rawls are not denying that one can be fair while giving someone more than their due. Rather, their point is that in going beyond the call of an institutional duty one is no longer acting on the primary value or “first virtue” of the role and therefore not as a professional. I will argue that the fairness constraints on professional action are not primary in a sense that cancels supererogation. However, let us first consider the arguments behind the Fair Professional more closely.

A key premise is that a professional action must be continuous with the values of the role if it is to count as beyond in the right way. An action that is justified with an appeal to some value other than those “aimed at by the duties in question” (Heyd 1982, 103) is not continuous in the required way. Absent a special explanation, I cannot go beyond my duty to be charitable by way of being more sincere, for example. A closely related idea is that actions must be correlative with duty if they are to go beyond. I cannot go beyond my duty to express myself artistically if there is no such duty. These conditions of continuity and correlativity allegedly make supererogation unfit for the professional context, because many professional roles are concerned with fairness and have fixed limits to the scope of beneficiaries: “So although it is trivially true that some supererogatory acts achieve more than is required by obligations and social duties, they are *correlated* and *continuous* with natural (positive) duties alone” (Heyd 1982, 119, italics in original). If one considers fairness to be the primary aim of professional virtue, then the volunteering doctor seems to fail both conditions. He acts in the name of beneficence and towards a group outside his institutionally assigned community. This means that his act appeals to some other value than fairness and is directed towards a group that he has no obligations of fairness to. Due to considerations such as these, Heyd makes the following remark: “The supererogatory element in his praiseworthy act lies not so much in his action as a doctor, but rather in his action *as a man* (who happens to have a highly relevant skill)” (135, italics in original).⁴ In other words, one cannot go beyond the call of duty while in the line of duty.

It seems plausible to claim that an action must be continuous with the values protected by some duty to count as going beyond it. The question is whether we should accept the description of professionals as being primarily obligated to fairness. Let us consider another example. A teacher asks all pupils to hand in their papers by the next day, but gives one student more time and help (inspired by a case from Heyd 1982, 99). Granted, we do not expect professionals to provide exactly the same amount of help to all. Nevertheless, this seeming favoritism gives the other students reason to complain on grounds of fairness. On the face of it, the teacher has discriminated between them in a way that fails to respect their status as equally important members of a group. Fairness in the professional context requires impartial reasoning. Heyd is right in claiming that favoritism is legitimate only in the personal sphere, where the agent performing the supererogatory action is not in an institutional relationship to a group of equally entitled students, patients or clients. However, giving people more than their due is not always expressive of favoritism. Things look very differently once we elaborate the example: The teacher offers a pupil with learning disabilities more help to

provide the same opportunities for learning as the others (let us assume that he goes beyond his duty in doing this). In this case, the teacher does not seem to transgress any reasons of fairness.⁵

Nonetheless, it is not yet clear that we should see the teacher in the latter case as acting in his professional capacity rather than merely as a moral agent. Heyd's point was not that supererogation would be immoral but that it would be *disconnected* from the role. The professional is bound as a professional to discharge the duties of the legitimate institution, not to promote a particular conception of social justice that has not been institutionally recognized. The first virtue of the role is to give everyone their institutionally accredited due, not to promote some substantive good. Providing extra help to the child with learning disabilities falls outside the sphere of his professional activities, and it should therefore be ascribed to him as a moral agent. However, is this an adequate way to describe the professional sphere of action? Is the teacher acting as a teacher only in giving pupils their due?

In the example, he is promoting one student's education by giving more time and help. This was both impartially justified and concerned a key value of his role. Education is not simply an end contingently related to his profession but rather an end that is constitutive of teaching. It therefore appears that we need a role conception where fairness is not the main value promoted by the role. Perhaps fairness is better conceived as a side-constraint on the interpretation of profession-specific goals.⁶

The idea of profession-specific ends has been given much attention in what may be called "the practice approach" to professional roles.⁷ Various professional practices are inherently tied to overarching ends, like health or legal justice. We evaluate practitioners according to their ability to pursue these ends in acceptable ways. The standards of teaching cannot be understood independently of the end of education that teaching has been instituted to promote. Similarly, it would be implausible to say that health is a nonessential or secondary end for the medical profession.⁸ The point, now, is that we can understand acts of supererogation as continuous with the first value of the profession once we consider fairness to be a side-constraint on profession-specific ends like health or education.

This view of professionals as involved in a practice with an overarching end implies a third type of duty. This duty is different from both the natural moral duties that apply to agents as agents and the obligations of fairness determined by the institution. It is a view of professional action that allows us to see professionals as pursuing a profession-specific value, therefore acting as professionals, when going beyond duty. The nurse who brings books from home to a patient is acting in a caring fashion that is continuous with her role. She is doing more for her patient than might be required. However, she does not "have a patient" as a moral agent, nor does her formal institutional role recognize this kind of discrimination (according to the Fair Professional at least). Assuming that the action is supererogatory, we must see her action as beyond her professional duty as a member of the practice of nursing.

I have drawn on the practice view of professions as a way in which to describe professionals going beyond the call of duty as professionals. This complies with

common ways of thinking about professionals as devoted to values like health or education. Although they are bound by considerations of fairness, it is misleading to characterize their roles as being aimed at or institutionalized mainly to protect this value. We are, however, still lacking an account of how professional practices include upper thresholds to duty. We have a practice view that gives us the axiological claim (the action is continuous with professional value), but we still need the deontic part (it is beyond duty). The next section is an attempt to develop a role conception that articulates the difference between discharging a duty to pursue a profession-specific goal and going beyond such a duty. My suggestion is that the notion of a Reasonable Professional can deliver a standard of evaluation with an upper limit to duty.

4. THE REASONABLE PROFESSIONAL

The conception of the Reasonable Professional developed here is a relative of the legal figure of a reasonable person often used as a device for determining liability. Tort law, for instance, may hold people liable for negligent harm because they did not take the precautions that a reasonable person would take. The figure is used as a hermeneutic device for the jury, objectifying the law's abstract terms like *care* or *foreseeability* (Fleming 1992, 106). The reasonable person is designed as an ideal representative but not in the sense of being a paradigm of virtue. Instead, it represents a minimum standard of care to which legally responsible members of society can be held accountable.

The reasonable person standard can be abused in various ways that distort our perception of the conditions for supererogation. For instance, it might be decided that a reasonable person would not retreat from a dangerous situation, when in fact any reasonable person would. In setting the bar for excuses too high, acts that should be considered supererogatory are demoted to mere discharge of duty. For my purposes, a different charge of misapplication of the standard is more relevant. The figure is sometimes taken to represent averageness, and amusingly described as "the man on the Clapham omnibus or the Bondi tram" (Fleming 1992, 106). In emphasizing averageness, the figure makes liability conditional upon what is ordinary or typical in the community. This characterization could suggest problems for using such a standard for determining the upper limits to duty. In itself, averageness seems normatively impotent, because a community-wide understanding may be corrupt and fail to provide a genuine reason for excuse. Actual legal use of the figure has been criticized on these grounds (Moran 2003). Common professional practice may also contain social prejudice. Diseases, crimes, or behavior disorders may be framed by common practice in a way that fails to respect people or their needs. In addition to prejudice, common practice may be corrupt owing to widespread intentional wrongdoing. Arthur Applbaum (1999) therefore seems correct in noting that "it would be quite odd to think that prescriptive and evaluative force flows directly from what the occupants of the role of doctor and parent actually do" (56). Is there, however, still a notion of common practice that is relevant in understanding the upper limits of professional duty?

With regard to the Good Professional, I have argued here that certain features of professional practice—like special skills and moral complexity—make the fittingness theory of duty inappropriate. I have also claimed that professionals need some recognizably shared sense of the upper limits to duty to prevent normative indeterminacy. Perhaps the existence of prejudice and corruption can be respected as a proviso while still allowing for a constructive and social sense of common practice. The question, then, is what weight common practice carries with regard to determining the upper limits of duty. The Reasonable Professional—to be developed in this section—attributes substantial weight to common understandings of practice. It does so out of respect for the fact that the professional role is an additional or special responsibility taken on by the agents. A sense of common practice enables them to estimate the scope and gravity of taking on this additional responsibility. It provides a footing for agents who need to assess what can be legitimately expected of them as role holders.

The demands directed at professionals refer implicitly or explicitly to the role holders' decision to belong to a certain kind of practice.⁹ The moral relevance of professional supererogation might therefore be closely related to the way in which this decision is an exercise of normative power and for that reason connected to liability.¹⁰ Deciding to belong to a professional practice is an exercise of normative power in the sense that agents relinquish their authority to choose whether and how to perform certain tasks. Their decision is an acceptance of "role-responsibility" for that area (Hart 1968, 212–4). They can now be held accountable to a professional standard that did not apply to them before, implying that they accept "moral liability-responsibility" (Hart 1968, 225–7). In other words, they are now morally subject to the power of others to impose some disadvantage as a consequence of their accepted responsibility.

In the professional sphere, potential disadvantages range from formal sanctions to informal blame. The voluntary undertaking of role-responsibility justifies these special liabilities. Professional agents are not extorted for some aggregated social benefit or grand moral objective that trumps their will. Just as in my examination of the Good Professional, the genuine moral force of obligations that makes guilt appropriate upon transgression is of interest here. Sanctions are relevant insofar as they are justified with reference to the role holder's free decision. As Stephen Darwall (2006) puts it, to feel guilt when condemned is to "feel oneself authoritatively addressed as free" (71). The role holder's moral equality is to be respected while being subject to special liabilities.

The Reasonable Professional is a role conception aimed at articulating how special liabilities are squared with equal moral concern. It does so by making role-responsibility into a matter of distributive fairness.¹¹ The burden of professional liability is to be imposed on fair terms by assuming that all have an equal interest in freedom from such liability. In this way, the moral obligations of the role are disconnected from personal idiosyncrasies in the experience of the burdens. One doctor may experience a duty to go to a plague-stricken city as a harrowing sacrifice, whereas another sees it as an adventure. The Reasonable Professional ascribes to them the same interest in not being subject to potential liabilities. The fact that a doctor is eager to travel to the plague-stricken city does not create a

duty. Imposing such a duty on the doctor would require a revision of the practice as a whole, making every role holder subject to the same burdens.

What about common refusals to accept the hero label after highly admirable deeds? Professionals often claim they were simply doing their duty no matter how exceptionally they performed or how difficult the circumstances were. For example, Urmson's (1958) volunteering doctor who travels to the plagued city may regard this as his professional duty. Imagine that he simultaneously thinks that other members of his practice who fail to live up to this standard are not liable to blame. Does my suggestion bar us from taking this experience of duty at face value? I have explained professional obligation as grounded in the common understanding of liability to blame undertaken in signing up. This means that the duty experienced by the doctor cannot be the professional obligation that is determined by the Reasonable Professional standard.

However, this is not to endorse Urmson's claim that taking something to be one's *moral* duty, whilst not holding others accountable to the same standard, amounts to a subjective impression that is false (1958, 203). This claim could be correct in many cases, but that would be a substantive moral judgment and not something entailed by the concepts themselves. Moral obligation and liability to blame may come apart due to excusing conditions. The doctor can hold that other role holders are not justified in their behavior, but also believe that they are *excused* due to how difficult it is to recognize the true moral duties of persons with medical skills or because these standards are very high.¹² However, the standard embodied in the Reasonable Professional emphasizes common understandings of what the role is and of what one signs up for. There is no conceptual room for such general excuses. Therefore, obligation and liability do not come apart in professional role morality.

Importantly, the Reasonable Professional standard concerns distribution of liability and does not predetermine how exacting the demands of professional practice can be. The standard demarcates the upper limits to duty in terms of the fairness of being held accountable to a special responsibility, which does not by itself imply any a priori restrictions concerning the possible severity or scope of the burden of liability. The Reasonable Professional is a standard that can be applied regardless of how exacting the practices are. A doctor might have an obligation to travel to the plague-stricken city even though doing so entails great risk and sacrifice. The relevant basis for determining liability is the common understanding of what the decision to take on a role implies. The role holder becomes subject to special liabilities as a consequence of an agreement to be part of a practice. The notion of common practice delivers important content to this agreement, something that is already recognized in law (cf. Fleming 1992, 119–21). Holding the agent to standards that diverge from general practice may constitute a failure to respect the condition of voluntary acceptance of liability.

The Reasonable Professional is tied to the idea that responsibility should track the agent's exercise of normative power. Hence, contrary to the Good Professional, the Reasonable Professional does not make duty relative to what is fitting for an agent with special skills or extraordinary courage. Instead, it provides an interpretation of what agents have agreed to by becoming professionals. The Reasonable

Professional represents a figure that meets relevant standards of concern, skill, effort, and so on. This standard does not slide up or down to correlate to what would be morally fitting for some especially skillful or committed agent. It is fixed to distribute the burden of liability on equal terms. The fixed standard is justified on the assumption that everyone has an equal interest in freedom from potential liability. It would be unfair to impose special professional liabilities on agents simply on account of how one thinks they *should* have acted given their abilities.¹³

Appearances notwithstanding, this role conception is not committed to a static view of professional practice. It would only be so if one denied that acceptance of the role is a continuing process, where over time role duties may come to include what was previously considered supererogatory. Furthermore, the Reasonable Professional does not pretend to provide a straightforward or mechanical way of determining what should count as supererogatory action. Considerable disagreement might persist concerning what the professional practice actually demands. The psychologist haunted by flashbacks, as mentioned previously, wrote about her experience as way of giving her account of what could be demanded of her role. The Reasonable Professional is a more abstract and general way of clarifying the interpretive question concerning duty. It poses the question of what is fair to demand of agents who have agreed to take on a role-responsibility with regard to a practice-specific good.

This leaves open the possibility for professionals to pursue practice-specific goods in ways that cannot be demanded. The Reasonable Professional helps us frame such acts as continuous with role obligations because the upper threshold is only a way of determining how much of the practice-specific good it is fair to expect. In contrast to the Fair Professional, the Reasonable Professional does not represent fairness as the point or aim of professional obligations. The figure functions as a standard of what can be demanded *in* fairness; it does not imply that professional obligations are directed *at* fairness. In going beyond the standard of reasonableness, as understood here, professionals are not promoting some end other than what they are obligated to pursue. The tutor who gives extra lessons and the nurse who brings books from home are both promoting the practice-specific end associated with their roles, but in ways that it would be unfair to demand. In other words, they are going beyond the call of duty as professionals.

5. CONCLUSION

As noted in the Introduction, the importance of professional supererogation has already been highlighted by others. The present study makes a closer examination of the assumption that professional supererogation is a coherent and morally important category of action. I offer both theoretical and moral reasons for treating professional supererogation as a normative category in its own right. On the theoretical or conceptual side, the practice view of professions supports a description of roles as committed to specific values that can be promoted in various ways along the same continuum. On the moral side, the potential unfairness of imposing greater burdens of liability on agents underscores the need for upper limits to duty.

The role conceptions that denied professional supererogation leave us short of a plausible way of determining responsibility and attributing praise. At one extreme, the Good Professional delivers an indeterminate concept of duty that threatens to undermine the basis for realistic self-assessment. At the other extreme, the Fair Professional has a narrow concept of professional duty that sees only fairness and not the particular goals of professional practice. The Reasonable Professional is attractive for seeing the role as a voluntarily accepted obligation to promote a profession-specific good. Obligation has an upper limit beyond which the agent has not accepted special responsibility.

ENDNOTES

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1. Some examples are Feinberg (1961, 280), Rawls (1999, 100), and Kumar (2001, 16–7). My account is in line with Heyd (1982, 136, 146), who rejects moral heroism as a condition of supererogatory behavior

2. Crisp (2014, 27) also alludes to imperfect duties in an effort to detach duty from interpersonal demands. Nevertheless, his point is not to include more latitude in the question of what should be done. The virtuous agent hits the mark, and the fittingness theory is not a call for a bigger bull's-eye.

3. A phenomenological account of the relationship between supererogation and emotions of self-assessment is given in Horgan and Timmons (2010).

4. The context of this quote is a response to Joel Feinberg's claim that the doctor who travels to the plague-stricken city is not going beyond duty, since the doctor has no duty towards this community (1961, 280). Heyd agrees that there is no institutional duty to go beyond in this case, but holds that the action is continuous with natural duty.

5. One might object that this creates a potential imbalance across the board, as some pupils are luckier with their teachers than others. Nevertheless, that does not necessarily violate the constraint of fairness. A requirement of strict equality would restrain the total educative outcome in an unreasonable way.

6. And perhaps fairness is more than a side-constraint on some roles, like judges. This depends on both how one understands fairness and how one conceives of the end of judging. Many political theorists distinguish between fairness and justice. Roughly, fairness concerns how decisions are made and justice concerns the substantive merits of a decision irrespective of how it has been made. Ronald Dworkin argues that the primary virtue of judges is neither fairness nor justice, but integrity, a virtue that negotiates conflict between fairness and justice (1986, especially chapter seven).

7. This tradition sees professions as practices with internal goods in the sense described by Alasdair MacIntyre (1984). This has been particularly influential in biomedical ethics, with Pellegrino and Thomasma (1993) as early contributors. However, the practice model has also been suggested for professional roles in general, for example in Oakley and Cocking (2001).

8. There is, of course, disagreement on what falls within the bounds of medical practice or teaching. Some will see doctors who set up an abortion clinic as betrayers of their profession, whereas others see them as paradigms. However, they are, in any case, evalu-

ated as professionals in light of an understanding of what their practice is about, like the value of medical aid in this example.

9. The account given here builds on the “voluntary acceptance view” described in more detail by Michael Hardimon (1994, 356–7).

10. For a general analysis of normative powers, see the account by Joseph Raz (1999, 98–104).

11. This way of proceeding is inspired by Arthur Ripstein’s (1999) account of the reasonable person. He ascribes every member of society the same interest in freedom and security. His reasonableness standard is determined by striking a fair balance between restriction of freedom and exposure to risks created by the projects of other people (see Ripstein 1999, esp. 6–7).

12. These kinds of excusing conditions are discussed by Gideon Rosen, the former in (2003) and the latter in (2014).

13. There may of course be genuine moral reasons for professionals to commit themselves to a more demanding standard. This standard, however, is not part of their professional practice. It is not a role-responsibility but rather a general moral responsibility.

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Article 3

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SHOULD *EUDAIMONIA* STRUCTURE PROFESSIONAL VIRTUE?

Abstract

This article develops a *eudaimonistic* account of professional virtue. Using the case of teaching, the article argues that professional virtue requires that role holders care about the ends of their work. Care is understood in terms of an investment of the self. Virtuous role holders are invested in their practice in a way that makes professional excellence part of their own good. Failure to care about the ends of professional practice reveals a lack of appreciation of the value of professional work. This “investment view” is contrasted with the currently popular “key goods view,” which claims that professional virtues require a profession-specific teleological structure. Unlike ordinary virtues, which are governed by *eudaimonia* or human flourishing, professional virtues are allegedly derived from professional ends, like health or education. The article argues that this delivers an unconvincing criterion for determining the merits of character traits.

Keywords: Virtue, Eudaimonia, Care, Aristotle, Interpretation, Motivation

Introduction

It is widely agreed that character traits constitute a central aspect of the morality of professional roles. Compliance with duty does not exhaust the merit and meaning of moral actions in the professional sphere. Becoming a teacher or a physician does not mean taking on a role where formal standards and rules make traits like trustworthiness, creativity, and patience superfluous. To the contrary, professionals appeal to such virtues to justify their stands in decisions and they are held accountable to the public by the same token. Requests are denied, policies opposed, and battles fought in the name of virtues like integrity and loyalty. In addition to their justificatory function, the language of virtue provides the necessary categories for aspiration and evaluation, and helps us articulate the meaning of ideals and betrayals, triumphs and failures.

In order to appreciate the moral force of these various appeals to virtue, we need an understanding of what professional virtue is. In this article, I will present a *eudaimonistic* conception, where virtue involves being invested in the values of professional work. This is an application of an Aristotelian framework to the professional context. The main claim is that

eudaimonia—the Greek work for flourishing or living well—has the same relation to virtue in the professional sphere as in ordinary moral life. In identifying virtue in professionals, we are not simply marking out the ability of role holders to skillfully bring about certain results. Professionals are entrusted with key social goods and part of being a virtuous professional is to be *invested* in this task. I develop the *investment view* as an interpretation of how the eudaimonistic dimension is partly constitutive of professional virtue.

This account is developed as a contrast to what I will call the *key goods view*. This is a currently popular non-eudaimonistic view of professional virtue that calls itself Aristotelian. The key goods view replaces *eudaimonia* with the profession-specific ends that are central to the various professions, like education for the teacher profession and health for the medical professions. The article argues that there is no reason to accept this alteration to the original Aristotelian framework. The supplanting of *eudaimonia* with key goods does not lead a morally acceptable way of determining which character traits are virtues. A virtue ethics that lacks the eudaimonistic component fails to do justice to both the phenomenology of virtue and our evaluation of role holders.

1. Relativity and Commitment

Teaching will be the main example to guide my development of the investment view. In this regard, the philosophy of education already contains some interesting discussions of *eudaimonia* and virtue. It is therefore worth noting how my view relates to some of the earlier contributions in this field. The idea that virtue is conceptually linked to the *eudaimonia* of the role holder has been met with both hesitance and wholehearted acceptance. Both of these responses are backed by considerations that deserve attention.

Although they hold Aristotelian eudaimonism to be the most plausible virtue theory, I place David Carr and Jan Steutel's (2006) introductory chapter on the virtue approach to moral education on the somewhat skeptical side. Their brief discussion of eudaimonism notes some fundamental challenges. Most importantly, they find this view of virtue problematic on the grounds that it leads to a morally troublesome "relativization" of virtue: "To the extent that different cultural constituencies appear to embody different conceptions of the good life, it would appear that there may be rival and incompatible accounts of the virtues" (2006, 15). The worry is that tying virtue to *eudaimonia* robs us of the possibility of an objective grounding of virtue. The virtues appear to be culturally contingent if every initiation into virtue requires a substantive conception of the good life. This objection draws attention to the need to say more about what is meant by a conceptual connection between virtue and

eudaimonia. The investment view developed here promises to steer us away from an untenable relativism.

Chris Higgins's *The Good Life as Teacher* (2010) stands out among accounts that unflinchingly embrace a eudaimonistic conception of professional ethics. His main focus is not the concept of virtue as such, but the book provides one of the most nuanced and wide-ranging accounts of teaching as a "ground project" that gives meaning to the lives of role holders.¹ His overarching concern is to overcome the dichotomy between "selfless saints and selfish scoundrels" (2010, 189). Higgins coins the term "self-fulness" (2010, 362) to describe an ideal that promotes self-realization. This is presented as a contrast to of the self-abnegation of the allegedly prevalent professional ideal of asceticism. Two considerations in particular are used to justify this theoretical shift towards the *eudaimonia* of the role holder: First, it fosters better moral education ("selfhood is contagious," 2010, 190). Second, the traditional ascetic ideal leads to burnout and poorer lives for role holders (eudaimonistic virtue theory is described as a move towards as "sustainable ethic of teaching," 2010, 190).

Higgins develops his view through a close reading of Alasdair MacIntyre's (1984) theory of *practices* and *internal goods*. This analysis yields the suggestive claim that "only those who have committed themselves to a practice over time are able to appreciate and articulate the goods of that practice" (Higgins, 2010, 253). Although it has an intuitive ring, the claim is likely to provoke exactly the kinds of accusations of relativization and insularization that Carr and Steutel put forward. The idea of a special relation between *commitment* and *appreciation* needs unpacking and defense in order to answer these accusations. What does the commitment in question entail? And what does it have to do with *eudaimonia* and virtue? While Higgins has devoted much attention to how asceticism is destructive to a healthy teacher ethics in general, more needs to be said on why the very concept of professional virtue involves a particular configuration of the will of the role holder. The investment view is an attempt to fill this gap with the help of the concept of care.

2. The Investment View

The primary aim of a philosophical theory of professional virtue is to explain why certain character traits are virtues. In this section, I will take a bottom-up approach to professional virtue. That is, I want to start from reflection on a specific case and gradually move toward a more general statement about the role of *eudaimonia*. The film *Dangerous Minds* (1995) is a

¹ David Carr was one of the targets of Higgins's earlier critique of the virtue tradition in educational philosophy (Higgins 2003). Carr has responded by nuancing the picture (Carr 2006).

portrait of a high school teacher's experiences in a poor area school, based on teacher LouAnne Johnson's own account of entering the profession and dealing with at-risk teens in *My Posse Don't Do Homework* (1993). Of interest here is a scene where the teacher, LouAnne Johnson, tries to explain to her students that there are no victims in her classroom; they have all made a choice to go to school. Finding it hard to convince them, LouAnne appears filled with indignation. She accuses them of failing to understand the significance of the choice they make every day by getting on the bus. One student confronts LouAnne: "Why do you care anyway? You just here for the money." The student is apparently skeptical about the motivational weight of the internal goods of the teaching practice. LouAnne replies by vouching for her genuine devotion to their learning and denying that external goods can explain her actions: "Because I make a choice to care. And honey, the money ain't that good." Part of the lesson LouAnne wants to teach them is that of responsibility and owning one's actions. An equally important part is that of appreciating the value of the choice they have made. Their education matters to her and is something that should matter to them. Its value is capable of supporting the kind of forceful evaluative attitudes that LouAnne displays.

In this scene, the issue between the LouAnne and the student concerns whether she cares about the education of her students. In vouching for her care, LouAnne is not only making a claim about what guides her behavior, but also about *how* it guides. Caring about the education of students is not simply desiring or wanting them to do well. Nor can it be reduced to a belief in the importance of education. As Frankfurt (1988) writes, caring involves an "investment" of the self: The person who cares "*identifies* himself with what he cares about in the sense that he makes himself vulnerable to losses and susceptible to benefits depending upon whether what he cares about is diminished or enhanced" (83, italics original). The idea of the self as something invested resonates with ordinary ways of describing experiences. People often say that part of them died when they lost someone or something they cared about. They also speak of having been transformed by new objects of care, children being the paradigm example. In avowing her care, LouAnne is conveying the impact the value of education has on her: It would be a loss to her if the learning of her students were impaired.

Frankfurt's concept of care concerns the structure of the will, and I will argue that it is helpful in order to understand professional virtue. It is important to differentiate this account from the "care ethics" tradition, where care is sometimes described as a master virtue in its

own right.² For example, Michael Slote (2007) has developed an account where care is understood as empathic feelings of concern for the well-being of others. Drawing on this tradition, Tom Beauchamp and James Childress (2009, 36–38) treat care as the fundamental virtue that gives direction to the other key virtues of medical practice. On this interpretation, care is an “emotional commitment to, and deep willingness to act on behalf of persons with whom one has a significant relationship” (2009, 36).

This is not the conception of care that Frankfurt is accounting for, and my argument does not concern its status as professional virtue. Rather, the investment view is an attempt to describe how the concept of professional virtue involves care as an investment of the self or devotedness. Care is a way of relating to desires. It contrasts with simply feeling like doing something, like tapping a rhythm. It does not matter to us whether this desire persists or not; we are not committed to it. Frankfurt’s point is that, in caring for something, we have made the desire part of our self-evaluation and we want to go on having the desire. It is therefore a “lapse on our part if we neglect the desire” (Frankfurt 2006, 19). The content of this desire is an entirely different matter. This concept of care is not in itself altruistic or grounded in empathic concern for others.

The point of highlighting the structural conception of care is to understand the connection between professional virtue and *eudaimonia*. However, this structural conception of care is insufficient on its own for understanding the importance of *eudaimonia*. It gives us the notion of being invested in something, but it does not yet explain why this investment should count as meritorious. We are not helped much further by Frankfurt, because he claims that the suitability of making one object rather than another important to oneself is a matter of whether it is “*possible* to care about the one and not the other” (1988, 94, italics original). His account of care reveals little interest in whether the objects of care are worth caring about. He does not deny that worth is relevant to care, but he rather avoids the subject (cf. Wolf, 2002). That is a problem for us, because care seems largely irrelevant to professional virtue if it is just a lucky coincidence when our objects of care have moral worth.

However, we cannot rectify this by simply stipulating that care should be directed at morally worthy ends. For one, it is not “up to us” what we care about. LouAnne says she “chooses to care,” but she is probably not implying that what she cares about is under her direct voluntary control. The phenomenology of caring attests to how we find ourselves

² That is, I do not share the impression that Frankfurt represents a “de-gendered version of the feminist ethics of care” (Jouan, 2008, 760–761). An early self-styled “feminine approach” to care ethics is Noddings (1984). This version of the ethics of care has been especially influential in the nursing profession (see Bishop & Scudder, 1991, 2001).

taking things to be important to us without having made a conscious decision. We can also be unsuccessful in carrying out our intention to care about things we deem important. Perhaps LouAnne may want to care more about local politics; maybe she is not satisfied with her own lack of interest and unwillingness to participate. For years, she has been doing campaign work merely out of a sense of duty. It would not be an extraordinary psychological phenomenon if she—to *her own surprise*—finds herself wholeheartedly involved when a new political issue appears.

Nevertheless, the idea that we simply care about what it is possible for us to care about fails to make sense of the classroom confrontation between LouAnne and the student. The student questions whether LouAnne cares, and this comes off as an accusation that, if true, detracts from her merit as teacher. It is unclear how it could detract if care is unresponsive to judgments of worth. Why does her strong affirmation of the value of education make the question of care both appropriate and revealing of her virtuousness?

The solution is to interpret LouAnne's assertion of a "choice to care" as accounting for something other than the genesis of her attitude to education. Rather, she is endorsing the complex volitional disposition that caring involves. That is, she takes the investment of herself into education to be good, regardless of how it came about. Furthermore, in asserting her devotion, she is not reporting on her structure of her will as something that luckily matches her cognitive judgments. Presumably, she does not simply feel a strong pull toward education and then adds some intellectual sanction to this urge. In caring for the education of her students, she sees this end as worth promoting. This is the point where we need to expand on Frankfurt's concept: Caring is not a pure motivational state detached from her intellectual faculty. Rather, it involves a way of understanding states of affairs, seeing some things as worthy and unworthy of pursuit. In other words, the investment of the self is not a motivational commitment to an independently cognized end, but a reconceptualization of this same end.

3. Caring and Appreciation

This expansion of the concept of care draws on John McDowell's (1998) interpretation of the process of gaining practical wisdom in the Aristotelian sense. He describes it as an "initiation into a conceptual space, by way of being taught to admire and delight in actions in the right way" (1998, 39). The contrast between the noble and the base governs the conceptual space to which McDowell refers. The space is a shared sense of attraction to what is worthwhile and admirable, and a common sense of disgust at what is degrading and perverted. On this

account, becoming virtuous is not learning how justice or temperance is *more* rewarding than a life of cruelty and uninhibited pursuit of pleasure. Rather, the immoral life is unmasked as wholly unrewarding and humiliating. The process of initiation leads toward a way of life in which immorality becomes alien to one's sense of what is worthwhile. As it happens, McDowell's account of the conceptual space that governs virtue is explicitly an interpretation of *eudaimonia*. Importantly, it is an account where virtue is not functionally derived from some independent conception of what makes life worth living. Rather, in learning to appreciate the noble, the agent is learning to live well. Virtuous agents choose actions because of their nobility, and this way of living in accordance with virtue is what *eudaimonia* consists in. As McDowell writes, "the value of nobility will be what organizes one's conception of the eudaimonistic dimension of practical worthwhileness" (1998, 42).

With this sketch of the interconnections between the concepts in hand, we can reconstruct the process that leads to virtuous engagement with worth or the noble. Suppose LouAnne is initially quite indifferent to the education of her students. Nevertheless, she finds teaching pleasurable; sometimes it even engages her into a flow mode similar to what she experiences when playing basketball. She finds the work needed to control her disruptive class to be exciting. In this sense, the job is worthwhile when evaluated according to the practical dimension of enjoyment. The value of her teaching activity is on the same scale as playing sports and watching films. However, she gradually learns to appreciate more than just the fun of teaching. She starts to appreciate the inherent worth of the education of her students and the merit of her own actions. Her delight in work is no longer a function merely of her sense of her own mastery, but also an appreciation of how the virtues of patience and creativity in class enables her students to achieve something for themselves. This appreciation invites calls for her to devote herself to the value of teaching. It summons her to care about teaching, not just to prefer it to other desirable things.³ Teaching ceases to be just something she does; it becomes part of who she is.

Speaking of an investment of the self may echo exaggerated professional oaths, such as "I solemnly pledge to consecrate my life to the service of humanity" (World Medical Association, Declaration of Geneva). However, we do not have to suppose that caring involves LouAnne's complete devotion to teaching. Presumably, her professional role is only one of several sources of meaning in her life. Caring about the education of her students is compatible with giving higher priority to her family or some other ambition she has.

³ The distinction between caring and preferring is similar to Charles Taylor's (1985) distinction between weak and strong evaluation.

Nevertheless, it is incompatible with rejecting her desire to promote education as part of her endorsed identity.

There is, of course, no mechanical procedure to determine the appropriate level of investment of the self. For those who evaluate role holders, the proper level will depend on their sense of the importance of the activity. Students convinced by LouAnne's speech about the worth of education and the merits of going to school would presumably see virtue as calling for a high level of investment. This is not a causal thesis about how worth produces a particular psychological attitude. Rather, it is a claim concerning appropriate regard. To the convinced students, education appears as deserving devotion. Role holders who fail to grasp this are not *appreciating* the key good of their practice. The mode of awareness in appreciation involves experiencing and feeling something as meritorious or worthy in a way that cannot be captured by belief or pure intellectual knowledge. It is not just a matter of endorsing a proposition or fact, but to have a quasi-perceptual state of connecting appropriately to what has worth (cf. Darwall, 2002, 90; Burnyeat, 1980, 78). On the other hand, students who do not appreciate the value of education will not be disappointed in the same way with teachers who are not invested in their role.

This account has the resources to answer the charge of relativization raised by Carr and Steutel (see Section 1). The objection was that eudaimonistic accounts make virtue relative to culturally contingent conceptions of the good life. In this connection, I mentioned Higgins's claim that commitment is a precondition for appreciation of the goods of a practice. In developing the investment view, I have sought to bring out how Higgins's claim can be incorporated within a non-relativistic account of virtue. The students who meet uncaring teachers are not primarily disappointed in these teachers for their failure to fulfill themselves through their work. Rather, the source of disappointment is that these teachers fail to engage appropriately with the worth of education. The eudaimonistic component is an interpretation of what "appropriate engagement" involves. The interpretation highlights that appreciative regard entails seeing education as something worth investing oneself in. That is, it is perceived as an end worth making part of one's own good. This eudaimonistic account of virtue does not make the value of character traits dependent on how they promote some particular conception of the good life. The status of character traits depends on how they respond to genuine worth. The virtuous person sees worthy ends as truly deserving care. The relativist worry disappears once it becomes clear that eudaimonist virtue theory is about investing oneself on the basis of real moral reasons.

I have argued that *eudaimonia* governs professional virtue in the same way as ordinary

moral virtue. The next section presents a different view of professional virtue, where *eudaimonia* is dethroned in favor of key goods of professional practice. Do we have reason to accept this way of seeing professional virtue as governed by a distinct teleological structure?

4. The Key Goods View

A common view in professional virtue ethics theory is that the status of character traits depends on how they promote the “internal” goods of the profession. MacIntyre’s (1984) concept of practices forms the conceptual backdrop for this view on professional virtue. On MacIntyre’s account, practices are activities with standards of excellence derived from internal goods that partly constitutes the activity (187). Virtue is excellence directed at the goods that are internal to the practice itself. For example, a sophisticated chess move is a good internal to the practice of chess; it cannot be grasped independently of the standards of the practice. Playing only for fame or money is not virtuous, because these are “external” goods. The structure of practices is meant to reveal the structure and point of virtues. They are teleological in the sense that we decide what a virtue is by reference to the good it promotes.

This framework for virtue has been subject to much discussion in the philosophy of education (e.g. the essays in Dunne & Hogan, 2003). MacIntyre’s concept of practice has also been immensely influential in virtue theories for the medical professions, but with less critical discussion of the framework itself (e.g., Armstrong, 2006; Banks & Gallagher, 2009; Pellegrino & Thomasma, 1993; Radden & Sadler, 2009; Sellman, 2011). Overall, this rich literature has brought out many fruitful aspects of the connection between virtue and practice-internal goods.

However, MacIntyre’s framework has been taken to support further assumptions about the nature professional virtue. In particular, it has led to the idea that the ordinary structure for understanding virtue needs to be altered in the professional context. An influential idea is that professional virtue has its own teleological structure. Here is how Justin Oakley describes the approach he developed with Dean Cocking in *Virtue Ethics and Professional Roles* (2001):

Because of its teleological structure, Aristotelian virtue ethics provides a natural basis for developing an ethical theory of professional roles. Which character traits count as virtues in everyday life is determined by their connections with *eudaimonia*, the overreaching goal of human life. Virtues in the context of professional roles can be derived through a similar teleological structure [...] For example, *health* is clearly a central goal of medicine [...]

which of a doctor's character traits count as virtues are those which help them serve the goal of patient health. (Oakley, 2013, 205, italics in original)

As this passage reveals, some self-styled Aristotelian accounts of professional virtue find it necessary to replace *eudaimonia* with key goods of professional practice.⁴ The first thing to note about this claim is its radical nature, despite its purported Aristotelian origins. It concerns the fundamental structure that determines whether a trait is a virtue. As opposed to highlighting general moral reasons for holding certain traits to be particularly important, these accounts purport to provide a special grounding. It is not just a matter of emphasizing a particular area of responsibility, but rather a model for understanding the distinct nature of professional virtue. Allegedly, this structure has parallels to the normative foundation of ordinary virtue, but it is not the same. The difference lies in what is the final end of virtuous action. The teleological structure is supposedly preserved by replacing *eudaimonia* with the key goods of professional practices. That is why I call this the key goods view.

To some extent, this approach seems to resonate with common sense. It is easy to agree that it is especially egregious for doctors to betray health or for teachers to impede education. The key ends view makes sense in light of our expectation that professionals should aim at education or health instead of their own flourishing. However, the investment view has already made it clear how a eudaimonistic conception can avoid positing personal flourishing as the intentional content of virtuous action. The virtuous teacher does not *aim* at flourishing, but cares about education in way that makes this end part of her own good. Does the key goods view nevertheless capture something important about our moral evaluation of character traits?

To see the moral consequences of this alternative structure, let us consider how it suggests we determine the status of truthfulness and trustworthiness. First, why should we consider truthfulness a medical virtue? One could argue that it is because patients have a right to know about their own conditions. This would ground the virtue in the concerns that are not peculiar to medical practice (e.g., respect for autonomy). This approach is contrary to the key goods view. The reason a doctor ought to tell the truth about the patient's condition is not that patients have a right to know (Oakley, 2013, 206). Rather, the status of traits like truthfulness,

⁴ It seems worth noting that similar claims have been defended without reference to MacIntyre's concept of practice, e.g., "And so this Aristotelian account of professional virtue concludes that the virtuous professional life is the successful professional life, just as, for Aristotle, the virtuous life is the *eudaimon* or flourishing life" (Stovall, 2011, 128).

trustworthiness, and beneficence is contingent on whether they have been shown to promote health. Traits are demoted to professional vices if they prove contrary to health. Furthermore, traits that are ordinarily considered vices may be professional virtues if they promote the key good of the practice (Oakley, 2013, 207).

Cocking and Oakley write that trustworthiness is a virtue because “it helps patients feel comfortable about making full, frank, and timely disclosures of the sorts of intimate details that are necessary for effective diagnosis and treatment” (2001, 93). Suppose we discover that diagnosis and treatment could be more effective by habituating deceit and untrustworthiness in role holders. Perhaps it is shown that diseases can be determined faster and more accurately by breaches of trust, such as performing tests that have not been consented to by the patient or investigating non-disclosed information about the patient’s social background. According to the logic of the key goods view, such discoveries should cause us to rethink trustworthiness as a medical virtue. This character trait is apparently no longer a source of merit, because it does not promote the internal good of medicine. However, it is unclear how the good of health could gain the normative power to change basic norms of respect for persons. We need some way of separating virtuous character traits from monomaniacal fanaticism.

5. The Moral Interpretation of Professional Ends

At this point, defenders of the key goods view would perhaps remind us of the side constraints on the promotion of key goods of practice. “Broader social influences” and “broad-based moral values” such as justice and patient autonomy constrain the legitimate pursuit of health (Oakley & Cocking, 2001, 90; Oakley, 2015). In other words, the idea of a practice-internal good is combined with the notion of constraint. This is a way to get the special teleological structure to produce right action. I will consider two ways to interpret this call for constraints on the pursuit of key professional goals. One is to read it as introducing constraints on the *pursuit* of ends—the public toleration reading. This reading is compatible with a call for a distinct teleological structure, but is not compatible with common understandings of virtuous agency. The other is to read it as introducing constraints on the *interpretation* of profession-specific ends—the constitutive reading. This is the most attractive reading, but it does not support an alternative teleological structure for professional virtue. .

Let us begin with the public toleration reading, which concerns the justifiability of outcomes. This understands respect for “broader social influences” to be a strategy that is necessary in order to be tolerated by the public. The basic idea is to take the goal of promoting

health or education and add the constraints of justice and further general moral values. The public toleration reading provides us with the image of a doctor eager to promote the key good of her practice, but who manages to constrain herself to operate within the bounds of social expectations. This would fit an account of professional morality that sees role holders as “granted freedom” by society to “fanatically pursue their ideal” within certain ordinary moral bounds (Freedman 1978, 14). This move does not lead to a unified account of virtuous agency. It resembles Aristotle’s *enkratic* or continent agent more than the virtuous (cf. *Nicomachean Ethics*, VII, 9). That is, the good professional appears to be an agent who does the right thing overall, but who has motivational aims that conflict with the decision to do the right thing.

There is reason to believe that the public toleration reading is not the best interpretation of side constraints on profession-specific goods. For one, it conflicts with Cocking and Oakley’s own account of virtuous agency, which precludes motivations that conflict with an appropriate conception of the ends of professional practice (2001, 28). If we proceed to the constitutive reading, we will find a more plausible conception of side constraints. This reading sees professional goals like health or education as having broad moral concerns as *part of their meaning*. That is, moral concepts are needed in order to understand the ends of professional practice, rather than to put external constraints on them. This provides a better match with the phenomenology of virtue, where ends are chosen for the sake of their worthiness.

Presumably, the value of education does not light up for LouAnne like a star in an evaluative void. Its status as a worthy practical end presupposes that it is interpreted in light of a more general evaluative schema. Part of what triggers her investment into the role is a recognition that her professional activity connects with further values like social justice, welfare, and self-respect. That is, her appreciation of education is not *sui generis*; it is continuous with the wider moral space within which she orients herself. She does not weigh the goal of her practice against autonomy or justice. Education appears the proper goal of action only insofar as it is interpreted as worth promoting against the background of more general evaluations. The same goes for other professional ends, like health. The sensible way to think of health, if posited as the goal of medicine, is to read it as shorthand that includes responsiveness to general moral concerns involved in medical issues. Therefore, broad-based moral considerations constrain the *interpretation* of what constitutes the goal of medicine, as opposed to constraining the *pursuit* of health.

The constitutive reading of moral constraints elucidates how the goals of professional

practice call for an investment of the self. Integrating moral standards into the key ends of professional practice makes them appropriate objects of care. However, the constitutive reading conflicts with the basic procedure proposed by the key goods view. That is, the constitutive reading brings out how the idea of deriving virtues from a distinct goods-based teleological structure puts the cart before the horse. Take the example of education as the governing end of teaching. Suppose LouAnne fails to develop the virtue of patience. According to the key goods view, we determine whether LouAnne's lack of patience is a lack of professional virtue by asking how the trait in question fosters education. However, the constitutive reading indicates that we understand the key end of her profession by reflecting on what makes it a virtuous end—i.e., worth promoting for its own sake. Judging that LouAnne is not sufficiently tolerant of delay from her students implies making a judgment about what is important in her work. Her role is to promote student learning patiently, fairly, and conscientiously. In this case, we are not deriving the relevant virtues from the key end of her profession. We are using an image of the virtuous professional to understand the end itself.

This claim finds indirect support in a debate over whether teaching is a practice in MacIntyre's sense. In this debate, MacIntyre denies that teaching has its own goods, and claims that only specific subjects have goods (Dunne & MacIntyre, 2002, 9). Mathematics teachers serve the good of mathematics, music teachers promote the good of music, and, allegedly, no common good exists to make teaching into a unified practice. By contrast, Joseph Dunne (2003) insists that there is an overarching goal that integrates the various fields of teaching, namely the good of helping others to share in the goods of the particular subjects (369). Good teachers help others make the subjects their own. What is interesting about Dunne's account is how it gives hermeneutical priority to virtue. His argument does not present "helping others to share in the goods of particular subjects" as a given end from which we can derive virtues. Rather, the end of teaching practice is argued for by reference to how we perceive the virtuous teacher. Dunne explains how a variety of qualities, ranging from impassioned enthusiasm to quiet empathy, give teaching a "protean quality." His rich description is explicitly used as an interpretive device for understanding the end of teaching. With reference to Aristotle's account of virtue, Dunne argues that "one gets things right only against the background of countless ways of getting it wrong" (2003, 369).

The gist of this claim resonates with the investment view's emphasis on the mode of awareness involved in appreciative regard for something's worth. LouAnne's conception of teaching changed as she began to care about education and started to act on a direct

appreciation of its worth. She went from delivering the curriculum to what she calls “rejects from hell,” to seeing her role as enabling underprivileged students to understand their own potential and to ignite some curiosity. What changed in the process of becoming a virtuous teacher was not simply her attitude toward some good, but also her understanding of what this good is.

6. Conclusion

The alternative teleological structure proposed by the key goods view implied that *eudaimonia* should not govern the professional virtues in the way it governs ordinary virtue. In developing the investment view, I have argued that disapproval of role holders who are “just here for the money” is not properly understood if the dimension of *eudaimonia* is left out. Professional virtue requires a particular structure of the will (care), where the ends of professional practice matter to the role holder. The virtuous professional appreciates the worth of the key goods of her practice, and the promotion of these goods has become part of who she considers herself to be. Lack of patience or trustworthiness is not demeriting just because of the resulting inefficiency in promoting key goods. A lack of such virtues reveals inadequate appreciation of what these goods are in the first place.

However, the investment view is carried too far if taken to support a claim that there is nothing distinct about professional virtue. Professionals are entrusted with specific goods, and we evaluate them accordingly. Therefore, the problem with the key goods view is not that it highlights profession-specific goods. Its main defect is that it likens the role of these goods with the role of *eudaimonia*. The investment view brought how a *eudaimonistic* conception of virtuous agency involves a moral hermeneutic of professional ends. The importance of the ends can be accommodated within the traditional Aristotelian framework; there is no need to replace any structural features. When adequately interpreted, key goods like health and education can fill in the generic Aristotelian terms for intentional ends of virtuous action, like “the noble” or “the fine.” This still leaves us short of a neat and unique structure from which we can derive professional virtues, but that is made up for in terms of plausibility.

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Article 4

Eriksen, Andreas (2015) What Is Professional Integrity? In press, *Etikk i praksis – Nordic Journal of Applied Ethics* 9(2), pp. 3-17.

1 What is professional integrity?

2
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13
14 *What is professional integrity and what makes it so important? Policies are designed to*
15 *promote it and decisions are justified in its name. This paper identifies two competing*
16 *conceptions of professional integrity and argues that, on their own, both are deficient. In*
17 *response, this paper develops a third, interpretive view, in which professional integrity is*
18 *conceived as the virtue of being good on the word of the practice. Professions ask for the*
19 *public's trust and in doing so, generate a set of legitimate expectations. Judgments of*
20 *professional integrity are informed by an interpretation of practice that is sensitive to this*
21 *normative situation.*

22
23 **Keywords:** professional integrity, virtue theory, assurance, role interpretation,
24 reasonable disagreement

25 26 27 **Introduction**

28 Integrity is widely regarded as a key virtue for professionals. Two main kinds of
29 reasons are commonly offered to explain the value assigned to professional
30 integrity. The first kind concerns *fidelity* to the fundamental goals of the role. For
31 example, the appeal to professional integrity in cases of conscientious objection in
32 the medical context is often described in terms of loyalty to profession-specific ends,
33 such as life and health. The second kind of reason is *assurance*; when issues of
34 corruption and conflict of interest are debated, professional integrity is often
35 emphasized as the virtue that gives us reason to trust role holders to place
36 professional standards above self-interest.

37 In this paper, I will develop an account of professional integrity as a distinct
38 virtue (rather than just “ordinary” integrity in a special context), involving
39 responsiveness to both fidelity and assurance. This view will be developed in a
40 loosely Aristotelian way, as a response to two alternatives that turn out to be
41 professional vices, which can be traced in the literature on professional integrity.
42 One of these views emphasizes fidelity to the ends of a professional practice, as in
43 health or education; this may be called the *teleological* view. The other alternative
44 sees professional integrity as a matter of assurance and conceptually identical to
45 ordinary integrity; this may be called the *generic* view. As a third alternative, I
46 develop the *interpretive* view. On this account, professional integrity is distinct from
47 ordinary integrity but not because of a direct commitment to profession-specific

48 ends. What makes professional integrity distinct is the way in which it calls for an
49 interpretive judgment of what the role requires.

50

51

52 **The Teleological View**

53 The teleological view describes professional integrity as a commitment to key ends
54 of professional practice, as in education or health. Dean Cocking and Justin Oakley
55 (2001) provide a clear example of this approach: “For, characterising the goal of a
56 profession in terms of the substantive good it undertakes to serve helps us better
57 understand appeals to a notion of professional integrity as a reason for refusing to
58 carry out certain requests for patients or clients” (Cocking & Oakley 2001: 83).
59 Their main example is active voluntary euthanasia, which they claim “is to betray
60 the goal of serving health which fundamentally defines their profession of medicine”
61 (2001: 83). Even if it would be best for the patient to grant his or her autonomous
62 request to be killed, doctors do not feel they act on this request in their capacity as
63 doctors. In this way, the authors differentiate between personal and professional
64 integrity. Active voluntary euthanasia may be compatible with personal integrity,
65 but it must be performed with the “doctor’s hat off” (Cocking & Oakley 2001: 83).
66 Cocking and Oakley refer with approval to an article by Franklin G. Miller and
67 Howard Brody (1995) that expresses similar ideas but with an even stronger
68 emphasis on the conception of professional integrity as concerned with *profession-*
69 *internal* values: “The acts of physicians of integrity must serve the proper ends or
70 goals of medicine, and they must be ethically appropriate means to these ends in
71 light of the values and norms internal to the practice of medicine” (Miller & Brody
72 1995: 11).

73 The insistence that professional integrity cannot be reduced to bureaucratic rule-
74 following or mere responsiveness to client or patient requests is an attractive feature
75 of this approach. The teleological view accepts rules and requests only insofar as
76 they are sanctioned by a legitimating end. Oliver Wendell Holmes Sr., a physician
77 renowned for his literary skills as well as for reforming medical practices of the day,
78 elegantly elaborated on the importance of this point, expressing only disdain for
79 “plain practical workmen” who “go about the work of the day before them, doing it
80 according to the rules of their craft, and asking no questions of the past or of the
81 future, or of the aim and end to which their special labor is contributing” (Holmes
82 1860: 8). Holmes drew a striking analogy to one of Sir William Edward Parry’s
83 Arctic expeditions. The expedition was supposed to be racing towards the North
84 Pole, but the ice they travelled on was drifting towards the Equator, and this reverse
85 travel would remain undiscovered if everyone kept their eyes strictly on the track
86 they were plodding. Holmes used this story to illustrate the necessity of seeing
87 practice in light of its larger purpose: “It is not only going backward that the plain
88 practical workman is liable to, if he will not look up and look around; he may go
89 forward to ends he little dreams of” (Holmes 1860: 8). Holmes’s dreaded “plain
90 practical workman” appears to be the opposite of an agent with professional
91 integrity. The Arctic parable expresses the common understanding that professional
92 integrity is a virtue that demands that role holders lift their gaze and allow their
93 judgments to be informed by a sense of purpose. The virtuous alternative to the
94 plain practical workman is a role holder who makes responsible judgments with a
95 reach that extends beyond the immediate task.

96 The teleological view would deny professional integrity to role holders who are
97 unwilling to make evaluative judgments that reach beyond the immediate task. A
98 doctor of integrity will see his actions in light of the overarching end of promoting
99 health and not simply as performing assorted tasks without further connection.
100 However, Holmes asked role holders to “look up and look around,” and the
101 teleological view fails on the “look around” part. The teleological view requires role
102 holders to be faithful to profession-specific ends, but does not ask them to integrate
103 these ends with the wider array of legitimate expectations.¹ Miller and Brody are
104 very explicit about this: “Ethical considerations of respect for patient autonomy,
105 social utility, and justice lie outside the domain of professional integrity, which
106 constitutes the internal morality of medicine” (Miller & Brody 1995: 7; see also
107 Lantos, Matlock, & Wendler 2011: 495).

108 A figure inspired by the main character of the TV show *House M.D.* serves to
109 illustrate how this view is problematic. Let’s call him Greg, and ignore the
110 interpretive issues and various complexities in the series. Greg has exceptional
111 diagnostic skills and a strong drive to solve medical puzzles. Understanding the
112 nature of an illness is what matters to him, and he does not respect features of
113 practice that constrain the pursuit of this end. According to Greg, procedural
114 requirements, organizational hierarchy, collegial norms, and codes of ethics are
115 more like annoying hurdles than genuine sources of reasons to moderate behavior.

116 Importantly, Greg’s transgressions do not seem to be betrayals of a practice-
117 internal good. That is, his failings as a professional are not due to a pursuit of goals
118 foreign to the heart of medicine. Greg is not acting in the name of self-interest, nor
119 is he pursuing money or fame. His disrespect for what he considers mere
120 conventions of practice is a consequence of his sincere commitment to providing
121 correct treatment according to his own judgment. Greg only violates norms
122 regulating patient autonomy or confidentiality when he believes there is some
123 medical gain.

124 Can defenders of the teleological view denounce Greg without altering their
125 conception of professional integrity? That would seem to require a special claim
126 about how the virtue can be possessed. Defenders of the teleological view could bite
127 the bullet and grant Greg professional integrity despite his lack of other virtues. On
128 this reading, Greg is a raw manifestation of professional integrity, purged of all
129 kinds of external side-constraints and independent of other professional virtues.
130 Certainly, this strategy identifies a distinct character trait, but it remains an open
131 question as to whether this trait is a virtue. Do we value such behavior in the role
132 holders we depend on? Advocates of this view might admit that we would not want
133 professionals to be so anarchic and dismissive of shared norms but counter that
134 integrity is only one of many virtues. At least Greg possesses this one virtue,
135 although it would be preferable if he also had others, such as respectfulness and
136 collegiality.

137 However, this pick-and-mix approach to virtues is untenable. As McDowell
138 (1998) puts it, “the particular virtues are not a batch of independent sensitivities”
139 (McDowell 1998: 53). His example of kindness illustrates how full possession of a
140 virtue requires responsiveness to the requirements of other virtues, such as fairness.
141 What elevates a disposition into a virtue is that it is conducive to right action. But
142 the relevant behavior associated with kindness will not always produce right action
143 by itself. Suppose, for instance, that one can express kindness by being sensitive to

144 Mary's feelings and granting her request for something. What then if this request is
145 granted at the expense of a (still valid) promise one has made to Martin?
146 McDowell's point is that the relevant range of behavior associated with one virtue
147 does not lead to right action unless constrained by a sensitivity to other
148 considerations—like, as here, promissory rights. In short, there is unity to virtue;
149 true kindness is not blind to justice.² Similarly, dismissing institutional procedures
150 and widely accepted norms as misguided conventions is not professional integrity
151 but the vice of arrogance. The unity of virtue requires us to reject the claim that
152 “respect for patient autonomy, social utility, and justice lie outside the domain of
153 professional integrity” (Brody & Miller 1995: 7). Insofar as such broad features of
154 medical ethics are genuine values, professional integrity is not indifferent to them;
155 rather, it is integrated with them.

156 Is the notion of practice-specific goods simply a red herring in addressing the
157 question of professional integrity? This seems exaggerated, as the teleological view
158 surely captures *part* of what constitutes the virtue. It is especially disastrous for the
159 integrity of a professional to judge and act irresponsibly with regard to goods that
160 the practice has asked to be trusted with. Acting with integrity in the name of a
161 practice that has promised to promote health requires special rectitude in such
162 matters, and any betrayal of this value poses a specific threat to professional
163 integrity. Furthermore, it seems reasonable to claim that a physician may think as a
164 private individual that active voluntary euthanasia is morally permissible while still
165 seeing it as a break with the requirements of professional integrity. However, the
166 teleological view does not capture the nature of the judgments that lead to such
167 verdicts.

168
169

170 The Generic View

171 Let us now consider the opposite view—that professional integrity is not a special
172 value commitment that transcends patient or client expectations but a virtue that
173 gives us reason to trust professionals *in the same way* that ordinary integrity is a trait
174 that gives us reason to rely on the words of friends and confidants. This view can be
175 found in many accounts of professional integrity;³ for present purposes, it will be
176 useful to discuss a recent version of this view, developed by Greg Scherkoske in
177 *Integrity and the Virtues of Reason* (2013). This account is especially rewarding
178 because it emphasizes aspects of integrity that are of particular importance in the
179 professional context.

180 Scherkoske argues that integrity belongs to the family of epistemic virtues, along
181 with traits like intelligence, thoroughness, and open-mindedness. On his account, a
182 commitment to the enterprise of excellent judging constitutes integrity (Scherkoske
183 2013: 88). Persons of integrity are willing and competent to hold and act upon their
184 considered judgments. Unlike people who constantly question their own decisions
185 or backslide in the face of social pressure, persons of integrity take their judgments
186 seriously and are resolute in the face of temptation to waiver. They trust their own
187 convictions when appropriate and suspend their decisions only in light of relevant
188 reasons.

189 Central to this account is the idea of connecting integrity to responsibility in
190 offering reasons to others. Agents of integrity have an adequate understanding of
191 their epistemic position and of what kinds of judgment this position entitles them

192 to. They use this understanding to constitute themselves as authors of dependable
193 assurances: “People of integrity are constitutively *good on their word*: that is, they
194 are good sources of competent and reliable reasons for action and belief”
195 (Scherkoske 2013: 150, italics in original). In other words, persons of integrity are
196 careful when they assert, promise, or use other performatives aimed at providing
197 deliberative *assurance* to the receiver. They take the associated commitments
198 seriously, taking care not to vouch for claims that they are not in a position to
199 validate. In other words, they invite others to rely on their judgment only when it is
200 responsible to do so.

201 Scherkoske’s conception offers more than a phenomenological account of
202 common perceptions of integrity; it also *vindicates* the idea that this is a genuine
203 virtue—a character trait of value. His account builds on the plausible
204 methodological assumption that both descriptive and normative adequacy are
205 required in defending any conception of integrity (Scherkoske 2013: 16–20).
206 According to Scherkoske, giving an account of integrity is not just about structuring
207 common understandings; it is also about explaining why we are right to value
208 integrity. What makes integrity a virtue in its own right is its importance in contexts
209 where we depend on others: “Integrity is distinctive partly because of *why* we want it
210 in the persons whom we surround ourselves with, specifically those mentors, friends
211 and advisors upon whose judgment we rely” (Scherkoske 2013: 150, italics in
212 original).

213 Professionals are perhaps the paradigm case of persons whose word is offered as
214 trustworthy. It is constitutive of professional roles that they aim at being good
215 sources of reasons for belief and action. As the sociologist Everett Hughes
216 formulates the “essence of the professional idea,” professionals “profess to know
217 better” (Hughes 1984: 375). Physicians purport to know what is good for our health
218 and offer their judgment as something to be relied upon. Teachers invite us to trust
219 that they know how to educate our children. Lawyers take on our cases with the
220 promise that their legal aid is dependable. In short, professions are institutions that
221 present themselves as worthy of being entrusted with a key social responsibility.

222 In this vein, Andrew Abbott’s influential sociological account describes
223 professions as actively requesting the public to treat their word as singularly
224 trustworthy: “In claiming jurisdiction, a profession asks society to recognize its
225 cognitive structure through exclusive rights” (Abbott 1988: 59). The actual
226 transactions may take many forms, of course. As Abbott explains, “In America it is
227 ultimately through public opinion that professions establish the power that enables
228 them to achieve legal protection. By contrast, on the Continent the state itself has
229 traditionally been the professions’ public” (Abbott 1988: 60). The relevant point
230 here is that being good on one’s word as a professional involves a responsiveness to
231 public expectations engendered by the claim for a socially recognized jurisdiction.

232 On this reading, professional practice is constituted by its *assurance relation* to
233 the public. This frames the virtue of professional integrity within a different
234 conception of practice than that suggested by the teleological view. In particular, it is
235 a deontic conception, emphasizing practice as a source of demands, as opposed to
236 an axiological conception that focuses on the internal values of the profession. The
237 general concept of professional practice seems to allow for both readings.
238 Nevertheless, the deontic conception is more appropriate for understanding the
239 value of professional integrity. Seeing professional practice as constituted by an

240 assurance given to the public enables us to connect the virtue to our legitimate
241 expectations. As Scherkoske argued, our reasons for seeking integrity in others is an
242 important aspect of what makes it a distinct virtue. Given that the public entrusts
243 professions with key social responsibilities, it is therefore reasonable to connect the
244 virtue to the assurance relation that has been created.

245 So far, there has been little reason to doubt the generic view, to which
246 Scherkoske's account is explicitly committed. He claims that distinctions commonly
247 made between types of integrity serve only to "make clear the content of the relevant
248 set of convictions, in the adherence to which a person expresses her integrity"
249 (Scherkoske 2013: 101). That would imply that there are no interesting or
250 substantive differences at the conceptual level, and this claim is not without
251 plausibility, as Scherkoske has made a strong case that integrity is a matter of
252 responsible assurance. Moreover, it has been argued that the notion of assurance is
253 partly definitional of the professions. In other words, professionals are bound by the
254 mechanisms of responsibility that Scherkoske has referred to in explaining integrity.

255 However, this view should also be considered in relation to Greg. Again, Greg
256 only cares about getting the diagnosis right; routines, codes and norms are to be
257 conformed to only insofar as they are instrumental in solving the case at hand.
258 Although Greg fails to live up to the standard image of a doctor, he exhibits much of
259 what we associate with ordinary integrity.⁴ He sticks to his best judgment and
260 ignores what he thinks are misguided conventions. He has the courage to put
261 conviction over desire for approval, and he has the strength to hold and act upon his
262 considered judgments. Certainly, he may deceive his patients and colleagues in
263 order to find the key to a particular medical mystery. However, he is generally
264 candid about his overall approach, and he is not afraid to state his actual reasons for
265 action. He is an integrated agent in the sense that his mind is made up on matters of
266 importance, and he speaks his mind when questioned. But is this sufficient to meet
267 the standard of professional integrity?

268 Defenders of the generic view hold that the ordinary virtue of integrity is
269 sufficient to secure an appropriate responsiveness to role-dependent expectations.
270 However, if that were so, we should ascribe professional integrity to anyone who
271 maintains personal integrity in the work context. The case of Greg illustrates how
272 this creates an internal conflict in the generic view, because it runs counter to
273 Scherkoske's own requirement of normative adequacy. As he claims above, integrity
274 is distinct largely because of why we want it in people we rely on. His conception of
275 ordinary integrity seems plausible partly because it vindicates our sense that it is
276 valuable. But this normative condition of conceptual distinctness actually points
277 towards a divide between ordinary and professional integrity. We value professional
278 integrity in role holders largely because it prevents them from acting like Greg. As
279 patients or clients, we encounter professionals as representatives of practices with
280 standards that are supposed to warrant our trust. Whatever one may think of Greg
281 as an illustration of ordinary integrity, he is not good on his word *as a professional*.
282 He does not take his practice seriously as a shared enterprise with common
283 principles but sees his role as guided solely by his personal judgment.

284 Evidently, Greg's opinions on the authority of various norms of professional
285 ethics are likely to diverge significantly from the views of the people who depend on
286 him. This means that the generic view fails according to its own standard; in
287 holding professional integrity to be essentially the same virtue as ordinary integrity,

288 the connection with warranted assurance is lost. That is because the reasons for
289 wanting integrity in persons *qua* persons differ from the reasons for wanting
290 integrity in role holders *qua* role holders. When a friend offers advice on how I
291 should deal with a conflict, integrity requires her to state *herself* as the source of
292 reasons. I value my friend's integrity as excellence in standing for her own beliefs
293 rather than merely paying lip service to what I might approve of (cf. Calhoun 1995).
294 She remains an integrated person by giving her word in a manner that reflects
295 genuine conviction.

296 Scherkoske would presumably agree that the value of professional integrity does
297 not refer to personal conviction in this straightforward sense. As already mentioned,
298 his own notion of warranted assurance would disqualify Greg from being good on
299 the word of his practice. Nevertheless, the generic view fails to give us an account of
300 what Greg should be doing instead. What we need is an account that describes a
301 mode of practical reasoning that can live up to this standard. As discussed in
302 relation to the entrusted nature of professional practice, the standard of assurance
303 that Scherkoske associates with integrity has definite appeal in the professional
304 context. For the remainder of this paper, I will defend the claim that integrity as
305 responsibility to be good on one's word takes on a distinct form in the professional
306 context. Professional agents hold roles that purport to be trustworthy in light of
307 their public standards, and this implies a break with the view that integrity is
308 generic.

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311 **The Interpretive View**

312 The central claim of the interpretive view is that for professional integrity to connect
313 with assurance it must be an *interpretive* virtue. I develop this view by following the
314 lead provided by Andrew Edgar and Stephen Pattison (2011). They characterize
315 professional integrity as a mode of reasoning that calls for the role holder to engage
316 critically and creatively with the varied and sometimes conflicting demands of
317 practice. They describe the virtue as both an "interpretive stance" and a "deliberative
318 capacity and competence which is deployed in the context of complex professional
319 and organizational work to find appropriate answers and ways forward" (Edgar &
320 Pattison 2011: 103). Daniel E. Wueste (2014) emphasizes something similar in his
321 discussion of cheating and the duty to report it within academic institutions;
322 integrity requires recognition that ethical decisions are "situated" in a "cluster of
323 relationships that enriches but also, inevitably, makes things complicated rather
324 than simple" (Wueste 2014: 20).

325 These approaches indicate a conception of professional integrity in which
326 interpretive and evaluative engagement with practice is central. In developing the
327 interpretive view, I will connect the notions of being "situated" and taking an
328 "interpretive stance" more systematically to professional integrity. First, what is the
329 fundamental normative relation that governs the situation? It is a promissory
330 relation, where the profession has given its word to the public. Role holders are
331 situated as promisors. What is the object of interpretation? It is professional practice
332 as a framework for decision-making. The main idea is that for professionals to be
333 good on the word of their practice, they must act on a defensible interpretation of
334 what their practice has promised.

335 The first step is to give Greg the proper moral diagnosis, and it has been argued
336 here that the two preceding views could not do so. His main failure is not a betrayal
337 of health, the key good of his practice. Nor is it a lack of willingness or competence
338 to stand behind his considered judgments. Rather, he lacks professional integrity
339 because he does not act in the name of his practice. Formal requirements, codes of
340 ethics, institutional hierarchies, and collegial norms are among the features of
341 professional practice that engender public expectations of professional role holders.
342 For example, Greg's medical practice is subject to norms regarding respectful
343 consultation and patient autonomy. Greg does not acknowledge the authority of
344 these standards, which means that the word of the practice does not have the
345 normative force to override his personal judgment.

346 Evidently, the alternative to Greg cannot simply be Holmes's dreaded "plain
347 practical workman," who simply acts on the most straightforward and literal
348 reading of role requirements. As already mentioned, professional integrity is often
349 associated with a refusal to carry out certain role requirements (e.g. abortion and
350 euthanasia). We do not wish to entrust key social goods such as health, education,
351 and legal justice to role holders who surrender their ethical judgment in executing
352 their role. In developing the interpretive view here, the goal is to provide an
353 alternative to both Greg and the practical workman, both of whom fail to achieve an
354 integrated understanding of the practice they represent. Greg does not integrate his
355 sense of professional purpose with the existing features of practice. The practical
356 workman, on the other hand, does not integrate his interpretation of practice with a
357 sense of purpose. It is time to introduce a third character.

358 In articulating the interpretive view, it will be helpful to borrow the figure of a
359 "chain novelist" from the theory of adjudication developed by Ronald Dworkin. He
360 compares the task of judges to the task of authors engaged in a "chain novel"
361 (Dworkin 1985: 158–162; 1986: 228–238). This comparison elicits a mode of
362 reasoning that has general relevance in the professions. A chain novel is written one
363 chapter at a time, and each finished chapter is passed along to a new author, who
364 writes the next one. The task of each author is to make this the best novel it can be.
365 It must unfold as a coherent story rather than as a mishmash of different visions.
366 This calls for an integrated view of the story elements. The chain novelist "must take
367 up some view about the novel in progress, some working theory about its
368 characters, plot genre, theme, and point, in order to decide what counts as
369 continuing and not as beginning anew" (Dworkin 1986: 230). According to
370 Dworkin, this analogy is apt both to describe and to justify the actions of judges,
371 who know that they are deciding disputes in the name of a practice that has given
372 principled verdicts in similar cases. The good judge views earlier decisions "as part
373 of a long story he must interpret and then continue, according to his own judgment
374 of how to make the developing story as good as it can be" (Dworkin 1986: 239).

375 Why suppose that the figure of a chain novelist has relevance for professional
376 integrity? Judges are continuing the "story" of law in a readily comprehensible
377 sense, but their standard for decision-making is not obviously applicable to
378 professional roles in general. In order to see the relevance of the chain novelist, we
379 must consider why the analogy was introduced in the first place. The theory of legal
380 adjudication is a response to the fact that judges have to decide "hard cases" that
381 cannot be read straight off the books. How statutes should be applied or precedent
382 invoked is usually open to argument when cases reach court. Judges must rule in

383 favor of a particular reading of the law; the question is what makes one reading
384 better than another. The key end of legal practice is justice, so one might suppose
385 that decisions are better or worse according to the standard of justice. That is, good
386 legal decisions aim for outcomes that conform to a vision of what is morally due to
387 those involved. This sort of answer would suit Greg, if he were a judge. It fits his
388 mode of operation, which is to focus directly on the key end of his profession.
389 However, it would also reintroduce the problems we encountered above. What
390 counts as a just outcome is open to considerable disagreement, and the direct
391 application of justice therefore places too much responsibility on the role holder
392 while failing to explain the authority of the decision.

393 Dworkin's standard for adjudication involves justice, but not as a direct measure
394 of the quality of legal decisions. As he emphasizes, there is no "license for each judge
395 to find in doctrinal history whatever he thinks should have been there" (Dworkin,
396 1985: 160). His figure of the chain novelist is opposed to the idea that judges should
397 be guided directly by their perception of moral desert. Rather, their role is to reach
398 an integrated view, where justice is draped "in workclothes," as one commentator
399 has put it (Postema 1997). That is, judgments are informed by a conception of
400 justice *contained within* the grounds of existing law. This conception is likely to be
401 imperfect by the judge's own lights, just as a chain novelist will be disappointed with
402 certain story developments. Nevertheless, neither role holder is entitled to start with
403 a blank slate or make decisions untainted by compromise.

404 This barely scratches the surface of Dworkin's complex theory of legal
405 adjudication, but it helps to show how the chain novelist represents a mode of
406 reasoning that distinguishes professional integrity. Unlike being good on one's word
407 as an ordinary agent, the professional agent represents a practice that has
408 engendered a multifarious set of legitimate expectations. Professionals face the
409 interpretive challenge of trying to understand how such provisions as codes,
410 organizational procedures, and norms constitute the word of the profession. Like
411 the chain novelist, they must make their decisions in light of an understanding of
412 what others have done, why they have done it, and what this entitles the public to
413 expect. The next two sections will elaborate this idea by defending it against two
414 objections.

415

416

417 Why Interpret?

418 The first objection concerns the need for interpretation. One can accept Dworkin's
419 model of legal adjudication and still deny that it captures anything essential about
420 professional integrity. Is interpretive judgment a distinct and essential aspect of
421 professional integrity? One reason to doubt the relevance of the chain novelist is
422 that the case of judges is idiosyncratic, as they must make decisions that are
423 inherently tied to interpretive disputes. Judges are in court in the first place because
424 of disagreements over legal decisions, which means their integrity is obviously
425 dependent on responsibility in interpretation.

426 However, the idea here is not that every professional role involves interpretive
427 *tasks* on a par with adjudication. It is difficult to see, for instance, how the
428 interpretations made during surgery are similar in any relevant way to legal
429 interpretation. Instead, the claim is that all professional roles are executed in the
430 name of a *practice*, and that the word of the practice requires interpretation

431 precisely because the practical import of the assurance relation is open to reasonable
432 disagreement. Nevertheless, even this claim may seem suspect. One could claim that
433 the mission of the classic professional roles is settled and that no fundamental
434 disputes remain—that is, that professional practice does not require an interpretive
435 stance.

436 To find an illustrative case for this objection, we need look no further than the
437 role of legal representatives. The role of lawyers is supposedly to defend the interests
438 of their clients by means of the various instruments available to them through the
439 legal system. A good lawyer will “without fear defend the interests of his client and
440 without regard to any unpleasant consequences for himself or to any other person”
441 (International Code of Ethics, 1956/1964, 6.6). Lawyers owe loyalty only to their
442 clients, and their mission is to secure every possible advantage obtainable through
443 the legal system. For example, they may use delaying tactics in order to make it too
444 costly for the opponent to proceed, or instigate countersuits merely to create
445 conflicts of interest. In short, they offer their skills to the client without any concern
446 for legal deserts. The adversarial system will in itself realize legal justice; lawyers
447 need not be directly concerned with this end. Why, then, should interpretive
448 judgments matter here?

449 This objection is misguided in a sense that helps to clarify the point of the
450 interpretive view. Anyone who held this view of the lawyer’s role would be offering
451 a deeply evaluative understanding of the notion of zealous representation. In Tim
452 Dare’s terminology, they would interpret the lawyer role as committed to “hyper-
453 zeal” instead of “mere-zeal” (Dare 2009: 76–86). Hyper-zeal is concerned merely
454 with the interests of clients. This attitude recommends using tricks of the trade to
455 secure every possible advantage obtainable with legal instruments. Mere-zeal, on the
456 other hand, is about achieving the proper legal deserts for clients. The goal is to
457 secure legal *entitlements* rather than interests as such. Dare delivers a forceful
458 defense of mere-zeal as the proper understanding of zealous representation. In
459 doing this, he is taking a normative stand on what it means to be good on the word
460 of the practice. The point here is not to argue in favor of the notion of mere-zeal but
461 rather to emphasize the disputed nature of the ends of professional practice. As
462 noted by another author, Dare’s interpretation “strikes some lawyers as deeply
463 confused” (Wendel 2010: 79).

464 The ends of medical practice are no less disputed. The previously mentioned
465 claim by Cocking and Oakley that active voluntary euthanasia involves a betrayal of
466 the key good of medicine aimed in part to explain how health as an end
467 distinguishes medical professional integrity. However, in referring to the article by
468 Miller and Brody (1995), they inadvertently reveal how professional integrity is
469 bound up with interpretive judgment of the role. Miller and Brody do not tie
470 medical integrity to the pursuit of health in any straightforward sense. Instead, they
471 state three fundamental goals for the practice of medicine: healing, promoting
472 health, and helping patients to a peaceful and dignified death (Miller & Brody 1995:
473 11). These diverging views on the nature of medicine lead to different framings of
474 particular decisions. Those who reject the act of helping patients to a peaceful and
475 dignified death as a fundamental goal of medicine are also likely to reject
476 institutional procedures and requirements for euthanasia as legitimate parts of
477 practice. For these role holders, their understanding of medicine does not extend to
478 helping patients to a dignified death. Insofar as they conform to institutional

479 regulations connected to euthanasia, they consider this to be external to their true
480 practice.

481 Many accounts of professional integrity emphasize the complexity of cases and
482 the conflicting expectations that professionals encounter. The above examples from
483 law and medicine indicate how responsible resolution of such complexity and
484 conflict builds on an interpretation of the word of the practice. The normative force
485 of client and patient requests depends on what role holders understand their role to
486 be. Am I the mouthpiece of my client? Does my practice involve helping patients to
487 a dignified death? Professionals of integrity reason responsibly about such
488 questions. They see themselves as part of a practice that has offered its word to the
489 public, and they recognize their responsibility to achieve clarity about what this
490 means. In this regard, the notion of interpretation as highlighted by the figure of the
491 chain novelist expresses a distinct and important dimension of professional
492 integrity.

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495 **Why Respect Flawed Decisions?**

496 The second objection to the interpretive view concerns the connection between
497 professional integrity and features of practice that are judged by the role holder to
498 be misguided or inadequate. The interpretive view requires role holders to continue
499 the story they are part of, even when it rests on decisions that one disagrees with.
500 For example, professionals of integrity comply with established norms of patient
501 autonomy even when they believe that patients would be better off in a more
502 paternalistic institution. Neither the teleological view nor the generic view offers any
503 reason to think that role holders of integrity should comply with flawed decisions.
504 However, one might counter that this is a strength of these views, and that
505 professional integrity is antithetical to compromise. In rejecting Greg as a model of
506 professional integrity, are we not disconnecting this virtue from the notion of
507 morally responsible judgment?

508 This objection gains momentum from the plausible constraint that Gabriele
509 Taylor places on integrity's deliberative point of view: "The person of integrity will
510 not repeatedly act against her evaluations" (Taylor 1985: 119). Any account of
511 professional integrity lacks credibility if it denies that actions should be responsive
512 to one's best judgment. How does this reflect on the figure of the chain novelist,
513 who complies with flawed decisions? Unlike Greg, who always acts according to his
514 own vision, the good chain novelist continues the story in ways that cohere with the
515 preceding installments. So, is the interpretive view more interested in coherence
516 than in getting it right?

517 This objection rests on a misleading distinction between aiming for coherence
518 and acting on one's best judgment. It fails to acknowledge that the relevant
519 coherence is a matter of fidelity to the assurance given to the public. Professionals of
520 integrity are good on the word of their practice, which requires integration of the
521 various features of practice into a coherent response to legitimate expectations.
522 While this may involve integrating flawed decisions, it is not a call for a surrender of
523 judgment or action against one's own evaluations. On the contrary, professionals of
524 integrity act according to their best reading of practice. Moreover, their
525 interpretation proceeds on the background condition that the practice is a justifiable
526 social institution. As such, it holds authority for the role holder as a legitimate

527 framework for action in circumstances of reasonable disagreement on how to realize
528 values such as health promotion, legal justice, or education provision. There is no
529 contrast between integrity and moral judgment here because the legitimate role is
530 constituted by a binding social agreement on what counts as legitimate grounds for
531 professional action.

532 Compare this with Kant's (2009) conception of the use of reason in entrusted
533 offices. He describes the clergyman who disagrees with the doctrines of the church.
534 As he notes, this priest is acting in "someone else's name" and will therefore
535 expound the teachings of the church in the entrusted manner. However, Kant
536 emphasizes that misguided features of his practice are not simply executed without
537 interpretive judgment:

538
539 He then extracts as much practical value as possible for his congregation from
540 precepts to which he would not himself subscribe with full conviction, but which
541 he can nevertheless undertake to expound since it is not in fact wholly impossible
542 that they may contain truth (Kant 2009: 5).

543
544 This remark is interesting because it identifies two tasks for evaluative judgment.
545 First, the features of practice that form the material for interpretation must be
546 reasonable or legitimate. This coheres with the account of integrity defended above.
547 Professionals of integrity do not integrate illegitimate aspects of practice into their
548 understanding of the role. For example, priests are divided on the issue of gay
549 marriage. Priests who believe that it is *sinful* to carry out such ceremonies are
550 prevented by their professional integrity to do so. Other priests may hold that the
551 directives rest on a reasonable conception of core religious values, even though they
552 would not themselves *recommend* the institutionalization of gay marriage. The latter
553 group is not prevented by their professional integrity to carry out the ceremony. In
554 Kant's words, role holders of integrity comply with directives when it is not "wholly
555 impossible that they may contain truth."

556 The second task of evaluative judgment mentioned by Kant is to "extract as
557 much practical value as possible" from the given materials of the role. This task is
558 constructive, and the interpretive view emphasizes that it must be guided by a sense
559 of professional purpose. The figure of the chain novelist represents a particular
560 mode of extracting value in light of professional purpose. Like chain novelists,
561 professionals of integrity join the narrative of a story that is partially developed but
562 not predetermined. The challenge is to continue the story in a way that realizes its
563 best potential. Ideally, judgments made in the name of professional practice draw on
564 grounds that affirm the assurance relation to the public. These judgments are
565 informed by existing rules and procedures in a way that realizes the word given to
566 the public.

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569 Conclusion

570 The interpretive view explains professional integrity as a virtue concerned with both
571 fidelity to practice and assurance to the public, connecting these features by
572 emphasizing the role of evaluative judgment. In being good on the word of their
573 practice, professionals of integrity are responsive to the entrusted nature of their
574 responsibility. From various sources of legitimate expectations, they extract the

575 most compelling vision of how to realize the ends of their profession. Like chain
576 novelists who must continue a partly written story, they recognize the normative
577 force of even the flawed features of practice and integrate them into their
578 conception of the role.

579 However, good chain novelists recognize when the story has gone astray and are
580 obligated to bring it back on track. In this regard, the interpretive view highlights
581 how objections in the name of professional integrity deliver a distinct verdict.
582 Requirements that conflict with professional integrity are not merely wrong or
583 misguided; they represent a break with the word of the practice. The force of such a
584 verdict is obscured when integrity is interpreted as loyalty to an “internal” morality,
585 narrowly concerned with profession-specific ends. That conception reduces
586 professional integrity to a matter of preserving the domestic purity of practice. The
587 true merit of the virtue lies elsewhere. Its importance is explained by the aim of
588 making our trust in role holders warranted. Objections that appeal to professional
589 integrity address the public as promisee. The justificatory weight of such appeals
590 depends on whether the alleged break is supported by a responsible reading of
591 practice.

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601 Notes

602 ¹ In this regard, we can distinguish between a *wide* and *narrow* reading of the
603 teleological view. On the wide reading, the profession-specific good that
604 professional integrity is concerned with includes considerations of justice, patient
605 autonomy, etc. It is possible to argue that Cocking and Oakley belong in this wide
606 category because of two features of their account: first, their inclusion of “side
607 constraints” that regulate the means to pursue the internal goals of practice; second,
608 their slightly paradoxically formulated idea that health as the proper goal of
609 medicine is more than health (Cocking & Oakley 2001: 90–92). However, the wide
610 reading leads to further questions concerning how integrity is conceived as a unified
611 virtue when tied to a wider array of considerations. It is, at best, the beginnings of an
612 account of professional integrity.

613 ² I am only committed to what Gary Watson (1984) calls the “weak unity thesis,”
614 which says that in order to have one virtue you must be sensitive to considerations
615 relevant to the others. McDowell endorses the stronger claim that “no one virtue
616 can be fully possessed except by a possessor of all of them” (McDowell 1998: 53).

617 ³ Cox, La Caze and Levine (2003: 103) attribute the generic view to Benjamin (1990,
618 chs. 3 and 6), Calhoun (1995), Grant (1997), and Halfon (1989). To some extent,
619 this attribution rests on implicit assumptions in the texts. Cox, La Caze and Levine
620 provide a brief critical discussion of the view in general terms, but as Pritchard

621 (2006: 67–68) has argued, their own alternative goes too far in the other direction, as
622 they make professional integrity a distinct virtue for every individual profession.
623 ⁴ Greg’s disregard for general moral considerations does not disqualify him from
624 being an agent of integrity on Scherkoske’s account, in which the connection
625 between integrity and moral conviction is allegedly “frequent but contingent”
626 (Scherkoske 2013: 63). Scherkoske claims that standards of ordinary integrity can be
627 understood in a non-moral sense. On his account, failure to be good on one’s word
628 is an “abuse of the illocutionary norms and commitments internal to assurance”
629 (Scherkoske 2013: 179); so, lack of integrity amounts to abuse of performatives like
630 promising or assertion, but supposedly, this does not necessarily involve moral
631 standards.

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