CHAPTER 2

Professionalism, Professional Ethics, and Ways to Think about Ethical Problems

This chapter quickly reviews a number of basic questions that must be answered before we can make sense of professional ethics and what it means for our life at work. It begins by summarizing what it means to be a professional, and then reviews the scope and content of professional ethics. Finally, it summarizes simple checklists for helping to think through ethical problems.

WHAT IS A PROFESSION?

In our work managing forests, rangelands, parks, watersheds, and wildlife resources, we like to think of ourselves as professionals. Leaders of our professional societies and distinguished academics tell us that we are professionals. Yet, in my experience, few of us have ever had occasion to think about what this means. During my education, nobody ever told me specifically what a profession is. So, what does it mean?

Defining what a profession is involves a number of points. In day-to-day talk, we often distinguish between someone who is an amateur versus someone who is a professional. A professional racing car driver possesses unusual skills in a demanding field, but is not generally regarded as a professional in the sense we mean here. Likewise, a professional baseball player is not seen as practicing “in the public interest” as is a medical doctor. So, being a professional means more than spending a lot of time at it and doing it for money.
The first hallmark of being a professional is completion of specialized and rigorous training. The classic “learned professions” of medicine, the law, and the ministry exemplify this. The required postgraduate training is highly selective, rigorous, and time consuming. People recognize that not everyone is qualified to enter medical school or law school. The education is demanding because the service provided by professionals is highly specialized. It draws upon complicated kinds of information and analysis. In a patent lawsuit, for example, the attorney knows not only specialized aspects of law, but is able to search cases applicable to the dispute, and to understand how to judge the significance of other legal decisions for the matter in hand. Because of these complexities, the client is usually not in a position to judge the competence of the attorney. For this reason, clients are protected from unqualified attorneys by state requirements for training and licensing.

While it may be invisible to the public, a basic trait of a profession is regular concentration on continuing education, and updating in new science and techniques that become available. State licensing practices require minimum amounts of annual continuing education as a condition of retaining one’s license to practice.

<table>
<thead>
<tr>
<th>Traits of a Profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Specialized knowledge/training.</td>
</tr>
<tr>
<td>• Recognized rigor of post-graduate training.</td>
</tr>
<tr>
<td>• Service provided is highly specialized.</td>
</tr>
<tr>
<td>• Public acceptance as a profession.</td>
</tr>
<tr>
<td>• Practical experience essential.</td>
</tr>
<tr>
<td>• Professional societies.</td>
</tr>
<tr>
<td>• Some professions have privileges: journalists, attorneys, confidentiality.</td>
</tr>
<tr>
<td>• Status as professional is recognized by state governments.</td>
</tr>
<tr>
<td>• Professional practice is considered to be “in the public interest,” not merely a private business.</td>
</tr>
</tbody>
</table>

A critical marker of a profession is that it is an activity that is practiced “in the public interest.” Medicine, the law, and the ministry are fields recognized as touched with the public interest in special
ways. The interest of society in being protected from dishonest or incompetent doctors is obvious. Reflection will suggest that similar public interests affect other learned professions. This does not mean that professionals are expected to live in poverty by giving their services away for free. It means, for example, that an engineer must design a bridge that fully meets safety standards, and not just the cheapest possible one. The client’s desire for a low cost bridge must not trump the public’s interest in a safe bridge. Professional practice is intended to be more than a mere private business. Still, a professional’s practice must succeed as a business or it cannot last. A friend of mine often observes that you must have a successful practice in order to be able to resist temptation enough to perform in an ethical manner. I believe he’s right.

A friend of mine often observes that you must have a successful practice in order to be able to resist temptation enough to perform in an ethical manner. I believe he’s right.

Engineering is probably the original model of the modern technical profession. The field emerged in the 19th century in full development with university level training and specialized techniques, yet engineers existed in Roman times and before. For the most part, ancient engineers practiced as part of military or other government bureaucracies that were capable of supervising their work. They did not, by and large, hang out shingles as consultants to private clients, as they do today. Today, engineers may receive less formal university training than did the classic learned professions. Foresters, wildlife, and fishery professionals are in a similar position. This smaller dose of specialized, advanced education is one reason why the public may not perceive land mangers as professionals in the classic sense.

Another marker of a professional is that he or she exercises prudent judgment on behalf of the employer or client. This judgment is based not only on highly specialized training, but also on experience in dealing with similar situations. Decisions are based on a combination of knowledge and practical experience, not merely on calculations based on book learning. Similarly, attorneys advise clients on the basis of their experience in similar litigation or contract
drafting, and doctors rely on experience to diagnose illnesses and prescribe courses of treatment. All of these professions have guides and handbooks, but their work entails the use of judgment. Similarly, foresters rely on experience in developing prescriptions for forest stands, and wildlife biologists rely on experience in rendering advice concerning changes to game laws or regulations.

Further, a profession maintains a professional society, such as the Society of American Foresters, the Wildlife Society, or the American Fisheries Society. These groups accredit undergraduate degree programs, arrange technical meetings and conferences, publish journals, and may also award specific professional certifications. It is difficult to see how practitioners of a technical field could describe themselves as a “professional” if they are not members of their corresponding professional society.

Professionals are licensed or otherwise regulated by the states. Parts of this control may be delegated to state medical societies or bar associations, but the states backstop this with the requirement that one may only practice the profession with a license. Those whose license is withdrawn may not practice. In more than 2 dozen states around the country, systems of forester licensing or certification have been introduced in order to enable forest landowners to be assured that persons professing to practice forestry are adequately qualified.

Finally, a profession is accepted by the public as such. Plainly the traditional learned professions qualify. Very likely engineers do as well. Yet it is not so clear that land managers do. I have no survey evidence, but would guess that few members of the public would classify foresters and other wildland specialists as professionals in the same category as doctors and lawyers. Only a minority of the states have felt it necessary to license or certify foresters, while few if any license wildlife or fishery biologists or park managers.

If the public does not think of us as professionals, does it matter? Personally, I don’t think so. Foresters and other land managers can aspire to that status, and will upgrade their self-esteem and public reputation by acting like professionals. So, what does this mean, in practice?

**PROFESSIONAL PRACTICE**

Professional practice entails four principal components. It is built on a base of technical training, usually in a college or university setting,
where the basic knowledge and techniques are mastered. It then relies on experience as a basis for developing seasoned judgment; additionally, formal certifications may be involved. Finally, professional practice involves understanding of the ethical requirements for professional behavior. As these are not always self-evident, training in ethics is mandatory, at least as part of undergraduate education. Only when these four elements are present is an individual truly a professional.

Figure 1

THE NATURE OF PROFESSIONAL ETHICS

In professional practice, certain kinds of issues arise that may be somewhat different and often more specialized than encountered in everyday life. This is why we have a distinctive field of Professional Ethics: the general lessons of other ethics fields do not cover all of the questions that can arise in professional practice. For example, in everyday life, the ethical acceptability of accepting a finders’ fee does not arise (a finder’s fee, or referral fee, is offered in compensation for a referral of business or for bringing a deal to an investor). In business and professional work it does. The appropriateness of finders’ fees may be resolved differently in some lines of business than in some professional situations. In real estate, for example, finders’ fees are generally accepted, while in some professions, accepting a finders’ fee is considered unethical.

It is important to recognize these differences. The fields of professional ethics, business ethics, personal ethics, scientific ethics,
Professional ethics is a professional skill just like the more technical ones. As a skill, it must first be introduced through training, and then it must be cultivated over time. As our responsibilities change, we encounter new issues and challenges. As new sensitivities arise, ethics questions may be come more subtle or nuanced. As our work, family, and financial situations change, we may feel the tug of competing loyalties. Different work situations, a longer list of client associations, and wider extended family links can increase the potential for us to blunder into conflicts of interest. As our children approach college age, our income needs increase, and we may feel our loyalty to the land ethic of our younger years tested more often by competing client or employer pressures.

‘THE LINE’ VERSUS THE GREY ZONE

Too often, in our ethical discussions, we are so focused on trying to discern what is prohibited that we turn discussion into a negative sort of exercise. It is understandable how, in practical situations, the question is formed as, “Would it be unethical to do this”?

It is a step forward, I think, that the revised Society of American Foresters Ethics Guide, for example, announces as one of its goals an aspirational one – to advocate standards for a higher level of ethical behavior, rather than simply to mark out what is unacceptable. In our discussions of professional ethics we handicap ourselves by trying to
draw a clear line between what is ethical and what is not. The belief that there is a clear line, I think, often causes us to push that line too far in the direction of expediency. To divide all behavior into “ethical” and unethical” is a mistake. In enforcement of rules, some judgment must be made about behavior. But experience shows that reducing ethics to black and white is not always helpful.

**Figure 2**

![Diagram of Kinds of Actions]

Source: Pojman 1995: 10

An example may help. When a murder has been committed, the corpse is indifferent as to matters of degree. But not the law. The law distinguishes between “Murder One,” “Murder Two,” and so on. The distinction is based on the circumstances. Cold-blooded, premeditated murder is treated differently from manslaughter in self-defense.

So also, in discussions of ethics, there should be room for more categories than just the black and the white. In Islamic ethics, according to author Reza Aslan (2006), there are five categories of behavior. Actions may be considered:

- forbidden and punished;
- discouraged but not necessarily punished;
- morally neutral and indifferent;
professional ethics for natural resource and environmental managers

meritorious and rewarded;

obligatory.

Looking at ethics in this way enables us to see a richer picture of our choices. It can point to nuances of situations that can help us seek to work to a higher standard than we would reach if we sought only to avoid prohibited behavior.

WAYS TO THINK ABOUT ETHICAL PROBLEMS

Why do we need to think about ethical problems? First, we need to learn to detect an upcoming ethical problem. We then need to define the problem in a sound manner. Finally, we need to use prudential judgment in applying ethics codes to solving the problem.

The existing professional ethics codes leave us in difficulty here. First, their provisions are often hopelessly vague, amounting to little more than telling us to “do the right thing.” Second, situations can arise in which ethical mandates conflict. One situation recently receiving much debate is the Society of American Foresters Land Ethic Canon. Many foresters ask, “how can I serve the Land Ethic Canon and also be loyal to my employer or client?” “What do I do if these seem to conflict?”

Other more mature professions solve these problems by issuing interpretive guidance, in a form that can fill a large volume of fine print. They have decided that they must guide their members in a fairly detailed way, so as to minimize constant arguing over what the rules mean. The land management professional organizations, thus far, have sought to avoid this.

FIRST, DEFINE THE PROBLEM

Not all dilemmas are ethical ones. We face many problems or conflicts in day-to-day life at work. Some dilemmas are business, administrative, or legal ones and can be resolved by appeal to existing policies or the use of prudent judgment. We may encounter political dilemmas of various kinds. We may find our personal attitudes and values in conflict with official policies of our employer – is it then unethical to continue to serve? Finally, we may have differences of view about particular policies. Many times, these dilemmas are not
ethical ones at all, and we complicate our lives in trying to make them so. Not all problems in work life are made easier to solve by dragging ethics into situations where it doesn’t belong.

Figure 3

There is a tendency to think that someone who disagrees with me is unethical. This is often not so. In any case, accusing those who disagree with you of unethical conduct is not usually a productive way to engage in a discussion.

**The most important ethical skill is recognizing impending problems.** That is why this book is organized around specific kinds of ethical issues that are featured in professional codes. The assumption is that professionals don’t go to the office in the morning looking for something to do that is unethical. But, for lack of awareness and foresight, they may slide into a situation unknowingly, and commit an unethical act before they realize they have done something wrong. You should always be able to cite specific reasons why an ethical problem does not exist before drawing that conclusion.

**Not all problems in work life are made easier to solve by dragging ethics into situations where it doesn’t belong.**
Ethical reflection is learning to be able to pose reasons for choices. It consists of thinking through a problem, applying ethical principles, and developing a reasoned basis for a choice. Ethics is not only philosophy, discussed in abstractions. What is ethical may depend on many factual details. One problem with using most published cases to teach ethics is that they often fail to include enough facts to enable a person to make a sound judgment.

Finally, our ethical judgments should be considered provisional. We often do not have enough information at the time we make a choice. It is important to realize that we may come to understand the facts more fully, and over time may find more satisfactory ways to balance conflicting ethical claims.

**Figure 4**

Can’t My Conscience Be My Guide?

A key principle is that “letting your conscience be your guide” is not enough. Our conscience, whatever merits it may have, is not educated to the subtleties of many professional ethics issues. For example, if we have not even realized that we could be in a situation where we might act unethically, then how is our conscience supposed to guide us? A final argument on this point is that all of the Nazi war criminals brought before the war crimes tribunal at Nuremberg had a “clear conscience.” Many of them told us so. At times, when someone tells us “my conscience is clear,” they are trying to deflect discussion of or questioning of their actions. Such a statement is often a way of saying,
“Well, I can’t really defend this in rational terms, but I feel fine about it.” Is this enough? In my opinion, a “good feeling” is not enough to qualify as professional judgment.

**ETHICAL CHECKLISTS**

**Archie Patterson’s Four Questions**
- What if everybody did it?
- Would I want to hear about it in the news?
- What does my conscience say?
- What will it look like tomorrow?

**Irland’s Addition:**
- Would I feel comfortable explaining this to my 12 year old?

Source: Irland, 1994: 45-47.

Useful aids to ethical thinking can be found in various ethics checklists (see Johnson, 2005). A widely used one is Rushworth Kidder’s, reproduced in the box below. Notice that Kidder recognizes the presence of “right vs. right” considerations as well as “right vs. wrong” ones.

**Rushworth Kidder’s Ethical Checkpoints (lightly edited)**
1. Recognize the problem.
2. Determine the actor.
3. Gather relevant facts:
   a. Clarify factual points;
   b. Read Codes and identify applicable principles/rules;
   c. Identify important missing facts.
4. Interpret and apply codes and commentary:
   a. Look to interpretative/training materials such as the Society of American Foresters Ethics Guide;
   b. Right vs. wrong issues;
   c. Right vs. Right issues, e.g. when Code provisions conflict.
5. Apply other ethical perspectives.
7. Make and implement decision.
8. Revisit/reflect.

Source: Adapted from Johnson 2005: 188-189.
We can be ethical without having to be saints. We can practice our work “in the public interest” without having to give away our services and sacrifice income opportunities. In our choices, we should focus not only on “where the line is,” but also on staying sufficiently far from that line that we can claim to be practicing to a high ethical standard. We should not be always pushing to find the minimum standard that would pass muster.

We can be ethical without having to be saints.

If a need to reflect on an ethical problem is not noticed, then all the study of philosophy, all the ethical checklists or ethics codes in the world will not lead to ethical behavior. We cannot always assume that our conscience, unaided by thoughtful reflection, will lead us correctly. While we should certainly be seeking to avoid choices that are clearly unethical, this is not enough.

All resource and environmental professionals should cultivate the habit of occasionally reading books and articles on professional ethics and related topics. We should seek to get our organizations in the habit of openly discussing troublesome issues at meetings and conferences. We should get into the habit of simply seeking advice, from a mentor, a colleague, or family member.