

The Conceptual Analysis of the Professional Ethics

Dumitru VIERIU, PhD

Bucharest, Romania

dumitru_vieriu@yahoo.com

Abstract:

Professional ethics is the practice of a profession morally analysed having as main purpose overcoming the dilemmatic situations making the developed activity more efficient. Their official recognition of a professional ethics, respectively the elaboration and adoption of a moral and professional conduct code imposes respecting the ethical rules, being provided sanctions in the case of their violation.

The present essay is based on the professional ethics concept. Within it there have been treated the relation between ethics and morality and the notions of profession and conceptual professionalism of professional ethics as well as the ethics in public administration.

Keywords: *professional ethics, the relation between ethics and morality, profession, professionalism, professional codes*

Ethics is indispensable to any profession, offering solutions where the judicial norms are not precise or do not expressly provide the moral-conflict situations in which a profession's in a certain domain is found. Thus, professional ethics is of great importance.

Nowadays the public function and the public servant are more and more discussed as the concepts became the premises of integrating in the European Union. For this purpose the National Agency of the Public Servants has been founded, a professional, stable and politically neutral corpus and organ of the central public administration under the Ministry of Administration and Interior that has elaborated the Deontological Code of the Public Servants.

MORALITY AND ETHICS

Morality is an ensemble of judgements regarding the distinction between right and wrong that has the purpose to guide the human conduct [1, 10]. Morality has a double meaning:

- as a universal social fact, as it is shown by the latin etymology (mores – moravuri); every society knows an ensemble of conduct and value rules [2, 4];
- as a result of a general experience that aims to institute justice, the punishment of the criminals and repairing the caused damages [1, 5].

A moral judgement consists in comparing what exists (the imperfect reality) with what it should be (the ideal of goodness) [1, 45]. Therefore, morality implies the renunciation to satisfying our own needs in favour of the ideal exigences of virtue. Ethics (Greek ethos – manners) is the theory of morality. If morality pleads absolute truth, ethics pleads different positions related to the issues of moral choice. Narrowly, ethics means knowing what is worth desiring. Broadly, ethics studies the general standards applicable to most people during most of their lives [3, 11].

The purpose of ethics is to help people decide what is best for each of them, on what criteria to choose and what the moral reasons of their activities are. In other words, ethics implies the rational definition of the rules of moral evaluation of the collective choices, of laws, institutions, professional and civic conduct (especially the conduct of governors, politicians and public managers including the public servants) as well as emphasizing the ways in which institutions and organisations can facilitate the liberty and accomplishment of people.

In the civic, professional and politic life ethics occurs whenever there are conflicts of roles (conflict between private life and career, between the professional status and the desires of the close people), when there are social changes (they determine the change of norms and values), in the situation of social pluralism (when people chose what is best for them).

PROFESSION AND PROFESSIONALISM

The profession represents an occupation with permanent character of a person exercised based on a practical and theoretical training in a domain. A profession implies the knowledge of the theory in a certain domain and a long term and thorough training. Every profession has the purpose to satisfy certain social needs.

The standards on initiation, maintaining and promotion of a person in the professional competence are established by the professional corpus. The members of a professional group are in collegial relations regulated by an ethic code. In the case of professional offence the roughest measure is the withdrawal of the practice license (elimination from the professional group).

Professionalism combines the common beliefs of a profession helping the growth of identity and self esteem (the profession becomes an element of the personal identity and of the identity with the other members of the professional group).

Professionalism means trusting the autonomy of professional decisions and the capacity of self – regulation and collegial maintenance of professional standards. An essential characteristic of professionalism is the one according to which to work for the benefit of the client is a moral obligation but it is not about an exaggerate moral implication. Empathy is allowed but arbitrary and preferential treatments are not.

PROFESSIONAL ETHICS

For professionals there are specific laws and regulations. Part from the legal norms, ethic norms are necessary as well. These mainly target professional authority, paternalist practices and the rights of the clients.

Professional ethics represents an ensemble of rules regarding the rights and obligations of the members of a professional group, the professional practices, criticising and sanctioning the professional malpractice [4, 32].

Professional ethics is an intermediate between the philosophy of morality and particular ethics of different profession categories [3, 11] and is characterized by reflexivity. If the law usually acts after it has been violated, professional ethics acts preventively and this is the fundamental reason why it has been introduced. There are authors who deny the existence of professional ethics sustaining that there are only ethics applicable to different professions.

Several types of ethics are known:

- For complicated situations (it is not based on codes that are considered to have a strong idealist character, it is focused on the negative cases: in politics on cynism and compromise, in journalism on misinformation, in administration on corruption etc. ; the poztive aspect of focusing on negative cases is the virtues that the criticising of malpractice in a domain offers : this type of ethics is prefered by mass-media when journalists have the conviction that everything that is not scandalous is not news).

- The standard approach (is focused on the features of professional practice analysed from the point of view of the rights and obligations – for example doctors and social workers have a greater duty to help others, the parliamentary have the duty to establish cohabitation laws, governors have the duty to divide the public resources – it is necessary to the strategic development of a profession.

CENTRAL CONCEPTS OF THE PROFESSIONAL ETHICS

In professional ethics the following concepts are used:

- Autonomy by which there is understood the possibility of choosing the course of our actions in virtue of having discernment and to know our interests.
- Benevolence (in almost all professions it is required to honour not only the duty of the job description but also you have to care about the collective you are working in, to defend the reputation of the institution).
- paternalism (according to this concept there are people who are vulnerable, that do not have the strength or the resources to follow their purposes or people that do not have enough discernment; it refers to the recognition of the professional authority).
- Rights and rightful actions (it refers to professions that contain the rights of those affected by them : the rights of patients, clients, contributors, pupils or the ones engaged in professions – the union rights) [5, 24].

ETHICAL FORMALIZATION AND PROFESSIONAL CODES

By ethic formalization we understand the elaboration of the ethic codes for different professions. The elaboration of the ethic codes is realised for covering the gaps between the frame values of a community, namely professional groups and law.

An ethic code is an example of conduct, protecting the organization from opportunist and dishonest conduct. Simultaneously an ethic code is a moral agreement between the members of an institution as well as between them and the beneficiaries of the institution's activities and is regarded as a frame of reference in decision orientation [4, 56].

The creation of the ethic climate means the creation of a climate where actions are perceived as being just or the correlation of purely contractual actions with responsibility and trust [3, 96]. Thus, the respect for the institution grows along with its reputation and the devotion of the collaborators. To have authority, an ethic code must be tacitly or explicitly accepted by all members of the professional group. There are professions where this consent is expressed when entering the profession otherwise the certain person is not accepted.

ETHICS IN PUBLIC ADMINISTRATION

Ethics in public administration is of great importance. To sustain that public administration only deals with the technical problems of governance or to ignore the fact that public servants are people with their own values, with different educations and that professional identity becomes a component of the personal identity is a serious error. The predominant role of ethics in public administration results from the fact that if a bureaucracy is no longer ethical meaning that people no longer perceive it as being just, rightful and fair, the beneficiaries of its services no longer trust the governance and the political system. Maintaining the public trust is an essential condition of democracy.

By ethics in public administration whose main idea is what is best or better for public, there must be promoted the greatest integrity, liberty, equality and political trust. If political people assume leadership of the society on a determined period, the public administration assumes the aspect of lasting development of the society.

Ethics and law

The state of law implies the rule of law. In a democracy the law represent the public will and the administration must ensure the legal rights and responsibilities. The public servants are not only mere law executors but they also participate to the process of law projection and in the stage of law projection public servants do not show only what it is allowed. The law targets the future and the future is not certain, there can occur social movements for civil rights that the legislator did not foresee. In the stage of law application the public servants can be considered public managers in a bureaucracy whose activity is limited by law [3, 91]. The law is the one that protects the public servants against arbitrary and the pressure of the political parties.

The Deontological Code of Public Servants

Elaborated by the National Agency of the Public Servants, specialized organ of the central public administration, the Deontological Code of the Public Servants regulates the general norms of moral and professional conduct of the public servants also having an obligatory character for people that temporary have a public function. It is aimed the growth of the public service quality, a better administration in accomplishing the public interest, the elimination of bureaucracy and corruption.

The basic principles of the professional and moral conduct of a person that has a public function are:

- law supremacy (public servants must respect the Constitution and the laws of the country);
- the priority of the public interest (the public interest must be above all);
- the equality of treatment of the citizens in front of the authority or the public institution (the application of the same treatment in identical situation);
- professionalism (public servants have the duty to execute the job duties with responsibility, competence, efficiency, correctness and conscientiousness);
- impartiality and independence (in exercising their function all public servants have the obligation to have an objective attitude, neutral towards any political, economic or any other nature interest);
- integrity (according to this principle the public servants must not solicit or accept, directly or indirectly, for them or for others, an advantage or benefit considering the public function they have or to abuse of their function);
- Freedom of thought and expression (public servants can express and substantiate their opinions respecting the lawful order).

This code of conduct also consecrates the principle of loyalty of the public servants towards the law (applying the legal provisions respecting their attributions and the professional ethics rules) and their loyalty towards the public institutions and authorities (defending the prestige of the public authority or institution where the public

servant develops his activity and refraining from any action that could prejudice the image or legal interests of the public authority or institution).

The public servants have the duty to have a conduct based on respect, good – faith, correctness and courtesy both in their relations with the personnel of the public institution or authority and with judicial persons or individuals.

The National Agency of the Public Servants coordinates and controls the application of the norms provided by this code of conduct. Other attributions of the agency refer to receiving petitions and notifications regarding the violation of the code provisions (while respecting confidentiality regarding the identity of the person who made the notification), recommending solutions for the notified causes, collaboration with the nongovernmental organisations that promote and defend the legitimate interests of the citizens in relation with the public servants, elaborating studies and research regarding the respecting of the code norms.

The Importance of Ethics in Public Administration

In the ethic for public life, trust is a central concept. The administrative decisions that must be executed by the public servants are taken by the people invested with public trust. The public institutions develop their activity in a political environment where the values and purposes are conflictual and ethics becomes a guide of values for overcoming conflicts. This are founded on values such as authority, rationality, efficiency, and the public servants must practice and maintain values like individual liberty, equality, justice, respect for the person's dignity [4, 54].

Public servants search for strategies and ways to practice public politics. They can be in dramatic situations (when the resources are poor and choosing a strategy can lead to the extinction of another strategy) or in tragic situations (when the distribution of resources is a life or death situation). There can also be critical situations when more groups of interests are involved that have very different requests. In these situations ethics is the only way to break the deadlock.

The foundation of the National Agency of the Public Servants as well as elaborating and adopting the Deontological Code of the Public Servants have constituted the first steps in the growth of the quality of the Romanian administrative

system [6, 93], the improvement of the relationship between administration and civil society, in the implementation of the community acquis and in the integration in the European Union.

REFERENCES:

- [1] Del Vecchio, G., *Lectures of judicial philosophies*, Europa Nova Publisher, Bucharest.
- [2] Le Bihan, C., *The great problems of ethics*, Institutul European, Iasi, 1999
- [3] Miroiu, M., Blebea Nicolae, G., *Introduction on professional ethics*, Trei Publisher, Bucuresti, 2001
- [4] Profiroiu, M., *Ethics and corruption in Public Administration*, Economic Publisher, Bucuresti, 1999
- [5] Țipișcă, M., *Protocol and Professional conduit in Public Administration*, Publisher of România de Măine Foundation, Bucuresti, 2002
- [6] Apostolache, M.C., Apostolache, M.A., *Deontologia functionarului public*, Publisher Universitara, Bucharest, 2014.