ETHICS CODES

Communication ethicist Richard Johannensen offers the following list of how professional codes function as useful guidelines for practitioners. ¹

1. Codes can educate new persons in a profession or business by acquainting them with guidelines for ethical responsibility based on the experience of predecessors and by sensitizing them to ethical problems specific to their field.

2. Codes can narrow the problematic areas with which a person has to struggle.

3. The very process of developing the formal code can be a healthy one that forces participants to reflect on their goal, on means allowable to achieve those, and on their obligations to all claimants.

4. An effective and voluntary code may minimize the need for cumbersome and intrusive governmental regulations.

5. Code provisions can be cited as justification for saying no to a communication practice requested by peers or employers.

6. Codes provide an argumentative function. They can serve as a starting point to stimulate professional and public scrutiny of and debate over major ethical quandaries in a field.

There is a range of argumentative claims that critics or defenders of a communication practice might use to assess ethically in light of a code. It could be argued that a particular practice:

- clearly is contrary to a precise, relevant, well-justified code;
- is ethically suspect even though it falls outside the boundaries of any established code;
- is ethical because the code invoked is irrelevant or inappropriate; is unethical because, while the strict letter of the code was honored, the spirit of the code was violated;
- is ethical because key terms of the code are too vague and ambiguous for precise or meaningful application;
- is ethically justified because one applicable code is superseded by another relevant code, or because higher values take precedence over the formal code;
- is ethical because the facts of the situation, including intent and context, are unclear;
- and should be judged primarily by legal statues rather than by an ethical code.

7. Codes should be seen as having a function not just of serving as rules of behavior, but primarily as establishing expectations for character. In other words, codes reflect a wide range of character traits necessary for someone to be a professional.

Johannessen also cites eleven guidelines gleaned from a close reading of several scholars who have also studied codes of ethics.

1. The code should clearly differentiate between ideal goals and minimum conditions. Ideal goals are to be striven for but not necessarily always attained. Minimum conditions must be met in order for a practitioner to be considered ethical.

2. Neither heroic virtue nor extreme sacrifice should be expected by the code. Codes should be written for ordinary persons functioning under ordinary conditions.

3. Language should be clear and specific, free from ambiguity. Key terms should be defined, by analogy if necessary.

4. Provisions of the code should be logically coherent. The order and priority of the provisions should be clear, especially as regards the order in which obligations should be honored among the various claimants.

5. The code should protect the general public interest and that of all claimants with a stake in the decisions of the professional following the code. The code should make it clear that the profession should never profit at the expense of the public interest.

6. Provisions should go beyond the obvious ethical violations to focus on the potential problems that are unique to the profession for whom the code is devised. For example, a public relations code might accentuate the potential for conflict between the client’s interest and the public’s.

7. A code should make provision for growth and revision—in fact, encourage it. No code should be seen as “carved in stone.”

8. The code should make clear which of its admonitions refer to individual action and which to the profession as a whole.

9. The code should declare the moral bases on which it is founded. Most media codes, for example, cite truth as their guiding principle.

10. As many members as possible should participate in the formulation of the code, from every level within the profession.

11. The code must be enforceable and enforced. A code without “teeth” is a weak or even useless code.

Finally, Johannesen points to two of the most important functions of codes. The first, and not always the most obvious, is a code’s argumentative function. Codes can serve as touchstones for debate, providing the public with a reference point from which to criticize a profession’s actions. A code can also serve as a defense against being asked to do something that goes against its provisions, or used to develop policy, or serve as an ethical focus for an organization or profession.
The second important function of a code is to depict the ideal character of the professional for whom the code is written. In the words of Karen Lebacqz, author of Professional Ethics, a “professional is called not simply to do something but to be something.”² This goes beyond the common view of a code as simply a set of guidelines for professionals to follow. It speaks directly to character, an issue we will take up later in some detail.

**How to construct a code of ethics**

Constructing a code of ethics is not an easy job, but it can be educational and, ultimately, useful. Following are two sets of guidelines gleaned from experts on the topic.

In an article written for the Center for the Study of Ethics in the Professions, Andrew Olsen provides some preliminary suggestions for developing a code of ethics for professional associations.³

1. A helpful way to start any project of significant size is with a *statement of purpose*. Begin writing a code of ethics by asking yourself and members of your organization, “Why does my (our) organization want to develop a code of ethics?” Generally speaking, it seems that codes of ethics with a clearly defined purpose are more clearly stated and better organized.

Many codes make effective use of defining a purpose by beginning the document with a *preamble* or a *statement of intent*. The *preamble* sets the tone of the document and outlines both the purpose of the organization and the purpose of the code. The *statement of intent* fulfills a similar purpose, but it focuses more on the purpose of the code and less on the purpose of the organization than does a *preamble*. Both are good ways to set the tone of the code and to establish a feel of cohesion within the group that is essential to the proper functioning of a code.

2. To assure that a code of ethics functions properly, the group or a representative body of the group must formulate it. Writing a properly functioning code of ethics is a collective task. Without a reasonable amount of group consensus concerning morally permissible standards of conduct relevant to the group, the code finds its home scribbled on a sheet of paper rather than in the actions and decisions of members of the group.

3. To counter the argument that codes of ethics are merely well meaning statements on a rarely seen and even less frequently and effectively implemented document, a code of ethics must truly reflect the virtues of the group. Through a process of achieving consensus, writing a code of ethics becomes an excellent group-defining task. Consequently, a well-defined membership in the group, an outcome of devising and publicizing a code, aids in the functioning of the code. Through identification as a member of the group, a member’s sense of duty to other members of the group and to the group’s collective agreements expressed in

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the code is strengthened. As a result, the effectiveness of the code of ethics is also strengthened.

4. Here are some questions one might consider when deciding what should be included in the code:
   - Who are the persons or groups of persons affected by your organization or the members of your organization, and how are they prioritized?
   - What are your organization’s main areas of action?
   - What unethical decisions and actions would your organization like to prevent, and how could they be prevented?
   - What type of ethical problems are members of your organization most likely to encounter?
   - How can conflicting principles be resolved?

5. After your organization has answered these questions and formulated what needs to be included in the organization’s code of ethics, the next step is to decide how to organize the code.

6. Just as principles within a code differ from group to group, so too, methods of organization differ from group to group. Factors that may affect how a group organizes its code could include such aspects as length of the code, how statements for inclusion in the code were formulated, and with what form of organization are members of your group most familiar. For example, if there is a small amount of information to be included in the code, then a simple ordered list may be the most appropriate method of organization. On the other hand, if there is a large amount of information to be included in the code, then more structured methods of organization may be most appropriate. For instance, if relationships were a major consideration in the formulation of statements, then it seems most appropriate to organize the code according to relationships. However, if relationships were not a major consideration but principles were a major consideration, then it seems most appropriate to organize the code according to principles and guidelines for the principles. The concept is rather simple, but it is mentioned here because its importance outweighs its simplicity.

7. Most codes can be placed into one of three commonly occurring categories.
   - The codes in the first category, *brief codes*, have a small list of statements that rarely have much structure at all. However, even a small list of statements can provide guidance to members of a group if consideration is given to how the list can be prioritized.
   - Other groups use the descending form: *Preamble/Statement of Intent, Fundamental Principles, Fundamental Canons, and Guidelines for the Principles and Canons*. This form centers on each principle individually and applies the principle to many relationships that members of the group may encounter.
   - In contrast, another common form of organization of well-developed codes is one that highlights relationships between the group or member(s) of the group and other groups of society such as the public, clients, or employers. Such methods of organization often divide
the code into sections that begin with such headings as Relations/Obligations to the . . . followed by a list of standards and guiding statements relevant to the relationship.

8. A code of ethics is a means of uniquely expressing a group’s collective commitment to a specific set of standards of conduct while offering guidance in how to best follow those codes. As such, authors of a code of ethics should explore methods of organizing a code and use of language in the code that will be well received by the codes’ intended participants.

9. In addition, if one’s group closely identifies itself and its work with the people involved, then a code of ethics that follows the relationship model above may be most appropriate. However, if one’s group more closely identifies itself and its work with concepts and principles of the occupation, then a code of ethics that follows the descending principles model may be most appropriate. In either case, the code should both state the principles and offer guidance in how the principles should be followed. Giving guidance encourages participants in the code to develop and practice moral reasoning based on the collectively agreed-upon principles of the group enumerated in the code.

10. When writing a code of ethics, the code’s authors must compose the code with a finely tuned attention to balance. A good code is written with the awareness that the code will be used in a variety of different situations, and each situation will prompt those involved to refer to the code for specific guidance. This presents an interesting challenge to the code’s authors who must write the code with enough information to be of use in the specifics of a situation while remaining general enough to be used for a wide variety of situations.

It is most likely this challenge that has prompted many authors to extend their code of ethics with sections entitled Suggested Guidelines for use with the Fundamental Canons of Ethics, Standards of Practice, or Rules and Procedures. In such sections, the authors attempt to foresee situations one might encounter that call for ethical considerations. Within these sections, the authors describe how one should interpret the principles of the code of ethics pertaining to one’s specific situation. In many instances these guidelines will attempt to provide guidance on how to resolve conflicting principles. It is likely that these additional sections will add some time and effort to the writing process. However, much of what will be included in an additional “guidelines” section should surface in the initial brainstorming and writing process.

**Considerations for writing a code of ethics**

Chris MacDonald, who teaches philosophy at Saint Mary’s University in Halifax, Nova Scotia, provides us with another take on constructing a code for individual organizations.

Most major corporations, and many smaller companies, now have Codes of Ethics, along with a range of other, issue-specific ethics documents. Such a document embodies the ethical commitments of your organization; it tells the world who you are, what you stand for, and what

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4 Chris MacDonald, Ph.D. – Chris MacDonald teaches philosophy at Saint Mary’s University in Halifax, Nova Scotia, Canada. He runs the world’s largest ethics bookstore, which can be found on-line at http://www.ethicsweb.ca/books, as well as a popular webpage on Codes of Ethics, at http://www.ethicsweb.ca/codes.
to expect when conducting business with you. The content of a Code, and the process for writing it, can vary quite a lot, but here are some of the standard issues to consider.

1. **Tailor-make your code.** Ideally, a Code of Ethics should be custom-made for your organization. Ask yourself, what makes your Code specific to your organization? Is there anything that differentiates it from similar documents devised other firms in your field, or in other fields? If not, what makes it your Code, other than the fact that your logo is at the top?

2. **Get employees involved.** The people who will be guided by the code should be actively involved in writing it. If your organization is too large to get everyone involved, consider selecting representatives from various departments or various business units. The document is bound to be more meaningful, and find higher levels of acceptance, if employees are part of the process.

3. **Consult key stakeholders.** It’s a good idea to consult key stakeholders—including, for example, customers, suppliers, and local community groups—as to what they think should be in your Code. This will help reveal what important external constituencies see as your key obligations, and will help make sure that the Code you write deals with the full range of issues that might confront your organization.

4. **Outsource the job only carefully.** Hiring a consultant to help write your code can be useful—but don’t let them take over. A consultant can bring a wealth of knowledge and experience, and can help you avoid a whole range of pitfalls, from lack of clarity through to the inclusion of too little—or too much—detail. But at the end of the day, this Code is still yours: it should reflect your organization’s values, principles, and aspirations.

5. **Seek out good examples.** If you’re writing your own code, begin by looking at relevant examples. There are lots of good Codes out there (a quick internet search can be very revealing.) A code that is simply copied from another organization is unlikely to provide either effective guidance or inspiration—but there’s also no point in reinventing the wheel.

6. **Be clear about Scope.** Your Code should make clear who within your organization will be governed by it. Does it cover everyone from the mailroom through to the boardroom? Only senior managers? Who has to sign off on it? Keep in mind that lower-level employees may not take very seriously a document that senior managers either aren’t bound by, or take lightly.

7. **Be specific about implementation.** How will the Code be implemented? Once it’s written, will it gather dust, or will it influence policy and practice? What procedures are in place to make sure that writing a Code is more than just organizational navel-gazing? An effective implementation scheme (perhaps as an appendix to the Code) will explain to all concerned how the values embodied in your Code will be put into practice.

8. **Plan for education.** A key aspect of implementation has to be employee training and education. How will employees be educated about the Code? A Code can only be
effective if your employees know about it. Will new employees receive training regarding the Code’s requirements? Will current employees receive refresher courses? Especially for large organizations, the steps required to train employees on the requirements of a Code deserve special attention.

9. **Be clear about enforcement.** How, if at all, will the Code be enforced? Are there specific penalties for violating the Code, or is the Code merely there to provide guidance? Who will decide when an employee has violated the Code–will that be up to the employees’ immediate supervisor, or will that be the exclusive domain of senior managers?

10. **Specify a sunset date.** When will the code be reviewed and updated? Times change, and new issues come to light, so consider specifying a date for revising and refreshing your Code.