

On the need for a code of professional ethics and arguments to the contrary – Part II

Introduction

In the first part of this article, we presented the positions of opponents of codes of ethics, in particular codes of professional ethics. The importance of arguments questioning the need for ethical codes varies. Some authors challenge any purpose of this type of regulation of social relations, for example in professions referring to ethics' functioning in their own communities. Other authors are trying to see some flaws in the content of such codes.

In the previous part of this publication, among the most frequently quoted allegations, we mentioned the standpoint that true morality does not require written codes, and the position that ethical codes are unnecessary, because they serve only professional interests, that they are harmful to inter-human relationships or that they attempt to replace moral reflection with ready-made instructions. The alleged incompatibility of professional morality standards with the norms of “general morality” makes for another objection in the first part of this article.

We attempted to show that the accusations of opponents of ethical professional codes are not justified. We also maintain our stand in the present, second part. Among the further allegations against ethical professional codes, we point out the purported lack of justification for the change in the hierarchy of values in the moral system (which is typical in most professional ethics), and the charge that ethical codes have no impact on morality. We agree with the opinion that not every profession should have its professional ethics and its code of ethics. However, we try to indicate that for some professions, ethical regulation is a valuable complement to legal regulation.

Sixth plea – you must not change the hierarchy of values

A relatively established hierarchy of moral values, with the main value emphasised, is the basic distinguishing feature of professional ethics, and the main reason for their existence. However, in the editorial discussion of 1994, J. Woleński is against changing the hierarchy of norms of general ethics. He argues that “professional ethics should not change the hierarchy of individual general ethics' standards. It is important to remember that there are not so many general moral standards around. It is hard to imagine

¹ Dr n. farm., Uniwersytet Medyczny w Poznaniu.

² Dr n. med., Uniwersytet Medyczny w Poznaniu.

how professional concretisation could change the hierarchy of individual norms, e.g. swap “don’t kill” with “don’t lie”.³

W. Galewicz cites the opinion of J. Woleński, against the change in the hierarchy of values, but he does not fully agree with him.⁴ “One could argue whether this change in the rank of individual norms, about which Woleński writes, is actually so hard to imagine” – writes Galewicz, and admits the possibility that such a change of hierarchy would be permissible in some cases.⁵ We should agree that the pursuit of some professions is just the “some accidents” mentioned.

Similarly, R. Piłat, who acknowledges the superfluousness of the code, wonders about the legitimacy of lying in the practice of a physician. Asks if the code provides the means to resolve a possible conflict between the “do not lie” norm and other norms? In his analysis, however, he refers to the hypothetical code, not actually existing, which ultimately allows him to formulate the conclusion: “I do not see any meaningful role that could be played in this example by the ethical code of the medical profession”.⁶ In the actual version of the code, with a set hierarchy of values, the conflict of general norms (e.g. prohibiting lies) with basic norms is automatically excluded.

As B. Skarga says – realising one value can destroy another. This is a logical consequence of choice, but it is not the destruction of value that is the purpose of action, but the consequence of choosing a higher value. No ethical code recommends or justifies evil. That it sanctions “moral vice” is pure fiction.

Most authors, however, recognise the change in the hierarchy of norms as typical for professional ethics. K. Kiciński notes (after I. Lazari-Pawłowska) the basic distinguishing feature of the codes of professional ethics: “It is in the field of professional ethics that, for example, a relatively precise hierarchisation of some norms and values, that operate without preferences in terms of general ethics, can take place”.⁷ A change in the hierarchy of norms actually takes place in every professional ethics, which not only does not cause the problems listed by the author, but also provides the basis for an unambiguous understanding of one’s professional goals and making justified moral choices. Were it not for the written form of professional morality with the hierarchy of norms adopted in the professional environment (corresponding to the hierarchy of values) – the actual choices of action would be unpredictable or belated, because they would depend on a momentary decision dictated by belief or emotion.

This can be seen in the example from the discussion. The belief that the doctor’s main ethical duty is to respect the informed consent of the patient may decide to discontinue treatment because allegedly “ethics settle the conflict to respect the patient’s will”.⁸ Such conviction will not change the physician’s code-related commitment: the first task, above all others (which a moral person may have) is to save human life, not to recognise patient’s autonomy! The hierarchy of norms is secondary to the hierarchy

³ J. Woleński, *Przeciw etyce zawodowej*, “Etyka”, Year 1994, no. 27, pp. 184–187.

⁴ W. Galewicz, *W sprawie odrębności etyk zawodowych*, p. 24. Quoting J. Woleński, *Przeciw etyce zawodowej*, “Etyka”, Year 1994, no. 27, pp. 184–187.

⁵ W. Galewicz, *W sprawie odrębności etyk zawodowych*, p. 24.

⁶ R. Piłat, *Kodeks heroizmu*, “Etyka”, Year 1994, no. 27, pp. 189–191.

⁷ K. Kiciński, *Etyka zawodowa a kodeks*, “Etyka”, Year 1994, no. 27, pp. 174–177.

⁸ I. Lazari-Pawłowska, *Etyka zawodowa bez kodeksu*, “Etyka”, Year 1994, no. 27, pp. 177–180.

of values, and the code resolves the conflict of the indicated values just the opposite of what the author of the example found.

Preferences resulting from the hierarchy of norms translate into preferences for specific actions – they facilitate the decision to take them. The “inviolability” of the enigmatic principles of “general ethics” would mean a prohibition of action, especially of professional type. “Respect” for the – fetishised by the ethics – “pluralism of values”, which implies inviolability of any of them, would thereby mean a prohibition of any action, so as not to violate any of the values, when we know that all values in one action, most often even only two, cannot be realised. Failure to recognise this condition, and preventing the possibility of modifying professional ethics, as to content or hierarchy would mean that “basically talking about professional ethics as a separate subject of analysis ceases to be justified”.⁹

Seventh allegation – codices do not shape morality

Codes of ethics do not create morality, but express it. A distinction should be made between the creation of morality, by the code, starting from the very basics (which is fundamentally impossible) – and the code’s only formative influence on it, as well as the code’s modifying effect on the already existing moral beliefs of a person in the profession. Such an impact of the code should be considered possible. Just as the legalisation of previously morally unacceptable acts causes their moral trivialisation/belittling over time, so also giving the rank of a code to either prohibition or order to certain actions, may over time influence the internalisation of the ethical requirements in the professional environment, and make them an element of one’s own morality.

Regardless of the effectiveness of the impact of the code of ethics’ professional standards on the beliefs of members of the professional environment, there are two extreme positions defining the function of the code for expressing professional morality. The first of these positions presents the view that professional ethics are intended to determine the moral minimum among members of the profession. The second position is that professional ethics enhance, above average, the moral requirements imposed on representatives of the profession.

W. Pawlik is one of the authors who suppose that professional ethics define the “moral minimum” of professional practices which must not be exceeded, while the Code has an educational function, it is an instrument of disciplining persons who violate these rules.¹⁰ Assuming the educational function of the code of professional ethics, he supposes (because he is considering the abstract code), that it would be an instrument to discipline members of the profession, however, presenting not a set of requirements, but a list of ethical postulates whose fulfilment is not an obligation.¹¹

A similar version of the “moral minimum” is presented by J. Kraszewski, believing that professional ethics are codified so that representatives of specific professions

⁹ I. Bogucka, T. Pietrzykowski, *Etyka w administracji publicznej*, NexisLexis Polska Sp. z o.o., 2nd edition, Warszawa 2010, p. 95.

¹⁰ W. Pawlik, *Niecnota uregulowana*, “Etyka”, Year 1994, no. 27, pp. 171–174.

¹¹ W. Pawlik, *Niecnota uregulowana...*

are aware of responsibility for any professional misconduct. The border case of sanctions for such misconduct is exclusion from the profession.¹² He also believes – in the context of discussing the need for professional ethics – that no one requires the representatives of professions (teacher, judge, business advisor) of moral excellence. He believes that “professional ethics are codified not so much as to raise the prestige of the profession, but to preserve it”.¹³ The notion of maintaining prestige, not raising it, does not seem convincing. To preserve something, such as prestige, you must have it first. If every occupation had high prestige, none would have it. Therefore, the Code does not require a minimum, but a maximum.

Contrary to the claim of W. Pawlik, who believes that professional ethics “particularise” or “liberalise” universal principles in order to limit the practice of “moral vice” in professions¹⁴ – it can be stated to the contrary. The code of professional ethics, by implementing certain norms of morality into professional practices, not only does not liberalise them, but definitely gives them categorical meaning.

This determinant appears to be noticed. R. Piłat, who opposed the codes, considered, apart from the existing professional codes, that he would accept the “heroic” code, i.e. one that strengthens the application of general ethics standards. He asks why lawyers should not set a “heroic norm” for themselves, stating that truthfulness applies to them “above all” and “no matter what”.¹⁵ First, one could ask, why they would do that? Is truthfulness really the character trait that matters most to legal practitioners? Lawyers will not establish such a norm, because there is no such social and professional expectation. Although, according to popular beliefs, truthfulness is a valued virtue that serves to protect the value of truth, it is not the most treasured value of either the prosecutor, judge or lawyer. It is very possible that, among the legal professions, it is only expected of a notary public, for whom credibility is the basic condition for exercising the profession. The tasks of the legal profession are directed at moral goals other than truth (truthfulness), and it is they that should be concerned with basic obligations, which actually is the case here. For a judge, truth is not the most important value in his/her moral system, which should guide in his/her work, but justice! That’s what the judges want, but also the defenders!¹⁶

R. Piłat imposes a similar requirement on physicians: “If respect for life obliges everyone, why do doctors” – asks R. Piłat – “or mountain rescuers could not apply to themselves a heroic norm in which ‘above all’, ‘at all costs’ – is added”. Please note that if we use the formula “above all”, “at all costs”, then we refer to the hierarchy of things. An insight into the content of the physicians’ code of ethics could show that the demand has already been met. The proposal for a “heroic code” is thus balancing the open door: codes of professional ethics, requiring professional members to accept additional ethical obligations, are thus declarations of heroism. Life practice shows that individuals in mutual relations expect a minimum of decency (not a maximum) from each other, and in normal conditions this applies to all types of relationships (minimum

¹² J. Kraszewski, *Zachować prestiż zawodu*, “Etyka”, Year 1994, no. 27, pp. 202–204.

¹³ J. Kraszewski, *Zachować prestiż zawodu...*

¹⁴ W. Pawlik, *Niecnota uregulowana...*

¹⁵ R. Piłat, *Kodeks heroizmu...*

¹⁶ *Ibidem*.

honesty, minimum trust, minimum kindness). The reaction to the lack of fulfilment of the moral minimum is condemnation, while for going beyond this moral mediocrity we offer admiration and praise. A lapse/aberrance is when a breach of high standards, and not low ones, occurs. Therefore, for professional ethics, the “moral minimum”, i.e. the minimum of decency, is not enough – we want, as potential clients, and as members of this profession, extraordinary decency, and this extraordinary decency in code provisions is declared.

Professional ethics not only represent the highest values of the vast majority of persons, but also give the chosen ones a basic meaning, and additionally oblige members of the profession to recognise and cultivate certain virtues to a higher degree, than is the case among “ordinary people” (e.g. patience, caregiving, self-sacrifice, kindness). The imposition of additional obligations on professional members by professional ethics makes the latter the perfectionist ones. The choice of profession is acceptance of the ethical requirements in its professional environment. Unlike the law that obliges everyone, professional ethics only oblige professionals. Therefore, ethical perfectionism is the result of a conscious choice.

Among those who see in the codes of professional ethics a tool for shaping ethical perfectionism, there are also two positions. For some authors, declarations of ethical good conduct contained in professional codes of ethics – refer only to the good will of the addressees. The second position sees the code of conduct as a strict establishment of obligations. The practice of the functioning of codes of professional ethics shows the standards contained in the code as ethical obligations imposed unconditionally, adopted under the threat of sanctions being applied by the professional environment for non-compliance.

Therefore, one cannot agree with the opinion that although the performance of certain professions raises special moral problems, and generally the moral expectations of the representatives of these professions are above average – they are definitely enough for them to build an ethical model of conduct, the principle of general ethics along with formalised professional pragmatists.¹⁷ J. Woleński, standing against the need for codes of professional ethics, stated that “the rules of choice in conflict situations are either generally valid or regulated by legal provisions”.¹⁸ At the same time, the same author noted that “moral expectations for representatives of these professions are above average”. On what basis do we claim (if we claim) that moral expectations for some persons are greater than for other people?

These additional ethical obligations of members of the profession are reflected in the increased moral expectations of members of society. “The most well-known codes of professional ethics refer to the special generosity of individuals performing ‘professional’ services “(physicians, teachers)”.¹⁹ It is important that these expectations seem to be fully justified both on the side of the users of the profession (e.g. patients, and on the side of physicians, practicing the profession). The author does not specify why these expectations are higher, although at the same time he claims that “to be a good (from a moral point of view) judge or postman, it is absolutely enough to respect the

¹⁷ J. Woleński, *Przeciw etyce zawodowej*, “Etyka”, Year 1994, no. 27, pp. 184–187.

¹⁸ Ibidem.

¹⁹ J. Górnicka, *W obronie kodeksów etyki zawodowej*, “Etyka”, Year 1994, no. 27, pp. 187–189.

principles of general ethics and appropriate professional pragmatics”.²⁰ You can find a certain contradiction here. If the appearance of a difference results from a different perception of dishonesty in individual cases, where does this different perception come from?

J. Woleński believes that dishonesty of a judge and dishonesty of a seller are similar in nature, but a dishonest judge is assessed more severely than a dishonest seller, because “moral expectations of judges are much higher than expectations of sellers”, and “a dishonest judge is judged more seriously than a dishonest seller”.²¹ This is certainly the case. Why, however, are people’s moral expectations of the judge greater than that of the seller? Could it be about two different, though “generically” similar types of honesty? If for everyone the requirements of “general ethics” would be sufficient, then there should be no difference in the requirements imposed on representatives of some professions and other persons.

It can be argued that two ethically wrong deeds differ in their degree of honesty until it becomes clear, that what we call “honesty” is very ambiguous, and is actually synonymous with “ethics”. In this sense, we demand the same ethicality („honesty”) from all persons, but does honesty or dishonesty (ethicality or unethicity) of some individuals matter more to us, than that of other people? Do we care more about the honesty of the judge or the honesty of the shopkeeper? Is it still possible to say that there is no difference between their respective tokens of “honesty”? If there is only one kind of honesty (or there is none), we discover that it matters to us what value dishonesty is about. And just as we want to prioritise individual values (or norms), we also want to grade dishonesty. Ultimately, however, the evaluation of human action in moral terms has a purpose only when it relates to the evaluation of man as a human. The weight of moral values (and norms) does not depend on the occupation or social position of a person in general. Thus, honesty – from the example of J. Woleński – in the actions of a judge and in the actions of a shopkeeper is the same human integrity (compliance of action with morality) in both cases, however, it refers to values of different rank that may be present and violated in the actions of these individuals, practicing diverse professions.

We can easily see the kind of moral value where protection or violation may result from the professional activities of a judge or a postman (as noted above, this is by no means “honesty”). The value that has been subjected to the judge’s action is justice. On the other hand, for a postman who, although incidentally may, during his work, affirm or violate many moral values, the value of justice is not the most noticed and taken into account in professional activities. Naturally, both the judge and the postman, like other individuals, respect the principles of “general ethics”, when acting. We believe that this is absolutely enough for the postman. However, for a judge (as for at least a few more professions) we want a special reminder in the form of a declaration of the code of professional ethics about the value of justice – the value subjected especially to his custody.

Attributing perfectionist requirements, in line with reality, to professional ethics shows the fundamental difference between legal regulation and ethical regulation.

²⁰ J. Woleński, *Przeciw etyce zawodowej...*

²¹ J. Woleński, *Przeciw etyce zawodowej...*

First, the two spheres differ in terms of regulation, the law formulates only such norms as are necessary for maintaining order and social development. Morality has a much wider scope, because as it relates to man, the law applies to the citizen. Secondly, the two spheres differ essentially in goals: the purpose of personally understood morality is to protect human dignity, the purpose of law is to preserve social order. The convergence of law and morality refers only to the “ethical minimum”, which the legislator seeks to maintain. The legislator strives to preserve the ethical minimum – common and basic values for the general public in society, because it is a condition of maintaining the necessary social bonds and the functioning of society. The system of law is not a system of ethical perfectionism.²² The law does not prescribe perfection or even incline to aim for perfection.²³ It is not a task of law to make people morally better.

Therefore, professional ethics set higher ethical standards of conduct than law does, requiring only legal behaviour. The requirements of professional ethics are also higher than the intuitively accepted obligations of “general ethics”. Strengthening the requirements for some cherished human virtues may make their possession an obligation for members of the profession.²⁴ Ethical codes, by indicating the right way to deal with an ethically problematic situation, lead to solving ethical problems. On the other hand, it is not the goal of the code of professional ethics to raise the “moral level of professional environments”, although this may be secondarily occur.

Nor can we look at professional ethics’ codes as a special form of coercion. Undoubtedly, for some part of the profession, additional ethical obligations seem external orders, they are compulsion, but for another part of it, extraordinary ethical obligations postulated by professional ethics’ standards are a chosen form of perfectionist self-fulfilment, and a sense of pride in one’s own actions.

Pride, the opposite of shame, is the satisfaction of being fulfilled as a human. In non-professional life we usually remain in such interpersonal relationships, in which it is not easy to achieve or fulfil unusual values that testify to our humanity (dedication, justice, kindness). On the other hand, professional work, especially requiring direct interpersonal relations and soliciting high moral values, particularly enables actions to affirm one’s humanity. We do not work only for money, and it is not surprising that among the admired professions are invariably a doctor, fireman, policeman, soldier, judge – professions that show their dedication, nobility, and sometimes heroism.

Eighth complaint – not every profession should have professional ethics

There are authors who proclaim the superfluousness or even harmfulness of ethics and codes of professional ethics, and other authors who recognise that professional ethics performs many social functions: regulates relations within a professional group, determines the attitude to the subject of their activity (and it is always a human be-

²² D. Bunikowski, *Podstawowe kontrowersje dotyczące ingerencji prawa w sferę moralności*, Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, Toruń 2010, pp. 74, 108.

²³ D. Bunikowski, *Podstawowe kontrowersje...*, p.144.

²⁴ D. Bunikowski, *Podstawowe kontrowersje...*, pp. 90–91.

ing), protects professionals against moral threats that are typical for the profession, maintains the prestige of a given profession, shapes the general moral attitude of the employee.²⁵ Therefore, it can be assumed that the occurrence of the demand for any of these functions may justify the creation of codes of professional ethics for individual professions. It turns out, however, that the above-mentioned functions, attributed to professional ethics, are thoroughly pragmatic, and are the consequences of codes of ethics' functioning in various professions, and not the reasons for their emergence.

From what – according to the cited authors – should the need to establish professional ethics and their codes arise? There are several basic conditions that contribute to the emergence of professional ethics and ethical codes expressing them. These differentiators are: 1. Especially important moral value present in professional activities, 2. Possible major social losses resulting from professional activities (in fact the irreversibility of the damage), 3. Intractability of professional activities to social control, and 4. Separability of a profession – as a pre-condition. H. Jankowski points to these basic reasons for establishing ethical codes: “It is about professions in which, first of all, their exercise involves communication with the values of the highest order, and secondly, the exercise of which involves a high degree of autonomy, with the lack of the possibility of external control, and finally, thirdly, the performance of which is somehow automatically combined with high social prestige.”²⁶

These conditions, conducive to the emergence of professional morals and then professional ethics show, that these are professions with a high degree of sovereignty and responsibility.²⁷ The moral weakness of the addressees of professional ethical requirements is not a reason for building codes of professional ethics, although I. Lazari-Pawłowska accepts such a conjecture: “Formulation of a set of rules applicable to a given professional group would not – of course – be necessary, if it was possible to rely on the mental disposition of representatives of individual professions, on their moral sensitivity, on unflinching good will”.²⁸ The need for hierarchical norms in codes of professional ethics does not, however, stem from the need to remedy deficiencies in the dispositions of the human psyche – their weak will or reduced moral sensitivity, but from the need to clearly define the moral goal in professional activity, the obligation of the professional environment to achieve it, and to have a source to justify common, professional ethical beliefs.

There are authors who justify creating professional ethics only for certain professions. They are indicated – as one might think – intuitively, without specifying the determinants of the profession that predestine to use their own professional ethics. For example, for J. Woleński justification is only the code of medical (physicians') ethics, because of the importance of moral value that has been entrusted to the profession.²⁹ However, he disregards other medical and non-medical professions, whose primary purpose is also to protect human life. At the same time, however, he notes that the need

²⁵ M. Michalik, *Spoleczne przesłanki, swoistość i funkcje etyki zawodowej*, in: *Etyka zawodowa*, joint publication, ed. A. Sarapata, Książka i Wiedza, Warszawa 1971, p. 21.

²⁶ H. Jankowski, *Kilka uwag na temat etyki zawodowej*, “Etyka”, Year 1994, no. 27, pp. 180–184.

²⁷ H. Jankowski, *Kilka uwag na temat etyki zawodowej*...

²⁸ I. Lazari-Pawłowska, *Etyka zawodowa bez kodeksu*...

²⁹ J. Woleński, *Przeciw etyce zawodowej*...

for professional ethics is due to the fact that individual professions are dealing with important values: doctors with life and health, lawyers with freedom, teachers with education.³⁰

The basic, distinguishing feature of the profession having a code of ethics, pointed out by the participants of the discussion – is the threat of causing significant “social damage, resulting from incorrect practice”.³¹ The need for codical, ethical regulation should increase along with the growth of social responsibility among various professions. I. Lazari-Pawłowska believes that in relation to persons conducting activity associated with a high risk of causing severe harm to someone – professional moral principles should be formulated “even if this means that the moral autonomy of the individual will be limited”.³² Stating that diverse professions are associated with different levels of social responsibility is not always about violating moral values, because it more often refers to the broader concept of so-called “social losses”. This yields the ambiguity of the term “loss”, and also allows for the possibility of material losses (which is no longer an aspect of morality).

In some professions, professional ethics is to result from the fact that the former have high social prestige – as J. Woleński claims. It can be assumed that the reverse is happening – the high social prestige of the profession is due to the fact that it has its professional ethics, and declares the protection of basic human values.

Therefore, it is not convincing that the codes of ethics are appropriate for professions “hiding” their unethical practices behind them. Such is the view of W. Pawlik, who, expressing his disbelief in the effectiveness of creating codes of professional ethics as a way of repairing it or “reviving” – believes that ethical codes would be appropriate for some professions “struggling with the problem of recognising, naming and regulating ‘moral vice/iniquity’”.³³

One should remember about objective conditions for the establishment of professional ethics, including the basic one, i.e. the emergence of a profession. The condition for the formation of any professional ethics is first the clear separation of the profession. It is defined either functionally, as a system of constantly performed activities, or sociologically, i.e. as a “community” of a given profession.³⁴ Therefore, when problems with establishing a code of ethics, e.g. for sociologists, are noticed, one should realise that profession is about the type of education, not about how to earn money. The. A similar remark also applies to psychologists – the existing code is a code of therapists, not persons with a degree in psychology. Also the term “lawyer” is about a type of education, and specific legal professions do not have a single code of professional ethics, but have codes of ethics taking into account the type of employment (lawyers, judges, prosecutors, notaries, legal advisers). Professional ethics only apply to professions, not education. Considering a code of ethics for a psychologist or sociologist is a misunderstanding.

³⁰ Ibidem.

³¹ J. Kraszewski, *Zachować prestiż zawodu*, “Etyka”, Year 1994, no. 27, pp. 202–204.

³² I. Lazari-Pawłowska, *Etyka zawodowa bez kodeksu*, “Etyka”, Year 1994, no. 27, pp. 177–180.

³³ W. Pawlik, *Niecnota uregulowana...*

³⁴ A. Dylus, *Refleksje wokół etyki zawodowej ludzi nauki oraz wokół jej kodyfikacji*, in: *Etyka w środowisku akademickim*, p. 22.

Various reasons for the establishment of codes of professional ethics are indicated, but only one is fundamental – protection of important human values. The rest of the effects (prestige, professional awareness, pride, environmental consolidation) are the effects of completing the main task.

End

Professional ethics, expressing the morality of professionals, does so primarily because of not the actors, but the objects of their actions – other persons, other subjects of morality. People always and everywhere have the same moral obligations, regardless of their social situation, because being human is not dependent on our social roles.

The Code of Professional Ethics is a document that contributes to deepening the sense of awareness of belonging to a professional community. It is also a necessary basis for settling cases of violations of the Code's standards for peer courts (ethical courts).

Ethics do not set standards for professional effectiveness. Moral evaluation generally does not refer to professional fitness. It refers to the fitness of a person who performs any activity that is relevant to humanity.

Professional morality is the expression of general social, moral requirements, but usually to a higher degree. Writing the code is not about coming up with a new morality; in an ideal version, it is a list of those beliefs that already function as “professional morality”. (Morality in quotation marks is to mean the conventionality of this term, because the only source of morality can be a person, never any collectivity of persons).

Codes of professional ethics dictate more obligations than people usually require of each other, thus they represent perfectionist ethics.

The code of ethics does not have to solve every problem, and should not do it. A person always decides. The Code is to help only in such a way that it shows the ethical preferences appropriate to the profession – the hierarchy of norms or values adopted in professional ethics.

One can agree with the view that the code of professional ethics does not set the real moral level of the representatives of a given profession,³⁵ but it is also difficult to assume the complete divergence between the picture of the morality of the profession, presented by the codex provisions, and the sphere of real moral actions usually practiced therein. The postulates of good action, expressed by the norms of ethical codes, cannot refer to unreal states, because such hypocrisy would completely deprive the authority of professional codes of ethics.

Codes of professional ethics should not be overestimated, but their idea and practice demonstrate their fulfilment of an important social task, thus they are needed.

Summary

In comparison to the total number of professions, those with their own codes of professional ethics are sparse. In spite of this, it has long aroused interest, and it is often the interest of op-

³⁵ I. Lazari-Pawłowska, *Etyka zawodowa bez kodeksu*, “Etyka”, Year 1994, no. 27, pp. 177–180.

ponents of these codes. Typically, the voices of such individuals not only question the need for the code, but express the conviction that the creation of codes of professional ethics is harmful both socially and to professional morality.

Key words: code of professional ethics of physicians, professional morality

O potrzebie kodeksu etyki zawodowej i argumentach przeciwnych – część II

Streszczenie

Grupa zawodów posiadających swoje kodeksy etyki zawodowej, w porównaniu do ogólnej liczby zawodów, jest znikoma. Mimo to od dawna wzbudza zainteresowanie, przy czym nie-rzadko jest to zainteresowanie przeciwników tych kodeksów. Zwykle głosy przeciwników kodeksu etyki zawodowej nie tylko kwestionują potrzebę kodeksu, ale wyrażają przekonanie, że tworzenie kodeksów etyki zawodowej jest szkodliwe i społecznie, i dla moralności zawodowej.

Słowa kluczowe: kodeks etyki zawodowej lekarzy, moralność zawodowa