

## Two models of ethics – the essential elements differentiating the codes of professional ethics of a personalist and a utilitarian

### Background

Utilitarians believe that morality regulates the behaviour of society, is a commonly understood and accepted system, and the fundamental role of moral principles is to prohibit specific actions that cause harm.<sup>3</sup> Moral evil is any harm that all rational persons wish to avoid.<sup>4</sup> For a utilitarian, therefore, morality is a set of rules and prohibitions governing behaviour that are intended to keep people from committing evil deeds.<sup>5</sup>

The main distinguishing feature of a wrong action is that it brings some loss. The primary distinctive feature of “morally” good action is that it brings some benefits of social significance, contributing to the broadly understood satisfaction and happiness. However, it is good to pay attention to a few other, most characteristic determinants differentiating the two discussed forms of the code. In this article, we want to refer to such attributes determining both ethical models as: the genesis of morality, its function, the attitude to the legal system, the attitude to ethical eclecticism, and to the role of the ethical code.

### The genesis of morality, intuition, and moral instinct

Utilitarians advocate the “moral instinct” and the inherent nature of morality. They believe that morality results from evolution and that its functioning is natural and therefore obvious.

Morality – according to, among others, J. Haidt – is a specific biological adaptation of the human species.<sup>6</sup> He also claims that contemporary psychology agrees with the

---

<sup>1</sup> L. Bartkowiak – Department of Public Health, Chair of Social Medicine, Poznan University of Medical Sciences, Poznan, Poland.

<sup>2</sup> T. Maksymiuk – Department of Public Health, Chair of Social Medicine, Poznan University of Medical Sciences, Poznan, Poland.

<sup>3</sup> B. Gert, C. M. Culver, K. D. Clouser, *Bioetyka. Ujęcie systematyczne*, translated by Marek Chojnacki, Wydawnictwo słowo/obraz terytoria, Gdańsk 2009, pp. 7–8.

<sup>4</sup> *Ibidem*, pp. 20–22.

<sup>5</sup> J. Baggini, P. S. Fosl, *Przybornik etyka. Kompendium metod i pojęć etycznych*, translated by Paweł Borkowski, Instytut Wydawniczy Pax, Warszawa 2010, p. 240.

<sup>6</sup> B. Wojciszke, *Przedmowa*, in: J. Haidt, *Prawy umysł. Dlaczego dobrych ludzi dzieli religia i polityka?*, translated by Agnieszka Nowak-Młynikowska, Smak Słowa, Sopot 2012, p. 12.

“intuitionist approach”, which is suggested primarily by the link between moral judgments and emotions.<sup>7</sup> He believes that making moral judgments “is not a purely intellectual process of weighing up arguments about harm, rights, and justice. It’s a quick automatic process, similar to what occurs in animals that travel the world feeling attracted to certain objects and repelled by others”.<sup>8</sup> Therefore, it is enough to call the human mind’s ability to formulate immediate conclusions not a thought process, but an “intuitive reaction to everything” to prove the correctness of the intuitionist approach.<sup>9</sup> This approach is one of the basic elements of the utilitarian understanding of morality.

In *The Ethics Guide* (original title *Przewodnik po etyce*), a publication edited by Peter Singer, arguably the best-known ethic of utilitarian orientation, M. Midgley questions traditional Hobbesian social contract theory, but also Darwinism, only to show that altruism is the dominant human feeling and the primary pursuit of peaceful cooperation.<sup>10</sup>

In order to justify altruism, as the basis of the theory of utilitarian ethics, the essential scientific findings on evolutionism are ignored, misrepresented, and distorted, e.g., in the preaching of the belief that “although animals often behave indifferently towards each other, and even under certain circumstances compete with each other and they attack each other, such behaviour is played against a broader background of friendly acceptance”.<sup>11</sup> Questioning biological, intraspecific, and interspecies rivalry is used by the author to present the image of animals (and then also humans) as individuals resolutely cooperating with each other, not brutally rivalling. According to Midgley, Darwin’s claim of rivalry as the primary mechanism of evolution is a “pseudo-Darwinian myth” and not a scientific description of reality that, through its “loudness”, is intended to diminish the popularity of the thesis of universal altruism among humans and other animals.<sup>12</sup> M. Midgley thus questions Darwin’s fundamental observations about competitive struggle and the survival of the best-adapted organisms. For animals – according to her – also of alien species – “are capable of living together”, sometimes they cooperate in gaining food and bestow each other kindness, because “cooperative motives constitute the basic content of their behaviour” and “have natural dispositions to love and mutual trust”.<sup>13</sup>

Equating animal social instincts with morality is also typical of the utilitarian school. The acceptance of Darwin’s claim that humans “have a natural moral faculty” made it possible to find this ability in animals as well, and to argue that human morality is the product of evolution and that in moral actions, humans display a propensity that they share with at least some animals. Ascribing to animals “moral abilities” allows at the same time to assign to humans primary properties shared with the animal world, including “moral instinct”.

<sup>7</sup> J. Haidt, *Prawny umysł. Dlaczego dobrych ludzi dzieli religia i polityka?*, translated by Agnieszka Nowak-Młynikowska, Smak Słowa, Sopot 2012, p. 10.

<sup>8</sup> *Ibidem*, p. 96.

<sup>9</sup> *Ibidem*, p. 96.

<sup>10</sup> M. Midgley, *Pochodzenie etyki*, in: *Przewodnik po etyce*, ed. by Peter Singer, scientific editing of the Polish edition by Joanna Górnicka, Książka i Wiedza, Warszawa 1998, pp. 29–40.

<sup>11</sup> *Ibidem*, p. 35.

<sup>12</sup> *Ibidem*, pp. 32, 34.

<sup>13</sup> *Ibidem*, pp. 32, 34.

Meanwhile, we can regard (people's) morality as an unnatural ability to the same extent that man in his actions has transcended nature and lives in a "supernatural" world, that is, in a world of values available only to him. Therefore, one can support the view that the distance that separates humans from the world of animals is not only quantitative but, above all, qualitative. One can reasonably assume, following Immanuel Kant, that moral behaviour is not a biological activity but is in accordance with principles that people only can consciously articulate. Animals, on the other hand, do not make laws for themselves, are devoid of self-awareness, do not display cognitive and linguistic abilities, and therefore cannot be moral.

In the utilitarian version of "morality", one can find a more naturalistic basis for morality. This relationship is still obvious in the personalistic version but very fragile. Biological are the tools from which man has created new forms of social functioning that did not exist before in nature. Linking human moral behaviour with allegedly similar animal behaviour is possible only after adopting a specific definition of morality, namely that recognised by utilitarians – identifying morality with social benefits, with social feelings, and such behaviour. For a personalist, such a criterion for recognising actions as moral is definitely insufficient, which allows us to remain convinced that moral actions are appropriate only for the world of people.

Understandably, intuitionists (utilitarians) also advocate sociobiology – "biologised ethics," also revived as "evolutionary psychology".<sup>14</sup> The view of utilitarians and personalists on the genesis of morality results not only from the attitude towards evolution and its role in shaping morality but is a consequence of a completely different understanding of the phenomenon of morality – in both versions (while keeping the same name!), describing completely two different phenomena.

### **The moral instinct is the kindness instinct**

Utilitarians believe that man has a moral instinct. It is not explained in more detail and therefore functions as a dogma of utilitarian ethics.<sup>15</sup> B. Mepham recognises that "the sense of morality seems innate and characteristic of human beings." "We believe", he writes, "that certain types of behaviour are right and others wrong, or both, that we should strive for good and avoid evil".<sup>16</sup> He makes a reservation that, admittedly, "it does not follow that we know immediately what we should do under all circumstances, or that we always do what we think is right: total consciousness and moral perfection are certainly beyond the reach of all of us".<sup>17</sup>

When we find references to "moral intuition", we can assume that we are dealing with a different definition of moral instinct or moral sense. The authors of the sec-

<sup>14</sup> J. Haidt, *Prawy umysł*, p. 66, 103.

<sup>15</sup> J. Gray, *Czy moralność jest wrodzona*, *electronic document*, <https://www.pressreader.com/poland/gazeta-wyborcza/20070519/281990373093071>, 26.10.2019.

<sup>16</sup> B. Mepham, *Bioetyka. Wprowadzenie dla studentów nauk biologicznych*, translated by Ewa Bartnik, Paweł Golik, Joanna Klimczyk, scientific editor of the translation Paweł Łuków, Wydawnictwo Naukowe PWN, Warszawa 2008, Selections in the text according to the original.

<sup>17</sup> *Ibidem*, p. 27.

ond textbook on bioethics mentioned here also believe in moral intuition. They write: “Although even philosophers find it difficult to formulate a clear, precise, and holistic view of morality, most cases are so obvious that everyone knows whether or not a specific act is morally permissible. Nobody takes a moral discussion on such issues”.<sup>18</sup> The obviousness of morality is to follow from moral intuition and the fact that morality is innate. “Since there is basically only one morality, the moral intuition of persons, used and specified in everyday life, should provide them with appropriate competences in the field of professional ethics”.<sup>19</sup>

Utilitarian authors rarely refer to the definition of morality precisely because it is self-evident to them: “Our sense of morality may be largely innate and largely shaped by education, but our human reasoning ability requires us to subject this moral sense to the discipline of rational thought. This process [...] is an ethical reflection, where ‘reflection’ can be defined as ‘careful discussion and consideration of an issue’”.<sup>20</sup>

In the entire space of utilitarian considerations, morality is dominated by the belief in the decisive criterion of intuition – otherwise, how can one confidently speak (without specific criteria) about “proper professional morality” or “proper general morality”, or know who “morally serious persons” are?<sup>21</sup> It is not obvious to everyone what this “proper morality” is or what “moral seriousness” is all about.

In the utilitarian position, the belief of moral instinct’s existence is sometimes combined with the idea that morality is a form of a social contract. Thus, writes M. Midgley, “social instincts – the fundamental basis of human morality – with the participation of active mental powers and the consequences of habits – of course, lead to professing the golden principle ‘do to people as you would like them to do to you’ and this is the foundation of morality”.<sup>22</sup> But as long as persons are not freed from conflict, “we need rules to set priorities, not because they remove friction in society, not even to simply make it possible, but also to personally avoid falling into a hopeless state of disorder fraught with conflicts. In a sense, this is the ‘origin of ethics’...”.<sup>23</sup>

B. Gert and co-authors, despite recognising the obviousness of morality, also support the latter as a social contract based on a utilitarian understanding of moral good. The impetus for creating such an agreement is the universal desire to avoid primary types of evil (death, pain, loss of freedom, etc.). “People do not want to suffer this harm, therefore preventing others from inflicting it becomes a consensual basis of morality (moral principles), supplemented by incentives to prevent or eliminate these kinds of evil (moral ideals)”.<sup>24</sup>

The statement that we acquire certain principles through social upbringing does not mean, however, according to utilitarians, that these principles are the ultimate source of our moral decisions. M. Hauser (author of “Moral Minds”) believes that it is quite

<sup>18</sup> B. Gert, C. M. Culver, K. Danner Clouser, *Bioetyka...*, p. 36.

<sup>19</sup> *Ibidem*, p. 134.

<sup>20</sup> B. Mepham, *Bioetyka...*, p. 27.

<sup>21</sup> W. Galewicz, *W sprawie odrębności etyk zawodowych*, in: *Moralność i profesjonalizm. Spór o pozycję etyk zawodowych*, Universitas, Kraków 2010, p. 32, 35.

<sup>22</sup> M. Midgley, *Pochodzenie etyki*, in: *Przewodnik po etyce*, ed. P. Singer, scientific editing of the Polish edition by Joanna Górnicka, Książka i Wiedza, Warszawa 1998, p. 37.

<sup>23</sup> *Ibidem*, pp. 38 – 39.

<sup>24</sup> B. Gert, C. M. Culver, K. Danner Clouser, *Bioetyka...*, p. 25.

the opposite. He expresses the conviction that an unconscious process mediates the formulation of moral judgments, a “hidden moral grammar”, allowing us to evaluate the causes and effects of our and others’ actions. This means that despite the existence of moral principles passed on to us by other individuals, this unconscious process is to take part in the moral decisions of every human being, this “hidden moral grammar”, which is the inheritance of animal ancestors and is still shared today with other higher animals.<sup>25</sup> Following the example of universal grammar, there would also be moral universals contained in an innate set of moral rules. Also, the “obviousness” of morality shown in this way makes one doubt the need for any code of ethics since everyone alone, eternally and invariably, knows what is good and what is bad.

### **Morality function**

The functionalist thesis that the rules of morality always serve the good of the community and even of the entire human species is not convincing. Similarly, it is unconvincing to say that altruism is the essential human feeling and the basis of social relations. However, this is the position of the utilitarians. The basically utilitarian belief that the function of morality is to regulate “social relations” and the conviction that – as in the animal world – “moral sense” helps maintain society’s cohesion and efficiency – must be challenged.

In utilitarian explanations of the origin of morality, it is treated as the evolutionary endowment of man and – notably – also endowment of all other primates. The regulatory significance of morality on a social scale is to result from the fact that the fundamental role of moral principles, according to the authors, is “to prohibit certain activities that generally cause harm”.<sup>26</sup> In the utilitarian version of morality, the goal of protecting humanity is neglected.<sup>27</sup> For a personalist, this is the only goal of morality.

Morality does not regulate social relations, although it indirectly influences them. It is not social relations that are the goal of morality understood personalistically. Morality regulates human relations with other human beings so as to protect their human character and aims to protect humanity. Only this has social consequences. Moral relations in the personalistic sense are exclusively interpersonal.

Utilitarians are convinced that the goal of morality (moral actions) is the benefit (happiness) of as many persons as possible, but also that every public interest, social interest, is such a benefit for them. Therefore, the consequence of such beliefs must also be the conviction that the goal of moral actions is not only the greatest possible benefit for the greatest possible number of persons but also the public interest understood in general. It is clearly visible in the position of the American author (R. T. De George), quoted by P. Łabieniec, presenting the model of a professional code of ethics composed of only three points. One of them requires that the code should take care of the public interest “in the first place”. At the same time, there is a reservation that

---

<sup>25</sup> J. Gray, *Czy moralność jest wrodzona...*

<sup>26</sup> The use of the proviso that the activities are “generally causing” damage suggests a weakness of this concept.

<sup>27</sup> M. Midgley, *Pochodzenie etyki*, pp. 35–37.

the code does not contain provisions “for which the justification is only to protect the interests of the corporation members”.<sup>28</sup>

A very similar position is expressed by Polish authors, who claim that the code of ethics should “protect the public interest in the first place, and not the members of the profession”, and that “it should regulate problems essential for a given profession, and not duplicate the norm of universal morality”.<sup>29</sup> Meanwhile, from the personalist’s perspective, the interest of the profession should only be prestige and social trust. The public interest does not need the support of codes of professional ethics because it receives them sufficiently from the common law. Problems relevant to the profession should be included in the code of professional ethics and should only be of ethical nature and be solely related to the client’s well-being.

Utilitarians also indicate other useful functions to be fulfilled by the code of professional ethics. According to A. Przyłuska-Fiszler, codes of professional ethics should be accepted when “they can perform very beneficial functions”.<sup>30</sup> Among these useful functions, striving for the State’s good is worth noting. Another author, recognising the valuable role of codes of professional ethics, agrees that a physician, acting under the conditions defined by his/her professional role, must strive for health and life more than for other goods, that a scientist is obliged to seek for the truth in a particular way, and “State’s good, [...] obliges a public official to a greater degree than many other citizens, [...]”.<sup>31</sup> Meanwhile, not every professional duty is an ethical duty – a state official is obliged to protect the “good of the state” officially, as part of work – and not ethically. Morality does not refer to a good other than the good of the person, human being, and not collective entities.

If for the authors the role of morality (as a public system) is to protect all interests of citizens, then they apparently see morality as a mapped, though not entirely accurate, legal system: “morality is about reducing the amount of evil or harm suffered by those whose morality protects [...]. This evil or harm that people try to avoid can be included in a compilable and finite list. [...]”.<sup>32</sup> If it is a complete list, it will necessarily be broad and vague. So the critical question is what will be the level of generality, and will it be sufficient to make the right decision to act?

When asking whether the codes of professional ethics “are necessary at all”, it is first necessary to specify what they would be needed for? However, it does not seem that it would be required to define more precisely what should be understood as “practical utility”. Whether it is really a utilitarian benefit is indicated by the specification of the goals that are to be achieved thanks to the ethical code. One should carefully formulate the accusation about the “useful” purpose of the code of professional ethics

---

<sup>28</sup> P. Łabieniec, *Etyka – etyka zawodowa – prawo*, „Prokurator” 2002, nr 2 (10), pp. 21–34, electronic document, <https://docplayer.pl/7700977-Etyka-etyka-zawodowa-prawo.html>, 20.02.2020. In the personalistic sense, an “ethical” code written only to defend the interests of members of the profession would be devoid of any moral sense at all.

<sup>29</sup> As cited in: I. Bogucka, T. Pietrzykowski, *Etyka w administracji publicznej*, LexisNexis, 2nd edition, Warszawa 2010, p. 108.

<sup>30</sup> A. Przyłuska-Fiszler, *Etyka zawodowa – pomiędzy moralnością a prawem*, electronic document, <https://www.diametros.iphils.uj.edu.pl/serwis/?l=1&p=cnf2&m=44&ih=75>, 26.10.2019.

<sup>31</sup> K. Kiciński, *Etyka zawodowa a kodeks*, „Etyka”, R. 1994, no. 27, pp. 174–177 (175).

<sup>32</sup> B. Gert, C. M. Culver, K. Danner Clouser, *Bioetyka...*, pp. 22–23.

because it does not always have to mean a materially measurable benefit; sometimes, it is considered beneficial to achieve moral effects.

P. Łuków agrees with A. Przyłuska-Fischer that “arguments in favour of creating a code of ethics for doctors usually indicate its practical usefulness. The codes are supposed to, for example, shape the attitudes of physicians, define expectations, support decision-making, detail legal acts, provide grounds for disciplining doctors, create standards that can become the basis of legislation”.<sup>33</sup> It is a misunderstanding to maintain that codes of professional ethics are needed “for the proper performance of the profession”, especially when it is sometimes believed that for this, perhaps “it is enough to comply with the applicable professional and legal regulations and to follow the unwritten moral principles of a given professional environment?”.<sup>34</sup>

By the way, there is a possibility of different understandings of the same terms – for example, “to do a job well”: “Every professional ethic should be conducive to the good performance of a given job. Therefore, they should contain rules covering all the most important areas of professional activity. In the case of scientists, specific ethical standards should apply to: attitude to science (freedom, service to the truth, reliability of scientific research, attitude to other scientists (tolerance towards different positions, solidarity), attitude to students (master’s authority, respect for the subjectivity of students and to society and the State [...]).”<sup>35</sup> It is easy to see that these are not parameters relating to efficiency, optimisation, or another productive efficiency but to moral values. In the moral sense, doing the job well solely means meeting its ethical requirements. This vague term always means only respect for another human being. While the code of a utilitarian is always and only a code of norms of useful activity, preventing some sort of evil and – in a very general sense – norms, the application of which will meet with social acceptance as “useful norms”.

Codes of personalists are to defend humanity, human dignity and maintain respect between people. For this reason, they can sometimes be very “impractical” – they can complicate professional activities by ordering them to be carried out in such conditions or in such a way as not to infringe human dignity. They can also harm those who defend fundamental human values, both in a material sense and impeding social relations.

## Relationship to the legal system

The State has the task of comprehensive implementation of the common good. The law does not talk about what is right and what is wrong, but only about what is allowed and what is forbidden by the State. State law is the minimum standard of human behaviour. These are perfectionist ethics, and such are professional ethics, they postulate

<sup>33</sup> A. Przyłuska-Fischer, *Etyka zawodowa...*; P. Łuków, *Moralność medycyny*, p. 19.

<sup>34</sup> A. Przyłuska-Fischer, *Etyka zawodowa...*

<sup>35</sup> A. Dylus, *Refleksje wokół etyki zawodowej ludzi nauki oraz wokół jej kodyfikacji*, in: *Etyka w środowisku akademickim*, ed. J. Zieliński, L. Tyszkiewicz, Materiały Sympozjum zorganizowanego w Uniwersytecie Śląskim w Katowicach przez Górnośląskie Międzyuczelniane Towarzystwo Akademickie “Universitas”, 6 June 1992, Warszawa 1994, pp. 21–30 (25).

particular virtues and rules of conduct ethically higher than the law.<sup>36</sup> Ethics modelled on State law must remain minimalist. It is not the task of the legal order to legally enforce everything that is an ethical norm. The law only sets forth standards without which the common good cannot be realised. In morality, on the other hand, the frames of the meaning of humanity are to be developed – one's own perfection and someone else's happiness.

The similarity of the legal and ethical norms results from the similarity of the legal and moral systems – both prohibit certain behaviours. Morality, moreover, prescribes specific actions that are considered good. The law and morals are about duties. Legal obligations apply to the outside of human behaviour. The law does not oblige categorically but requires compliance with the law, i.e., the legality of behaviour, under (external) penalty. Responsibilities concerning the inner side of human conduct – concerning conscience – are proper and characteristic of morality. The morality of a utilitarianist does not refer to conscience but to an external, social criterion for evaluating acts. Acting legally is not necessarily correct and proper, and acting illegally is not necessarily wrong. For a utilitarianist, following the law is always morally good.

One of the essential moral requirements of a utilitarian is the obligation to obey State law. Personalistically understood morality not only does not need legal support but also recognises that any legal relationship with morality is harmful to it, weakening the sense of its impact. For the utilitarian, universal law is one of the ways of good organisation of society. Thus it has a moral character because it belongs to countless ways of fulfilling the welfare of as many persons as possible. Therefore, the postulates that law should have a place in morality are characteristic of utilitarian ethics.

For A. Przyłuska-Fiszler, codes of professional ethics “should, however, be formulated not only based on the moral tradition of the profession but also take into account socially accepted values, comply with applicable law and international conventions [...]”<sup>37</sup> The author considers compliance with the law as the minimum of morality: “I am ignoring the position according to which compliance with legal norms is treated as the minimum of morality because practice shows that it is not a position universally accepted in society”.<sup>38</sup> Also, according to other authors (E. D. Pellegrino), obeying the law is the first ethical professional duty before observing rights, fulfilling obligations (duties), and practicing virtue.<sup>39</sup>

An important issue is understanding the “compliance” of moral rules with the law – is it allowed in ethical obligations to impose additional actions, going beyond the legal obligations of the citizen? For personalistic ethics, additional (supererogative) obligations assumed by members of the profession are one of the primary distinguishing features. For utilitarians, morality is not an obligation at all.

Also, the quoted P. Łabieniec notes that “if we were to adopt the thesis about the inclusion of the principles of professional ethics in the legal system, it would also have to be assumed that the proper way to remove contradictions between legal norms and

---

<sup>36</sup> D. Bunikowski, *Podstawowe kontrowersje dotyczące ingerencji prawa w sferę moralności*, Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, Toruń 2010, pp. 90–91.

<sup>37</sup> A. Przyłuska-Fiszler, *Etyka zawodowa – pomiędzy moralnością a prawem...*

<sup>38</sup> Ibidem.

<sup>39</sup> As cited in: Galewicz, p. 22.



norms of professional ethics are conflict (collision) rules, and in particular the hierarchical rule (*lex superior derogat legi inferiori*). Professional ethics standards – as issued based on statutory authorisation – would be hierarchically lower standards and, as such, would be derogated by legal norms that conflict with them. He also lists the reasons why it is impossible to accept the law on the content of professional ethics. Firstly, it would be pointless to create codes of professional ethics if they repeat the scope of legal norms and order or prohibit only such activities as permitted by law. Then the best code of professional ethics would be one that would dictate one point: to act ethically is to act in accordance with the law. Secondly, the codes of professional ethics on their own necessarily become similar to the law, once in a written form, two – in referring only to penalties, not rewards.

In contemporary moral culture, there is a tendency to “legalise” morality, that is, to understand moral norms along the lines of legal norms, including their shape.<sup>40</sup> The very codification of the rules of professional ethics causes a kind of “positivisation” of ethical norms and thus makes them similar to legal regulations. Codes of professional ethics are announced so that the members of a given professional group can read their content (most often by publishing them in the journals of professional self-government). This method of publishing ethical principles is very similar to the promulgation of a legal act, which is commonly treated as one of the conditions for recognising the formal validity of a legal norm. Moreover, the structure of codes of professional ethics is modelled on the design of general legal acts with a characteristic division of the normative text into articles, paragraphs, sections, etc.<sup>41</sup>

The norms of professional ethics are not similar in the form of their notation to the outline proper for legal norms, and this is not what we should see as a “legislative” threat to ethics, but primarily in the indeed binding of ethical obligations with legal obligations. Doubtful morality, also for a utilitarianist, should be the law of a totalitarian state because it is difficult for anyone to write down the repressions of the state apparatus against citizens on the side of individual and social benefits. Certainly, the provisions of universal law can more effectively replace the regulations proposed by the norms of professional codes of ethics. Still, the scope of the law is narrower than that of morals, and it requires specialised institutions for its functioning. On the other hand, morality manifests itself in every human relationship and does not need an institutional form.

If adherence to the law is regarded as a fundamental moral obligation, then why undertake any ethical analysis other than examining the compliance of ethical norms with the law? A morality for which we demand lawfulness ceases to be morality because it is devoid of its own goals different from those of the law.

## Moral eclecticism

Usually, utilitarians do not ascribe any practical significance to ethical theories and allow for the use of many different moral philosophies. Proposals of such eclecticism

<sup>40</sup> P. Łabieniec, *Etyka – etyka zawodowa – prawo...*

<sup>41</sup> Ibidem.

to use various elements, even opposing philosophical positions, can often be seen in the utilitarian attitude.

The authors of the American textbook on bioethics are supporters of the opinion that, contrary to popular belief, “there are more than one morally acceptable standpoint for moral problems”. At the same time, they recognise that when there is more than one answer to a moral question, such moral disputes are undecided.<sup>42</sup> The authors do not provide solutions on how to proceed then. They do not consider that there is usually a need to choose any specific version of action in professional practice and the inability to leave a moral problem unresolved. Suppose in professional practice, the lack of resolution of the moral dilemma means, at the same time, the lack of taking meaningful activity. In that case, we are dealing with an unacceptable situation. This is not a coincidence, and other authors also believe that ethical problems with a troublesome solution should be ignored. Similarly, A. Fiszer-Przyłuska believes that codes of ethics should not “try to resolve controversial ethical issues about which there are fundamental differences of opinion”.<sup>43</sup> If, at the same time, it is suggested to refer to legal regulations in such cases, then most likely we have another case of a utilitarian position.

“Couldn’t a step forward in ethical analysis and decision-making be a combination of elements from different theories, or are the differences between them so great that they prevent any synthesis?” – Mepham asks.<sup>44</sup> Such an approach to moral issues by combining “different points of view”, which is, in fact, a utilitarian treatment of morality, is represented by two other examples – authors dealing with the ethics of science.

According to the preliminary declaration of R. Z. Morawski, his study is not oriented “towards the presentation or interpretation of a specific ethical system or a specific code of professional ethics”,<sup>45</sup> but reading it indicates that the proposed ethical eclecticism is utilitarian-oriented. Resignation from ethical “monism” (Kantism, utilitarianism, ethics of virtue), according to R. Z. Morawski, stems from his conviction that there is no one ethical system that would enable the unequivocal resolution of “moral issues that appear more and more often in research practice in connection with the growing complexity of research processes” – which would enable “solving these issues in a way that does not raise any doubts, logical or moral”.<sup>46</sup> And because, according to the author, “good research practices” result from “good practices in everyday life”, therefore “most of the chapters of the book are devoted to ‘good practices’”.<sup>47</sup> One of the author’s conclusions is that where “difficulties arise” – ethical reflection should refer to the effects, and where ethical difficulties are “non-negligible” it should refer to “other grounds”. In many areas, especially new ones, it is best to rely on intuition, especially that of many morally proven persons.<sup>48</sup>

The utilitarian nature of the presented position can also be seen in the sentence: “The problem usually begins when morality requires us to sacrifice non-moral values,

<sup>42</sup> B. Gert, C. M. Culver, K. Danner Clouser, *Bioetyka...*, pp. 7–8.

<sup>43</sup> A. Przyłuska-Fiszer, *Etyka zawodowa – pomiędzy moralnością a prawem...*

<sup>44</sup> B. Mepham, *Bioetyka...*, p. 50.

<sup>45</sup> R. Z. Morawski, *Etyczne aspekty działalności badawczej w naukach empirycznych*, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 2011, p. 18.

<sup>46</sup> R. Z. Morawski, *Etyczne aspekty działalności badawczej...*, p. 8.

<sup>47</sup> *Ibidem*, p. 18.

<sup>48</sup> *Ibidem*, p. 18.

for example, prioritizing social interests over individual ones [...]. This is where attempts are made to search for a less demanding morality that enables the implementation of non-moral values”.<sup>49</sup> Utilitarianism is undoubtedly such a “less demanding morality”. Also the claim that a moral conflict is a conflict of values from different ethical systems is typical for a utilitarian. For example, that “moral values can also come into conflict with non-moral values such as money or aesthetic values”. Contrary to the author’s belief, this is no longer a moral conflict, so his question is unnecessary: “How can they be resolved by ethical theories?”.<sup>50</sup> It is a conflict of aspirations, a conflict of values, but not a moral conflict.

The position represented by Evandro Aggazi is also utilitarianism.<sup>51</sup> The author does not see the need to distinguish the spheres of values because he recognises that all the others can be included in the sphere of ethical values if they can be called “benefits”. Instead, he sees the problem of prioritising “qualitatively heterogeneous” values, such as epistemic and ethical values. E. Agazzi considers attempts to prioritize values futile, and even considering the ethics of science, he does not see the need to define its principal moral value.<sup>52</sup>

E. Agazzi sees the advantage of his interpretation of morality in negating the hierarchy of values (in general, not only moral values): “The advantage of the approach proposed here is bypassing the difficulties and – perhaps the wrong – question of the ‘hierarchy of values’, which would force us to decide once and for all whether truth (somehow specific to science) should be treated as having less value than utility, beauty, mercy, social progress, political freedom, etc. The systemic approach allows us to see that these and other values are important and legitimate. The real problem is not to place them on a scale, but to ensure their proper place by actively optimising their complex interrelationships”.<sup>53</sup> The author calls his utilitarian position “a systemic approach”, however, “active optimisation of values” and their “systemic approach” mean for E. Agazzi a proposal to freely treat values, that is, as it suits someone at a given moment.

In both the cited books on bioethics, the authors also preach the belief that ethical eclecticism is possible. Meanwhile, if it is possible, then only at the cost of relativism. That is, the standard of conduct useful today and tomorrow may be considered a harmful norm. If an ethical system is to be practical, it must show the hierarchy of “important things” and demonstrate their constancy. If the ethical theory is to be coherent, it probably does not function only in its selected elements, let alone combined with aspects of another ethical theory. Usually, combining them will be more likely to create confusion and preference problems than to facilitate real choice.

Eclecticism is, in fact, utilitarianism because combining directives of action, even of different motivations, aims to achieve beneficial, practical solutions to “moral”

<sup>49</sup> Ibidem, p. 105.

<sup>50</sup> Ibidem, p. 105.

<sup>51</sup> E. Agazzi, *Dobro, zło i nauka, Etyczny wymiar działalności naukowo-technicznej*, translated by Elżbieta Kałuszyńska, foreword by Wojciech Gasparski, Oficyna Akademicka OAK, Warszawa 1997.

<sup>52</sup> Ibidem, p. 229.

<sup>53</sup> Ibidem, p. 229.

problems. Considering “human dignity” – the central theme of the personalist – is only one of the acceptable criteria in this model.

### Ethical codex

The mere position questioning the need for codes of professional ethics does not prove that it results from a utilitarian attitude. This view, however, very often signals just such – utilitarian – mental orientation of those who hold (proclaim) this position. For a utilitarianist, a code of ethics is usually unnecessary – there is a universal morality that embraces everyone, and the moral instinct directs moral intuition towards proper, good behaviour. “There are no experts in the field of morality; everyone understands moral issues without their help”.<sup>54</sup> The code of ethics “must regulate important and specific problems for a given profession, and not establish norms that are inherent in common morality anyway”.<sup>55</sup>

The belief that a code of ethics is redundant, especially that of professional ethics, usually refers to several other basic arguments, especially its insufficiency. A. Przyłuska-Fiszler considers the ethical code regulation to be ineffective: “an attempt to solve ethical problems by formulating binding standards that are to apply to each similar situation is [...] an unjustified simplification [...]”.<sup>56</sup> P. Łuków is of a similar opinion, who believes that this “simplification” should lead to questioning the impact of the code on the moral life of physicians.<sup>57</sup>

P. Łuków also refers to another argument: “A code alone cannot fulfil the hopes placed in it and shape the moral work of a doctor or the entire professional group, because using the code requires a properly shaped character. A code of medical ethics can at best complement ethical education, but it cannot and should not be the basis of a physician’s morality”.<sup>58</sup> He believes that medical morality “must be based on a commitment to the principles that form the basis of a physician’s virtues”.<sup>59</sup> If we agree that the tool of proper activity (e.g., of a doctor) are not the rules of moral conduct but virtues, it should also be noted that no one is born with virtues. Still, they are the result of moral education, that is, the prior assimilation of the norms of moral behaviour.<sup>60</sup>

The fact that the existing code of ethics is not used in professional practice (which is probably common not only among doctors) does not mean that it is alien to them, but rather that code morality is already contained in the acting capacity. Indeed, it is not convincing to say that the quality of actions (i.e., moral quality) does not result from the knowledge of the rules of conduct, but from “the understanding of the nature of the profession”, because it is not the knowledge of the rules, nor the profession and professional

<sup>54</sup> B. Gert, C. M. Culver, K. Danner Clouser, *Bioetyka...*, p. 134.

<sup>55</sup> The third point of the code of R. T. De George, as cited in: P. Łabieniec, *Etyka – etyka zawodowa – prawo...*

<sup>56</sup> A. Przyłuska-Fiszler, *Etyka zawodowa – pomiędzy moralnością a prawem...*

<sup>57</sup> P. Łuków, *Moralność medycyny, Moralność medycyny. O sztuce dobrego życia i o sztuce leczenia*, Wydawnictwo Naukowe Semper, Warszawa 2012, p. 21.

<sup>58</sup> *Ibidem*, p. 19.

<sup>59</sup> *Ibidem*, p. 10.

<sup>60</sup> *Ibidem*, p. 26.

role that create morality. It stems from the role of a man. The utilitarian will disagree with this sentence because (once again) his/her understanding of morality, especially morality's goal, is entirely different from that of the cantist, the personalist. The Code, however, contrary to what some authors believe, may decide "all circumstances of action" not because they are generally defined ("so that despite their finite number, they can provide instruction in various circumstances"),<sup>61</sup> but because they refer not to the procedures or "technology" of proper action, but to the sense of that activity, that is, to moral values.

W. Galewicz considers professional ethics to be "in fact a mixture of moral and post-moral norms, the so-called pragmatic or prudent ones". "In this case, its specific norms – additional prohibitions and orders – may not be moral at all".<sup>62</sup> Such a position corresponds well with the belief that moral values are incomparable. The thesis that morality is too complex and complicated to be included in a code, and that moral values are "incomparable", is one of the arguments of opponents of creating codes of professional ethics.<sup>63</sup> A possible code of a utilitarianist must be occasional – calculated for a specific and present benefit. Still, if the code were to be relatively permanent, it would have to be so general as to be banal. The meaning of the utilitarian's activity is contained in the description of the action. It will either be very comprehensive and of little use to practice or detailed and then refer to an infinite number of possible benefits.

We must agree that, especially for a utilitarian, the goods of this world worth striving for are incomparable because they usually belong to different spheres of values (e.g., material and aesthetic goods). It is no coincidence that utilitarians use the term "good" rather than "value" much more often. It is almost always not about moral values but about moral goods in the utilitarian position. Utilitarians do not refer to the concept of value as the goal of any righteous action because the only value of any activity is always to benefit or prevent loss (harm). Comparing "utilitarian goods" with "moral values" is far-fetched because it is impossible. This is the only way to explain "different points of view" to – in the utilitarian conviction – "the diversity of the world of values".<sup>64</sup>

For a personalist, the world of moral values is not homogeneous but certainly ordered. The ethical (also moral) norm of a personalist is not a common-sense maxim resulting from the observation of numerous human actions that are beneficial to people, but – without excluding the effects of the broadly understood benefits of activity – it always represents moral value, and this always refers to attributes of humanity.

## Conclusion

In the differences between utilitarian morality and personalistic morality, one should notice what is of particular importance for professional ethics: a completely divergent understanding of the function of a moral norm.

---

<sup>61</sup> Ibidem, p. 20.

<sup>62</sup> W. Galewicz, *W sprawie odrębności etyk zawodowych*, p. 26. The author would be right if he applied his thesis only to utilitarian codes, while, for example, all Polish ethical codes of medical professions are of a personalistic nature.

<sup>63</sup> A. Przyłuska-Fiszler, *Etyka zawodowa – pomiędzy moralnością a prawem...*

<sup>64</sup> Ibidem.

For a personalist, the moral norm expresses and represents the fundamental values that constitute humanity. These values (e.g., love, freedom, solidarity, trust) are permanent and unchanging to the extent that our image of being human does not change through history. These values, expressed in moral norms, can be written.<sup>65</sup>

Following the already cited author, it should be stated that it is precisely such principles – characterised by durability – that determine the specific nature of professional ethics. Without such specific rules, one can only speak of the ethics of individual persons practicing a given profession and not of common corporate ethics.<sup>66</sup>

Humanity is not the category of utility that the morality of the utilitarian wants to strive for. Making happiness and profit the goal of actions, called moral actions, is, therefore, a declaration of the variability of activity's objectives and their variable evaluation. There is no point in writing down the goals of action that are subjectively assessed and change their value.<sup>67</sup> The reluctance of the utilitarians to write a code of moral conduct is justified here. In personalism, it is morality that defines what is beneficial (right) activity; in utilitarianism, it is the benefit that defines what morality is.

The problem of professional ethics, not only of medical professions, is not the existence of utilitarian ethics as the antithesis of the model of personalist ethics, but the phenomenon of the penetration of utilitarian reasoning into personalist codes, which are assumed to protect human dignity. This alone, striving for dignity and at the same time for some benefits, can significantly weaken the strength of the message of such a code, confuse the addressee – a doctor, nurse, and midwife, diagnostician, pharmacist, paramedic.<sup>68</sup> It is difficult to imagine deontology without clearly defined rules, so one may agree with the fear that adopting a utilitarian model will end professional ethics and replace it with regulations and pragmatics.

## Summary

The article presents the fundamental theses of personalism and utilitarianism – two essential and opposing currents of contemporary ethics. It is the codes of professional ethics that contain the practical directives resulting from the basic assumptions of both these moral theories. Professional codes of ethics express those values and ethical norms of individual professions that set the moral goals of professional activities. While the purposes of any personalistic ethics are to protect many fundamental values that condition humanity, utilitarian ethics' sole and the initially unspecified goal is always benefit. To show it better, the article indicates the most critical elements differentiating the two ethical positions: the view on the genesis and purpose of morality, the meaning of moral intuition, belief in the existence of the moral instinct, and the assessment of the social impact of morality. The principal conclusion is that the positions of both ethics cannot be combined in a single code of ethics, and utilitarian ethical directives weaken ethical personalistic declarations.

**Key words:** ethics, codes of professional ethics

<sup>65</sup> Especially when it comes to a limited scope of activities, e.g., through professional practice.

<sup>66</sup> P. Łabieniec, *Etyka – etyka zawodowa – prawo...*

<sup>67</sup> In the written versions of codes of utilitarian ethics, we only deal with generalities.

<sup>68</sup> Utilitarian inclusions in the ethical codes of these professions are of a similar nature, probably because their editors follow the codes of the other professions.

**Dwa modele etyki – podstawowe elementy różnicujące kodeksy etyki zawodowej personalisty i utylitarysty****Streszczenie**

Artykuł ukazuje fundamentalne tezy personalizmu i utylitaryzmu – dwóch podstawowych i przeciwstawnych nurtów etyki współczesnej. To kodeksy etyk zawodowych zawierają dyrektywy praktyczne wypływające z podstawowych założeń obu tych teorii moralnych. Zawodowe kodeksy etyczne wyrażają te wartości i normy etyczne poszczególnych zawodów, które wyznaczają moralne cele działań zawodowych. O ile cele każdej etyki personalistycznej mają na względzie ochronę wielu podstawowych wartości warunkujących człowieczeństwo, o tyle jedynym i niesprecyzowanym wstępnie celem etyki utylitarystycznej jest zawsze pożytek. By to lepiej ukazać w artykule wskazano najistotniejsze elementy różnicujące oba wymienione stanowiska etyczne: pogląd na genezę i cel moralności, znaczenie intuicji moralnej, wiarę w istnienie instynktu moralnego, czy ocenę społecznego oddziaływania moralności. Podstawowy wniosek mówi, że stanowiska obu etyk nie dają się ze sobą łączyć w jednym kodeksie etycznym, a etyczne dyrektywy utylitarystyczne osłabiają etyczne deklaracje personalistyczne.

**Słowa kluczowe:** etyka, kodeksy etyki zawodowej

