



Ethics in real life

Codes of ethics

Professor Onora O’Neil:

Well, I don’t think it’s like a technical code, for example, a code that a professional body might produce which says exactly what standards you’ve got to meet and how you’ve got to do your training and the rest of it. I think it’s almost in the nature of reminders that people generally know but reminders are useful everywhere in life and reminders, I think, are particularly useful for the things that we think are absolutely obvious and elementary and we all knew them since we were children, so an ethics code might include something like ‘Look after the client’s money properly’ or something like that, very general but useful.

Derek Matravers:

I know you’ve been working on the Universal Code for Scientists, could you tell us how you decided what went into the code and what didn’t?

Professor Onora O’Neil:

Well, the first thing was to convince colleagues that it wasn’t terribly useful to produce an enormously long code that would make a very nice thick book that could sit and gather dust on shelves. And we very deliberately wanted to get something that was small and touched all the bases, but the word is touched them, so it has these very simple headings like Rigour, Honesty and Integrity which is about the standard of work that a research scientist can do, respect for life, law and the public good which I think is very clear what that’s pointing to and responsible communication, listening to others and informing them, these very simple headings are, as it were, almost like a checklist of things to think about. And by the way, I don’t think it’s merely a useful code for natural scientists, I think it’s highly relevant to a lot of work in the social sciences, particularly work on human subjects and if people do work in social anthropology, the question of how to protect the privacy of informants is a very big and important question and one that is not always perfectly handled.

Derek Matravers:

Do you think there are dangers in having a code of ethics?

Professor Onora O’Neil:

Anybody can misuse a code, they can try to treat it as a sort of set of instructions where you press the button and get the answer and don’t think about it. I think the better use of a code is to think that it enables you to reflect and it reminds you of certain things. Let me give you a quite concrete example from the Universal Ethical Code for Scientists. It says, ‘Ensure that your work is lawful and justified’. Well, that might seem so banal as to not need saying and yet we’ve all heard people enthusiastically thinking about possible experiments they could do in areas like psychology which might not be lawful. There are very big constraints, for example, on the way you can work with schoolchildren and the sorts of permissions you need to have. So you can’t just barge in and do research, particularly research on human subjects without attending to these things and a code is a reminder, then you may have to do more precise things but it helps.

Derek Matravers:

One of the clauses of the code says ‘Minimise and justify any adverse effect your work may have on people, animals and the natural environment’. If that really meant something concrete, then, would that give positive advice to somebody who was considering say going into research in the military?

Professor Onora O’Neil:

Well, I think that in military research, as elsewhere, there may be some things where one would say But I'm just not going to do that because there is no way of going in which will minimise adverse effects on the environment, say it's something like Napalm or on people, there might be other military research where given the realities of the world and the horror of what's developed, people would say, Yes, I can see a very good case for doing that work. And, what I think I'm saying is, there may be technologies that are fundamentally defensive and there may be technologies that are almost exclusively offensive and perhaps also technologies that are offensive in ways that would make it very hard to see any use that lay within the Geneva Conventions, the current debates about the use of cluster bombs are a good case in point and the British forces are now committed to destroying those cluster bombs which do not have something that, if they fail to explode immediately, will then explode them or inactivate them shortly thereafter. The campaign against landmines was another example of that sort of thinking. Landmines unfortunately are now so cheap and made of plastic that there is no effective way of clearing them, they are therefore not something that can reasonably be regarded as working within any sorts of conventions about the conduct of war.

Derek Matravers:

Maybe this is just putting the same point in a different way but one might think that codes of ethics could only ever preach to the converted because if somebody is going to obey a code of ethics, then they're the sort of person who would have been ethical anyway and of course, it has no independent authority so if they weren't going to be ethical, they wouldn't be the sort of person who listened to a code of ethics.

Professor Onora O'Neil:

I think that's a very good point. We're quite lucky however in, even people who intend not to play by the ethical rules, very often wish to appear as if they so did. If there's a code there, then other people can say, Hey, you've failed to acknowledge that that work that you presented as your own was somebody else's work. It makes it easier for people to see where the code is not kept to as well as making it easier for the well-intentioned to keep to it.

Derek Matravers:

So, transparency is another benefit of the code of ethics?

Professor Onora O'Neil:

I think transparency is probably overdone as a benefit. Transparency is a matter of putting things in the public domain of dissemination and disclosure.

Derek Matravers:

Perhaps I chose the wrong word, perhaps it's more that codes of ethics help accountability...

Professor Onora O'Neil:

I think it should, I think it should help people in the way that a little checklist helps one and then of course, it becomes second nature. Think about when you were learning to drive. When you were first learning to drive, you probably went quite slowly and methodically through things like check the mirror and check the handbrake and so on. As your driving gets better, you stop having to do it as a checklist but it is still quite relevant to how one has to proceed if one is to drive safely and occasionally, one finds oneself getting into bad habits and has to sort of track back and say, Right, I'd better check that I've really got the brake off before I start putting my foot down on the accelerator or whatever it may be. So I think checklists, codes, are quite helpful to us even when we're fairly experienced in doing something.

Derek Matravers:

With some codes of ethics I've looked at, you can see how the advice that they give might pull in two different directions.

Professor Onora O'Neil:

I think that's very easy when people feel it can't be a good code, certainly not a good ethical code unless it's full of warm words, uplift and jargon and they put a lot of hype in and then you

can very quickly see how it could run into conflict. I believe it has more chance of being useful if it's rather flat, if it says, Look, this is what you're responsible for without promising that everybody is going to be a paragon or requiring everybody to be a paragon, most of us aren't paragons but equally most of us can avoid stealing others' work.

Derek Matravers:

In the code of ethics for engineers, there are some clauses regarding confidentiality of information to the engineers' employers, and there are also some clauses regarding the engineers' obligations to the broader society and it's fairly easy to see how those two can conflict. What sort of advice would you give in those sort of circumstances?

Professor Onora O'Neil:

I don't think there is, as it were, an answer of the form, always give priority to the public interest or always give priority to the employers' requests for confidentiality. This is basically going to be a hotly contested frontier area. Employers or clients, in many cases, in engineering in architecture or law, are going to push as hard as they can to keep information that they might regard, for example, as commercially valuable or sensitive under wrap of confidentiality and it may be that sometimes that the individual professional feels that this is really not acceptable and that the public interest is being seriously harmed by this use of confidentiality. I don't think a code is going to be a sufficiently precise instrument to pick that apart. But what it could do is to help it to be quite common for people to notice that there's a conflict of interest. One of the most frightening things about conflict of interest requirements is that a lot of people imagine that they don't have any conflict of interests. I have heard people say that, for example, that because they aren't wealthy, they don't have conflicts of interest. That is, I think, nonsensical. They still have all sorts of interests and to be aware of one's interests is the beginning of knowing when one might need to take issue. There are of course, lots of things you can do in these circumstances before you simply turn to the employer and say I'm sorry, I published all that confidential material on the web yesterday and one of the first is you can say to the employer, I don't think it is in the public interest to keep that information confidential, it will have the following effects. And then, in most professions, you will find that there is a sort of relationship to a mentor or a senior person to whom you can go in these circumstances and say I'm being asked to keep something confidential which I believe should be out in the public interest. One of the curious things is very often, quite a lot of the things that people want to keep confidential are in fact, in the public domain, just in an obscure or different place.

Derek Matravers:

I notice that the code of ethics for scientists runs just to one side of A4. Is there another danger that the advice it gives is too simplistic so life can be enormously complicated and superficially similar situations might actually demand different courses of action from us. How can a codified ethics cope with that?

Professor Onora O'Neil:

I think this is one of the clear problems, that if one thinks that a code will be better by making it longer and longer and trying to cover every possible contingency, ultimately, you hit that problem. At the moment, I'm chairing an enquiry for the King's Fund into the safety of maternity services and so I've talked with an awful lot of midwives in the last few months and they say that the codes are sometimes so long that in an emergency, you couldn't probably find the bit that was relevant and that a lot of time is spent condensing them down to half a side of A4 for dealing with particular contingencies. So, horses for courses. If one was writing a textbook, it could legitimately be longer but I don't think a code is made better by being longer. There may be some codes that have to be pretty long, think of the Highway Code, but on the whole, they'd better be memorable.

Derek Matravers:

Could I ask about another function of code of ethics which again some people have used as an argument against them which is that they both define and regulate certain professions and there's an element of them that is in defence of those professions. to what extent are there sort of self-protecting closed shop for certain professions?

Professor Onora O’Neil:

Well, there are some professions of which doctors and lawyers are good examples which are regulated professions and those professions, in return for undertaking to refrain from certain things and to do certain things are also given a monopoly, in effect, so that if you are not medically qualified, you cannot apply for a job and then get a job as a doctor, or at least, you can only do it by fraud, and then you may get found out. A code is really at a different level from professional regulation and if you think of chartered professions or regulated professions, that requires ultimately legislation and regulation, it requires statute in particular. And there are quite a lot of regulated professions, for example, until quite recently, this is an arcane matter but chiropodists were not regulated, I don’t think if you and I set up as chiropodists, we would probably have been very good at it and this loophole in the law was filled, I think in about 2000, and that’s an interesting example of a profession where, in effect, anybody could have put up their shingle and said I am a chiropodist, bring your sore feet to me, and might have done the public great harm. And so, on the whole, I think legislation and regulation are introduced where a profession has considerable power to do the public harm.

Derek Matravers:

So, it’s odd in a way, that one sort of rather sharp function of a code of ethics in those professions is that repeated violations of the code of ethics mean that your license to practice in that profession gets revoked.

Professor Onora O’Neil:

Yes. And license to practice can of course be revoked in quite a lot of ways for incompetence as well as for ethical violations.

Derek Matravers:

I take on board everything that you’ve said about codes of ethics being a reminder to people and it not being incompatible with still exercising ethical judgments but nonetheless, with the various problems that we’ve discussed, if you were in a company and you had a certain training budget, is it obvious that the training budget is better spent on a code of ethics than on just teaching people straightforwardly to be good judges of ethical situations? So, to teach them skills rather than to give them a code?

Professor Onora O’Neil:

Well, I should think that the code is simply, if you like, the skeleton of the way you teach them to improve their judgment. And what one would hope is that people in various lines of work, because, will work out examples of how you could have a difficult case under all the different headings of the code, and these form useful training exercises. There are other sorts of training exercises which have to do with competence in a line of professional practice, and this code does not provide training materials for that because it is, if you like, highly generic as relevant one would think for all lines of scientific work. I suspect however, of particular relevance to biomedical scientists because research in that area may impinge rather directly on the welfare of patients of the wider public and in the case of veterinary medicine, of animals, so that one has there a particularly strong reason for emphasising the ethical code as well as the professional guidelines for competence.