Contents

Preface

Professions and Professional Ethics:

The Theoretical Background

| INTRODUCTORY ESSAY/Peter Y. Windt | |
|---|-----|
| IVAN ILLICH Professional Dominance, 25 | |
| -Daniel M. Fox Physicians Versus Lawyers: A Conflict of Cultures, 32) | |
| ELIOT FREIDSON The Theory of Professions: State of the Art, 38 | |
| LISA H. NEWTON Professionalization: The Intractable Plurality of Values, 49 | |
| CHARLES FRIED Rights and Roles, 59 | |
| ROBERT M. VEATCH The Triple Contract: A New Foundation for | |
| Medical Ethics, 67 | |
| EDMUND A. Pellegrino The Primacy of the Act of Profession, 76 | |
| RICHARD A. WASSERSTROM Lawyers as Professionals: Some Moral Issues, | |
| | |
| Suggested Readings, 95 | |
| | |
| 2 The Professional-Client Relationship | 97 |
| 2 The Polessional Cheft Helationship | 57 |
| INTRODUCTORY ESSAY/Margaret P. Battin | |
| Truthtelling | |
| HAROLD Y. VANDERPOOL AND GARY B. WEISS Patient Truthfulness: A | |
| Test of the Physician-Patient Relationship, 116 | |
| SISSELA BOK Lies to the Sick and Dying, 127 | |
| KENNETH KIPNIS Lying in the Law, 134 | |
| DENI ELLIOTT Journalistic Deception, 144 | |
| ALBERT CARR Is Business Bluffing Ethical? 147 | |
| | |
| | iii |

ix

1

THOMAS L. CARSON AND RICHARD E. WOKUTCH The Moral Status of Bluffing and Deception in Business, 155

Confidentiality

WILLARD GAYLIN What's an FBI Poster Doing in a Nice Journal Like That? 158

IAN E. THOMPSON The Nature of Confidentiality in Medicine, 160 MONROE FREEDMAN Where the Bodies Are Buried: The Adversary System and the Obligation of Confidentiality, 167

I_ MATHEW O. TOBRINER, STANLEY MOSK, AND WILLIAM P. CLARK Tarasoff v. Regents of the University of California, 171

KAREN LEBACQZ Power and Paradox: Confidentiality in the Ministry, 174 JANET MOORE-KIRKLAND AND KAREN VICE IREY Confidentiality in Social Work: A Reappraisal, 184

Informed Consent

ALEXANDER CAPRON Functions of Informed Consent in Human Experimentation, 188

ONORA O'NEILL Paternalism and Partial Autonomy, 194 WILLIAM DEAN HOWELLS The Architect and the Client, 202 MIKE W. MARTIN, ROLAND SCHINZINGER, AND THOMAS A. LONG Engineering and Informed Consent: An Exchange, 204 KENNETH STRIKE Autonomy and Consent in Education, 214

Case 2.1 Should the doctor insist on the truth? 220

Case 2.2 Telling your congregation the truth, 221

Case 2.3 Grading truthfully, 222

Case 2.4 Warning possible partners, 223

Case 2.5 Confidentiality and the architect, 224

Case 2.6 Filing for divorce, 225

Case 2.7 Enlisting consent, 225

Suggested Readings, 226

************ **3** Personal, Professional, and Institutional Obligations

INTRODUCTORY ESSAY/Peter C. Appleby

JOHN LADD Corporate Goals and Individual Values I, 256

RICHARD J. BOLAND Corporate Goals and Individual Values II, 265

RICHARD T. DEGEORGE An Engineering Disaster: The Pinto Case, 269

MARTIN CURD AND LARRY MAY Responsibility for Harm, 278

RUTH MACKLIN Divided Loyalties in Institutional Employment, 281

MARTHA R. FOWLKES Difficult Working Conditions: A Textbook Case, 287

ROBERT W. GIBSON The Rights of Professionals in Health Care, 296

MICHAEL S. BARAM Protecting Trade Secrets, 303

SISSELA BOK Whistleblowing I, 311

RONALD DUSKA Whistleblowing II, 317

229

353

MARY GIBSON The Right to Strike, 322 JUDITH M. HILL Industrial Research Contracts and the University, 330 AMNON GOLDWORTH Public Funding and Private Profit in Research I, 337 LOREN E. LOMASKY Public Funding and Private Profit in Research II, 341 Case 3.1 Legal and institutional obligations of a social worker-administrator, 346 Case 3.2 Professional integrity and qualification for academic tenure, 347 Case 3.3 Whistleblowing in medical practice, 348 Case 3.4 Professionals as businesspeople: A problem in veterinary practice, 349 Case 3.5 Job actions in the practice of nursing, 350 Case 3.6 Consulting in journalism, 350 Suggested Readings, 352 Access to Professional Services 4 INTRODUCTORY ESSAY/Bruce M. Landesman CHARLES FRIED Health Care, Cost Containment, Liberty, 374 AMY GUTA NN Equal Access to Care, 378 HENRY J. AARON AND WILLIAM B. SCHWARTZ Rationing Hospital Care: Lessons from Britain, 381 NORMAN DANIELS Why Saying No to Patients in the United States Is So Hard. 385 H. TRISTRAM ENGELHARDT Allocating Scarce Medical Resources and Organ Transplants, 388 GEORGE F. WILL For the Handicapped: Rights but No Welcome, 394 KENNETH KIPNIS Professional Responsibility and the Distribution of Legal Services, 398 DAVID L. SHAPIRO The Lawyer's Duty to Serve, 406 BARLOW F. CHRISTENSEN The Lawyer's Pro Bono Publico Responsibility, 410 LISA H. NEWTON Reverse Discrimination as Unjustified, 413 RICHARD A. WASSERSTROM Preferential Treatment, 417 Case 4.1 Medical priorities within a closed system, 430 Case 4.2 Funding Joyce's fertility, 431 Case 4.3 The law and the tax collector, 433 Case 4.4 Pro bono: The lawyer and the stockbroker, 434 Case 4.5 University admissions restrictions, 435 Suggested Readings, 436 5 Regulation of the Professions 439 INTRODUCTORY ESSAY/Leslie P. Francis MILTON FRIEDMAN Occupational Licensure, 462 LDEBORAH RHODE Why the ABA Bothers: A Functional Perspective on

Professional Codes, 468

| RICHARD P. KUSSEROW, ELIZABETH A. HANDLEY, AND MARK R. YESSIAN An Overview of State Medical Discipline, 476 | |
|--|-----|
| EDWIN T. LAYTON, JR. The Engineer and Business, 481 | |
| RALPH CHANDLER A Code of Ethics for Public Administration? 489 | |
| JOHN MARTIN RICH Professional-Ethics Instruction in Teacher Education, 492 | |
| ROBIN MARANTZ HENIG In Business to Treat Cancer, 494 | |
| HARVARD LAW REVIEW Designer Genes that Don't Fit: A Tort for Commercial Release of Genetic Engineering Products, 500 | |
| REBECCA Dresser Conscientious Objections by Nurses, 509 | |
| MORTIMER P. KADISH AND SANFORD H. KADISH Official Disobedience, 512 | |
| Case 5.1 The plagiarizing journalist, 521 | |
| Case 5.2 Professorial quality, 522 | |
| Case 5.3 Clergy malpractice, 523 Case 5.4 Scientific experimentation against the law, 523 | |
| Case 5.5 "It's over, Debbie," 524 | |
| Suggested Readings, 526 | |
| Appendix I | 527 |
| - pp | 0_, |
| THOMAS DONALDSON AND PATRICIA H. WERHANE Introduction to Ethical Reasoning, 527 | |
| Appendix II Selected Codes of Professional Ethics | 535 |
| AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS Rules of Conduct of the Code of Professional Ethics, 535 | |
| AMERICAN ASSOCIATION OF ADVERTISING AGENCIES Standards of Practice, 540 | |
| AMERICAN INSTITUTE OF ARCHITECTS Code of Ethics and Professional Conduct, 541 | |
| AMERICAN DENTAL ASSOCIATION Principles of Ethics and Code of Professional Conduct, 545 | |
| NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS Code of Ethics for Engineers, 547 | |
| INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS Code of Ethics | |
| for Engineers, 552 | |
| for Engineers, 552 SOCIETY OF PROFESSIONAL JOURNALISTS Code of Ethics, 553 | |
| for Engineers, 552 SOCIETY OF PROFESSIONAL JOURNALISTS Code of Ethics, 553 AMERICAN BAR ASSOCIATION Model Rules of Professional Conduct, 555 | |
| SOCIETY OF PROFESSIONAL JOURNALISTS Code of Ethics, 553 AMERICAN BAR ASSOCIATION Model Rules of Professional Conduct, 555 AMERICAN MEDICAL ASSOCIATION Principles of Medical Ethics, 556 | |
| SOCIETY OF PROFESSIONAL JOURNALISTS Code of Ethics, 553 AMERICAN BAR ASSOCIATION Model Rules of Professional Conduct, 555 | |

AMERICAN NURSES' ASSOCIATION Code of Ethics, 571

AMERICAN ASSOCIATION OF PASTORAL COUNSELORS Code of Ethics, 574

AMERICAN POLITICAL SCIENCE ASSOCIATION Rules of Conduct, 577

AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION Code of Ethics and Implementation Guidelines, 579

AMERICAN PSYCHOLOGICAL ASSOCIATION Ethical Principles of Psychologists, 584

NATIONAL ASSOCIATION OF SOCIAL WORKERS Code of Ethics, 589 AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS Statement on Professional Ethics, 592

NATIONAL EDUCATION ASSOCIATION Code of Ethics of the Education Profession, 593