Conflicts of duty and the virtues of Aristotle in public relations ethics: Continuing the conversation commenced by Monica Walle.

John Harrison
University of Queensland

Monica Walle's commentary on codes of ethics from five national public relations associations "What happened to public responsibility? The lack of society in public relations codes of ethics"*, in the last issue of* PRism *(2003), made several useful points about potential conflicts of duty, and the manner in which the various codes are silent on the duty of the professional to the public interest. Indeed, it is this very notion of service to the community, and the upholding of the public interest against private interests--or the singular interest of publics--which is at the core of any definition of what it means to be a profession (Sallot, Cameron, & Lariscy, 1997). Issues arising from Walle's discussion of conflicts of duty, as well as several broader questions about the nature and functions of ethics codes, are discussed further here and illustrated by the recent and controversial 'Timberlands' case from New Zealand.*

The idea of duty is but one of the dimensions of ethical decision-making. Walle (2003, p. 2) suggests that the resolution of conflicts of duty lies in the pursuit of an Aristotelean mean:

> Aristotle argued that ethical behaviour is the balance of the "mean" between thinking and acting in extreme ways (Martinson, 2000). To Aristotle then, the ethical practitioner would be the one who balances between the welfare of the public and the welfare of the client.

Two preliminary points need to be made about Aristotle's approach to ethics, which is set out in *Nichomachean Ethics*. First, contrary to Walle's argument, Aristotle did not construe the mean as the balance point between extremes, but as one point of a triangle with excess and deficit at the other points. All three; excess, deficit and mean, are opposed to each other:

> There are three kinds of disposition, then, two of them vices, involving excess and deficiency respectively, and one a virtue, viz. the mean, and all are in a sense opposed to all; for the extreme states are contrary both to the intermediate state and to each other, and the intermediate to the extremes; as the equal is greater relatively to the less, less relatively to the greater, so the middle states are excessive relatively to the deficiencies, deficient relatively to the excesses, both in passions and in actions. (Aristotle, 1955, Book II.8).

Nor does Aristotle write about "thinking and acting in extreme ways" but about "acting and feeling" (MacIntyre, 1984, pp. 149-150).

Secondly, Aristotle was not concerned with resolving conflicts between competing duties, such as duty to society versus duty to client, as Walle argues. Aristotle's whole ethic of virtue transcends duty-based (or deontological) approaches to ethics, with an ethic based on dispositions or habits of good character.

Since the publication of MacIntyre's *After Virtue* in 1984, Aristotle has become a major, if not the major, influence on applied ethics among academics and practitioners who are working to foster integrity and ethical conduct in organisations and professions. This neo-Aristotelian approach is different from the other two major approaches to ethics: deontology and consequentialism. Although deontology (from the Greek *deon* meaning duty) draws on ancient codes of behaviour such as the Ten Commandments, it also owes much to the

Enlightenment philosopher Immanuel Kant who formulated duty-based ethics on the basis of the two principles of *universalisability* and *reversabilit*y. It is these principles that underlie modern codes of ethics in the professions. Twentieth century formulations of Kantian ethics can be found in Sir David Ross' *The Right and the Good* (1930) and John Rawls' *A Theory of Justice* (1971). As indicated in the illustrations from advertising and journalism discussed below, some professions are drawing back from prescriptive deontological approaches to ethics, in favour of a virtue approach, in which codes begin to express the values that members of the profession are encouraged to internalise.

The other major approach to ethics, consequentialism, also sometimes termed teleology, is directed towards securing the right outcome. While both self-interest and altruism are consequentialist, the most common form of consequentialist ethics is utilitarianism--the philosophy of the greatest good for the greatest number--derived from the thinking of Jeremy Bentham, set out in his *Introduction to the Principles of Morals and Legislation* (1789).

While both deontological approaches and consequentialist approaches are regularly construed as opposite sides of the same coin; duty versus outcomes, virtue ethics is concerned with character. When we talk about moral virtues, what sort of things are we talking about? In general terms, we are talking about dispositions of character such as honesty, integrity, sensitivity, good judgement, or a sense of social responsibility. We are not talking about cognitive abilities like intelligence; nor are we talking about psychomotor skills like good hand eye co-ordination, or a well-muscled physique, although these may contribute to virtue. In *Nichomachean Ethics* Aristotle made a distinction between intellectual virtues and moral virtues; the former he listed as intelligence, practical wisdom, understanding, and good sense (VI i); the latter as courage, justice, temperance, and prudence (II vii).

How then, do we define a moral virtue? One definition comes from Mintz (1996, p.827) who says, "Virtues are acquired human qualities, the excellences of character, which enable a person to achieve the good life." We need to note three things about virtues:

(a) Virtues are *acquired* human qualities. Aristotle believed that virtues were habits acquired by experience.

(b) Virtues are *excellences* of character. Such excellences (in Greek: *arete*) are achieved by seeking the middle way, not extremes of action and feeling.

(c) Finally, virtues enable the individual to achieve *the good life*. Here we come back again to the ancient Greek concept of "happiness", "pleasure" or "the good life" (in Greek: *eudaimonia*). Unlike utilitarianism, which seeks the greatest good, or pleasure, for the greatest number, seeking virtue provides happiness, pleasure, and the good life for the individual. This is both a strength and a weakness in virtue ethics.

How then are virtues acquired? According to Aristotle (Book II.i):

...the virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyre players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.

Thus, Aristotle saw virtue as the mean as being between excesses and deficits, not a balance between legitimately competing duties. His virtue of justice, for example, was that it was the mean between the injustice that comes from an excess of law (zealous over-regulation), and the injustice that comes from too little law (lawlessness). His virtue of courage was the mean between the excess of rashness and the deficit of cowardice. (Book II viii). The practitioner of Aristotle's virtue ethics poses the question not, "*what is my duty*", but "*how ought a person of good character, a person of integrity,*

feel and act in this situation"? Where, then, does this leave codes of ethics?

The institutionalisation of ethics

Over the past decade, the fostering of ethical behaviour in business and the professions has been undertaken through the use of ethics audits (Murphy, 1988; Lewis, 1992; Malachowski, 1993), and the application of ethics codes (Hunt & Tirpok, 1993; Kruckeberg, 1993; Cassell, Johnson, & Smith, 1997). Harrison (2001) defines ethics audits in terms of compliance audits, culture audits, and systems audits. Although both audits and codes are seen as essential components of the process of institutionalising ethics, the tendency for audits to be a one-off process makes them problematic as an ongoing means of fostering ethical behaviour. The application of codes, in particular their effectiveness and enforcement, has been even more problematic (Brooks, 1989a, 1989b; Wright, 1993). In both Australia and New Zealand, Public Relations Institutes have encountered difficulties enforcing codes and sanctions in recent times. In one case, investigation of a complaint by the Institute's ethics committee was aborted and handed over to a QC (Espiner 2000a, 2000b). Indeed, there is a growing body of literature critical of the use of codes, suggesting they are counter productive (Farrell & Cobbin, 1996; Schwartz, 2000).

All codes of ethics can be classified as falling at some point on a spectrum between prescriptive and aspirational (Farrell & Cobbin, 2000). Walle (2003, p.4) rightly makes the point that the five PR association codes she examined were "posed in the negative". She concludes that "codes should include explicit directives ...[o]nly this way will the profession ...begin to address its own poor reputation" (p. 4).

Current best practice in ethics code design is towards shorter, more aspirational codes, which focus on values rather than prohibitions, as two recent Australian examples show. In 1997, the Media Entertainment and Arts Alliance (MEAA) undertook a revision of the Australian journalists' code under the guidance of Jesuit priest Frank Brennan (Media Entertainment and Arts Alliance, 1997). The outcome of that revision was a renewed focus on the values underpinning the code, as stated in the preamble: "MEAA members engaged in journalism commit themselves to honesty, fairness, independence and respect for the rights of others". The other code revision was that undertaken by the Advertising Federation of Australia (AFA, 2001). Having read hundreds of ethics codes over the past five years, I find this code one of the most refreshing documents of its type and worthy of publication in full:

AFA AGENCY CODE OF ETHICS
 ...It's what we in advertising stand for

How To Behave

Every day we can be faced with ethical dilemmas. These guidelines will help you to do the right thing. Ethics can't be imposed. They have to grow from within each of us. And be understood by all of us.

What We Believe

1. Stand up for what you believe is right.

2. Honour all agreements.

3. Don't break the law. Don't bend the law.

4. Respect all people.

5. Strive for excellence in everything you do.

6. Give clients your best efforts and advice, without fear or favour.

7. Look after your colleagues.

8. Compete fairly.

9. Think before you act.

10. Be honest

When codes fail: the Timberlands case

Longstaff (1994) suggests that codes fail not because of their provisions, but because of

enforcement. First, the failure to have effective sanctions, second, the failure to enforce sanctions, and finally, the failure to publicise action taken and sanctions imposed under the code. Certainly, evidence from other areas of regulatory practice (Irani, Sinclair, & O'Malley, 2002) is that public trust is enhanced by regulatory bodies having effective sanctions against misconduct and enforcing these regularly and publicly. The problem for most professional associations is their fear that publicity about their policing of professional misconduct will further damage the reputation of that profession. Additionally, there is the risk of defamation. The problematic nature of code enforcement in public relations has been well illustrated recently in New Zealand, in what has become known as the Timberlands case. Moreover, it is a case in which arguments about conflicting duties--to the client and to the public interest--are paramount.

The Timberlands case has been the subject of intense scrutiny from an ethical perspective, first by the authors of *Secrets and Lies: The Anatomy of an Anti-Environmental PR Campaign*, Nicky Hager and Bob Burton (1999), secondly by the ethics committee of the Public Relations Institute of New Zealand (PRINZ), and thirdly by a New Zealand QC, Hugh Rennie. Rennie was appointed when the internal PRINZ ethics review was aborted after complaints about lack of due process from two of the protagonists, Klaus Sorensen and Rob McGregor of the public relations firm, Shandwick (Rennie, 2001). At the time of the Timberlands case, the Council of PR firms ranked Weber Shandwick as the second largest PR company in the world after Fleishman-Hillard with revenue of $US 334 million in 2000 and more than 2600 staff (Council of PR Firms, 2001).

This case illustrates well the limitation of codes, and supports arguments as to the problematic nature of code enforcement. In 1999, Hager and Burton lodged a complaint with PRINZ that, in their campaign for Timberlands West Coast, Shandwick executives had breached the PRINZ Code of Ethics. Shandwick's client, Timberlands West Coast Pty Ltd, was a government-owned corporation established in 1990 to manage the rich forest resources of the west coast of New Zealand's South Island. It

was set up under the *State Owned Enterprises Act* of 1986 as part of the privatisation of public assets that occurred in New Zealand during the 1980s. According to the Chairman of Timberlands, Warren Young (2001):

> The principal objective of a State-owned enterprise (SOE) is to be a successful business. Incidental to being a successful business is the need for companies operating under the SOE Act to be as profitable and efficient as comparable businesses not owned by the Crown, to be a good employer, and to exhibit a sense of social responsibility by having regard to the interests of the local community. (n.p.)

Timberlands was established, according to the company website, because the unique situation on the West Coast required special management (Timberlands West Coast Ltd., n.d.). Under the Act, the sole shareholders are Ministers of the Crown.

Ethics complaints

Hager and Burton made 18 complaints to the PRINZ Ethics Committee in October 1999 (Rennie, 2001), of which Rennie chose to investigate five. Two related to tactics, and three related more generally to acceptance of client and project, and strategy development. Rennie acknowledged the need for an ethical distinction between strategy and tactics, observing that, "if the objectives pursued by Shandwick were legitimate…that does not legitimate the means adopted to achieve them" (Rennie, 2001, p.26).

In considering the tactics used, Rennie found that Shandwick had paid a student at Victoria University in Wellington to spy on the Victoria Environment Group, opponents of Timberland's activities, but that neither Sorensen nor McGregor was responsible for this payment. Rennie (2001) found the spying to be unethical and appeared troubled by the failure of Sorensen and McGregor to categorically reject such a tactic as unethical. The related tactic of drafting letters for use by Timberland supporters in the community, he found not to be unethical;

although Rennie found some confusion about the origins and status of a group called the Coast Action Network. Were the Coast Action Network to be a Timberlands front organisation, then this would be, Rennie said, "plainly unethical" adding, "[b]ut this is not what occurred here" (Rennie 2001, p. 35). So, Rennie found one tactic unethical, the other acceptable.

On the wider questions of client and project acceptance, and of strategy, Rennie was much more equivocal. The complaint, labelled by Rennie as A4, is about the use of the term 'extremist' and the broader portrayal of Timberlands' opponents by both Timberlands and Shandwick as extremists. Rennie questioned the extent to which it was appropriately ethical professional behaviour for Shandwick consultants to adopt the 'mindset of conflict' held by Timberlands:

> Should the public relations professionals [have] implemented a campaign on these lines? That is the difficult ethical judgement to be made…
>
> There is an old legal adage that the reason one has a lawyer is so that the professional keeps his or her head when everyone else is losing theirs. Such moderating influence might be expected of a public relations professional, rather than the implementation of the 'opinions' of Timberlands… The complainants argue that the higher ethical duty should have led Shandwick…to: 1. Advise the client of the ethical issues. 2. Counsel against such an approach. 3. If instructed to proceed, decline to undertake the work. (Rennie, 2001, p. 33).

While this may appear to be a discussion about strategy, it does in fact raise serious questions about client acceptance, which takes us to the core of the final complaint that Rennie adjudicated. In this instance, Hager and Burton (1999) complained that Sorensen and McGregor breached the PRINZ Code of Ethics, which said that members should not abuse public communication channels or the processes of government. In essence, this complaint raises questions about the client; about the

accountability and transparency of State Owned Enterprises rather than the consultants. Should an SOE, responsible directly to a Minister of the Crown, be attempting to thwart the free expression of opinion by the citizenry, and should it do so in a clandestine fashion, using the resources of the state to do so? In this instance, the Shandwick executives were simply instruments by which this state enterprise was seeking to bend public opinion to its will. State Owned Enterprises provide a convenient distancing for governments who wish to maximize the outputs of their resources, and minimize their own accountability to Parliament and the electorate. The real ethical issue at stake here is; where was the accountability of Timberlands to its shareholding Minister? This question was beyond the scope of Rennie's adjudication under the PRINZ Code, and he refers to:

> …tantalising hints in the documents that Ministers of the then government were comfortable that Timberlands was operating a strategy through Shandwick…But the evidence is obscure as to who had approved what actions, and when, and on what authority (Rennie, 2001, p. 24).

From the point of view of making a judgement as to whether the actions and behaviour of Sorensen and McGregor were ethical, it would seem that, having accepted the client, the nature of the project and the strategy were implicit in that acceptance. It is this responsibility, that of making a judgement call on the entire package, to which Rennie is referring when he writes of the "higher ethical duty" (Rennie, 2001, p.33) argued by the complainants. At this point Rennie equivocates and refers the issue of the exact nature of this ethical duty back to PRINZ, making the judgement that this is an issue for a council of peers (i.e. PRINZ) to determine. Thus for Shandwick, there were really only two possible points of ethical reflection in this case. Firstly, whether to accept the client, given that the strategy was already implied; and secondly, at the point of selecting the tactics.

Outcomes

What were the outcomes in this case? First, in this case, the notion of industry self-regulation was compromised by the unwillingness of Sorensen and McGregor to accept the PRINZ process of dealing with ethics complaints and their threats of litigation, notwithstanding their claim that the PRINZ process may have denied them natural justice (Mulrooney, 2000; Espiner 2000a, 2000b). The Shandwick executives did further damage to the principles of industry self-regulation and peer review of professional practice by publicly resigning from PRINZ, while asserting their commitment to the maintenance of the highest ethical standards. In a media release on the day Rennie's report was handed to PRINZ, Sorensen and McGregor said:

> For the Institute to treat two individuals with a total of 32 years' public relations experience in this way is appalling. They bent over backwards to entertain complaints from those who simply sought to promote themselves and in the process ignored the rights of their members and the Institute's obligations to them … Mr Sorensen said he and Mr McGregor would continue to maintain high ethical standards without the assistance of the Institute (Weber Shandwick, 2001).

A process of ethical reflection, as opposed to taking a deontological approach to ethics, facilitates the practice of dialogic communication encompassed in a two-way symmetrical communication model proposed by Grunig (1989) as a way for public relations practitioners to address the issues faced in a global economy. Increasingly, differences in values will be a source of conflict in a mediated, global society where diverse cultures, and thus values, are brought together and interpreted at strategic and tactical levels. A process of ethical reflection that accounts for a wide range of values provides a more sound basis on which to make ethical decisions than simple reliance on codes of ethics whose origins lie in deontological notions of right and wrong derived from the monotheistic religious traditions of Judaism, Christianity, and Islam. By approaching ethical considerations through reflection, the mutually beneficial relationships between organisations and stakeholders may be mediated by the public relations role, rather than having the need for public relations practice to be governed by a set of codes. For the professional associations and their office bearers, for public relations educators and for those devising and conducting professional development programmes for the industry, the challenge, therefore, is to move beyond an approach to ethics education and training which simply says, 'here's the code of ethics, now follow it'; to an approach that genuinely fosters habits of good character in practitioners. This is not a direction easily pursued, but one which implies authentic professionalism, and we could learn much, in terms of professional socialisation, from the traditional 'helping professions' such as medicine, nursing, dentistry, and the therapies.

References

Advertising Federation of Australia. (2001). *The AFA agency code of ethics.* Retrieved November 22, 2001, from: http://www.afa.org.au/WebStreamer?page_id=46

Aristotle. *Nichomachean Ethics* (J.A.K. Thomson, Trans. 1955). London: Penguin.

Bentham, J. (1789). *An introduction to the principles of morals and legislation*. London: T. Payne.

Brooks, L. J. (1989a). Corporate codes of ethics. *Journal of Business Ethics*, *8*, 117-129.

Brooks, L. J. (1989b). Ethical codes of conduct: Deficient in guidance for the Canadian accounting profession. *Journal of Business Ethics*, *8*, 325-335.

Cassell, C., Johnson, P., & Smith, K. (1997). Opening the black box: Corporate codes of ethics in their organizational context. *Journal of Business Ethics, 16*, 1077-1093.

Council of PR Firms. (2001). Council of PR Firms' top 50 worldwide and U.S. ranking for 2000. Retrieved November 22, 2001, from: http://www.odwyerpr.com/pr_firm_rankings/council_top50.htm

Espiner, G. (2000a, May 7). PR industry seeks new image after Timberlands saga. *Sunday Star Times,* p. 5.

Espiner, G. (2000b, July 30). PR ethics review sidelined. *Sunday Star Times,* p. 4.

Farrell, B. J., & Cobbin, D. M. (1996). A content analysis of codes of ethics in Australian enterprises. *Journal of Managerial Psychology*, *11*, 37-55.

Farrell, B. J., & Cobbin, D. M. (2000). A content analysis of codes of ethics from fifty-seven national accounting organisations. *Business Ethics, 9*(3), 180-190.

Grunig, J. (1989). Symmetrical propositions as a framework for public relations theory. In C. H. Botan & V. Hazelton (Eds.), *Public relations theory*. Hillsdale, NJ: Lawrence Erlbaum Associates.

Hager, N., & Burton, B. (1999). *Secrets and lies – The anatomy of an environmental campaign*. Monroe, ME: Common Courage Press.

Harrison, J. (2001). *Ethics for Australian business*. Sydney: Prentice Hall.

Hunt, T., & Tirpok, A. (1993). Universal ethics code: An idea whose time has come. *Public Relations Review, 19*(1), 1-12.

Irani, T., Sinclair, J., & O'Malley, M. (2002). The importance of being accountable: The relationship between perceptions of accountability, knowledge, and attitude toward plant genetic engineering. *Science Communication, 23*(3), 225-242.

Kruckberg, D. (1993). Universal ethics code: Both possible and feasible. *Public Relations Review, 19*(1), 21-32.

Lewis, C.W. (1992). An agency ethics audit. *International Journal of Public Administration, 15*(8), 1619-1633.

Longstaff, S. (1994). Why codes fail. In N. Preston (ed.), *Ethics for the public sector* (pp. 237-246). Sydney: Federation Press.
MacIntyre, A. (1984). *After virtue*. Notre Dame, IND: University of Notre Dame Press.

Malachowski, A. (1993). Acquisition and value: The ethical audit. *Managerial Auditing Journal*, *8*(1), 22-28.

Martinson, D. (2000). Ethical decision making in public relations: What would Aristotle say? *Public Relations Quarterly*, *45(*3), 18-21.

Media Entertainment and Arts Alliance (MEAA). (1997). *Ethics in journalism*. Melbourne: Melbourne University Press.

Mintz, S. (1996). Aristotelian virtue and business ethics education. *Journal of Business Ethics*, *15*, 827-838.

Mulrooney, B. (2000, May 1). Activist to speak at PR institute conference. *Dominion Post,* p.13.

Murphy, P. E. (1988). Implementing business ethics. *Journal of Business Ethics, 17*, 907-916.

Rawls, J. (1971). *A theory of justice*. Cambridge, MASS: Belknap Press Harvard University Press.

Rennie, H. (2001). Public Relations Institute of New Zealand. Allegations of breach of ethics. Final report: Finding and recommendations of Hugh Rennie QC to the National Executive. Retrieved November 27, 2001, from: http://www.prinz.org.nz

Ross, W. D. (1930). *The right and the good*. Oxford: Clarendon Press.

Sallot L. M., Cameron, G. T., & Lariscy, R. A. W. (1997). Professional standards in public relations. *Public Relations Review, 23*(3), 197-216.

Schwartz, M. (2000). Why ethical codes constitute an unconscionable regression. *Journal of Business Ethics*, *23,* 173-185.

Timberlands West Coast Ltd. (n.d.) *Timberlands; An Overview*. Retrieved December 12, 2003 from: http://www.timberlands.co.nz/overview/

Walle, M. (2003). Commentary: What happened to public responsibility? The lack of society in public relations codes of ethics. *Prism* (1). Retrieved July 10, 2003, from: http://www.praxis.bond.edu.au/prism/papers/commentary/paper1.pdf

Weber Shandwick. (2001, May 5). *Weber Shandwick satisfied with vindication*. Press Release. Retrieved November 27, 2001 from: http://www.scoop.co.nz/mason/stories/PO0105/S00065.htm

Wright, D. K. (1993). Enforcement dilemma: Voluntary nature of public relations codes. *Public Relations Review, 19*(1), 13-21.

Young, W. (2001). Director's report. *Annual Report*. Timberlands West Coast Pty Ltd. Retrieved November 27, 2001, from: http://www.timberlands.co.nz/corporate/