

THE CONDUCT OF A POLICEMAN

Eagle Police Manual 1933

First issued in 1933, the *Eagle Police Manual* was published as a volume in the Eagle Library, and was designed as a national reference manual that covered basic police skills—investigation, arrest, first aid, fires, etc. The individually authored chapters included "The Conduct of a Policeman" by Philip Sebold, then Deputy Chief of Police, Newark, NJ. Also included was a chapter on "Courtesy" by Wilbur J. Turner. By the fifth edition (ed. Arthur R. Macosky) of 1943, the chapter on "Courtesy" had disappeared. The manual's emphasis is heavily on efficiency and effectiveness, and only marginally on character.

Source: Henry J. Lee (ed.). *Eagle Police Manual: A Handbook for Peace Officers. National In Scope*. Brooklyn, NY: Eagle Library Publications, 1933, pp. 41-46.

When on Duty

A policeman is at all times on duty. Even though he be at times allowed periods for rest and recreation if, during such times, circumstances arise calling for action he should respond promptly. He should therefore always have his shield and be properly armed.

Duties and Qualifications

The duty of a police officer is to enforce the laws, to protect life and property, prevent the commission of crime and arrest all offenders. He should possess good judgment, be brave and fearless, honest, sober, neat in appearance and attire, obey and respect his superior officers and be courteous to citizens. An efficient police officer should have a thorough knowledge of police business, especially about his post; should avoid any chance of complaint and endeavor to earn the good opinion of the best citizens, be willing to learn and to carry out orders promptly and with judgment. He should also be most particular as to his personal appearance, and the cleanliness of his post.

Police officers should not engage in any religious or political discussions in the station house. They shall not engage in such discussions at any other place while on duty nor when off duty if in uniform or not, except to deposit such ballot as they prefer at the primaries and elections. They shall not solicit or make contribution in money, or otherwise, for political purposes, not be present at any rally, convention or other political gathering except as police officer there detailed for duty.

On Post

When on his route or post he should learn the location of police and fire signal boxes and convenient public telephones. He should also carry a memorandum giving the location of, and how best to get in quick communication with, the coroner or medical examiner, doctors, hospitals, ambulances, and other emergency aids such as a towing or wrecking car, gas masks, inhalators, etc. Watch persons known to have criminal records. Note time of their arrival on his post. Watch all suspicious vehicles, especially those parked with motors running. Have persons carrying bundles that appear suspicious open same for inspection. Report all street obstruction. Guard dangerous holes in streets with light at night, and barrel or similar object during the day. Report all contagious diseases not previously reported, as well as extreme cases of destitution.

When a patrolman is on his post he must not walk or talk with another patrolman, or with any other person, except on police business, and then only for such times as the business requires. He must especially avoid giving cause for gossip or scandal by conversing with women in the streets at night when he is in uniform, whether on his post or not. He must constantly patrol his post except for halts necessary to the proper performance of his duty; he must not sit down, lean against walls, posts or trees or conduct himself in any other respect than as a representative of law and order with important work to do.

He shall preserve the peace, detect and prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order at all elections, public meetings and public occasions. Prevent and remove, if possible, nuisances on or in all streets, highways, alleys and other places.

Assist Citizens and Generally

When requested, he shall direct strangers and others by the nearest and safest way to their place of destination and furnish such information and aid to all persons as may be consistent with his duty.

Courtesy and civility towards the public should be shown by all police officers regardless of rank, and conduct to the contrary should not be tolerated.

A model police officer should be quiet, civil and orderly and should at all times be attentive and zealous in the discharge of his duties, controlling his temper and exercising the utmost patience and discretion.

He must at all times refrain from using coarse, violent, profane, or insolent language; but when required must act with firmness and sufficient energy to perform his duty. He should be quick to help the aged and

infirm, the blind, and persons injured or suddenly taken ill and temporarily unable to take care of themselves; he should be watchful of young children at all times, but especially before and after school hours, kindly warning them of the danger of playing in the busy streets or dangerous places.

Be punctual in reporting for duty.

Pay all just debts and legal liabilities.

Be responsible for the good care of Police Department property intrusted to his use and keeping.

Leaving Post

It is permissible for a patrolman to leave his post under the following circumstance: In pursuit of a criminal; to assist a brother officer in case of danger, or sickness; on discovering a fire on an adjoining beat; an accident on an adjoining beat.

If he hears a call for assistance he shall proceed to render aid with all despatch, taking every practical precaution for the protection of his post when he leaves it for this or any other purpose, preferably by informing the patrolman on the adjoining post, or if this be not possible, then by informing some reputable citizen on the post as to where he can be reached.

Fires on Post

Use every endeavor to prevent the causes of fires on the post, such as the accumulation of inflammable rubbish, etc. If the other officer on post suspects a fire in any building he should make an immediate investigation and if in any doubt whatever, notify the Fire Department. Then either remain at the fire signal box, or arrange for some other person so to remain, in order to direct the firemen and return to the scene of the fire to guard the safety of the public, and, if necessary, assist in saving life. If assistance is required call the station house, in the meantime remain near the building to prevent unauthorized persons from entering or property being stolen.

Reports

A most important part of a police officer's duty is that of making intelligent and accurate reports. These reports should be as concise as possible and give full details, with correct and full information and descriptions of all parties concerned. In order to be able to make such reports every officer should develop his "power of observation."

Power of Observation

This is one of the most necessary qualifications that an officer can acquire—the habit of observation—of noticing things. In fact, the usefulness of an officer largely depends on his developing his ability to observe things. It may need practice to acquire this power or habit of observation, but unless he does notice things going on around and about him an officer will lack in efficiency. Try when on post to practice noticing persons passing on the street. Describe them to yourself; their manner of walking, dress, color of hair, eyes, and all such matters—and if you see them again check up and see how nearly your description is correct. Pay attention to the different buildings on your post and memorize the wording of signs, etc. Describe to yourself the stock displayed in the various store windows, and observe the storekeepers so that you can describe them—and check this up when next you see them. Notice anything that appears unusual. The routine of the various business premises on your post, and the daily habits and actions of private persons in their homes, vary only slightly day by day. Note any variation from the usual, and, if of sufficient importance, follow it up till it is explained to your satisfaction. Police officers who successfully develop this habit of observation, and of noting matters which may even, at the time, appear trivial, have often found these matters the very key to the solution of a crime and the arrest of the criminal.

Contents of Report

Correct descriptions are essential to the value of any report. The information contained in a report should describe accurately:

- (a) What happened and what crime was committed.
- (b) When it happened, giving date and hour.
- (c) How the crime was committed.
- (d) Who committed the crime, if known. If not known, who are suspected persons.
- (e) With what was the crime committed. If possible give a description of the weapon, and if such weapon is in the officer's possession, how he has marked it for identification.
- (f) Also any apparent motive for the crime.
- (g) Names and address of witnesses.
- (h) Name, age and address of victim—or complainant's name, place of offence.

In Court

The police concerned in cases before the court are to be punctual in attendance, wearing the uniform, and clean and neat in appearance. Inspectors and men detailed for special service may appear in plain clothes, unless otherwise ordered by their commanding officer. Police officers shall have the cases in which they are complainants properly prepared, the witnesses present, and all property which is to be used in evidence suitably arranged for presentation to the court. They shall observe the utmost attention and respect towards the court at all times.

When giving evidence speak calmly and explicitly, in a clear distinct and audible tone, so as to be easily heard by the court and jury. Police officers shall give evidence with the strictest accuracy, confining themselves to the case then before the court, and neither suppressing nor overstating the slightest circumstance with a view of favoring any person, or from ill-will to either side.

When cross-examined they shall answer with the same readiness and civility as when giving evidence in support of the charge, remembering that the ends of justice will be best served by their showing a desire simply to tell the truth, whether it be in favor of or against the prisoner.

When the police are sufferers from injuries received, and are giving evidence against those they believe to be guilty, it is especially necessary that they should not allow any feelings or wishes as to the decision of the case to influence them.

A police officer shall not testify in any civil case without being legally summoned to do so, and unless he shall have received permission or order so to do, from the officer commanding his precinct, or from the Chief of Police. In criminal cases where he is the arresting officer he must of necessity appear with his prisoner.

F. B. I. PLEDGE FOR LAW ENFORCEMENT OFFICERS Federal Bureau of Investigation 1937

Formed initially in 1908 as the Bureau of Investigation, the FBI was, from 1924 to 1972, headed by J. Edgar Hoover. The Pledge was authored by Hugh H. Clegg, at that time Assistant Director of the FBI Training Division. In August, 1937, the Executive Conference of the FBI recommended that the Pledge be referred to as "The John Edgar Hoover Pledge," but at the suggestion of Clyde A. Tolson, and with the Director's concurrence, it was approved and adopted as "The FBI Pledge for Law Enforcement Officers." Announced and printed in the December, 1937, issue of the *FBI Law Enforcement Bulletin*, Hoover envisaged it "for the voluntary consideration, acceptance, execution, and adherence by all law enforcement officers." As the April and August, 1938 editions of the *Bulletin* indicate, the Pledge was not intended simply for FBI agents and trainees, but was designed for police departments across the nation. In poster format, the Pledge was reprinted regularly in the *Bulletin* until December, 1944, but after that reappeared in the *Bulletin* only once, in the January, 1957, issue, immediately after the National Conference of Police Associations had announced the adoption of its own "Law Enforcement Code of Ethics" (see p. 91). Use of the form containing the Pledge was discontinued in September, 1980.

Source: "The FBI Pledge for Law Enforcement Officers," *FBI Law Enforcement Bulletin*, Vol. VI, 12 (December, 1937), p. 2.

Humbly recognizing the responsibilities entrusted to me, I do vow that I shall always consider the high calling of law enforcement to be an honorable profession, the duties of which are recognized by me as both an art and a science. I recognize fully my responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public duty and in private living. I accept the obligation in connection with my assignments to report facts and to testify without bias or display of emotion, and to consider the information coming to my knowledge by virtue of my position as a sacred trust, to be used solely for official purposes. To the responsibilities entrusted to me of seeking to prevent crime, of finding the facts of law violations and of apprehending fugitives and criminals, I shall give my loyal and faithful attention and shall always be equally alert in striving to acquit the innocent and to convict the guilty. In the performance of my duties and assignments, I shall not engage in unlawful and unethical practices but shall perform the functions of my office without fear, without favor, and without prejudice. At no time shall I disclose to an unauthorized person any fact, testimony, or information in any pending matter coming

to my official knowledge which may be calculated to prejudice the minds of existing or prospective judicial bodies either to favor or to disfavor any person or issue. While occupying the status of a law enforcement officer or at any other time subsequent thereto, I shall not seek to benefit personally because of my knowledge of any confidential matter which has come to my attention. I am aware of the serious responsibilities of my office and in the performance of my duties I shall, as a minister, seek to supply comfort, advice and aid to those who may be in need of such benefits; as a soldier, I shall wage vigorous warfare against the enemies of my country, of its laws and of its principles; and as a physician, I shall seek to eliminate the criminal parasite which preys upon our social order and to strengthen the lawful processes of our body politic. I shall strive to be both a teacher and a pupil in the art and science of law enforcement. As a lawyer, I shall acquire due knowledge of the laws of my domain and seek to preserve and maintain the majesty and dignity of the law; as a scientist, it will by my endeavor to learn all pertinent truth about accusations and complaints which come to my lawful knowledge; as an artist, I shall seek to use my skill for the purpose of making each assignment a masterpiece; as a neighbor, I shall bear an attitude of true friendship and courteous respect to all citizens; and as an officer, I shall always be loyal to my duty, my organization, and my country. I will support and defend the Constitution of the United States against all enemies, foreign and domestic; I will bear true faith and allegiance to the same, and will constantly strive to cooperate with and promote cooperation between all regularly constituted law enforcement agencies and officers in the performance of duties of mutual interest and obligation.

Name

Title

Law Enforcement Organization

Date

BASIC TENETS OF GOOD LAW ENFORCEMENT
Federal Bureau of Investigation
1958

In the December 1957 issue of *The Police Chief*, the International Association of Chiefs of Police announced its adoption of "The Law Enforcement Code of Ethics." In his editorial to the January, 1958, issue of the *FBI Law Enforcement Bulletin*, J. Edgar Hoover invited "each law enforcement officer in the country to join us in considering the following resolutions which we in the FBI regard as basic tenets of good law enforcement."

Source: J. Edgar Hoover, Statement of Director, *FBI Law Enforcement Bulletin*, Vol. XXVII, 1 (January, 1958), p. 1.

- 1 Let common sense guide your judgment and courtesy control your actions at all times.
- 2 Be ready to serve the public interest staunchly and fearlessly twenty-four hours each day.
- 3 Strive diligently to free the innocent as well as to convict the guilty. Justice, not punishment, is the goal of law enforcement.
- 4 Avoid temptation to seek personal advantage from the knowledge and stature gained through your position.
- 5 Honor, don't abuse, your badge—the rights of individuals are most precious possessions.
- 6 Uphold the reputation of your organization—public esteem earned over the years by dedicated law enforcement work can be shattered by one act of misconduct.
- 7 Beware of favoritism—wealth, race, creed and influence have no place on the scales of justice.
- 8 Learn more—serve better—earn more: Grow with our profession by acquiring new skills and techniques in the modern law enforcement field.
- 9 Act always as a model to youth—a source of friendship and a modern example of old-fashioned integrity.
- 10 Properly prepare in body, mind and conscience to discharge your responsibilities—and then do your best in the service of community, country and God.

TO THE NEW POLICEMAN
(Suggested Remarks to Class of New Officers)
National Association of Chiefs of Police
no date

Origin unknown.

Source: Gerald S. Arenberg & Chief Joseph Hosford, Jr., *American Police Chiefs, Sheriffs and Command Officers Manual and Directory*, [North Miami, Fla.]: National Association of Chiefs of Police, 1981, p. 9. Reprinted by permission.

The law is a system of rules of behavior by which men determine to live. Law is that which keeps society from becoming a snarling jungle. Every civilization has had its law—from the earliest tribal customs to this, the mid-twentieth century. Man cannot exist as a rational being without law. The strong would destroy the weak. Evil men would kill the good. Anarchy would prevail. Each man—by tooth and claw—would fight to live to the end that none would survive as human beings but would revert to the status of animals.

To be universally observed, a moral justification for the law must exist. It cannot be regarded as a system of stratagems whereby one group—or individual—gains ascendancy over another by exploitation of the latter. Man made law—as contrasted to the Ten Commandments, for example—is imperfect at its best. In the Ten Commandments, God laid down simple rules. His “Thou shalt not” is binding on all men. In other words “equality before the law” is a God-given—as well as Constitutional—mandate.

As policemen you have a great potential for good or evil. If you enforce the laws fairly and effectively you will protect the life and liberty of every one. If you misuse the power entrusted to you—or evade your responsibilities by failure to exercise the functions of your office—you will do great harm.

Corruption does not consist merely of the “Judas” act—the selling out of honor and duty for the thirty pieces of silver—it also consists of not acting when there is a duty to act. You have a sworn duty to safeguard all the people by effectively enforcing the laws designed for the protection of all without regard to race, color, creed, poverty or wealth, or special privilege.

While every one is entitled to the full and equal protection of the laws—none is above the law. Least of all you: law enforcement officers. You must enforce the laws in accordance with “due process.” It is not your function to punish any more than it is that of a mob to mete out punishment: that is the prerogative of the courts.

Remember always—let us have faith that RIGHT makes right, and in that faith let us to the end dare to do our duty as we understand it.

Introduction: Ethical Codes in Professional Life

Ethical codes, broadly understood, have a long and distinguished history. The Decalogue of Judeo-Christian tradition and the Eight-fold Path of Buddhism are universal or at least general codes that for many still retain their normative power. Only slightly less distinguished is the history attending several more restricted codes. The Code of Hammurabi and Athenian Oath are cases in point. But their distinction is also shared by a few codes that have been associated with particular occupations or professions. The fourth century BC Oath of Hippocrates, although controversial in its time, came to acquire a preeminence in medical practice that has only recently been challenged. It has had its revered counterparts in other traditions (Konold, 1978).

Yet despite their antiquity, it has been only in the past century or two that occupational and professional codes have multiplied and begun to play an important public role. Until the nineteenth century, medicine was virtually the only profession to have bound itself via a code. In 1803 the Hippocratic Oath was supplemented by Thomas Percival's *Medical Ethics; Or, A Code of Institutes and Precepts Adapted to the Professional Conduct of Physicians and Surgeons*. The first American Medical Association (AMA) Code of Ethics was drawn up soon after its founding in 1847. Codes of legal ethics have their roots in the resolutions of David Hoffman's *A Course of Legal Study* (second ed., 1836) and George Sharswood's *Essay on Professional Ethics*, first published in 1854. From them the Alabama State Bar Association derived its Code in 1887, and this in turn provided the basis for the first American Bar Association (ABA) Code in 1908. The early part of the twentieth century, however, saw a great burgeoning of codes. Edgar Heernance's 1924 collection of some two hundred codes gives impressive testimony to the widespread interest in formal occupational codes. Although this interest appears to have waned from the 1930s to 1950s, it has gathered momentum since then, and currently shows no

signs of diminishing (Davis, 1990).

The precise reasons for this flowering are not easily generalizable, though there is a confluence of social factors that is likely to have had considerable influence. Advances in technology, increasing specialization, occupational autonomy, rising corporatism, population growth, and rapid urbanization have considerably affected our social life. We are required increasingly to put our trust in people and organizations to whom we are significantly vulnerable and over whom we are able to exercise relatively little control. It is, as we have learned, a fragile trust, easily and far too often betrayed. The formation of occupational and professional associations, whose members are bound by a code of ethics, has been part of a response to this social breakdown. These associations offer to a consuming public some assurance that the services on which they depend will be delivered in a manner that will not exploit or otherwise take advantage of their vulnerability.

There is, of course, more to occupational and professional codes of ethics than this, but this much at least will allow us to begin a more detailed study of their nature and place. I commence with a discussion of terminology, and then take up the questions of their nature, role and value.

Codes and their kindred

To this point I have used the phrase "code of ethics" as a general carry-all for a fairly wide range of commitments intended to mediate the formal relations between providers of goods and services and their public recipients. But as any survey of such codes will make abundantly clear, the forms taken by such public commitments, and their precise focus or foci, show considerable variation. Not only do we have "codes" of "ethics," we have "canons" of "professional responsibility," "statements" of "values," "principles" of "conduct," "standards" of "practice" or "performance," and "oaths" of "office," along with "pledges," "vows," "maxims," "credos," "prayers," "tenets," and "declarations," in varying combinations. The rubrics are not strictly interchangeable, but neither are they precisely defined or always clearly separable. At the same time such commitments are sometimes found in association with but distinguished from statements of "goals," "mission," "philosophy," and "objectives," in which the scope of the service is articulated and generally set in the context of some wider social purpose.

It would be overly fastidious to attempt a neat differentiation of these different forms and foci, since some of them are treated interchangeably by their promulgators, and even where distinguished they may be ac-

counted for in different ways. Nevertheless, some broad distinguishing features may be noted.

Pledges, credos, prayers, and oaths generally take the form of personal affirmations. Prayers are directed to God, and oaths more generally to some superior. Codes, canons, standards, maxims, declarations, and principles may be expressed personally, but they may just as easily be expressed impersonally.

Despite these differences in form, it would probably be fair to say that most codes of ethics can be interpreted as public promises, vows or at least commitments by the provider of goods or services that certain minimum standards will be observed in their provision. Some codes, such as the 1957 Law Enforcement Code of Ethics, are explicitly formulated in a promissory fashion. They are really pledges. Others, such as its 1989 alternate, are expressed declaratively, the promise here being implicit—or perhaps explicit—as one enters into associational or adopting agency membership. It is not uncommon for organizations to have two versions of their code—a shorter, promissory version, which can be framed for public display or used on ceremonial occasions, and a longer, declaratory version, which may contain not only statements of principle, but also detailed explanatory commentary. Codes of the latter form are becoming increasingly common as decision making becomes more complex and public demands for accountability grow.

If codes are seen as promises or commitments, then it is easy to see how they bind. But there is an important objection to this account, based on the fact that professional codes are now used by courts as a basis for appraising practitioners who have never—explicitly or implicitly—affirmed them (Fason, 1986; Edmonds & Shampton, 1990; Constantines, 1991). Thus, the AMA Code of Ethics may be invoked against a physician who has never joined the AMA, and its obligations may not be avoided by refusal to join. As Michael Davis puts it, the obligations of a professional "do not seem to rest on anything so contingent as a promise, oath or vow" (1991a: 156). Professional obligations are, he thinks, only quasi-contractual, "resting not on an actual agreement (whether express or tacit) but on what it is fair to require of someone given what he has voluntarily done, such as accepted the benefits that go with claiming to be a [professional]" (ibid.).

There is surely something to be said for Davis' argument. For it is hardly open to the beneficiary of a privileged social position to claim that his refusal to join a professional or occupational association should exempt him from the obligations articulated in the professional code. Codes, after all, are intended to *reflect* and *express* but not to *create* the public obligations of professional or occupational life. In an important sense the professional code is a secondary rather than a primary expression of

professional obligations. Nevertheless, this need not gainsay the fact that the code itself is primarily promissory in character, and that it is intended, by those who *affirm* it, to manifest a commitment to honor what the profession or occupation requires.

It is understandable that for purposes of public accountability (some) codes should acquire the more general function of articulating not simply what members of a professional or occupational association have committed themselves to, but what a society may reasonably expect of those engaged in those professions or occupations. For the privilege of controlling what they do, and, in some cases, of having a social monopoly on their activity, professionals, and members of many other occupational groups, must expect that with their privilege will also go a commensurate responsibility. Professional codes articulate that responsibility in a public manner.

If the reference to "codes" is complex, no less complex is their object, "ethics." Although the language of ethics, values, conduct and practice is sometimes used interchangeably, it is just as often distinguished. Statements of values tend to be broader than statements of ethics, and both may focus more pointedly on dispositional attitudes and character than do principles of conduct or practice. But to some extent at least we are dealing here with a difference of emphasis, since the interiority of values and ethical standards is intended to have external expression, and the enunciated principles of conduct or practice are generally associated with the possession of practical virtues. Nevertheless, statements of values and ethical standards are likely to be briefer and more general than codes of conduct or practice. The latter usually spell out in some detail what and how acts may or may not be done by service providers or associational members. And codes of practice or performance, as distinct from codes of conduct, may also embody some reference to technical standards that the provider is expected to maintain.

Some writers have gone further to distinguish moral from ethical standards, according universality to the former and group relatedness to the latter. Honesty is seen as a moral requirement, truth in advertising as an ethical standard for business. These are distinctions that can be made, and that might appropriately be made in certain contexts, albeit with only partial linguistic support. But they cannot be claimed as exclusively and exhaustively implied.

Of greater though problematic importance is the more general ethical distinction between those things that are to be regarded as mandatory or strictly obligatory, those that are general obligations or principles, and those forms of conduct that are to be seen simply as desirable or as ideals to be aspired to. Some codes restrict themselves to requirements of just

one kind, others include all three indiscriminately, and yet others, such as some of the ABA codes, make an effort to distinguish them. Although some of the code terminology is sometimes employed to make these distinctions—as in the 1969 ABA Code's "mandatory rules," "ethical considerations," and "canons"—the terminology does not seem to have been crafted with such distinctions in mind.¹

Codes and their public

Although it is probably true of all codes of ethics that they are intended to mediate the provision of goods or services by an organization or associational member, not all codes are intended as equally public documents. Whereas some codes are produced in a form and format that is clearly meant to inform or assure a public of what it may expect from some provider, other codes seem to be designed for internal use—as instruments of group cohesion, as disciplinary tools, or as guides to providers. As already noted, some organizations have even formulated separate "codes"—a brief one for public display, and a more detailed one for internal guidance and discipline.

Even so, it is probably one of the distinguishing features of codes—as we currently understand them—that they do not function as purely internal documents, but manifest from within—or are intended to do so—the public accountability of organizations, agencies, and members of associations. Quite apart from various forms of external regulation and review to which the providers of goods and services are subject, codes are put forward as public evidence of a determination, on the part of the providers themselves, to serve in ways that are predictable and acceptable.

There are, apparently, a few exceptions to this public dimension of codes (Harris, 1989: 5). Some organizations do not wish their codes to be publicly—or at least generally—available, even though their codes are intended in part to regulate interactions with the public. One can only conjecture why this is so. Possibly it is because they are sensitive to uncontrolled scrutiny. On the one hand, they may believe that their code will be used against them; on the other hand, they may calculate that their possession of a formal code—albeit for only restricted circulation—will secure them against certain forms of external regulation. Nevertheless, such secretiveness does not bode well for the ethical significance of the code.

Here again we must consider an objection raised by Davis. On his account, the purpose of a code is not primarily to mediate between the providers and users of goods and services, but between the providers

themselves. As Davis understands it, "a code of ethics is primarily a *convention between professionals*" (1991a: 153), and is intended to optimize the coordination of their professional activities. A code of ethics prescribes how professionals, if they are to pursue the *telos* or ideal that is implicit in their activity (whether it is health, justice, or peacekeeping), can do so with the best results, and with the least cost to themselves and those they care about. What is at stake in the code is the integrity of their activity. And it is only because professions are organized "to help members serve *others*" that the code will also mediate the provision of services to the public. This public orientation, according to Davis, is simply a contingent feature of the code. The code's primary focus is internal.

As a comment on professional ethics generally, and on one of its distinctive features, I think Davis' position is particularly perceptive. Professional ethics is not just general ethics writ small or in different garb, but ethical reflection that is articulated through the particular ideals and purposes that are constitutive of the profession. And it is precisely because of this that professionals are sometimes confronted with hard choices between the ethical demands of their professional excellence and other, or more general, ethical demands (see Davis 1991a).

Professional codes, too, are not to be seen as comprehensive codes of conduct. They view conduct primarily from the perspective of the professional services rendered. As Lon Fuller has expressed it, "a code of ethics must contain a sense of mission, some feeling for the peculiar role of the profession it seeks to regulate. A code that attempts to take the whole of right and wrong for its province breaks down inevitably into a mush of platitudes" (1984: 83). Nevertheless, such codes, as particular expressions of professional ethics, are, I believe, to be viewed more as public assurances than as integrity-enhancing conventions between professionals. This is not, of course, a strict matter of either/or. Maintaining the integrity of the professional activity will generally contribute to public assurance. Yet the history of codes themselves generally points to a more public role for codes, albeit one that is largely served by ideals, principles and requirements that will also further the common pursuit of a particular professional *telos*. Maybe some statements, like the various modern ABA Codes, or the Association of Chief Police Officers' (ACPO) Code of Practice for Police Computer Systems, are more internally oriented. They are characterized by a degree of detail that is more appropriate to practitioners than to a client public. But I do not see these as exceptions that prove a rule. There is no strict rule. They are best seen as legitimate variations on a central but not exclusive theme.

The role of codes

When looking at the proliferation of occupational and professional codes, we need to keep distinct (though not completely separated) the issues of *explanation* and *justification*. Explanations of the formation of codes—whether in individual cases or as part of a general social phenomenon—look to causal or historical factors in their production. Such factors might include the desire for social enhancement, the protection of turf, a defense against external controls, a heightened sense of moral and social accountability, or the desire to consolidate group identity and provide a group ethos. Explanatory factors may reflect well or badly or not at all on the organizations or associations in question.

Justificatory reasons, on the other hand, are directed to the question of desirability—to the legitimating grounds for promulgating or retaining a code. It is natural for organizations and associations to cast the reasons for formulating their codes in the language of justification, though in actual fact their motivations may be less commendable. Most likely, organizations will be moved to develop, retain and revise their codes for a variety of reasons, some of which will be justificatory, but others of which will be only of explanatory significance—or, if also of justificatory significance, may serve only to call the organization's high purposes into question.

Professionalization. Occupations and professions are frequently distinguished. Whereas employment in an occupation need imply no more than remuneration for the exercise of skills, membership in a profession is a social status, often taken to apply exclusively to those whose socially important and discretion-dependent expertise can be acquired only after long, arduous and theoretically enriched training. The according of professional status is often registered, on the public side, by some form of licensure that restricts the use of a particular professional title (and ability to charge for services) to those who have satisfied some professional test. On the side of the profession, the code of ethics is intended to register its members' dedication to provide the services in question in a spirit that transcends economic motives and honors the public's trust.

In practice, the distinction between occupations and professions is very murky. The classic "learned" professions of medicine, law, theology and architecture are probably easily distinguished from the occupations of clerk, shop assistant, mechanic and bus driver. But there are many forms of employment that fall between these paradigm cases—engineers and business executives/consultants have now practically "made it" into the ranks of the professions, and there are many—particularly within their ranks—who believe that nurses, accountants, police officers, stockbrokers

and realtors have also made it. Or are just about to.

Codes of ethics are often taken to be a hallmark of professional status. Occupations aspiring to or claiming professional status frequently seek to display this determination or achievement by promulgating a code. This is intended to show two things. On the one hand, it is taken to show that the trust placed in and the discretion available to providers of the goods or services in question will be responsibly exercised; on the other hand, it is put forward as evidence of a capacity for self-regulation.

But although codes of ethics may be central to professionalization, they are not constitutive of it; and so, while many organizations and associations may seek to improve their social standing through the development of a code of ethics, this will not, of itself, achieve that end.

It may not be a bad thing if code-producing occupations fall short of professional status. There is no reason why codes of ethics should be limited to the professions. But more important, there are dangers to professionalization that have all too often gone unheeded by members of the traditional professions. Paternalism, alienation, and discrimination have often plagued the professions, whose human members have frequently transformed what are mere social consequences of their status (high remuneration, prestige, power) into social ends. What is more, professionalization has separated itself from professionalism. What ought to be the goal of those who provide a public service—professionalism—is often lost in the press for professionalization. Whereas professionalism is a social process in which some purveyors of a service organize themselves to be the primary or recognized providers of that service, establishing that title through such means as certification, continuing education and a code of ethics, professionalism is manifested in a dedication to doing what one does out of a commitment to it, with a determination to do it to the best of one's ability.

Accreditation. Ever since the 1936 publication of August Vollmer's *The Police in Modern Society*, police departments and associations have fairly consistently sought professional recognition. A 1938-39 Report of the International Association of Chiefs of Police (IACP) Committee on Professions stated that an essential element of professionalization consisted in the promulgation of a code of ethics that would prescribe standards of conduct for relations of members of the professions with the public and each other, and provide a grounding for public service that would go beyond exclusively economic considerations.

But even before then there had been calls for police professionalization. In 1928, Vollmer's protégé, O.W. Wilson, was appointed Chief of the Wichita Police Department, and one of his first acts was to produce a code

of ethics—the Wichita "Square Deal" Code. Although Vollmer's and Wilson's understanding of police professionalization focussed on centralized bureaucratic reorganization, technical sophistication, specialized training programs and efficiency, more than on the enhancement of line officer discretionary competence, it had much of the moral high-mindedness that is traditionally associated with the professions.

Nevertheless, despite the persistent rhetoric of professionalization, the widespread achievement of professional status has been very difficult for an occupation lacking national cohesion. In the 1960s and 1970s, three major efforts to develop programs for upgrading the quality of law enforcement were instituted—the President's Commission on Law Enforcement and the Administration of Justice (1967), the National Advisory Commission on Criminal Justice Standards and Goals (1973), and the ABA/IACP Standards for the Urban Police Function (1973; 1979). It was not until 1979, however, that a serious effort was made to operationalize these attempts at police professionalization. At that point, four major law enforcement organizations—the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF)—sponsored a Commission on Accreditation for Law Enforcement Agencies (CALEA) to develop and administer a set of national law enforcement standards. In 1980, CALEA was incorporated as a private, non-profit corporation, applications for accreditation were accepted in 1983, and the first police department was accredited in 1984. Accreditation now functions as an "independent" statement that the quality of service offered by a particular law enforcement agency is what one might expect from professionals.

To be accredited, law enforcement organizations must not only meet several hundred individual standards of competence, but also adopt a statement of mission or purpose and values, as an expression of their commitment to public service. By 1992 well over two hundred departments (including one in Canada) had been accredited, with almost one thousand others in various stages of the accreditation process. Many of the current law enforcement codes have emerged directly out of the accrediting process.

External functions. Most codes of ethics are directed primarily to an indeterminate client public—its size largely a function of the number of people who wish or need to avail themselves of the goods or services provided. Sometimes, as in the case of police, the code will be of indirect as well as direct significance. Even if an individual does not actually require the direct services of a police officer or lawyer, it may be impor-

tant to know that certain standards are affirmed by those who provide police services. Otherwise one may be "caught in the crossfire" as police perform their otherwise legitimate tasks. But there may also be other groups to whom a code is partially directed. Codes of ethics sometimes seek to determine the forms of contact that their adherents may have with the media, with other professions, and even with government. More subtly, but no less really, a code may be intended to deflect or pre-empt judicial scrutiny.

What follows are some of the major external functions that codes are expected to have. Obviously, not all codes will have all of these functions. Indeed, most codes will not have all these functions, though most will have more than one. And the importance given to these various functions will differ from code to code. So will their justificatory value.

(1) *Assurance.* Seekers and users of goods and services are to varying degrees dependent on others for the provision of those goods and services. For many goods and services the dependence can be very significant. And obtaining the goods or service may require considerable sacrifice and/or risk—of privacy, of resources, of effort, and/or of well-being. It is hardly surprising that people should want to be assured that the goods and services will meet certain expectations. On the other side, it is hardly surprising—certainly where the environment is a competitive one—that providers of those goods and services will have some interest in assuring their public that what they provide will meet at least some of those expectations. Systems of certification, and professional codes promulgated by associations of those who qualify, proffer that assurance.

So far as police codes are concerned, competition in any narrow sense is not likely to be a major factor—though voluntary and private police services are sometimes viewed as competitors by police themselves. In the case of police, the need to provide assurance is demanded by the enormous social power with which they are vested. That need is reinforced by the media's relish for stories of police corruption and misconduct. Although there is probably more public trust in the police than police themselves recognize (for most of us there are, after all, few widely available alternatives), that trust must be secured in the face of constant media scrutiny. It is no doubt for this reason that a number of police codes (and regulations) restrict the liberty of first line officers in regard to their dealings with the media.

In many cases the code of ethics has the appearance of a compact between the service-using public and the service provider. An exchange is involved. Service providers are accorded certain social privileges in virtue of the service they provide. Police, for example, have certain entitle-

ments in respect of the use of coercive force, certain rights to command and rights of entry. For the granting of such privileges the public can expect a certain return. Although codes of ethics generally originate from within the association and organizations to which they apply, and have not been formulated as the result of a public interchange, they may be couched as an appropriate exchange for the privilege that is given. One of the main privileges may be that of being the (almost) exclusive provider of a particular range of services.

Occasionally codes spell out rights and duties not only of service providers but also of service users. The earliest AMA Code outlined not only the rights and duties of physicians, but also the duties of patients: "The obedience of a patient to the prescriptions of his physician should be prompt and explicit. He should never permit his own crude opinions as to their fitness, to influence his attention to them. . . ." Even recent ABA Codes have articulated rights and duties of clients that correspond to those of lawyers (Patterson, 1981). The assurance compact, then, is grounded not only in privileges given, but is also dependent on duties observed.

Codes provide assurance, not simply by notifying a public what standards they may expect to find observed, but also, through their being enshrined in a public document, by giving service users a "handle" in the event that the service fails to live up to expectations. In some cases, the codes themselves indicate resources that are available for the handling of dashed expectations.

(2) *Improved public relations.* To say that codes of ethics provide assurance is to view them from the perspective of service users. There is a flipside to this in the perspective of service providers. That is a public relations function. Associations and organizations frequently view the promulgation of a code of ethics as one of the ways in which they can improve their public image and increase their clientele. By assuring the public they enhance their standing and make their services more attractive. Several major police codes were drawn up in the wake of the scandals of the early 70s, at a time when trust in the police was under severe challenge. Although law enforcement associations were motivated by a genuine concern to lift police performance and to re-establish trust, there is little doubt that the promulgation of these codes was also an exercise in public relations.

Although there has often been a mercenary dimension to the public relations function of codes, the ends have been as much social as financial. It has become a hallmark of professional status that one is governed by a code. The code speaks of self-governance, of autonomy and dedication.

