



Use of moral theory to analyse the ethical codes of built environment professional organisations

A case study of the Royal Institution of Chartered Surveyors

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Abstract

Purpose – The purpose of this paper is to discuss the use of moral theory as a philosophical analytical framework for built environment organisations' ethical codes of practice. The identified moral theories under consideration are "deontology", "consequentialism" and "virtue ethics".

Design/methodology/approach – The paper uses a case study to examine the use of moral theory to explain the ethical codes of practice of built environment professional organisations. The chosen organisation is the Royal Institution of Chartered Surveyors (RICS). The approach for conducting the case study is through semi-structured interviews with experienced RICS members which gather views on the application of moral theory to explain the RICS ethical principles.

Findings – The case study revealed that there are mixed views on the use of moral theory to explain the RICS code of practice. The general view is that deontology is the most suitable theory to explain the fact that the work or process has been undertaken correctly. On the other hand, there is also a view amongst senior professionals that virtue ethics is most appropriate as it addresses the importance of both the correct "result" and the correct "process".

Research limitations/implications – The paper uses a case study approach to examine the ethical code of one built environment professional organisation. This research does not therefore claim empirical generalisation but instead provides illustrations on the use of moral theory to explain the code of practice of a built environment professional organisation. The paper is based on a series of interviews. The findings should be understood as the aggregated opinions of the interviewees.

Originality/value – The paper makes an original contribution to existing literature on the theoretical analysis of codes of practice for built environment professional organisations. It describes research which is the first to use moral theory as a framework for analysing rules of conduct of built environment professional organisations.

Keywords Buildings, Ethics

Paper type Research paper



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1. Introduction

The term “ethics” broadly describes the way in which we look at and understand life, in terms of good and bad or right and wrong. Ethics is also defined as the moral principles by which a person is guided (Mason, 2008, p. 17). Professional ethics concerns the moral issues that arise because of the specialist knowledge that professionals attain, and how the use of this knowledge should be governed when providing a service to the public (Chadwick, 1998). Bayles (1988) defined professional ethics in social science terms when he stated that “professional ethics is commonly used descriptively to refer to criteria of behaviour accepted within a group or to the statistical average of a characteristic”. Mason (2008) shares the same view of professional ethics and he states:

[...] in the context of the behaviour of professionals, [...] ethics means the duties owed to the public, to each other, and to themselves in regard to the exercise of their profession. This is often described as “doing the right thing”[...]

Mason (2008) also discusses the definition of professionalism itself. He states that the core of professionalism has been described as the possession and autonomous control of a body of specialised knowledge, which when combined with honorific status, confers power upon its holder. The exercise of this control by the respective professional bodies is often manifested in the promotion and enforcement of an ethical code. He states that there is an assumption that ethics has a role to play in general business practice. In recent times, there is a greater consensus on this issue and it is now commonly recognised that the general concepts of ethics are applicable to business in order to meet collective and social needs.

The concept of professional ethics is partly concerned with what a professional should or should not do in their professional life, but also extends beyond this. If a professional is to comply with an ethical framework then that person needs to adopt that conduct in all of his or her dealings. Mason (2008) states that in the construction context ethical behaviour is measured by the degree of trustworthiness and integrity with which companies and individuals conduct business. The built environment professional organisations, such as the Royal Institution of Chartered Surveyors (RICS), the Chartered Institute of Building (CIOB) and the Royal Institute of British Architects (RIBA) each have their codes of professional practice for their members to follow, inside and outside of the work place. Concepts included in these codes of practice are professional respect, avoidance of dishonest or fraudulent activity and continuous professional development of the individual. Another aspect of this is the enhancement of the profession and the industry within which the professional works. This concerns a professional’s conduct and behaviour while carrying out their professional work. This then, is work for the good of the community and mankind. The RICS Professional Ethics Working Party gave a summarised definition of professional ethics as “giving of one’s best to ensure that clients’ interests are properly cared for, but in doing so the wider public interest is also recognised and respected” (RICS, 2000).

Mason (2008) has pointed out the fact that because different built environment professionals, such as engineers, architects, surveyors, lawyers and construction managers have different codes of practice it may be more difficult to encourage ethical practice for the entire construction industry. These professionals have different types of involvement at the different stages of procurement, and each of these professions has

their own code of practice. So, emerges the question as to what is the appropriate ethical code to be used when multi-disciplinary construction work is being undertaken. Mason suggests that an answer lies in the creation of a single industry-wide code, based on the Society of Construction Law's (SCL) *Statement of Ethical Principles*. He makes suggestions for the structure of such a single code of practice which will be discussed further in Section 3.

Moral theory provides a useful framework for the analysis of professional ethics because moral theories can be used to justify or clarify the individuals' position when they ask themselves "what should be done in this situation?" or "what is right or wrong?" (Centre for Excellence in Teaching and Learning (CETL), 2009). Moral theory can also be used as a framework for helping individuals to make decisions as there are different criteria and foci for different moral theories (Section 2).

The aim of this paper is to discuss the use of moral theory as a philosophical analytical framework for built environment organisations' ethical contexts. The research method is a case study of the built environment organisation, the RICS. The approach for conducting the case study is through semi-structured interviews with experienced RICS qualified members in order to gather views on the application of moral theory to explain the RICS ethical principles.

2. Moral theory

Moral theory facilitates a categorisation of the underlying justifications for an individual's moral judgments. Moral theory includes "guidance" and "explanatory" functions to explain an individual's decision making and beliefs. Individuals receive guidance by applying the underlying moral principle when they make decisions. Moral theory can also be used by individuals to explain whether their beliefs are ethically correct and whether their beliefs are incompatible with the underlying moral justification (Anon, 2009).

There are many moral theories and there is no one correct theory. They converge and often borrow from one another. This research has considered the most clearly understood types of normative ethical theories of consequentialism, deontology and virtue ethics. Consequentialism and deontology have dominated moral reasoning over the last 300 years while virtue ethics was developed in Aristotle's time.

2.1 Consequentialism

In consequentialism, the consequence of an action justifies the moral acceptability of the means taken to reach that end. The results of actions outweigh any other considerations, including intention and process, and the right action is the one that has the best consequences; in other words, "the end justifies the means" (CETL, 2009). The goal of morality for consequentialism is to improve the state of the world as much as possible.

Utilitarianism is consequentialist theory developed by Bentham (1748-1832) and Mills (1808-1873). A utilitarian believes in "the greatest happiness for the greatest number". In other words, in any situation the morally right thing to do is the action that promotes the greatest happiness for the greatest number of people.

Bentham's disciple Mills (1981/1962, p. 257) stated:

Utility, or the Greatest Happiness Principle holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

However, pain and pleasure are not the only criteria that later utilitarians have used to evaluate the consequences of actions, rules or policies. Welfare-utilitarians consider the contribution to, or lessening of, human welfare. Preference-utilitarians seek to establish and satisfy human preferences (Slowther *et al.*, 2004). The utilitarian idea is a persuasive one and has been very influential in individual morality and public policy in America in the last century, though it has been strongly attacked over the last couple of decades, primarily on the grounds that it does not give sufficient protection to individuals.

The simple analysis for making a utilitarian decision is based on cost/benefit or risk/benefit analysis. However, there are two major drawbacks to the utilitarian perspective on morality. First, there is often a lack of extensive knowledge of facts for making the cost/benefit and risk/benefit analysis for utilitarian decisions. Sometimes utilitarians are reduced to using a “best guess” approach, and this is obviously not very satisfactory. The second problem with utilitarianism is that it can lead to injustice for certain individuals. An unsafe mining operation which leads to black lung disease for some of the miners may produce more utility than harm, from an overall standpoint, but is obviously to the miners themselves. Maximizing utility at the expense of individuals produces serious ethical problems which utilitarian theory is not well-equipped to handle.

2.2 Deontology

As mentioned in the previous section, a criticism of consequentialist theory is that it is so concerned with ends that it may overlook the moral importance of the means, which is the way to achieve the ends or goals. Deontological is the moral theory which focuses on means. It uses rules rather than consequences to justify an action or policy.

Deontology or duty based theory, is an approach to ethics that focuses on the rightness or wrongness of actions themselves. This can be contrasted with the consequences of those actions as the foundation for rightness, for example, in the utilitarianism of consequentialism.

The rigorous version of deontology was developed by Kant (1785/1898). It focuses on duty or moral obligation. The term “deon” comes from Greek and means duty, so in the general sense a deontological theory is concerned with duties, obligations and responsibilities rather than the consequences of that action. Deontologists believe that moral decisions should be made based on one’s duties and the rights of others.

Kant saw a sharp difference between self-interest and morality and proposed that an action only has moral value if it is performed from duty. Rules should comply with the categorical imperative (Kant, 1785/1898). Slowther (2004) stated that the categorical imperative should conform with the following principles:

- Moral rules should be universal, i.e. applied to all rational, moral members of the community rather than to just some.
- All people should be treated never simply as means but also always as ends in themselves.
- Members of the moral community should take a hand in making the laws as well as living by them.

According to Kant, morality is based on pure reason. As people have the innate ability to act rationally, they therefore, must act morally, irrespective of personal desires.

Another way of stating Kant's theory is "Act morally regardless of the consequences". For example, a doctor should continue to treat terminally ill patients, as doctors have a hypocritical duty to relieve the suffering of patients. Although there is an argument that it may be for the greater good for the terminally ill patients to be allowed to die, this is against the moral rule of deontology.

2.3 Virtue ethics

Virtue ethics is the name given to a modern revival and revision of Aristotle's ethical thinking. It is a branch of moral philosophy that emphasises character rather than rules or consequences, as the key element of ethical thinking. It is in contrast to the universal emphasis on moral duty in deontology and on general happiness in utilitarianism (Preuss, 1998). Aristotle emphasised the importance of a person's character for morality. He suggests that the highest human trait is happiness, not in a crude material sense, but in a comprehensive meaning which carries connotations of flourishing and well-being. This flourishing is achieved by the habitual practice of moral and intellectual excellences, or "virtues". For Aristotle, the excellences are of two types: moral virtue and intellectual virtue (Slowther *et al.*, 2004).

A moral virtue is an excellence of character, a "mean" between two vices. One of Aristotle's virtues is courage, a mean between recklessness and cowardice, which are vices. Modern virtue ethics sets itself the task of discerning the virtues for our time. Examples of moral virtue are self-control, truthfulness, generosity, compassion, discernment and integrity. Aristotle defined the second type of excellences as intellectual virtues which constitute a preference for truth over falsehood and for clarity over muddle, both in pure reason and in practical affairs.

Virtue theory emphasises character, rather than rules or consequences. This is closely linked to the function of a human being, which is to obey reason, as this is the main characteristic to set humans apart from other living beings. Virtue ethics can be seen in the context of how we behave towards other people. For example, a virtuous doctor or nurse would take time to explain treatment options to patients and find out what patients want and take actions accordingly.

3. Professional ethics in the built environment

3.1 Importance of professional ethics

Ethics is a vitally important issue for professionals. A profession is largely a creature of public demand. Such organisations remain in existence because of the continuing need of the public for them and the services of their members. The underlying reason for a high level of conduct by any profession is the need for the public to have confidence in the quality of the services offered by the profession. Professions can only survive if the public have confidence in them. For a profession to command public confidence there are two essential elements, professional knowledge and ethical conduct (Chalkley, 1994). Therefore, the cost of ignorance of ethics is potentially very high. Aside from any effects on the professionals themselves, it can also have a significant impact on the quality of services that are provided to clients and thereby on the resultant public perception and image of the profession.

Unethical behaviour can impose negative costs at personal, group and organisational levels, such as increasing client dissatisfaction, decreasing productivity, profitability and the level of working morale. An organisation that constantly creates a negative

ethical impact will encounter a diminishing market for its services and withdrawal of public approval. This is especially the case for the construction industry due to the inter-organisational relationship of the project team. Suen *et al.* (2007, p. 264) echoed this comment, stating:

[...] since construction professionals are working under temporary organisational settings, which means, in practice, setting up special units to support ethical conduct they face certain technical problems. There is no doubt that managing ethical behaviour in construction organisations is possible, but it is not an easy task.

3.2 Previous research in professional ethics for built environment

Bowen *et al.* (2007) further listed the various business and professional ethical issues facing the construction industry, including conflicts of interest, negligence of customer needs, unfair competition, poor professional integrity and responsibilities. The recent “price-fixing” scandal shows that there is ethical concern for the UK construction industry. On 17 April 2008, the Office of Fair Trading (OFT) announced it had issued a Statement of Objections to 112 companies alleged to have engaged in bid rigging activities/anti-competitive behaviour, particularly cover pricing, in the construction sector. This allegation is not a one-off accusation for the construction industry, the evidence received by the OFT in the course of its investigation indicated that cover pricing was a widespread and endemic practice in the construction industry as a whole (OFT, 2008). The finding of a Financial Management Institute (FMI) Corp survey conducted in the USA in 2004 also showed that bid shopping is one of the most critical ethical issues facing the construction industry (Business Environment, 2004; Contractor’s Business Management Report, 2004 and EC&M, 2004). About 84 percent (270) of respondents of the same survey, including owners, architects, construction managers, consultants, contractors and subcontractors expressed their concern on decreasing ethical standards, saying that they had “experienced, encountered or observed construction industry-related acts or transactions that they would consider unethical in the past year”. About 61 percent of the respondents thought that the industry has been “tainted” by unethical acts. Research on professional ethics of surveyors conducted in the UK shared the same finding: 62 (38 per cent) respondents thought that ethical standards had decreased over the previous decade (Poon, 2006).

Some former British colonial territories, such as Hong Kong, have also shared concern on ethical issues for several decades. During the 1980s, the most notorious ethical scandal of the Hong Kong construction industry was the “salt water” buildings affair. About 100 reinforced concrete building blocks were noted to be deteriorating with abnormal speed after only 15 years of building life. In the 1990s and 2000s, there have been “short-piling” construction scams and other recent issues of unethical behaviour for construction professionals including corruption, overcharging and defective works. The “Salengane” case discovered some unqualified suppliers had become approved contractors of the Hong Kong government by bribing local civil servants. The case involved a total of HK\$16.8 million of loss.

The cost of unethical behaviour is high. There are not only the financial costs to the companies which deliver the services, but also to the whole industry. According to the FMI Corp survey, 61 per cent of respondents believe that unethical behaviour affects the cost of getting projects built. About 35 percent of respondents think that 1 per cent to 2 per cent of the total project cost is the cost of unethical behaviour,

while twenty-five percent of respondents estimated that between 2 and 5 per cent of the total cost is lost because of different types of unethical behaviour conducted by the construction project team (Parson, 2005). Jeff Tickal, wrote in "The Contractor's Compass": "the actions of a few unethical contractors cloud the reputation of the entire construction industry" (Contractor's Business Management Report, 2004, p. 12). This is exactly the case for the recent "price fixing" scandal in the UK which further blights the reputation of the UK construction industry, on top of the impact from the recent slow-down in economic conditions.

Mason (2008) researched the need for a single code of practice for the construction industry and examined the benefits of promoting a single ethical code using the Society of Construction Law's Statement of Ethical Principles. He suggested the Statement of Ethical Principles should comply with the following:

- *Honesty*. Act with honesty and avoid conduct likely to result, directly or indirectly, in the deception of others.
- *Fairness*. Do not seek to obtain a benefit which arises directly or indirectly from the unfair treatment of other people.
- *Fair reward*. Avoid acts which are likely to result in another party being deprived of a fair reward for their work.
- *Reliability*. Maintain up to date skills and provide services only within your area of competence.
- *Integrity*. Have regard for the interests of the public, particularly people who will make use of or obtain an interest in the project in the future.
- *Objectivity*. Identify any potential conflicts of interest and disclose the conflict to any person who would be adversely affected by it.
- *Accountability*. Provide information and warning of matters within your knowledge which are of potential detriment to others who may be adversely affected by them. Warning must be given in sufficient time to allow the taking of effective action to avoid detriment.

These principles were conceived to apply to the work of all professionals working in the construction industry, whatever their original qualification or affiliation and to individuals, whether they work for or on behalf of an independent professional or as a partner, associate, director or employee of a firm or company. These principles are already widely used in the codes of practice of built environment professional organisations, such as RICS (Section 5.1).

Mason (2008) acknowledged that a code does not necessarily ensure that the professionals will behave ethically on a day-to-day basis. This is particularly true at the contractor/sub-contractor level. The temptation for contractors and others in the industry to be unethical can be seen to be almost irresistible when they get caught in a compromising situation. Whether this behaviour is labeled as cutting corners or applying leverage to the supply chain, the potential for unethical behaviour is massive. This comment is evidenced by the OFT investigation of the UK construction industry in 2008.

However, there is some uniqueness that a single code can offer. Professor Uff has been one of the leading lights in the creation of the proposed code based on the SCL's *Statement of Ethical Principles*. He describes it as "the first line of defence against corruption".

Another heavily involved in the drafting of the code was His Honour Judge Thornton for whom the benefits of the code were that “there would be an appreciable reduction in poor designs, shoddy workmanship, delays, claims, excessive charging, cost overruns and disputed claims”. However, amongst the conclusion reached is the observation that ethical codes do not operate in a vacuum and that the promotion of a single code will only bear fruit when seen as part of a larger raft of measures including longer term relationships and collaborative working and a higher profile for these in training and education (Mason, 2008).

Previous research on the professional ethics of construction and surveying professionals has been generally a-theoretical. The following are typical examples: the impacts of ethical dilemmas on surveyors’ decision making; identifying typical ethical problems for the surveying profession and their causes; identifying surveyors’ views on ethical behaviour; studying surveyors’ rating and ranking of stakeholders’ interests when they face ethical dilemmas and finally studying how professional ethics influence construction performance (Fan *et al.*, 2001a and 2001b; Poon, 2003, 2004a, b, 2006). Mason’s (2008) research focuses on a different angle which is about development of a single code of practice. However, there is a lack of research on the codes of practice of professional organisations, which codify to some degree the relationship between professionals, their professional body and the wider society. In addition, previous research has not used moral theory to study and analyse professional ethics for construction and surveying professionals.

4. Aim of this research

The aim of this paper is to discuss the use of moral theory as a philosophical analytical framework for built environment organisations’ codes of practice and the chosen organisation is the RICS. The reason for choosing RICS as a case study will be discussed further in Section 5. The code of practice for RICS which is examined in this paper consists of nine published “core values” (RICS, 2006) together with the Institution’s current *Rules of Conduct for Members* (RICS, 2007b). The reason for focusing on the *Rules of Conduct for Members* is that there has been a longstanding history of having such a code (the RICS first announced its *Rules of Conduct for Firms* in 2007) (RICS, 2007a). As the first stage of the wider research project, the authors intended to focus on the aspect which is more familiar to the respondents. This paper examines the surveyors’ understanding of professional ethics. It explored the theoretical foundations of professional ethics. It will also explain how the RICS code of practice can be explained by the traditional moral theories.

5. Case study

5.1 Royal Institution of Chartered Surveyors (RICS)

The chosen professional organisation for the case study of this paper is the RICS. RICS proclaims itself to be the world’s leading professional body for qualifications and standards in land, property, construction and environmental issues in the UK and around the world. The RICS has around 100,000 qualified members and over 50,000 students and trainees in some 140 countries. RICS is an independent, not-for-profit organisation which acts in the public interest, setting and regulating the highest standards of competence and integrity of its members and providing impartial, authoritative advice on key issues for business, society and governments worldwide (RICS, 2010).

The RICS was founded in London in 1868, and granted a Royal Charter by Queen Victoria in 1881. The Charter requires RICS “to maintain and promote the usefulness of the profession for the public advantage”. This commitment to act in the interests of society in everything the Institution does continues to be their guiding principle. It shows that RICS takes seriously its public interest role as a Royal Chartered public-interest-body, to offer consumer protection (to ensure the wider public interest is protected) and improved industry standards. RICS has paid great attention to ethical standards for construction and property professionals. Increasing the ethical standards of surveyors was one of the top priorities of the RICS’s “Agenda for Change” in the 1990s. The aim of this Agenda was to increase public recognition of the value of the RICS qualification as the unrivalled mark of professionalism worldwide and it was instituted by the then RICS President, Lay (1998). Under the principles established by the “Agenda for Change”, the RICS has conducted major work with the aim of increasing ethical standards of its members. Under this principle, the RICS has conducted major work with the aim of increasing ethical standards of its members.

5.2 RICS’s code of practice

In the 2006 edition of its “Rule Book”, *Assessment of Professional Competence/ Assessment of Technical Competence (PCC/ATC): Requirements and Competencies* (RICS, 2006), the nine RICS Core Values were announced. They are:

- *Act with integrity.* Never put your own gain above the welfare of your clients, and respect their confidentiality at all times.
- *Always be honest.* Be trustworthy in all that you do – never deliberately mislead, whether by withholding or distorting information.
- *Be open and transparent in your dealings.* Share the full facts with your clients, making things as plain and intelligible as possible.
- *Be accountable for all your actions.* Take full responsibility, and do not blame others if things go wrong.
- *Know and act within your limitations.* Be aware of the limits of your competence and don’t be tempted to work beyond these. Never commit to more than you can deliver.
- *Be objective at all times.* Give clear and appropriate advice, and never let your sentiment or your own interests cloud your judgement.
- *Always treat others with respect.* Never discriminate against others.
- *Set a good example.* Remember that both your public and private behaviour could affect your own, RICS’s and other members’ reputations.
- *Have the courage to make a stand.* Be prepared to act if you suspect a risk to safety or malpractice of any sort.

These principles are adaptable to reflect changes in legislation and changes in society’s expectations of the profession. The RICS expects members not only to demonstrate a knowledge and understanding of these principles, but also to demonstrate a commitment to meet these ethical standards and maintain the integrity of the profession.

The most recent major review of all aspects of the RICS regulations was undertaken by Carsberg (2005) in 2004 to 2005. Carsberg emphasised the importance of self-regulation which is fundamental to any profession. He stated that:

[...] strong ethical codes are at the heart of what it means to be a profession and a professional body is therefore fitted to regulate its members. In a professional body, ethics come together with expertise to create a basis for sound regulation. The public interest in the United Kingdom has benefited for more than a hundred years from having strong professional bodies practising self-regulation. The merits of continuing with this system seem to be clear (Carsberg, 2005, p. 5).

The new *Rules of Conduct for Members* (RICS, 2007b) and *Rules of Conduct for Firms* (RICS, 2007a) have applied from 4 June 2007 following Carsberg's review. The aim of the principles is to help surveyors in doubt about how to handle difficult circumstances or in situations where there is a danger that members' professionalism may be compromised. This has demonstrated that the RICS is committed to maintaining the ethical standards of the surveying profession in order to ensure that the wider public interest is protected.

One of the key changes of the reform package is the reduction of the RICS's 60-page "Rule Book" (RICS 2006) to fewer than ten pages of principles, in two parts. The first part covers individual personal and professional conduct and applies to all RICS members. The second part covers conduct of business matters and applies to firms. RICS claims that this reduces the burden of regulations on members and positions itself as a bold, cutting edge professional regulator for the twenty-first century. It is also the first time in the RICS's history that separate regulatory guidance to firms has been offered (RICS, 2010).

The RICS's principles-based *Rules of Conduct for Members* (RICS 2007b) are:

- *Integrity*. Members shall at all times act with integrity and avoid conflicts of interest and any actions or situations that are inconsistent with their professional obligations.
- *Competence*. Members shall carry out their professional work with due skill, care and diligence and with proper regard for the technical standards expected of them.
- *Service*. Members shall carry out their professional work in a timely manner and with proper regard for standards of service and customer care expected of them.
- *Lifelong learning*. Members shall undertake and record appropriate lifelong learning and, on request, provide RICS with evidence that they have done so.
- *Solvency*. Members shall ensure that their personal and professional finances are managed appropriately.
- *Information to RICS*. Members shall submit in a timely manner such information, and in such form, as the Regulatory Board may reasonably require.
- *Co-operation*. Members shall co-operate fully with RICS staff and any person appointed by the Regulatory Board.

6. Methodology

The research method for the study reported in this paper is by case study. As mentioned in the previous section, the chosen organisation is the RICS. The reason

for choosing the case study method is that it enabled the authors to investigate the code of practice of a built environment organisation in depth, in order to understand the application of moral theory in this context. In addition, choosing a professional organisation with a wide coverage of built environment professional disciplines, having international standing and a long history, enhances the reliability and validity of the study.

The reason for focusing on the code of practice is because it is the contract entered into by members of the professional body to ensure legally enforceable requirements for their behaviour. It indicates the acceptable behaviour of members towards both clients and the general public. Hence, the code of practice represents a public announcement of the ethical principles to be adopted by members of a profession. It can also be used to determine suitable disciplinary measures in instances of misconduct. Therefore, codes of practice for professional organisations have developed to reflect the parameters of normative behaviour within which members of the professions should operate.

The approach to collecting data for the case study was through interviewing a selected number of RICS fully qualified members. The interviewees were selected with the aim of ensuring that there was a balance of interviewees from different professional backgrounds. Care was taken to ensure the interviewees were experienced surveyors having knowledge of professional ethics in order to provide insightful comments on the use of moral theory to explain the RICS code of practice. As fully qualified RICS members the interviewees are obliged to follow the RICS code of practice. In addition, several have good knowledge of professional ethics as they are either teaching or researching the subject. Also, they apply the RICS ethical principles in their professional practice. The mean value of the duration of the full RICS membership is 22 years and thus the sample consists of very experienced chartered surveyors. In addition, the interviewees include RICS members who have experience in teaching “professional ethics” modules for undergraduate and postgraduate degree programmes in universities and as chairmen of RICS Assessment of Professional Competence (APC)[1] interview panels, having responsibility for asking professional ethics questions of the candidates. Furthermore, one of the interviewees was commissioned by the RICS to conduct research into professional ethics, and as a result of a recommendation of his research, the RICS formed a professional working party to investigate ethics in the early 2000s.

Semi-structured interviews were conducted with the interviewees by the first named author. A total of 12 surveyors, including four building surveyors, four quantity surveyors and four general practice surveyors, were interviewed. The reason for focusing on these three disciplines is that they are all major professional areas of the RICS and they have the largest number of members. An e-mail was sent out to invite the interviewees to participate in the research project. Once they agreed, a document which explained the definition of the three moral theories, the nature of the interview, and the interview questions was sent out to the interviewees prior to the interview. This was accompanied by information about the nine RICS core values and the RICS *Rules of Conduct for Members*. At the start of the interview, the interviewer described

[1] The APC is the practical training and experience which, when combined with academic qualifications, leads to RICS membership.

the moral theories and asked the interviewees whether they understood the information which had been sent to them. The interviewer was prepared to explain the theories further but in the event this did not prove necessary. During the interview, the interviewees were asked to comment on which moral theory most appropriately explained the combined effect of the nine RICS core values and its *Rules of Conduct for Members*.

7. Findings from the case study interviews

In this section, the 12 interviewees' comments on the use of moral theory to explain the RICS nine core values and *Rules of Conduct for Members* are discussed.

7.1 Nine RICS core values

The interviewees had mixed views on the use of moral theory to explain the nine RICS core values. Three respondents commented that more than one moral theory can be used to explain them. One respondent advocated the use of two moral theories (deontology and virtue ethics) while the other two respondents commented that all moral theories are relevant. However, the one common theme is that the interviewees who have been RICS members for longer and have more involvement with RICS professional ethics tend to have stronger opinions. They tend to think virtue ethics theory is the most appropriate theory to explain professional ethics because they acknowledge the importance of "doing the right thing during the process" and "ensuring the final outcome is correct".

Overall, the dominant moral theory for explaining the RICS core values was found to be deontology. This was followed by virtue ethics and consequentialism. These theories received eight responses, five responses and three responses, respectively[2]. The respondents think that deontology is the most appropriate moral theory for explaining the RICS core values because it emphasises the importance of duty and moral obligations. It is also related to the correctness of actions and to ensuring that the right thing is done during the process. Interviewee 2 commented that "RICS is more concerned with the process rather than the outcome". The other interviewees echoed this comment and they stated that the surveyors do not know the outcome when they are performing the service, therefore, the best thing that they can do is to ensure the correctness of the procedures. Also, if the members have been accused of negligence or breach of rules of conduct, it is important for them to demonstrate that they have done the right thing in the process.

On the other hand, Interviewee 8, who has been an RICS member for 30 years and is a chairman of RICS APC panels has a totally opposite view. He stated that "the RICS core value is all about consequentialism. The RICS aims to ensure that the client does not come to any harm when they receive services from the RICS members. Therefore, the RICS takes a utilitarianism approach".

Some other respondents have broader views on the use of moral theory. They think that the RICS is concerned with the process as well as the result. Therefore, they think virtue ethics is the most appropriate moral theory as it considers the characteristics of both utilitarianism and deontology. Interviewee 7 commented that:

[2] There are 12 respondents. Two respondents identified two moral theories and one respondent used three moral theories to explain RICS core values. Therefore, there are sixteen responses in total.

[...] consequentialism is not the correct one to explain the RICS core values. The RICS is very concerned with how you get there. Deontology is also not the correct one as it is only concerned with the process. RICS is very concerned with how you get there as well as the final outcome. So, I would think it is more about virtue ethics as it considers both consequentialism and deontology.

This comment is further echoed by Interviewee 11, who has substantial experience of research on professional ethics and involvement with RICS activities. He stressed the thought or thrust of the nine RICS core values are related to the chartered status of the RICS which means it is for the good of the member but more significantly for the good of the public. In turn, the outcome is critical to the RICS in the society. However, the implications for the core values are about governing the rightness and wrongness of the actions for the members. Therefore, he commented that virtue ethics is the most suitable moral theory as its core principles are about “doing the right things”.

Overall, there is a very mixed view to the use of moral theory. The common theme is that the respondents think the RICS has great concern for ethics and it aims to ensure that the interests of clients and the general public are protected.

7.2 RICS rules of conduct for members

Similar to comments for the RICS core values, the respondents have different views on the use of moral theory in the RICS *Rules of Conduct for Members*. Five respondents commented that deontology is the key moral theory. In this context, four respondents observed that it should be consequentialism whilst three thought it should be virtue ethics.

The comments on the use of consequentialism to explain the Rules of Conduct are similar to those expressed about the core values, that is to ensure the clients are not subject to any harm as a consequence of the negligence of the surveyors. Interviewee 8 stated “the RICS’s concern is that the clients do not come to any harm. If the surveyors do any harm to the clients, it will bring disgrace to the Institution and to the professional himself/herself”. It follows the fundamental principle of consequentialism on ensuring there is a good final outcome. Interviewee 3 also echoed this comment as he thought that the focus of *Rules of Conduct* does not have process involved but is about the rightness or wrongness of the outcomes. These two interviewees have similar professional backgrounds; they are building surveyors and have been RICS members for over twenty years. On the other hand, there are no consistent comments from the general practice surveyors and quantity surveyors.

Interviewee 6 summarised the major difference on the use of moral theory for the RICS core value and RICS *Rules of Conduct*. He stated that:

[...] the RICS core values place more emphasis on the ethical principles, which is more about governing members’ behaviour. It is more about deontology. While, the RICS *Rules of Conduct* is more about making the procedures function well and focus on achieving a good final outcome, so it is more about consequentialism.

8. Conclusion

This research aimed at investigating the applicability of the use of moral theory to explain the ethical code of practice of a built environment professional organisation. It was conducted using a case study approach and the chosen organisation was the RICS. The code of practice of the RICS consists of the nine core values and the *Rules of*

Conduct for Members. The findings from the case study demonstrate that interviewees have mixed opinions on the use of moral theory to explain the RICS Core Values and the Rules of Conduct. The interviewees commented that all three moral theories can be explained in RICS ethical principles to some respect. There is a slightly stronger view that deontology is the most suitable moral theory. The argument is that the surveyors do not know the outcome when they are performing, so the only thing that they can do is to ensure the process is right. Also, if there is any claim for negligence for their activity in the future, they can provide evidence that they have done it correctly. On the other hand, the interviewees who have been RICS members for longer and have more involvement with RICS professional ethics tend to think that virtue ethics is the most appropriate theory to explain RICS ethical standards as they understand the importance of the correct “result” and “process”.

As mentioned in Section 2, moral theory gives an account of the underlying justification for individuals’ correct moral judgements and can be used as guidance and an explanatory function of individuals’ decisions. The code of practice contains the legally enforceable requirements of the members by the professional organisation. The findings from the case study support the view that moral theory can be used to explain and underpin the ethical and philosophical principles of the code of practice. Although there is no consensus on which moral theory is the most suitable for explaining the code of practice, the findings highlight the fact that different moral theories explain its different aspects. It further supports the need for the existence of different moral theories and demonstrates that there is no single correct theory in this context.

This paper is the first to report research on using moral theory to analyse ethical codes of practice for professional organisations in the built environment. There are some interesting findings from this research which could lead to future research.

The first suggested future area for research is the use of moral theory to explain the Codes of Practice of other built environment professional organisations, such as the CIOB or RIBA and it could then compare the results with the findings as presented in this paper. The second suggested area is to research the use of moral theory to explain Mason’s (2008) Single Code of Practice for the Construction Industry. The respondents for the second proposal would be different types of professionals in the built environment sector. Therefore, a more divergent and representative view on the use of moral theory for built environment professionals could be gathered.

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Further reading

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