Architectural ethics: A dozen dilemmas

Kim Dovey

Dr Dovey examines twelve ethical and social justice issues affecting architects, from illegal demolition to aesthetic integrity. The issues of accountability and social responsibility are inevitably raised.

This paper is about the relationship of architecture to issues of ethics and social justice. To whom do architects have ethical obligations and how do such obligations translate into everyday practice? Does one's first allegiance lie with the profession, the client, the user or the community? What if they come into conflict? Whose values should be translated into built form? Can one simultaneously be both developer and professional? Should architects work for dishonest clients? These issues are explored through brief examinations of a number of 'ethical situations'. It is argued that such issues are increasingly relevant to architectural practice and to the position of the profession in society.

Architecture as Profession, Art and Business

The emergence of the professions, including architecture, in the 19th century was primarily based on three forms of legitimacy (Blau, 1984). The first was a reliable and exclusive body of knowledge acquired through substantial education. This was linked to the rise of scientific rationality and technical reasoning. The second was the promise to use such knowledge in the service of society. Hence the professions were perceived to be autonomous, beyond class interests but with the status and money to avoid being beholden to the rich. They were seen to protect society against the excesses of the market system. Finally, the profession guaranteed the competence of its members. To this end it was granted legislative power to exclude and to expel those who fell short of required standards.

Dostoglu (1986) argues that the architecture profession embodies two major contradictions. The first is that architecture cannot be a purely technically based rational practice since it embodies an aesthetic dimension which most architects see as the core of the

Dr Kim Dovey is a senior lecturer in architecture at the University of Melbourne.

Architect sits behind a 'veil of ignorance'.

discipline (Blau, 1984). Since aesthetic expertise cannot be enforced, it does not qualify as a body of dependable professional knowledge. Second, architecture is a fully integrated part of capital development, and autonomy from business interests cannot be sustained. Both of these contradictions render the legitimacy of the architecture profession somewhat fragile at the same time as they throw up an array of ethical dilemmas in practice. This professional legitimacy can only be sustained and enhanced so long as the ethical questions are rigorously debated and resolved. This paper offers few such resolutions, the aim being rather to open up some questions and advance some criteria with which discussion might proceed.

The Veil of Ignorance

Before exploring specific ethical dilemmas it is useful to consider the following ideas from Rawls which may help in establishing ethical criteria. Rawls (1971) presents a theory of justice which he argues can be used to generate broad criteria for social justice in a society of diverse values. Justice is considered as a condition of human interaction and decision making that is

seen as 'fair' to all concerned. To achieve agreement about 'fairness', he argues, it is useful to suspend belief in our current role and adopt an imaginary position wherein we are ignorant of the role we will occupy within a set of social transactions. A very mundane illustration is when a parent insists that the child who is dishing out the dessert is to have the last choice of which portion to eat. Thus the child operates from behind a 'veil of ignorance', real in this case.

In relation to issues of social justice Rawls asks that we impose an imaginary 'veil of ignorance' from behind which we do not know our race, culture, status, power, material possessions or gender. We become ignorant of our age, intelligence, physical abilities and even of the generation to which we belong.

In relation to architectural practice, the 'veil of ignorance' would ensure that ethical principles are to be decided in ignorance of whether we are to be the architect, client, user, builder or passerby. Of particular importance for architecture is that such a position involves a consideration of future generations in the debate. In relation to office practice we would be unaware of whether we are to occupy the position of principle, project architect or lower employee in the system.

Rawls argues that in assessing social transactions under conditions of such ignorance, agreement is possible on a system that is fair to all. Such a process does not necessarily lead to equality since agreement is likely on a system which rewards initiative and effort rather than one which doesn't. However, it does protect against decision-making which further harms the already disadvantaged since we are likely to protect against being taken advantage of should we happen to be born poor or brain damaged. Rawls' theory runs counter to both absolutist and utilitarian (greatest good for the greatest number) ethical positions. It is not the purpose here to debate the merits of Rawls' theory, but rather to raise a series of hypothetical situations in architectural practice and to consider them from this viewpoint.

1. Aesthetic Integrity

First, consider the issue of aesthetic integrity:

An architect employed in an office is instructed to work on a building design that she or he believes will be aesthetically offensive. Is it ethical for the architect to proceed with the work?

To adopt the 'veil of ignorance' here leads to the question of who suffers as a result of such a building — is it the architect's reputation, that of the firm, the clients or inhabitants, the larger community or future generations? While the inhabitants, community and future generations may indeed suffer, who is to say whose aesthetic judgement is superior? Today's outrage may become tomorrow's heritage. If one accepts the office hierarchy as fair, then the architect is free to resign and no principle of fairness is violated. This situation does not change significantly if the architect is subjected to the aberrant aesthetic whims of a client. So long as the engagement of one's services is freely negotiated, the ethical issue in each case is a personal one. From the broader view it would not seem that any principles of social justice are violated.

2. Violation of Context

The next dilemma emerges when there is a conflict between the values of a client and those of the local community:

An architect is engaged by a client to design a house in a suburban neighbourhood that will challenge all of the architectural values of that neighbourhood and violate every possible code of suburban architecture. Is it ethical for the architect to do so?

Aesthetic integrity aside, the issue here is whether the system is fair to all, regardless of what values and whose values are being violated. In another place, perhaps Siena's *Il Campo* or the chapel at Ronchamp, would it be ethical to do precisely the same thing? The issue can be deferred to the system of rules under which such buildings are approved. Here the 'veil of ignorance' will serve to protect a variety of value systems, not only those that are the product of architectural training. Neighbourhood conservation regulations are often perceived by architects as overly conservative and inhibiting of their role as tastemakers. While there is no ethical problem for the architect to proceed as the client's agent in this case, this can lead to further dilemmas, particularly that of regulation avoidance.

3. Regulation avoidance

The dilemma here is one of the architect's relationship to the legislated rules of property development. Consider the following case:

An architect is working on a medium-sized public building and the regulations require a ramped entrance for wheelchair access and disabled access toilets. However, certain spaces can have their nominal functions changed such that the regulations will not apply and neither toilets nor ramp will be necessary, saving money for the client and improving the aesthetic quality of the entrance. Is it ethical to do so?

There are two issues here. The first concerns the ethics of regulation avoidance and the second concerns disabled access. On regulation avoidance one has to ask whether the regulations reflect a fair system. This is a problem because regulations protect people by ensuring access and safety of buildings, as well as reflecting ideologies which may well be obsolete and to the disadvantage of certain people. Regulation avoidance may be a justifiable way of resisting the ideological content of regulations. However, in the case of disabled access the 'veil of ignorance' would lead us to protect against the chance that we may be disabled. Would a wheelchair-bound architect do such a thing? While it may be ethical to violate regulations in search of a better kind of wheelchair access, it would seem unethical to create barriers for aesthetic or economic reasons.

4. Competition Losses

This dilemma concerns the growing practice of closed competitions and the question of who pays for the effort involved:

A small number of firms are invited to make formal presentations for a large job. The presentation requires a substantial commitment of resources with only a nominal fee. Is it ethical for the architect to enter such 'competitions'?

From behind the 'veil of ignorance' this looks at first like a reasonably harmless practice — builders tender for jobs at considerable expense and most high level contracts in business are competitive. Certainly the clients would seem to benefit from the choice of different design approaches and if this improves the general quality of architecture then the community also benefits. However, it is pertinent to ask who pays for the losing schemes. In the ecology of architectural ideas there is still no such thing as a free lunch. This unpaid work is either absorbed by the architects (with a consequent loss of income) or the cost is spread among the firm's other clients (as is the case in business). The problem here is that competitive tendering is very much a business practice rather than a professional practice. Parallel situations, such as where one invites five diagnoses and then pays only one doctor, or five arguments for the defence before choosing a barrister, would be quite unacceptable. This practice of virtually unpaid closed competitions continues, despite its technical prohibition by professional bodies. While there is nothing immediately unjust or unethical about it, the real problem is that it blurs the distinction between architecture as business and as profession. Hence it breaks down the legitimacy of architecture as a profession together with the obligation of community service.

5. Authorship of Ideas

A further dilemma concerns the ownership and authorship of architectural ideas:

An architect has won a design competition but realizes that one key idea in the entry of a competitor would immeasurably improve the design. Is it ethical to use the idea, and is it ethical not to use it?

From the point of view of the larger community, one would want the best design possible. If the building is better appreciated in the long term, then the question of the origin of ideas would

seem to be of little account. But from the architect's point of view a system where someone else is paid for one's idea would seem to be unfair. A system which is fair to all would be one where ideas could be traded through some kind of consultancy.

A related ethical problem which has stirred recent debate is where the junior architect in an office produces the ideas but the project architect or the principle takes the sole credit. This is clearly unethical practice. Good junior/senior working relationships require at least joint credit.

6. Paying Client vs User

A particularly difficult dilemma may emerge as a result of the fact that the client and the building inhabitant may be both quite distinct and in conflict:

An architect is engaged to design a medium-sized corporate headquarters and all negotiation occurs through an all-male committee of executives. The union representing the predominantly female staff approaches the architect with a request that they be fully consulted throughout the design process. The client argues that the employees will simply use the design process to create unnecessary conflict and flatly refuses access to the staff. Is it ethical to ignore the users' request, and is it ethical to refuse client instructions?

How does the architect resolve a conflict between those who pay for architectural decisions and those who may suffer from them? The client's prohibition on user access reduces the architect to something less than professional legitimacy demands. The situation is complicated here by the gender based nature of the power relations — to accept the situation is also to be reduced to an agent of male-dominated values. From the 'original position' of ignorance we may or may not agree on whether the system is unfair and on whether the architect has an ethical obligation to involve interested users in the process. What is clear is that whatever decision is made, it is a political decision. To accept the corporate hierarchy is to endorse the status quo, while to ignore a client's instruction is to undermine the idea of service to the client

(and invite dismissal). If professional legitimacy entails service to both clients and users it would seem there is an ethical obligation to attempt to reconcile the opposing interests. This entails negotiating some form of user involvement. How far this involvement goes and whether it becomes a complete form of participatory design is a separate matter.

7. Illegal Demolition/Construction

What are the architect's responsibilities in the case where a client breaks the law?

An architect has developed a proposal for a client but the necessary demolition of an old church on the site has been legally blocked by the Historic Buildings Preservation council. There is no issue of aesthetic integrity since the architect regards the church as poorly designed. The clients organize to have the church illegally demolished early one morning, they accept the resulting prosecution, pay the fine and urge the architect to proceed. Is it ethical to do so?

This is a difficult issue since the architect will clearly profit from illegal behaviour. Yet the architect is not implicated in the crime and the clients have been punished. From behind Rawls' 'veil of ignorance' it would not seem that anyone is necessarily disadvantaged by continued professional involvement on the project. This is more a case of personal

ethics and the risk of guilt by association — while the broader community and future generations may well suffer from the demolition, the lack of justice rests with the legal system rather than the behaviour of the architect.

A similar example is where illegal construction proceeds and the result is a kind of architectural *fait accompli*. In the Wade house case in Melbourne, seven bricklayers simultaneously built an instant illegal wall (Forge, 1985). The ethical situation for the architect is similar to the case of demolition. However, new construction can be demolished while demolition is essentially irreversible — cultural heritage and significant meanings cannot be rebuilt. Perhaps illegal construction carries less guilt by association than does demolition.

8. Pseudo-Technical Reasoning

The knowledge of what is technically possible in architecture gives the architect a certain power over clients and user groups which can produce ethical problems:

A client group wants a strong visual connection between two parts of a building for social reasons. Yet for aesthetic reasons the architect wants the two areas visually separate. The architect 'discovers' a technical structural reason why integration would be difficult and argues that it cannot be done for technical reasons.

This is more of a dilemma for the clients than for the architect since they can never know whether their professional trust is justified without employing another professional. Ethically it is reasonably clear since professional legitimacy relies heavily on the trust clients place in the architect's technical advice. From behind the 'veil of ignorance' we would agree that this use of technical arguments to protect aesthetic values is unethical. If discovered, it will breed distrust and weaken the legitimacy of the profession. The case is made more complex because technical matters are not always clear and the client is in a very dependent role where misinformation is unlikely to be discovered without the involvement of other professionals.

In the end, the social values of the client must have priority over the private aesthetic of the architect even though a future generation may indeed value the aesthetic achievement over a now devalued social custom. Of course, the social custom may outlive the devalued aesthetic.

9. Fee vs Profit
The involvement of the profession in entrepreneurial behaviour throws up further dilemmas:

The client for a large project offers the architect a percentage of the profit in lieu of a fee, but potentially far greater than the fee. If the project does not proceed to construction then there will be no fee. Is it ethical to accept?

This is a very difficult case because it offers no immediate ethical problem yet it may well lead to a nest of further problems. On the positive side, to accept a stake in a project is to increase one's commitment. This may be an ethical commitment to a more socially responsible form of design which will not otherwise proceed. On the other hand, to go into business with the client is to abandon the autonomous role as a professional consultant. Future action can be compromised by a stake in the project since, after a time, the architect may not be able to afford to bail out. The pressure will increase to make the project proceed at all cost. Ethical standards may be one such cost. The legitimacy of the profession, particularly in relation to service to the community, is weakened. While it is not unethical for architects to go into business it would seem improper to subsequently claim the rights and privileges of the profession, since professional judgement can be seen to be compromised. It would also be unethical if architects were not to publicly declare business interests in any project on which they are engaged.

10. Fictitious Housing
Does the architect have ethical responsibilities when he or she is engaged as an agent of political deception? Consider the following case:

The architect is engaged on a mixed residential/commercial development but is told confidentially by the clients that the housing will become the 'second stage' and, being less profitable, will not be built. The housing proposal is to secure political approval only. Is it ethical to design the housing?

The design of projects which may never be built is common practice and can be justified within the professional model of service to the clients. According to professional autonomy political approval is a separate matter. Yet in this case one becomes an agent of political deceit. From behind the 'veil of ignorance' it is clear that such deceit is unfair to the larger community and to knowingly facilitate it is unethical. On the other hand, political approval may be necessary to a project that the architect believes will be beneficial to the community, even without the housing. The easy way out here is to defer ethical responsibility to the approval authorities to ensure that the least profitable parts of any agreed development package cannot be abandoned. However, such a retreat behind the cloak of apolitical autonomy can again be seen as a conservative political act that will harm the reputation of the profession in the community.

11. Distorted simulation
A crucial dilemma for the architect concerns control over the image of proposed environments:

There is a great deal of concern in the local community about the scale of a large project and the architect is instructed by the client to produce drawings that will make the proposed building appear smaller than the reality. Is it ethical to follow such an instruction?

Distorted simulations are often produced, whether under instruction or not, within the legal cover of an 'artist's impression'. The original proposal for Melbourne's 84 storey Victoria Project was published in the press as 'viewed' from across the street (Hine, 1985). Yet a person would need to be about 350 metres away before the entire building can be contained in one view.

Such distortions should not be taken lightly since the humane image of this 'largest building in the southern hemisphere' played a significant role in the state election as a government achievement before it became associated with 'dirty money', was sharply reduced in size and the name was changed.

From behind the 'veil of ignorance' it is clear that most people would choose to be protected against architectural drawings that are systematically distorted. It is a primary responsibility of the profession not only to capture the imagination of the community through architectural ideas, but also to ensure that the imagined future environment is delivered in reality. This is an area where the profession could take the lead in enforcing standards. Principles of human perception may not be entirely exact but they are accurate enough to agree on a common system for representing proposed buildings for public discussion. Computer technology can provide a mechanical link between perspective outlines and working drawings based on agreed software packages. Distorted simulations could then become evidence for professional misconduct.

12. Partial Simulation
A much more ethically ambiguous case concerns the question of how much simulation the architect is obliged to provide:

In the design of a public building the project architect has designed large pink and green stripes across the facade. However, the elevations are not in colour and the clients are unaware of the proposed appearance. Does the architect have an ethical obligation to simulate the tripes?

Here, in contrast to the previous case, there is no deception so much as a lack of simulation. However, those who are ignorant of their position in this transaction are likely to protect against being the ignorant client. If simulation is deliberately avoided then this is clearly unethical. The architect, however, can retreat behind the argument that one cannot simulate every single aspect of a proposed building and it is not always

clear which aspects may turn out to be salient from the client's point of view. This issue relates directly to the dilemma of architecture as both profession and art. As art, architecture is a very public and social art. While architects are relied on for aesthetic judgement, they cannot claim the complete autonomy of the fine arts and the social legitimacy of the professions at the same time.

The issue of lack of simulation was central to the Wade house case (Forge, 1985) where the neighbours of the terrace house addition argued that the architectural drawings did not sufficiently simulate the effects of overlooking and loss of sunlight. The architect's argument was that it was his practice to offer "as little documentation as will be required" (Forge, 1985:82). Regardless of whether it is the client or the neighbours who are concerned, the 'veil of ignorance' test would lead to a code of ethics which protects all parties from architecture that is markedly different to their expectations. A further ethical question here is that of whether it would be ethical for an employee of a firm to leak information to clients or concerned others. In a system which takes the social legitimacy of the profession seriously, there may be an ethical obligation to do so.

The Profession and Social Responsibility

It is not the concern of this paper toconsider how pervasive any of these situations and practices are within the architecture profession, although they certainly all occur and research on the matter would be useful. Most of the dilemmas fall into an ethical grey area which can be exploited for short term gain, but this may be to the long term detriment of the profession. They are unlikely to be resolved by an updated code of professional conduct although that would certainly help. According to Schon (1983:293) such peer review has failed in the past and this has "contributed a great deal to the current disenchantment with the

professions". His proposal is for a form of accountability through the practice of 'reflection-in-action'.

Rawls' 'veil of ignorance' test is quite compatible with such a model of professional practice wherein both professional and client become co-learners in an open-ended and self-critical dialogue. Since imagination is a key strength of the architecture profession, the 'veil of ignorance' test should be easily incorporated into the practice of 'reflection-in-action' as one way of re-framing the problem. While this may or may not resolve the dilemmas, it offers the possibility of negotiating ethical positions in a manner that pays respect to the uniqueness of design problems and to the indeterminacies that both plague practice and keep it interesting.

Current tendencies within the architecture profession — a retreat to a private aesthetic language on the one hand, and the development of a more entrepreneurial approach to practice on the other — are likely to lead to a greater proliferation of ethical problems. The manner in which they are dealt with will have serious implications for the future of the profession. Architecture as a profession is largely a 20th century phenomenon, its long term existence is fragile and it is not without its radical critics (Illich, et al., 1977). Architects do not have a monopoly on the production of built form, yet it is pertinent that in those countries where the profession does have a substantially greater influence on the built environment (such as Scandinavia) this is related to a greater sense of social legitimacy in addition to technical and aesthetic legitimacy. While the profession may claim art as its area of special expertise and derive its income from capital development, it gains its legitimacy in society through a notion of social relevance. It is a public institution designed to serve public ends, and if architects are not to be relegated to the garret or to a role as the mute agents of capital, then issues of ethics in architectural practice must be rigorously assessed in relation to the broader issue of a socially relevant profession.

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