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Ethics, Care, and the Architect's Responsibility to Society and Environment

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Abstract

In the context of both a crisis of affordable housing and a climate and biodiversity crisis, what is the architect's responsibility to society and the planet? New Zealand architects' code of ethics is set out in legislation: Architects Rules 2006. These rules address the architect's obligation to the client and the profession. However, beyond a requirement to uphold the law and to report on risks to public health and safety, there are no specific rules addressing the impact of architecture on future occupants, wider society, the climate, or the biosphere. Arguably, architects are legally obligated to meet the needs and goals of their clients, over any responsibility they may feel to design socially and environmentally sensitive and resilient buildings. Feminist ethics of care emphasizes the importance of our relationships with others. Fundamental to care ethics is attentiveness to the needs of others who we are in relation with, and increasingly, our understanding of these relations is being extended beyond the direct relationship to a global and planetary view. Taking an ethics of care lens to the Code of Minimum Standards of Ethical Conduct for Registered Architects, we contend that these rules are inadequate to equip architects to face present and future challenges. We argue that responsible design needs to be embedded as an ethical obligation of architects. The underlying ethical framework of architects' professional ethics should be reconsidered in relation to the needs of our society and our planet.

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Keywords

Feminist Ethics of Care; Professional Ethics; Responsibility;

1. Why Should We Care?

Globally and locally, humanity is grappling with a series of interconnected crises: climate change, biodiversity loss, the implications of the covid 19 pandemic, the cost of living and unaffordable housing, as well as democratic and social struggles impacting community wellbeing. Architecture plays a role in creating and exacerbating these issues, but can also play a role in the mitigation and resolution of them (Fernandez-Antolin et al.. 2022; Motta 2020; Schindler

2019). At the least, architects could strive to not further contribute to these crises, and at best could be part of working towards a better future for all. Yet, this paper argues, the scope of and framing of our professional role can limit architects' agency to act and thereby their perceived responsibility to act.

Care is our first experience and we intuitively understand what it is to care (Held 2006) – to have a *care* for, to take *care* of, to *care* about – though the word care and the concept of care can seem elusive or open to interpretation. Care incorporates the practical act of providing for life and well-being – including the provision of shelter and its creation and maintenance (Krasny 2019). Care as "attention and minding" is "functionally nearly essential" (Baier 1990). Care also encompasses the emotional experience of worry, concern, affection; worry for events real and imagined, and worry for one's well-being and the well-being of others whether particular others or more general care for others in society (O'Dowd 2016). Incorporating both action and intention, care is both "practice and value" (Held 2006).

The role of the architect incorporates these elements of care (Cohen & Fenster 2021; Krasny 2019), and how they are articulated and prioritized can affect the qualities of the outcome. If the architect cares more for the client's concerns regarding profitability, or more for their reputation and the winning of awards than for the long-term social and environmental impacts of their building, they risk what is first deemed a successful building becoming problematic over time (Power & Bergen 2019, Hurk & Siemiatycki 2018). Yet the risk of prioritizing social and environmental outcomes over other more immediate concerns may be a professional or business failure. Discussions of ethics often deal with competing rights (Waldon 1989); architecture, however, is the art of balancing competing considerations such that they are in concert rather than competition (Khoury 2021, Radford 2009), and architects "are uniquely qualified to exercise 'moral imagination' when it comes to situations where moral deliberation is needed" (Collier 2006).

This article forms part of ongoing research into architectural professional ethics and architects' accountability and agency. Starting with a brief outline of the architects' role, especially in relation to the aforementioned crises, followed by a review of professional ethics and the ethics of care, we then undertake a review of the current New Zealand Architects' Code of Minimum Standards of Ethical Conduct (2018), including a comparison with selected international codes of ethics and/or conduct, to assess the adequacy of the New Zealand architects' code of ethics, in the face of these multiplicitous crises. This paper has not undertaken a historical review of previous iterations of the architects' code of ethics, which is an important part of the next steps in this research. Related to both ethics and care, are Te Ao Māori notions of kaitiakitanga (guardianship and care for the environment), manaaki (support and care of others), and whanaungatanga (relationship, kinship); while this paper does not explore these concepts, any ethical framework for architects in Aotearoa New Zealand should incorporate tikanga Māori.

1.1 The Architect's Responsibility

Understanding the architect's role, and the place of ethics with it, requires understanding architecture as a profession. Professionalism is at its core a social contract or bargain (Marcuse 1976) made between "knowledge communities" (Larson 2018) and society, wherein those experts are accorded certain privileges and protections in exchange for self-policing and serving the public interest (Larson 2018; Salloch 2016; Marcuse 1976). But professionalization is more than just a "search for status, trust, and autonomy through the certification of superior knowledge" (Larson 2018), the value of the work to the professional is greater because of its value to the individual and to society than of its market value (Larson 2018; Salloch 2016). It is broadly and relatively uncritically accepted within the profession, that architecture is a public good (Spector 2014). The establishment of a professional body to regulate both education and registration, minimum standards of knowledge and competency, and having a code of ethics are all taken to be evidence for this (Larson 2018; Fisher 2010; Marcuse 1976). Architects' professional organizations set out the role of architects and the necessary areas of competency required to perform that role.

A range of activities make up the scope of architects' professional services, from site selection through to construction completion (NZIA). There are points all along the process of creating new buildings and urban spaces, at which architects' skills and knowledge can positively impact the social and environmental outcomes of our work – or indeed negatively impact these outcomes (Fernandez-Antolin et al 2022; Motta 2020; Schindler 2019; Dooling 2009).

Architects:

- Influence the framing and goals of the brief.
- Inform and/or determine the siting and bulk & location of the building.
- Resolve the organization of space and the relations of activities and needs.
- Advise on and make decisions for the selection of materials.
- Advise on and coordinate consultation with interested parties and affected groups.
- Manage tendering, negotiation, and the establishment and administration of the construction contract.
- Observe the construction of the building, ensuring compliance with the design documentation and intent.

1.2. Ethics and Care

Feminist ethics of care was first articulated in the 1980s in response to a perceived gap in traditional Western ethics, in that it did not address the domestic sphere, only the public (Held 2006). Further, traditional ethical traditions also typically center on the rational autonomous agent, a way of being that does not reflect many women's reality or experience of the world (Held 2006). Carol Gilligan's seminal 1982 work *A Different Voice* identified that psychology and ethics at the time only studied men and were missing half the population, half the sample (Gilligan 2018). In listening to the voices of women on moral issues, Gilligan heard "the voices of psychological theory [of the time] intoning separation, autonomy, and independence, and…women's voices speaking about relationships and interdependence" (Gilligan 2018). Her work highlighted "the tension between human psychology and the culture of patriarchy" (Gilligan 2018). Following this work, Nel Noddings set out to formulate a theory of ethics based on the care perspective that Gilligan identified (Davion 1993). Care ethics focuses on the relations between people, emphasizing that the ethical response is dependent on circumstance and the nature of the relation (Held 2006). In this way, care ethics can grapple with dependent relations, disparate needs, and questions of power (Sander-Staudt 2006) – an intersectional lens deepens the ability of care ethics to address these imbalances (Hankivsky 2014). While at first care ethics was adopted principally into domestic relations and caring professions (e.g. medical professions) since the early part of this century, care ethics has increasingly been used to examine wider social, political, and global concerns (Held 2006).

Although the current NZ code of ethics is not explicitly grounded in any particular ethical tradition or framework, the political and theoretical space that the code was developed within can be understood as informed by the dominant Western ethical traditions of consequentialism, deontology, and virtue ethics (Fisher 2010).

Consequentialism/Utilitarianism (Driver 2022):

- The rightness of an action is determined by the consequences of the action.
- Emphasises impartiality and agent neutrality.

Deontology (Alexander & Moore 2021):

- Set out duties and rules.
- Emphasises the intention of the autonomous moral agent.

Virtue Ethics (Hursthouse & Pettigrove 2022):

- Centred on the moral character of the agent.
- Practical wisdom from lived experience.
- Action and intention are important.

Ethics of Care (Held 2006):

- Caring Relations.
- Relationally Autonomous.

- Requires both caring action and caring intention.

A key difference between care ethics and the dominant Western traditions is the focus, not on an autonomous disinterested agent, but on the caring relations that we all experience and operate within, and what that means for our responsibility to care for others (Held 2006). Virginia Held argues that these dominant moral theories are too abstract and that they approach moral questions as "conflicts between egoistic individual interests… and universal moral principals", overlooking the everyday space between these extremes – it is this liminal zone that care ethics is particularly interested in (Held 2006).

Due to this relational aspect of care, care theorists acknowledge that rather than being truly autonomous, people are relationally-autonomous or heteronomous agents (MacKay 2020). The agency dilemma suggests that an agent who is not autonomous – who is influenced or dominated by another - cannot be considered to be moral, or held morally responsible for their actions (MacKay 2020). Similarly, the concept that "ought implies can" (that is if a person cannot act then they cannot be morally obligated to do so) removes moral agency and responsibility in the absence of the ability to act (Buckwalter 2020). Some feminist theorists have argued for the ability of heteronomous agents to be held morally responsible (MacKay 2020), and despite the wide acceptance of "ought implies can", there are arguments against this concept, Buckwalter (2020) suggests that whilst we may not blame someone for failing to act where they cannot, that does not necessarily remove their moral responsibility. This has impacts on professionals obligated to serve their client's interests – are their actions truly autonomous, and if not can they be held morally accountable? Professional codes of ethics include requirements to act autonomously, or disinterestedly, yet also to serve the client's interest within the bounds of the law (Larson 2018, Marcuse 1976). Though not a heteronomous agent (subject to rule from outside themself) the architect's decisions are subject to building and planning codes, client needs and preferences, cultural influences, and economic conditions. Mackenzie (2008) makes the case for "relational autonomy" as a means to assert the normative autonomy of an agent whose autonomy is "impaired", using the example of a patient in a healthcare scenario. Whilst the scenario of a healthcare patient, and that of an architect are dissimilar, the concept of relational autonomy holds potential as a way to consider the intersecting roles and obligations of professionalism.

While some theorists locate ethics of care within virtue ethics, and others consider it the 'primary virtue', Held (2006) maintains that without care nothing else can exist (that one's survival, from birth, is dependant on care) and frames care as the broader design within which all other ethical traditions should be located. Regardless of social status, life experience, or health, everyone will experience care – either giving or receiving – over the course of their life (Hankivsky 2014), and will have a sense of the quality of that care, whether good, bad, or indifferent (Held 2006). Sander-Staudt (2006) addresses the "unhappy marriage" of virtue ethics and care ethics, making the case for each to maintain "theoretical autonomy", avoiding entanglement or domination of one over the other, whilst providing mutual benefit. In a similar vein, Helga Varden (forthcoming) argues that "Bringing Kant's philosophy into dialogue with care theorists…advances the insights of both traditions by showing one way to arrive at a multifaceted, yet unified account of human care relations where our embodied, social as well as our rational natures are given due consideration."

Criticisms of care ethics include the caregiver dominating the care-receiver, and conversely, the care-giver subsuming themself to the act of care, putting the needs of others ahead of their own (Sander-Staudt 2006, Puka 1990). Toxic forms of care do exist and are part of why an ethics of care is necessary, as is an understanding of justice ethics to support it (Held 2006). Ethical care should involve enabling people (both caregivers and care-receivers) to realize their own agency (Held 2006). Chadha-Sridhar (2023) addresses the contradictory conceptions of care – as complex and often problematic social practices, and as a moral ideal - and frames care as a "thick ethical concept" conveying both descriptive and evaluative concepts.

Feminist criticism of care ethics includes concerns that care ethics reinforces traditional gender roles and attitudes (Puka 1990), and takes a narrow (white, western) view of womanhood and care (Hankivsky 2014). The importance of 'feminist' in feminist ethics of care is that care ethics is for all genders (Held 2006). Care ethics takes a critical view of traditional practices of care and the patriarchal conditions under which they are created (Held 2006). These traditional practices can obscure and oppress reciprocal values of care, and care ethics seeks to bring attention to these

values and extend them "as appropriate throughout society, along with justice." (Held 2006) Hankivsky (2014) sets out an argument for "intersectionally inspired care ethics", and the corollary of incorporating care into intersectional theory. Stating that "care ethics and intersectionality share normative ideals towards social justice", Hankivsky suggests that care ethics in dialogue with intersectionality can "punctuate attention to social diversity and inequities of power" (Hankivsky 2014).

> *"It is the relatedness of human beings, built and rebuilt, that the ethics of care is being developed to try to understand, evaluate, and guide." – Virgina Held (2006).*

2. The Current Code

The Registered Architects Act 2005 establishes the New Zealand Registered Architects Board (NZRAB) and requires the board to formulate a set of rules for registered architects. These are then established in law as Registered Architects Rules 2006 and were last updated in 2018. The Act requires those rules to contain minimum standards of competence, minimum standards for demonstrating competence, and minimum standards of ethical conduct. The current Rules have a broad outline of the areas of competence for registration, a detailed accounting of the process to maintain registration, and then a set of specific rules for ethical conduct, which is also reproduced as a two-page document, the New Zealand Architects' Code of Minimum Standards of Ethical Conduct, by the NZRAB.

The current Act replaced the Architects Act 1963, under which the Architects Education and Registration Board (AERB) was responsible for the registration of architects, and the creation of a code of ethics.

The Ministry of Business, Innovation and Employment (MBIE) has recently begun a review of the Architects Act 2006 as part of broader building industry reforms. These reforms are guided by the 1999 Cabinet Policy for Occupational Regulation, which requires occupational regulation where there is a risk of significant harm to the public. The Ministry's consultation document poses several questions, including whether architects still need to be regulated by legislation, and how the gap between Registered Architects and Licensed Building Practitioners (LBPs) could be closed (MBIE 2023).

2.1. Comparison with Other Codes

This study involved an analysis of the *New Zealand Architects' Code of Minimum Standards of Ethical Conduct 2018*, alongside selected codes of conduct and ethics for architects from Australia, the United Kingdom, the United States, and the European Union, as well as the codes of ethics for Licensed Building Practitioners (LBPs) and Engineers in New Zealand. These are set out in Table 1.

Table 1 Codes Included in Study

Country / Union	Organization/Authority	Title	Year	Status
Aotearoa New Zealand	NZ Registered Architects Board (NZRAB)	Architects' Code of Minimum Standards of Ethical Conduct	2018	Legal
Aotearoa New Zealand	Ministry of Business, Innovation & Employment: Licensed Building Practitioners	Code of Ethics for Licenced Building Practitioners	2022	Legal
Aotearoa New Zealand	Engineering New Zealand Institute of Engineering Professionals	Code of Ethical Conduct	2016	Prof
United Kingdom	Architects' Registration Board (ARB)	The Architects Code: Standards of Professional Conduct and Practice	2017	Legal
United Kingdom	Royal Institute of British Architects (RIBA)	Code of Professional Conduct	2021	Prof
Australia	Architects' Accreditation Council of Australia (AACA), and The Royal Australian Institute of Architects (RAIA)	Architects' Model Statutory Code of Professional Standards and Conduct	2003	Model

USA	National Council of Architectural Registration Boards (NCARB)	Model Rules of Conduct	2018	Model
USA	American Institute of Architects (AIA)	Code of Ethics and Professional Conduct	2020	Prof
European Union	Architects' Council of Europe (ACA)	Deontological Code for Providers of Architectural Services	2016	Model

As previously noted, the New Zealand code of ethics is embedded in legislation. The ARB architects code is also required by legislation, the Architects Act 1997, and can be used in disciplinary matters relating to registration. The Australian model code contains "the core requirements to be adopted in each State and Territory" to meet the requirements of the 2003 Act, which would then be enforceable (AACA & RAIA 2003). The NCARB model rules are also designed to be adopted by the registration boards in various states and to be enforceable in relation to architects' legal status and ability to practice. The AIA and RIBA codes of ethics are only enforceable over those architects who choose to join these professional institutes. The EU Deontological Code is not "legally binding unless it is made binding either by European Union or National legislation or by contract between a provider of architectural services and a client or other user or otherwise as a matter of public or private law" (ACE 2016).

The various codes have different degrees of organisation and categorization. Out of the codes for architects, the NZRAB code is the most simple, having been reduced to a two-page document, with no preamble and no categories organizing the seventeen. The ARB code has a simple format, with a list of twelve headline rules, for a total of forty-one clauses. Like the NZRAB code the ARB code has not organized these twelve headline rules into categories. The ACA model code has organized its forty-two rules/clauses into four sets of obligations: General Obligations, Obligations to the Client, Obligations to the Profession, and Obligations to the Public. The Australian model code is structured in two parts. Part A is the Professional Standards and Part B is the Service and Conduct Standards. This creates a clear distinction between the disciplinary and legal function of the code and the aspirational ethical guidelines of the code. Within Part B, the Australian model code is organized under seven categories, similar to those of the ACA model code, with some additional specific categories. The AIA code of ethics is also similar to the ACA code with Obligations to the Profession being split to add Obligations to Colleagues as a separate category, and Obligations to the Public being split into categories for both Public and Environment.

Following the organization of the various codes, this research identifies five areas of attention:

- General Professionalism
- Responsibilities to Client
- Responsibilities to Profession
- Responsibilities to Society
- Responsibilities for the Environment

Whilst there is often overlap between the application of particular clauses, we have reviewed the different codes and attempted to determine the weighting/prioritization given to these five areas of attention by each code. Appendix A contains a table of these allocations.

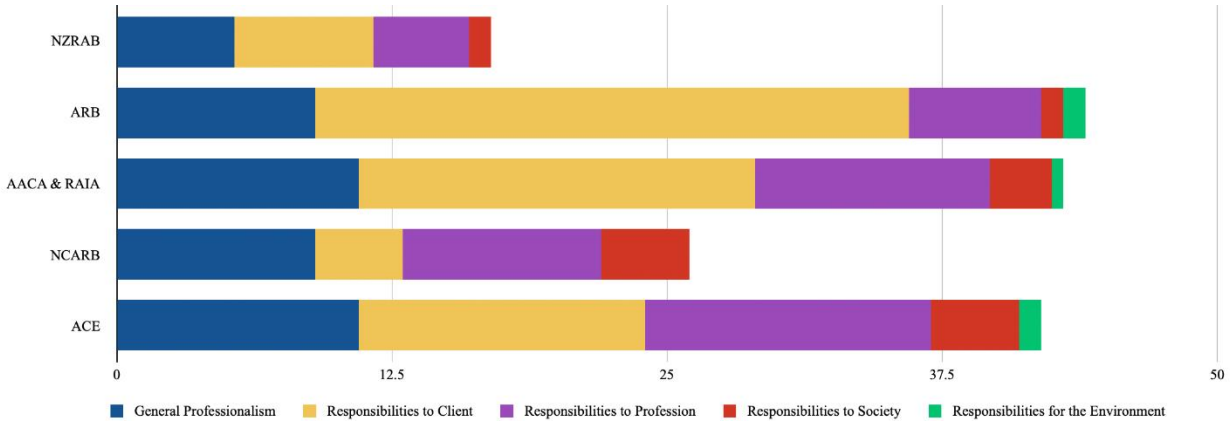

Figure 1 Number of Standards in Each Architects' Code (for Registration) Associated with the Five Areas of Attention

Figure 1 shows the number of rules or standards in each code of ethics for architects (excluding the professional organizations), and how they are assigned to the five areas of attention identified above. The first observation is how much leaner than the other codes, the New Zealand architects' code is. Australian, British, and European codes are fairly similar in the number of standards/rules included but vary in weighting. The weighting of the codes is clearer in the pie charts shown in Figure 2 (which includes the professional organizations).

The New Zealand code does not include any requirement to have care for or consider impacts on the environment, and the only public interest matters it covers are health and safety. The code is weighted towards the service provided to the client and the protection of the profession. This weighting is apparent in the other codes as well and is in line with observations made by others, including Hossien Sadri in a similar review of architectural professional ethics in 2021. *Professional Ethics in Architecture and Responsibilities of Architects Towards Humanity* compared the 2008 draft text of the Chamber of Architects of Turkey *Deontological Codes in Architecture*, the RIBA *Code of Professional Conduct* 2005, and the AIA *Code of Ethics and Professional Conduct* 2007. Sadri observes that "these documents are written in order to identify the boundaries of the profession, and aim to protect its market share, improve its image, obtain cultural capital and get public approval for the profession" (Sadri 2021). The RIBA and AIA codes have been updated since this earlier study, and it is interesting to note that the AIA 2020 code of ethics is the most evenly distributed code across the five areas of attention.

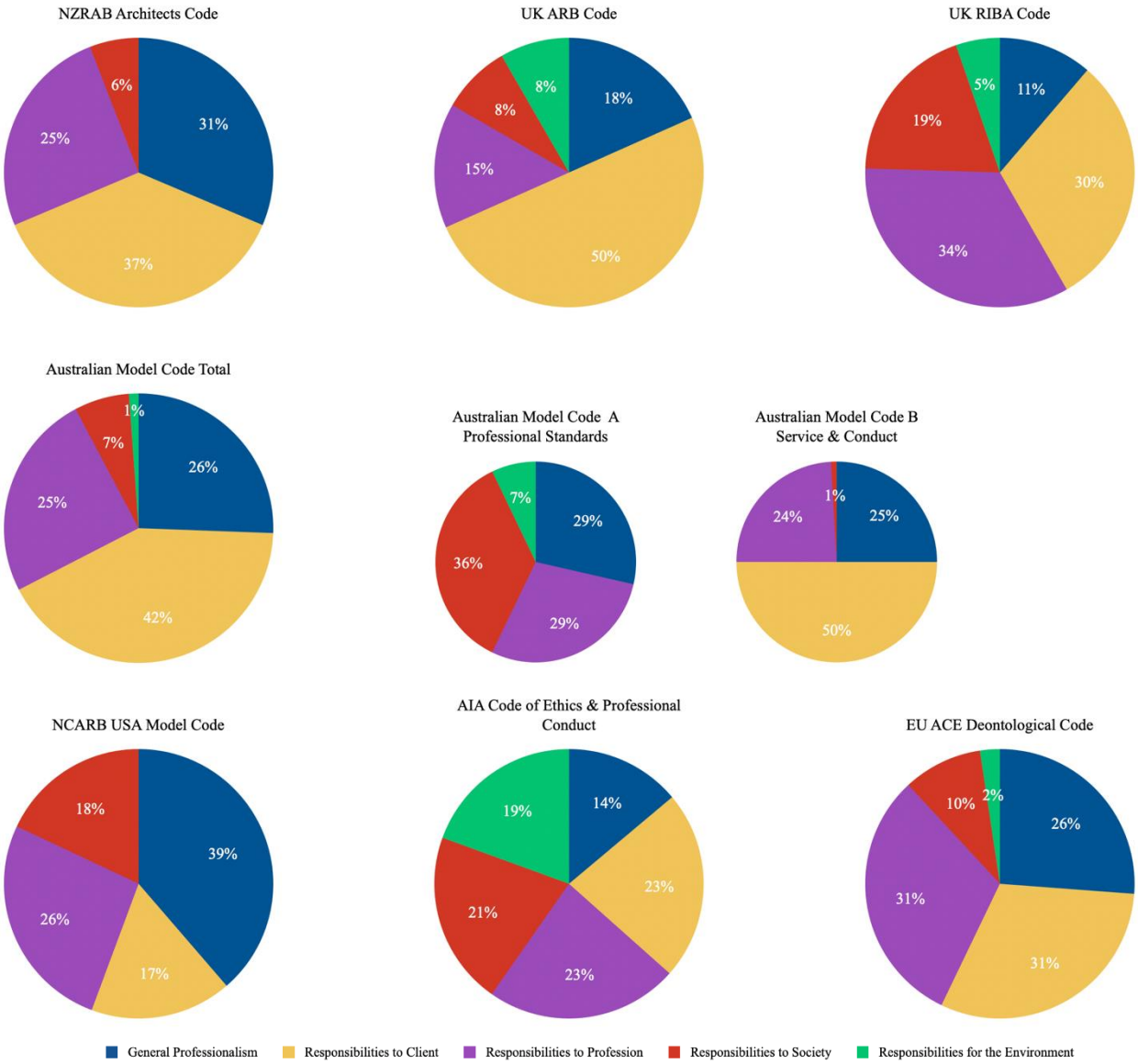

Figure 2 Percentage of Each International Architects' Code Associated with the Five Areas of Attention

As previously noted, the Australian model code is in two parts: professional standards, and service and conduct standards. Comparing the service and conduct standards alone to the New Zealand architects' code of ethics suggests that the New Zealand code is a service and conduct code, rather than a code of professional ethics. The New Zealand code is also very similar to the NCARB *Model Rules of Conduct* which is explicitly a set of conduct rules for disciplinary purposes only, not a code of ethics (NCARB 2018).

Looking at Responsibilities to Society more closely, the inclusion or exclusion of equity issues is a significant difference across the codes. Note that this study has allocated compliance with laws under General Professionalism rather than Responsibilities to Society as this principally referencing building and planning legislation, construction law, contract law, fraud, tax law, etc., though a broad interpretation would include compliance with non-discrimination laws. Neither the New Zealand code nor the NCARB code include any rules or standards regarding discrimination or equity. The ACE, RIBA, and AIA codes all include requirements to pay employees and interns equitably, and an obligation to attend to the education of students and trainees working under a registered/licensed architect.

Interestingly, while several codes include requirements to provide 'fair' service fees, the ACE code also has clauses specifically addressing low fees and "unscrupulous under-resourcing" (ACE 2016). There have historically been issues in Anglo-American countries with professional organizations being criticized or even sued for being "anti-trust" due to professional codes containing rules against competitive fees and client 'poaching' (Khoury 2021,

Wickersham 2015). The ACE phrasing of 'unscrupulous under-resourcing' appears to be a way to address the concern of fees becoming too low to provide a professional service without conflicting with anti-trust legislation.

Marcuse (1976) addresses the importance of whistleblowing with regard to matters of public health and safety, and all of the codes including the New Zealand code, do include requirements to report on matters that affect public health and safety. The UK and US codes all include a requirement to report colleagues for breaching the code, which may be more about protecting the reputation of the profession. An interesting inclusion in the Australian model code is the requirement to inform the client, not only of the client's legal obligations but also of their obligations to moral rights raised by the project (AACA & RAIA 2003).

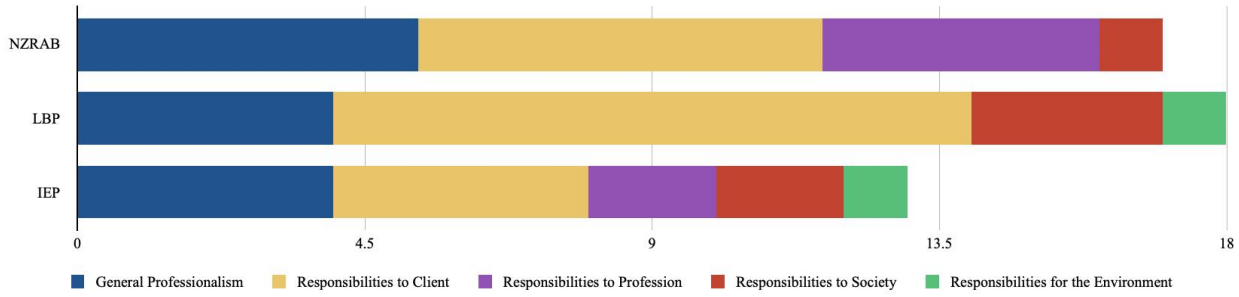

Figure 3 Number of Standards in Each New Zealand Code (for Regulation) Associated with the Five Areas of Attention

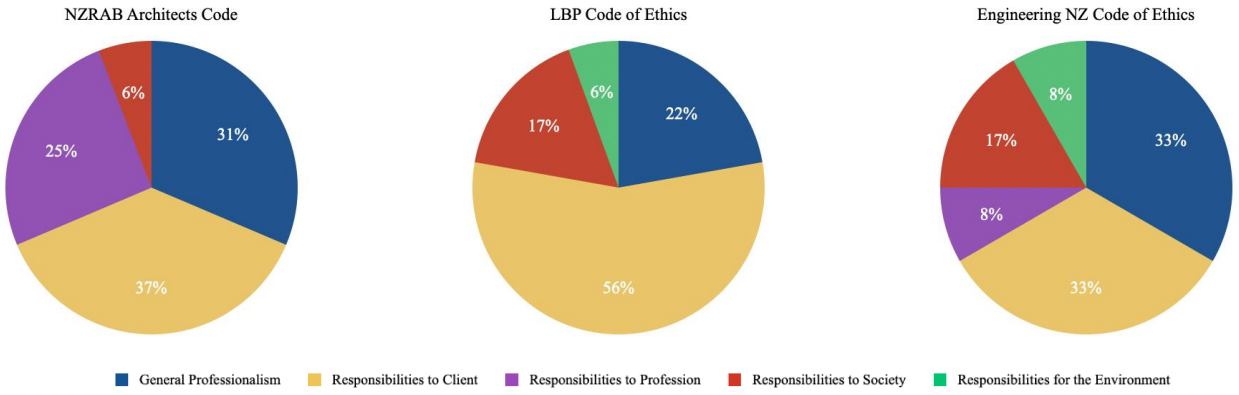

Figure 4 Percentage of Each New Zealand Code Associated with the Five Areas of Attention

Comparing the New Zealand registered architects' code of ethics, with the new code for licensed building practitioners and the engineers' code offers shows a greater similarity in the goal of simplicity and brevity. Figure 3 shows the number of rules or standards in each code and how they are assigned to the five areas of attention. The architects' code has more clauses related to General Professionalism and significantly more for Responsibilities to Profession, whereas the LBP code has none. The engineers' code is the leanest, but also the most evenly weighted, though profession, society, and environment add up to one-third, with professionalism and client responsibilities each a third (see Figure 4). Both the LBP and engineers' codes have requirements to avoid harm to the environment, which as previously noted is lacking in the architects' code.

While, like the architects' code, neither the IEP nor LBP codes address Te Tiriti O Waitangi or any matters under Tikanga Māori, both codes are available in Te Reo Māori, and the LBP code is also available in Chinese, Hindi, and Samaon. The LBP code does require acknowledgment and respect of "cultural norms and values of clients and colleagues."

2.2. Is the New Zealand Code Adequate?

In his 1976 article *Professional Ethics and Beyond*, Peter Marcuse sets out nine "ethical prescriptions" with the source of obligation, and the nature of enforcement, for planning as a profession. These are:

- Allegiance (to client)
- Autonomy (independent advice)

- Knowledge and Competence (skill and specialized knowledge)
- Guild Loyalty (to professional colleagues and the professional body)
- Concern for the Public Interest (an essential ingredient in definitions of professions.
- Dissent (whistleblowing and organizational flexibility)
- Loyalty (to employer)
- Advancement of Knowledge (commitment to research and development)
- Statutory Responsibilities (building code, contract law)

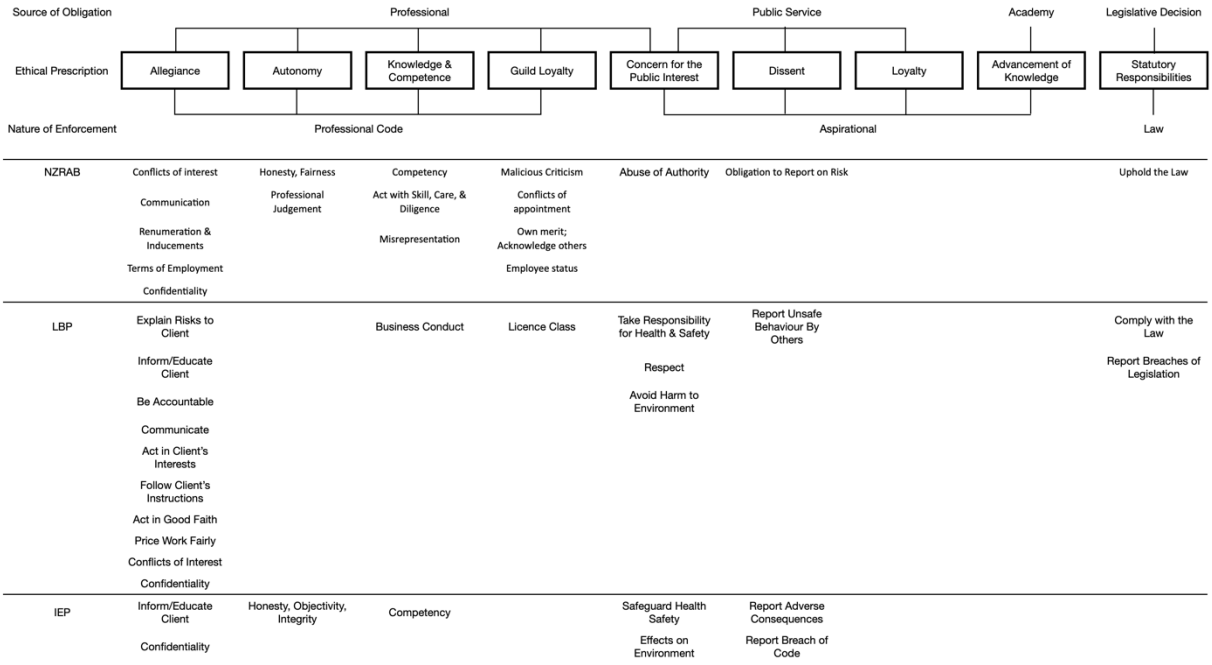

Figure 5 New Zealand Codes (NZRAB, LBP, IEP) Related to Marcuse's Ethical Prescriptions of Planning

Note: Marcuse's original diagram has 'social sciences' in place of 'academy' reflecting planning's relationship with social science, and describes the aspirational elements of professional codes as being hortatory, meaning to exhort or encourage.

Situating the New Zealand architects' code of ethics within Marcuse's framework highlights how, other than the requirements to comply with legislation and to report on risk, the rules all fall under the professional obligation and are enforceable, rather than aspirational or hortatory. More concerning is how heavily weighted to client allegiance the LBP code of ethics is, and its complete lack of clauses relating to autonomy. The requirement to inform and educate the client comes closest to the idea of professional autonomy but is framed such that it returns responsibility to the client: "You must provide your client with sufficient information and advice to enable them to make an informed decision to enable you to continue with your building work." (Building (Code of Ethics for Licensed Building Practitioners) Order 2021).

While the existing New Zealand architects' code of ethics deals only with that which can be clearly defined for the purposes of discipline (the architect either did or did not do), it does address ethical considerations such as honesty (though this is a fraught concept in itself (Baier 1992)), conflicts of interest, and abuse of authority. These are, however, principally in relation to the client or the contract, or the profession. No part of the current code requires New Zealand registered architects to be responsible in their design work and professional or community relationships, beyond the minimum financial and technical matters. As Sadri (2021) also found "issues such as [the] construction industry, construction techniques and materials which are directly related to the field of architecture but are not included in architects' job descriptions, remain outside of the interests of architectural ethics."

By weighting the architect's ethical obligations to the service provided to the client, the existing code leaves open the question of whether the architect is truly autonomous with respect to public and environmental considerations, or whether their decisions and actions are pre-empted by their duty to the client (Larson 2018). Arguably, this puts the profession in a position where society may not be able to hold architects morally responsible for their actions in relation to these matters if they cannot be deemed to be acting autonomously from their clients' goals and intentions (MacKay 2021). This framing casts architects as passive in the face of our collective crises (Sadri 2021).

The existing NZ code does not address matters of environmental responsibility, and the only matter of public interest is health & safety, and the architect's obligation to report on risk. A glaring absence is any reference to our obligations under Te Tiriti o Waitangi or considerations of tikanga Māori. Viewed through a care ethics lens the current New Zealand architects' code of ethics is biased towards legal and contractual issues and to the maintenance of reputation, rather than care and the maintenance of relations. We conclude that the existing New Zealand architects' code of ethics would be more accurately described as a code of conduct only. As Peter Marcuse (1976) said: "if a given task is harmful, executing it professionally is not desirable" and with regard to ethical considerations the code is woefully incomplete and is not adequate to deal with broader public and environmental issues, let alone the crises that we currently face.

3. Towards A New Design

Professions are founded in a position of disinterest, the idea that the professional acts not in their own interest, but for what is right (Larson 2018). That disinterest creates distance, exacerbating accusations of elitism (Larson 2018), suggesting that disinterest as an ideal may no longer serve professions, creating mistrust where once it served to create trust. Care being opposite to disinterest can provide a new model to underpin ethical principles, that is responsive and reflective of an increasingly pluralistic society. The principle of disinterest aims to put good outcomes and best practices ahead of the professional's own interests, even ahead of client interests where those go against the public good. Ethical care can still provide this intended outcome of ethical disinterest, as care serves the needs of the particular other(s) rather than one's interests (Held 2006). This requires an understanding of who - and what- is included in the care relation beyond the client. To recreate trust the profession needs to build and maintain relationships with society and communities outside of the profession and industry (MBIE 2023, Larson 2018).

Architecture is a "weak profession" and its "main collective task as an organized profession seems to be patrolling and defending boundaries against encroaching professions" (Larson 2018). Exacerbating this issue is the lack of "moral guidance" such that the potential role of the profession in "the protection of social community and wellbeing, education and proficiency" fails to come to fruition (Khoury 2021). A strong ethical foundation – through education and the profession is key to architects retaining and exercising agency in the areas of their expertise (Ray 2005). Although typically framed in close conjunction, professionalism and ethics are distinct (Salloch 2016). "Professionalism as a group-specific moral orientation" limits the scope of the ethical discourse within any profession, unless that profession engages in "participatory and inclusive discussion … particularly focused on the voices of those who have been overlooked in the past" (Salloch 2016). Ethics constitutes an integral component of the self-policing that forms part of the "professional bargain" professions make with society (Marcuse 1976), and any professional ethical framework must start by asking "what are experts for, what are they expert in, who should the public trust and why, and most emphatically, to whom are experts accountable?" Larson (2018). Part of the answer to Larson's questions is that an ethical framework should equip and support architects to address considerations of public good, including the environment, in addition to their professional and contractual obligations to clients (Spector 2014).

What might a new architectural ethical framework look like?

The comparison of codes of ethics and conduct identified areas of attention focused on the responsibilities of architects. Building upon the distinction between autonomous and relationally autonomous, and the idea that the autonomy of architects is relational to external factors and influences, these areas of attention can be refocused onto the 'relational' aspect of each area, enabling them to be reframed as loci of relation:

- General Professionalism → Autonomy

- Responsibilities to Client → Service
- Responsibilities to Profession → Collegiality
- Responsibilities to Society → Public
- Responsibilities to the Environment → Ecosphere

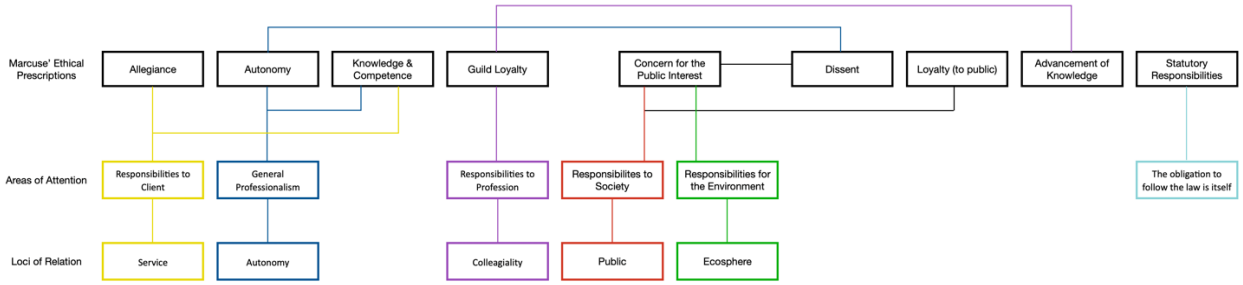

Figure 6 From Marcuse's Ethical Prescriptions to Loci of Relation

Figure 6 shows how the loci of relation relate to Peter Marcuse's ethical prescriptions (1976). Statutory responsibilities are left to the side in this configuration, as the obligation to comply with legislation is the fact of legislation. Dissent is related to autonomy, which alongside competence is the foundation of general professionalism. Marcuse separated the advancement of knowledge (something not addressed in the current New Zealand architects' code) in his analysis of ethics within the planning profession in the United States. Advancement of knowledge is related to education and training, and raising standards of excellence, and is here relinked back through the guild to collegiality.

Ethics of care theorists have generally argued that as care is situational and responsive, a code is not the way to achieve ethical relations and that care ethics must be embedded in practice to avoid it becoming a box-checking exercise (Held 2006). Collier argues that "universalistic principles and rules are of little use to [architects]" due to the difficulty of knowing which set of rules in a pluralistic society to apply and how to apply them "in complex human situations where exceptions are the rule and conflicts of interest prevail" (Collier 2006), as well as the dissonance between relational and rule-based expectations (Gilligan 2018, Collier 2006). Individual architects may vary in the degree of their conscious engagement in ethical practice, and the framework of other international codes may provide some pathways for this. Structuring a code as the ARB has done, offers a poster format with the core intentions, and then further discussion and specifics in subsequent sections. Combining this with the split between aspirational ethics, and disciplinary conduct standards, as does the Australian model code, may begin to approach a code (or set of codes) that could provide both ethical guidance for complex situations and rules of professional behavior. Different situations do call for different responses, and architects should be supported by our code of ethics to navigate these tricky situations (Khoury 2021).

The decisions of relationally autonomous moral agents are not made in isolation and disinterest (Mackenzie 2008, Held 2006). Situate a relationally autonomous moral agent within a pluralistic society and the judgments that the moral agent – the architect – needs to make, become unable to be reduced to a set of universal rules (Collier 2006). Determining how to deal with complex and sometimes contra-indicated issues is part of an ethical practice (Khoury 2021, Collier 2006), and it is arguably in that place of practice that professional ethics needs particular strengthening rather than simply in a written code (Ray 2005). Collier (2006) makes the case for the use of 'moral imagination' within architecture to aid in these judgments.

Architects are comfortable and confident at working with a range of components (services, structure, function, budget) that may have conflicting needs and priorities, and weaving them together to create a cohesive set that can be understood as a whole (Khoury 2021). Held (2006) describes a design of feminist moral theory as being like a "stained glass window" with components from justice, utility, and virtue ethics situated within caring relations. "The whole should be harmonious, but that does not mean that the components cannot differ significantly." (Held 2006).

A new design for architects' professional ethics should incorporate the five loci of relation within a broader ethical framework based on an ethics of care.

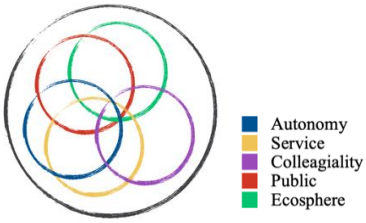

Figure 7 Preliminary Schema for Proposed Loci of Relation in Professional Ethics

These five loci of relation would then be located within an over-arching philosophy of care and relation, as illustrated in preliminary form, in Figure 7. Building on Virginia Held's proposition for an overall moral theory, each loci would incorporate ethical principles from te ao Māori, justice ethics, virtue ethics, utilitarianism, and further, as appropriate to the relevant relation.

4. Conclusion

The current New Zealand architects' code of ethics is incomplete and serves to limit the responsibilities of architects to the measurable and the disciplinary. A more complete code of ethics, incorporating social and environmental relations, could equip and support architects to address both public good and environmental considerations, in addition to their professional and contractual obligations to Clients.

Appendix A - Architects' Codes of Ethics/Conduct - Focus of Attention

Code	General Professionalism		Responsibilities to Client		Responsibilities to Profession		Responsibilities to Society		Responsibilities for the Environment	
NZRAB	5	2 Honesty, Fairness (2)	6	2 Act with Skill, Care, & Diligence (2)	4	1 Malicious Criticism (1)	1	1 Obligation to Report on Risk (1)	0	0
		1 Professional Judgement (1)		2 Conflicts of interest (2)		1 Must not misrepresent the status of employee (1)				
		1 Misrepresentation (1)		2 Terms of Employment (2)		1 Conflicts of professional appointment (1)				
		1 Abuse of Authority (1)		2 Communication (2)		2 Own merit; Acknowledge others (2)				
		1 Competency (3)		2 Remuneration & Inducements (3)		1 Remuneration & Inducements (3)				
		1 Uphold the Law (1)		2 Competency (3)						
				1 Confidentiality (1)						
ARB	2	2 Honesty, Integrity (4)	6	5 Trustworthy, Look after Client's money (5)	2	4 Maintain architects' reputation (5)	1	1 Discrimination/Respect for Others (1)	1	1 Consider Wider Impact (1)
		4 Insurance (4)		3 Faithful, Conscientious (4)		2 Co-operate with ARB (2)				
		1 Competent (4)		3 Competent (4)						
		1 Faithful, conscientious (4)		5 Honest, Responsible Self Promotion (5)						
		1 Maintain architects' reputation (5)		2 Honesty, Integrity (4)						
				3 Deal with Disputes or Complaints Appropriately (3)						
				6 Business competency (6)						
AACA & RAIA	2	1 Demonstrate a consistent pattern of Care & Competency (1)	0		2	1 Endeavour to ensure that confidence in and respect for the profession of architecture is engendered. (1)	3	1 Fundamental & Over-riding obligation to serve and promote the public interest (1)	1	2 Contribute to quality and sustainability of natural and built environment (4)
		1 Professional Responsible Communication (1)				1 Responsibility to other Architects (1)		1 Must not Discriminate (1)		
								2 Contribute to quality and sustainability of natural and built environment (4)		

Code	General Professionalism		Responsibilities to Client		Responsibilities to Profession		Responsibilities to Society		Responsibilities for the Environment
	9	1 Service & Conduct Standards: Integrity & Reasonable Care (1)	18	2 Service & Conduct Standards: Conflict of Interest (2)	9	2 Service & Conduct Standards: Withdraw from Services (3)	0	1 Service & Conduct Standards: Withdraw from Services (3)	0 0
		1 Service & Conduct Standards: Fairness & impartiality (1)		1 Service & Conduct Standards: Promptness (1)		1 Communication with the Public: Display Registration status/number (1)			
		1 Service & Conduct Standards: Honest & Truthful opinions & public statements (1)		1 Service & Conduct Standards: Maintain documentation after completion of services (1)		1 Communication with the Public: Attribution (1)			
		1 Service & Conduct Standards: Signing of Consent/Construction Documents (1)		1 Service & Conduct Standards: Services outside skill & competency (1)		1 Obligations to Other Architects and to the Profession of Architecture: Dealings with Other Architects (1)			
		1 Service & Conduct Standards: Misrepresentation (1)		3 Client Relationships: Provide information for decisions (3)		1 Obligations to Other Architects and to the Profession of Architecture: Sustain confidence of the public (1)			
		1 Insurance: Have & Maintain PI (1)		10 Client Relationships: Contract (10)		1 Obligations to Other Architects and to the Profession of Architecture: promote the advancement of architecture (1)			
		1 Continuing Professional Education: Maintain & Improve Skills (1)		1 Client Relationships: Thorough knowledge of services (1)		1 Obligations to Other Architects and to the Profession of Architecture: Inform Client of their Obligations to Moral Rights (1)			
		1 Communication with the Public: Qualifications, Experience, & Authorship (1)		1 Client Relationships: Inform Client of Decisions (1)		1 Obligations to Other Architects and to the Profession of Architecture: Regard for Codes of Associated Professionals (1)			
		1 Communication with the Public: Clear identification (1)		1 Client Relationships: Fair cost of services (1)		1 Obligations to Other Architects and to the Profession of Architecture: Conflicts of Professional Appointment (1)			
				1 Client Relationships: Client confidentiality (1)					
				1 Client Relationships: Inform the Client of barriers to service (1)					
				1 Client Relationships: Responsiveness (1)					
				2 Client Relationships: Statements of Account / Deposits (2)					
				1 Client Relationships: Architect in charge (1)					
				1 Client Relationships: Client review of documents (1)					
				6 Dispute Resolution: Provide for in Contract (6)					
				1 Communication with the Public: Inducements (1)					
				3 Communication with the Public: Remuneration (3)					
	11		18		11		3		1
NCARB	2	1 Conflict of interest (5)	1	1 Competence (4)	1	1 Competency (4)	1	2 Compliance with Laws (5)	0 0
		2 Compliance with Laws (5)		3 Conflict of Interest (5)		1 Compliance with Laws (5)		2 Competence (4)	
		3 Signing and Sealing (3)				6 Full Disclosure (9)			
		3 Full Disclosure (9)				1 Conflict of interest (5)			

Code	General Professionalism		Responsibilities to Client		Responsibilities to Profession		Responsibilities to Society		Responsibilities for the Environment	
AIA	5	1 General Obligations: (ES) Knowledge & Skill (1)	8	1 Obligations to the Public: (R) Law (6) Legal Advice to Client	8	1 General Obligations: (ES) Standards of Excellence (1)	8	1 General Obligations: (ES) Natural & Cultural Heritage (1)	7	1 Obligations to the Public: (ES) Environmental Equity & Justice (1)
	1	General Obligations: (R) Demonstrate a Consistent Pattern of Care & Competence (1)		1 Obligations to the Client: (ES) Timely & Competent (1)		1 General Obligations: (ES) Allied Arts & Industries (1)		1 General Obligations: (ES) Human Rights (1)		1 Obligations to the Public: (R) Reasonable Effort to Inform Client of Environmental Impacts (1)
	1	Obligations to the Public: (ES) Uphold the Law (1)		3 Obligations to the Client: (R) Performance of Professional Services (3)		1 Obligations to the Profession: (R) Honesty (3) File Complaint		2 General Obligations: (R) Harassment & Discrimination, Rights of Others (2)		1 Obligations to the Environment: (ES) Energy Conservation (1)
	4	Obligations to the Public: (R) Law (6) Law, Fraud, Bribery		1 Obligations to the Client: (ES) Conflict of Interest (1)		1 Obligations to Colleagues: (ES) Fair & Equitable Working Environment (1)		1 General Obligations: (ES) Design for Human Dignity & Health & Safety (1)		1 Obligations to the Environment: (ES) Water Use (1)
	1	Obligations to the Profession: (ES) Honesty & Fairness (1)		2 Obligations to the Client: (R) Conflict of Interest, Impartiality (2)		1 Obligations to Colleagues: (R) Mutual Respect & Equitable Working Environment (1)		1 Obligations to the Public: (R) Law (6) Disclose Violation or Risk		1 Obligations to the Environment: (ES) Building Materials (1)
	1	Obligations to the Profession: (R) Honesty (3) Signing of Consent/Construction Documents		1 Obligations to the Client: (ES) Candor & Truthfulness (1)		1 Obligations to Colleagues: (ES) Intern & Professional Development (1)		1 Obligations to the Public: (ES) Public Interest Services (1)		1 Obligations to the Environment: (ES) Ecosystems (1)
				1 Obligations to the Client: (R) Do not Intentionally Mislead (1)		1 Obligations to Colleagues: (R) Assistance to Interns/Graduates (1)		1 Obligations to the Public: (ES) Civic Responsibility (1)		1 Obligations to the Environment: (ES) Climate Change (1)
				1 Obligations to the Client: (ES) Confidentiality (1)		1 Obligations to Colleagues: (ES) Professional Recognition (1)		1 Obligations to the Public: (R) Disclosure of Compensation or Interest (1)		
				1 Obligations to the Client: (R) Confidentiality (1)		3 Obligations to Colleagues: (R) Recognition & Intellectual Property (3)		1 Obligations to the Profession: (R) Honesty (3) Public Statements		
ACE	11	1 General Obligations: Integrity, Competency, Professionalism: Maintain & Develop Skills & Knowledge (1)	13	1 Obligations to the Client: Brief & Compliance (1)	13	1 General Obligations: Integrity, Competency, Professionalism: Seek to raise standards of excellence (1)	4	1 General Obligations: Integrity, Competency, Professionalism: Adequate fee & unscrupulous under-resourcing (1)	1	1 Obligations in the Public Interest: Environmental Design (1)
	1	General Obligations: Integrity, Competency, Professionalism: Appropriate internal procedures for review & monitoring (1)		1 Obligations to the Client: Competency (1)		1 Obligations in the Public Interest: Observe & Comply with Code (1)		1 Obligations in the Public Interest: Crime & Unethical Conduct (1)		
	1	General Obligations: Integrity, Competency, Professionalism: Competency of staff/sub-contractors (1)		1 Obligations to the Client: Remuneration (1)		1 Obligations in the Interest of the Profession: Reputation (1)		1 Obligations in the Interest of the Profession: Must not discriminate (1)		
	1	General Obligations: Integrity, Competency, Professionalism: Right to resign from services (1)		1 Obligations to the Client: Inducements (1)		1 Obligations in the Interest of the Profession: Promote the dignity & integrity of the profession (1)		1 Obligations in the Interest of the Profession: Fair payment of staff including students & graduates (1)		
	1	Obligations in the Public Interest: Misrepresentation (1)		1 Obligations to the Client: Conflict of Interest (1)		1 Obligations in the Interest of the Profession: Intellectual Property of Colleagues (1)				
	1	Obligations in the Public Interest: Impartiality & Integrity (1)		1 Obligations to the Client: Impartiality (1)		1 Obligations in the Interest of the Profession: Competition & Protection of Intellectual Property (1)				
	1	Obligations in the Public Interest: Responsible public communication (1)		1 Obligations to the Client: Written Agreement (1)		1 Obligations in the Interest of the Profession: Competition & Evaluation (1)				
	1	Obligations to the Client: Have & Maintain PI (1)		1 Obligations to the Client: Confidentiality (1)		1 Obligations in the Interest of the Profession: Competition & Fee Confidentiality (1)				

Code	General Professionalism			Responsibilities to Client			Responsibilities to Profession			Responsibilities to Society			Responsibilities for the Environment		
	1		Obligations in the Interest of the Profession: Impartiality & Fairness (1)	1		Obligations to the Client: Skill, Care, & Diligence (1)	1		Obligations in the Interest of the Profession: Assessor of Competition & Conflict of Interest (1)						
	1		Obligations in the Interest of the Profession: Professional Finances (1)	1		Obligations to the Client: Timely provision of Services (1)	1		Obligations in the Interest of the Profession: Malicious Criticism (1)						
	1		Obligations in the Interest of the Profession: Signing of Consent/Construction Documents (1)	1		Obligations to the Client: Communication (1)	1		Obligations in the Interest of the Profession: Conflicts of Professional Appointment (1)						
				1		Obligations to the Client: Complaints (1)	1		Obligations in the Interest of the Profession: Professional Opinion (1)						
				1		Obligations to the Client: Dispute Resolution (1)	1		Obligations in the Interest of the Profession: Comply with Complaint Proceedings (1)						
LBP	4	2	Act Within the Law – Must Comply (2)	10	2	Take Responsibility – Explain Risks (2)				3	1	Work Safely – Take Responsibility	1	1	Work Safely – Avoid Harm to Environment
	1		Uphold the Law – Duty to Report (1)	1		Take Responsibility – Educate Client (1)				1		Work Safely – Report Unsafe Behaviour (1)			
	1		Take Responsibility – Licence Class (1)	1		Take Responsibility – Be Accountable (1)				1		Behave Professionally – Respect (1)			
	1		Behave Professionally – Business Conduct (1)	1		Take Responsibility – Communicate (1)									
				1		Take Responsibility – Actin Client Interest (1)									
				2		Take Responsibility – Follow Client Instructions (2)									
				1		Behave Professionally – Act in Good Faith (1)									
				1		Behave Professionally – Price Work Fairly (1)									
				1		Behave Professionally – Conflict of Interest (1)									
				1		Behave Professionally - Confidentiality (1)									
IEP	2	2	Obligations Relating to Personal Conduct – Competency (2)	2	1	Obligations Relating to Personal Conduct – Inform Others of Risks (1)	1	1	Obligations Relating to Personal Conduct – Report Breach (1)	2	1	Obligations in Public Interest – Health & Safety (1)	1	1	Obligations in Public Interest - Effects on Environment (1)
		2	Obligations Relating to Personal Conduct – Behave Appropriately (2)	3		Obligations Relating to Personal Conduct – Confidentiality (3)					1	Obligations in Public Interest – Report on Adverse Consequences (1)			
RIBA	17	4	Integrity: Impartiality & Undue Influence (4)	46	3	Integrity: Conflicts of Interest (3)	51	3	Integrity: Bribery & Corruption (5)	29	1	Competence: Time, Cost, Quality (4)	8	8	Competence: The Environment (9)
		2	Integrity: Statements (2)		7	Integrity: Confidentiality & Privacy (7)		6	Integrity: Criminal Conviction (6)		7	Competence: Health and Safety (7)2			
		2	Competence: Skill, Knowledge, Care, Ability (15)		4	Integrity: Handling Client Money (4)		7	Competence: Skill, Knowledge, Care, Ability (15)		3	Competence: Heritage & Conservation (3)			
		2	Competence: Town & Country Planning (2)		2	Integrity: Bribery & Corruption (5)		2	Competence: Record Keeping (5)		2	Competence: Community & Society (2)			
		1	Competence: Law & Regulations (2)		6	Competence: Skill, Knowledge, Care, Ability (15)		4	Relationships: Copyright (4)		7	Relationships: Equality, Diversity, & Inclusion (7)			
		1	Competence: Certification (1)		8	Competence: Terms of Appointment (8)		4	Relationships: Previous Appointments (4)		5	Relationships: Modern Slavery (5)			
		1	Competence: The Environment (9)		3	Competence: Time, Cost, Quality (4)		4	Relationships: Peers (4)		1	Relationships: NDAs (1)			
		4	Relationships: Insurance (5)		2	Competence: Keeping the Client Informed (2)		8	Relationships: Employer Responsibilities (8)		3	Relationships: Whistleblowing (3)			
					3	Competence: Record Keeping (5)		3	Relationships: Competitions (3)						
					1	Competence: Inspection Services (1)		10	Relationships: Advertising/ Branding (10)						

Code	General Professionalism	Responsibilities to Client	Responsibilities to Profession	Responsibilities to Society	Responsibilities for the Environment
		2 Competence: Building Performance (2)			
		1 Competence: Law & Regulations (2)			
		4 Relationships: Complaints & Dispute Resolution (4)			
		1 Relationships: Insurance (5)			

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