1-1-2011

In Personal Performance Codes, One Size Doesn't Fit All: Clarifying the Professional and Ethical Responsibilities of Decision Makers

W. Michael Reisman
Yale Law School

Andrew R. Willard
Yale Law School

Follow this and additional works at: http://digitalcommons.law.yale.edu/fss_papers

Part of the Law Commons

Recommended Citation
Reisman, W. Michael and Willard, Andrew R., "In Personal Performance Codes, One Size Doesn't Fit All: Clarifying the Professional and Ethical Responsibilities of Decision Makers" (2011). Faculty Scholarship Series. Paper 3865.
http://digitalcommons.law.yale.edu/fss_papers/3865

This Article is brought to you for free and open access by the Yale Law School Faculty Scholarship at Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship Series by an authorized administrator of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.
In Personal Performance Codes, One Size Doesn’t Fit All: Clarifying the Professional and Ethical Responsibilities of Decision Makers

W Michael Reisman and Andrew R Willard

Abstract

Though the responsibilities of decision makers are often described, analysed and evaluated by observers of decision, professional and ethical guidance crafted specifically for those making decisions is less common. In this article, building on Lasswell and McDougal’s jurisprudence, many of the factors shaping conduct and performance are delineated. These include the roles decision makers play and their intellectual procedures. Responsible decision makers are encouraged to reflect on these factors and develop personal performance codes that are compatible with human dignity.

Explicit performance codes are usually associated with skill groups characterised as ‘professions’. In social process, the designation of ‘profession’ is a jealously guarded asset, access to which is carefully controlled and often ritualised. At the same time, in a confirmation of Durkheim’s venerable insight, skill groups regularly try to ‘professionalise’ themselves up: thus garbage collectors ascend to ‘sanitation engineers’ and LLBs transmogrify to JDs. Each skill group that professionalises claims not simply the monopoly over the performance of important, inter-generationally transmitted skills, but also adherence to expectations and demands as to the mode and purpose of their performance: these personal performance codes are often called codes of professional ethics.

* W Michael Reisman is Myres S McDougal Professor of International Law, Yale Law School. Andrew R Willard is President, Policy Sciences Center, Inc.