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SHIFTING PRIORITIES AS A DECISIVE FACTOR: ETHICS IN ARCHITECTURAL PRACTICE

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ABSTRACT

Every professional offers a unique, precise and basic service to society. This service is vocational from the exemplary models of their profession, with an enlightened and free execution. In the exercise of the profession, the architect tries to provide solutions to the different functional problems that derive from the ideal way of life proposed by today's society, facing ethical, social, political and legal problems in the search for the satisfaction of needs, sometimes economic interests take precedence over the social function of architecture and the principles of sustainability. Trends and intellectual conceptions change. In any case, it is indisputable that the fundamental key to architecture lies in the creation of a habitable environment. Thus, the architect is called upon to act as a civic leader in his or her professional practice. Based on this, the general objective of this paper is to make an exploratory approach to professional dilemmas in the field of urban planning and urban design. This is done from the perception and experience of the urban architect who carries out his work in the Valencian Community, in Spain.

It is a first approach, carried out through conversations with professionals using qualitative techniques of social research, specifically the interview. The profiles interviewed combine the professional role with the teaching role in the university, which allows us to propose keys that can contribute to generating good practices in the professional field of the urban architect, but which are also present in teaching and learning. Among the conclusions highlighted are the disjunctions derived from political, economic and political-economic interests, which sometimes call into question the social function of urban planning as public policy; the necessary break with the elitism that has characterized the profession and the interdisciplinary work in urban planning as a way to act as a civic leader.

KEYWORDS

Ethics; architecture; dilemmas; good practices.

1. INTRODUCTION

Every professional offers a unique, precise and basic service to society. This service is vocational from exemplar models of their profession, with illustrated and free execution. Engineering and architecture belong to advanced service's area, therefore, the social function they should perform is defined by a disciplinarian basis. Thus, in the exercise of their profession, architects try to solve different functional problems that arise from a way of life proposed by today's society, confronting conflicts, politic processes, social legal and ethical in search of satisfaction of the needs, priming at times economical interests instead of social function of architecture and sustainability principles. In this line, we recall

that architecture has been branded as an elitist and formalistic profession (Villalobos-González 2020, 99).

Fashion changes, and intellectual concepts as well. Understanding that the main key in architecture lays in creating a living medium and in improving human relationship with its surroundings, the architect must assume his responsibility to contribute to a sustainable built environment, with a role in decision making that will lead us towards a better world, as the International Union of Architects (UIA) points out in the Dhaka declaration (n.d.). In it, it calls him to act as a civic leader in his own professional practice, and support policies in his projects that reduce opportunities for corruption or unfair labor practices -directly related to Governance dimension of Goals 16 of the 2030 Agenda-.

The achievement of sustainable development and ethics for sustainability constitute an indissoluble association, and in this dimension, architecture cannot be a technological issue or an aesthetic with exclusive values based on its technical code, but rather should entail guidelines towards a common goal in its practical application, basic to its professional contribution to the three axes of sustainability (social, economic and environmental), at the same time it should take action "preserving a political dimension understood as the human search for stability and self-understanding in a mutable and mortal world" (Pérez-Gómez 1996, 23).

Even though here we state that without professional ethics sustainable development will not be achieved, we're conscious of the current demand of consuming societies and professional competitiveness, which not always coerce positively in any professional activity. So we should remember the historical relation between architecture and power, that, even though is not the point of this work, it invites to question the position of the professional as a decision marker of the design of urban project that affects the way of living, usurping freedom of individuals in the application of procedures for its production or, on the other hand, recognize in its project different actors that come into play in the struggle for territory and urban space.

> "The challenge of the contemporary architect is linked to assuming his social role as a facilitator of the construction of the Project through the active and committed participation of stakeholders; This is the social construction of the project that recognizes the role of each of the actors with their contributions and limitations. (Villalobos-González 2020, 99)."

It is clear, therefore, that prevailing social values, principles of sustainability and ethics in architectural practice can be confronted with more force at a time of necessary change of priorities in the face of the current crisis. A crisis that has multiple dimensions, not only climatic, but also economic, energetic, food, health, that is, human.

Under this idea we ask ourselves: which are the current professional and ethical dilemmas that face architects face in the town planning field? How do these dilemmas become related with these sustainability axes? Questions that are beyond the scope of this work due to their breadth, but which feed the curiosity of the researcher. Thus, the proposed general objective is to make an exploratory approach to the professional dilemmas in the field of urban planning and urban design, from the perception and experience of the urban architect who carries out his work in the Valencian Community, in Spain. As an exploratory approach, a first approach is sought through conversations with some professionals, which will allow us to characterize the dilemmas and, subsequently, to propose keys that can contribute to generating good practices in the professional field of the urban architect.

In order to achieve these objectives, we start by thinking on codes of ethics within the discipline at hand and the relationship between application of legislation and ethic.

2. INTERNATIONAL STANDARDS, DEONTOLOGICAL CODES AND LEGISLATION

From international rules for professional architectural practice, established by International Union of Architects (UIA) in 1999, through EU Directive 2006/126/EC linked to services in internal markets, which includes the concept of "overriding reasons of general interest" (article 40) up to deontological codes, service to society is shown as the beginning and end of the activity.

These codes, as it is Architects' Council of Europe (ACE) from 2016 and, specifically, the Superior Council of Architects' Associations of Spain (CSCAE in Spanish) – modified in 2021-, build recommendations and professional compromises based on public interest, in their social function -of service to the communities and society in general-, within the framework of sustainability.

Nevertheless, is the national deontological code the one that imposes obligations, defined as a compulsive rule, coercive in nature and, therefore, affected by the legality of law. Is applying legal rules is already an ethical act? Ethics and legality keep an indissoluble relationship? Should we first reflect about the ethical quality of legislation and its deontological codes?

The 2015 Architects' Deonlologycal Code comes to collect the commitments that, as a minimum, should be complied with in the practice of the spanish architectural profession. It is a profession with a clear vocation for public service, which should not be lost in favor of private interests or other spurious purposes. This code is based on confidentiality, independence, impartiality, regulation of the collision of interests, honesty and integrity, common denominator in other professions of the same nature.

Likewise, Royal Decree 129/2018 of 16 March, which approves General Statutes of the Architects' Associations and their Superior Council, is currently constituted as the regulatory framework that defines for the specific case of the Architects' Associations, within their essential purposes, in their territorial areas, among others, to ensure observance of deontology of the profession and respect for citizen's rights. All this inspired by European Deontological Code, as a reference document, whose last update is from April 2016, and, which addresses the responsibilities towards the public, clients and users of architecture, building companies, art and science of architecture as a framework of knowledge and legacy of the profession to society. It is function of professional associations to exercise disciplinary authority over architects and, where appropriate, over professional societies that breach their collegiate or professional duties, both legal and deontological, ensuring professional ethics and dignity; sending the file to competent collegiate bodies to instruct appropriate informative or disciplinary proceedings, taking into account the regulation of the general sanctioning procedure, provided for in Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations.

Spanish Higher Council of Architects' Associations describes its code directly affected by legal system in a hierarchical plane superior to morality and ethics. Is it professionally built, first, a legal being and then an "ethical being", is legal being a substitute for "being ethical"?
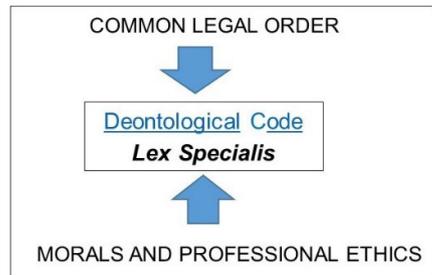

Figure 1. Hierarchical position of the deontological code and ethical values. CSCAE. Source: (Author 2022)

A Code of Ethics is the minimum required basis for practical exercise of profession, as a set of different duties and obligations, in relation to society, the city and environment, but also in relation to client, the relationship between the professionals themselves and the professional group of architects. A code debated and agreed upon by architecture professionals, based on respect for human rights and universal ethical principles, identified with the ideal guidelines of the profession (Siurana 2006, 385). Towards society, there is an obligation to practice with discipline, service vocation, honesty and responsibility, always taking into account the social and cultural impact of architecture. Being aware of and respecting regulations in force, with respect to the city and the environment, it must be sought to value, safeguard, conserve and develop in a sustainable way what is built, taking into account the impact of result. The commitment acquired must go beyond political and economic interests, both our own and those of different social groups, and must also go beyond political and economic interests, both our own and those of different social groups. Reflection will be fundamental as "autonomy in the exercise of the activity, in understanding that one should not respond mechanically to what is asked, having to interpret in each case what should be done to follow in the most convenient way the goals of profession", (Siurana 2006, 381). It is worth at least considering that while law consists of a set of mandatory rules that regulate life of community, however, ethics translates into a set of rules of personal conduct. Generally speaking, law affirms and upholds certain values, but legal norms usually set lower expectations of behavior than demands imposed by ethics (United Nations 2019).

3. METHODOLOGY

In order to make an approach to the reality of professional practice through experience and perception of the urban architect in the Valencian Community, which brings us closer to and explores professional problems and ethical crossroads, the chosen methodology is qualitative.

This methodology allows us to observe and listen to the discourse of the speaking actor. Specifically, the semi-structured interview technique has been selected, which has been of two types: a focused interview and a group interview, both with the purpose of gathering referential information about professional and ethical dilemmas of the urban architect, transmitted verbally by its protagonist. Both have been administered by video conference.

The interview was structured by themes, in relation to the objectives and contents collected. These are as follows:

1. Professional practice dilemmas
2. Ethical crossroads.
3. Sustainability as a principle
4. Legality and ethical practices
5. Training and socialization in professional values
6. Future and change

First of all, the focused interviews were conducted with an architects who had developed a professional career at different levels of public administration, first at local and then at the supra-local level, in the Valencian Community. It was held on May 21, 2022.

For the group interview, the participants were selected in relation to the following roles: a) active architecture professionals in private sector; b) specialists in urbanism field; c) specialist in legal architecture; d) professionals with teaching experience to train future architects. Fulfilling these roles, the group consisted of six professionals, four women and one man, architecture professionals, and a woman specialist in urban planning law. In general terms, they focus their work in urban planning, from general architecture and from intermediate scale dimension of the urban project, as well as in planning, urban management, urban regeneration and urbanism with a gender perspective. This is in the Valencian Community. It was held on May 17, 2022.

		Roles in the group			
Participants	Profession	a)	b)	c)	d)
5	Architect	X	X		X
1	Jurist			X	X

Table 1. Panel of interviewees. Source: (own elaboration)

With these selection criteria, the aim was to address, in collection of discourses on professional dilemmas and ethics, two areas of the architect's occupation, professional and teaching in of urban planning' field.

4. OUTCOMES

The result obtained through the conversations held has been organised along the following lines, in relation to the themes that structured the interview, bearing in mind that the semi-structured model works with a previous script, but not a closed one, which gives freedom to the protagonists in the orientation and expansion of their observations. It should be remembered that the professional role is the axis that brings together the dilemmas raised above.

In addition, quotes from the participants, in quotation marks, are included to illustrate the results.

4.1 Dilemmas of professional activity

The dilemmas or current problematic that can be noticed through experience have been condensed in three areas.

The first one establishes a relation between the urban planner' profession, specialization and drift taken by constant increase in complexity of urban planning –a flood of reports from different perspectives -. Here we come across some questions: do you specialize? In what? Choice of specialization in the areas of urban planning becomes a dilemma:

• Labor markets, labor demands, are the ones that finally direct specialization.
• Addressing globalism of the enormous complexity of urban planning is perceived as impossible within the profession

This situation opens dilemmas that reflect relevant issues: where does the progression of the profession lead as a skill and knowledge field? Is there a tendency to specialize, to only handle some aspect of urban planning profession, or just the opposite? Shared visions reflected on the speech of the participants as a whole, consider the current and future complexity of urban planning discipline:

• It is marked by multidisciplinary. It requires working complementary with other professionals, which makes it necessary to approach disciplines within social science, for example, sociology, to share and embed ideas.
• Urban planning' design still needs a general vision. In it's elaborating there must be a professional that leads, so global vision is not lost beneath partial projects that complement it. In this way it's perceived that, in current times, town planner architects might be "losing ground to other specialist that may not be ready to this global vision" that urban planning requires.

Secondly, from a business dynamic point of view, it is argued that this undermines intangible aspects of the profession, such as creativity, which is undervalued. Business demands efficiency, speed, dynamism, getting projects approved. Coupled with the multidisciplinary coordination required and

rigid administrative procedure, creativity is lost in this requirement, "there are no tools or space left for creativity" (group interview). Staying in the urban planning market becomes a dilemma due to the ever-increasing complexity, lack of gratification and fulfilment for the professional.

In addition, two critical voices appear, one directed towards the complete instrumentalization of urban planning "as if it were a regulation", and even as a set of indicators "like it was an excel table" (group interview). Thus, the idea of possible loss of capacity in urban design appears, derived from multiple reports of different specialists who have to be coordinated, whose intervention is obligatory. Urban planning is "very fragmented in subject, scale and time" (group interview). Other voices revise the elitist vision of the profession from a professional's point of view. This specialized fragmentation is another difficulty.

Other voices revise the elitist vision of the profession from a professional's point of view: "we have to put our mark of identity everywhere" (group interview). Elitist positioning detaches the professional from reality.

The interrelationship with the public administration that regulates and approves urban planning is another problem. The experience of participants over the years shows a process in which civil service has evolved from a function aimed at resolving problems to a function aimed at increasing difficulties. City Hall technical teams, in many cases, show that there are internal conflicts and lack of knowledge about urban planning and do not resolve paralyses.

4.2. Ethical crossroads

The relationship with local administration, town councils, which have urban planning competences in Spain, is the area in which the greatest and most frequent ethical crossroads are faced in the architect's professional

work. They sometimes go against the aim of achieving greater social welfare. This has been exemplified in cases such as:

- Declaration of the entire municipal area as building-developable against the logic of territory and landowners, ignoring territorial needs and realities.
- Forcing urban design to locate public environment in the worst lands of scope of action, public space becomes residue of the project.

Situations are suffered in which the urban architect is a technical piece subjugated to political power -political-economic and electoral interests- and to economic power "the best land for developers or construction companies" (group interview). Urban design and improvement of citizens' well-being are hijacked by the interests of factual powers. So is the deployment of creativity and vocation.

4.3. Sustainability as a principle

In the field of sustainability, it is perceived that, in day-to-day battle, the notion that urban planning is a public policy has been lost. It is the mission of administration to lead that policy, balancing social forces for the benefit of the common good.

The current dynamic, perhaps provoked by new Agendas aimed at achieving sustainability, or perhaps due to social pressure, makes Administration more and more aware of this necessary leadership to "make urban planning for society and exercise it as a public policy" (focused interview and group interview). For as Fisher (2010, 10) questions "Has the project benefited the greatest number of people and addressed their pragmatic needs?"

Although studies and strategies in environmental sustainability' field are incorporated into all planning, crossroads arise from bureaucratic complexity of processes.

Opinion is dichotomized between a perception of social reality that undervalues environmental sustainability and undervalues

the figure of urban planner "we hear much speech but not action". This is compounded by urban planning regulations that seem to enclose sustainability in a "canned sustainability" formula. On the other hand, current reality is perceived as a time when the "human scale is taking centre stage" and progress is being made in values related to those that make up sustainability in the social and political spheres (group interview).

4.4. Legality and ethical practices

In line with the increase in complexity of land use and town planning work, extensive and complex regulations existing in Spain and in the Valencian Community in particular play an important role.

On the one hand, this situation is perceived as a handicap, derived from the disproportionality of law. The law can be a tool, in a positive sense, but then there is implementation, which must be based on existing values, and professional practice has taught us that "there is a technical part that redirects legal disquisitions". If this is so, there can also be a social and an economic part that redirects the technical disquisitions" (focused interview ang group interview).

On the other hand, in experience, the regulations which constrain processes necessary to carry out planning, do not allow for flexibility and adaptation to different realities, do not take into account the diversity of territory, and therefore they do not diversify. The result is that the same solution is always used, as seems to be observed in the urban planning of large cities. This inflexibility of law means that rural areas are treated in the same way. "Law is the same for all areas", "it looks like a flat rate". This results in legislator's accommodation, "they don't have to think too much" (focused interview).

All this raises major ethical dilemmas arising from the legislator's practice that hinders the achievement of sustainability. How do you work on sustainability if you do not consider the diversity of territories?

4.5. Training and socialization in professional values

The complexity of current urban planning, with multiplication of reports from different professional branches, is one of the dilemmas that has been considered, derived from its direct effect on training that students of architecture should receive: where should complexity of the subjects lead us?

Basically, based on the training situation and current challenges, the main arguments, present in the dialogue held, are as follows:

• Training is generalist from the Spanish point of view. Positively, it allows for creation of a highly adaptable student body that can deal with different levels of complexity in the work of urban planner and is prepared to take on the systemic vision of the urban project.

• The volume of universities, places, fewer years of study, as well as less effort to obtain the degree, has meant that the student's vocation is invisible in the masses and is perceived as a lack of involvement. This situation becomes a challenge and a dilemma to be solved by the teaching role.

In inculcation of values related to profession and sustainability, these are worked on through project-based learning, so the choice of the project proposed to the student is crucial. To this must be added the incorporation of viewpoint of other disciplines in a way that adds to technical reflection, promoting critical thinking and sense, which is a recognized transversal competence, and also creativity. Using multidisciplinary thinking in teaching practices allows learning obtained throughout professional experience to be transmitted: there are technical disquisitions that are redirected through a social approach.

This active and project-based learning opens up the possibility of establishing ethical and normative red lines.

4.6 Future and change

Observations made by participants in relation to the vision of future work in urban planning are part of a series of questions that have emerged from the group dialogue and which reveal dilemmas and visions for the future. The following questions were raised: Where is the progression of profession as a field of knowledge and skills heading, is there a tendency towards specialization, towards handling just one aspect of the urban planning profession, or otherwise, and what will be the role of public administration?

Considerations expressed divides into two lines of opinion: the first takes on the evolution of the last few years, visualizing an increase in complexity derived from constant growth of bureaucracy and regulations. In contrast, another line observes the growing importance of the human scale and its increase in coming years, derived from the awakening of public administrations, which are becoming aware that many public policies depend on a good organization of land, city, and its configuration. The appearance of new structures that promote citizen participation in elaboration of city strategies -such as sectoral councils, neighborhood councils, etc.- is perceived as a step forward in working towards a closer urban planning.

Dilemmas or decisions to be made facing this future are, at the service of whom or for whom are the powerful technical tools available for urban architects to be used? It will therefore be necessary, not only technologically but also as ethical preparation, to open up and understand perspectives of different disciplines in order to integrate them into the urban project and on path towards sustainability.

5. KEYS TO GOOD PROFESSIONAL PRACTICE

Opening a dialogue with architecture professionals is the appropriate methodological route when it comes to establishing keys that direct work towards good practices. These practices should not remain a declaration of intentions in terms of ethical-professional commitments, but they should lead us to positions that incorporate the gaze of the "other", the social subject. In this line, and following the strong ideas extracted from the interviews, we venture keys for good professional practices in the following terms:

• Establish guiding criteria.
• Setting priorities. Prioritize social function of the equipment, infrastructure and public space, in other words, service towards social welfare that it proposes.
• Understand that reality is not unique. Nor are solutions univocal. It is necessary to leave room for flexibility
• Study reality from different approaches. Incorporate the viewpoint of other disciplines, especially in social sciences, to open up mentalities and create new possibilities.
• Typify casuistry and stay close to reality in order to not lose focus and the starting point.
• Abandon elitist positions, because they detach from reality and pervert the social function of the profession.
• Use creativity in order to match solutions between respect for regulations, technical solutions and the well-being of citizens.

6. CONCLUSIONS

Professional dilemmas arise from pressures derived from political, economic and political-economic interests, which sometimes violate the prime function of urban planning, as a public policy, and political role that should lead this policy. This role should be centered on looking after general interest and welfare. This is where ethical dilemmas of the architect's professional practice appear and confront person with his or her profession.

"Las políticas urbanas constituyen la dimensión espacial del Estado de bienestar y la regulación pública de la división económica y social del espacio. Estas tienen el reto de diseñar y poner en práctica nuevos y potentes instrumentos de regulación pública de la ciudad, si no se quiere que ésta sea el resultado estricto de la lógica del mercado (Barenboim 2012, 32).[1]"

Political-economic interests generate dilemmas in professional decision-making that sometimes touch on ethical concepts, such as commitment to social welfare, as these interests sometimes push public space towards marginality within the urban project. This criticism appears in a multitude of works. Professional dilemmas of the architect in urban work, in short, are capital, economy, time, lack of fulfilment, a lot of effort and little gratitude. All this becomes a source of bewilderment in urban planning and in the urban planner.

On the other hand, the dissolution of the general vision can become a problem, derived from incorporation of a multiplicity of professionals from other disciplines and approaches, not so prepared to direct the necessary global vision in urban planning.

If, as H. Lefebvre (1974) states, space, called territory, is a "social production". In this line, values that have been extracted from interviews have focused on the recovery of "urban planning for and with people", which incorporates the processes of citizen participation in the construction of the sustainable city, on which regulations and legality have been advancing in recent years. These aspects are increasingly emphasized in the field of education. Likewise, a high value is attributed to attitudes related to curiosity that leads us to self-learning both in the training of the architect and in order to face day-to-day professional activity.

In professional practice, decision making is often a complex process, as decisions must be taken with limited information, sometimes with little time, and trying to reconcile conflicting interests. Ethical and responsible professional practice involves developing one's own criteria identifying and dealing with ethical problems in real work situations, and collaborating in integration of values in decision-making structures of organizations. Still, it is important to be aware of the risks associated with professional practice in different types of architectural activities, their legal and personal consequences, and mechanisms to cover possible situations of legal liability.

Education, information and training in ethical competences are crucial in university education. They are cross-cutting interpersonal competencies in the performance of the profession.

The conclusions obtained, despite not being generalizable, provide referential information that helps and invites us to broaden and diversify the research methodologies on the objectives addressed.

ACKNOWLEDGEMENTS

NOTES

[1] Original text in Spanish. Free translation: "Urban policies constitute spatial dimension of welfare state and public regulation of economic and social division of space. They face challenge of designing and implementing new and powerful instruments of public regulation of the city, if the city is not to be the strict result of the logic of the market."

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