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Theory and the Professions

ELIOT FREDSON*

INTRODUCTION

I have been asked to appraise the idea of profession, its usefulness in analyzing particular kinds of occupations, and the direction that further research and theorizing might take to improve its usefulness. Let me begin with the idea of profession itself.¹

Some, both sociologists concerned with theory and critics of the performance of particular occupations that have claimed professional standing, have argued that the word has little value for distinguishing among analytically different types of occupations except insofar as it involves a mark of social prestige, a claim to dignified status.² To debunkers, this means that the word is merely a symbolic facade that obscures the fact that occupations using it are no different than any others. This conclusion is manifested more explicitly among those inside and outside the professions who have urged antitrust and other actions designed to remove any special legal privileges based on distinguishing "professions" from "trade" or "commerce".³ To them, "commercialism" in the professions is no pathology but rather confirmation of their essential similarity to other occupations in that they, too, are concerned primarily with gaining a living in the marketplace.

That position is not untenable, but it so simplifies the issues as to impoverish what and how we think. It ignores any possible significance of differences among types of work, the kinds of knowledge and skill needed to perform particular kinds of work, the various kinds of training or education required for the work, the organization of occupations, the relation of occupations to others in a division of labor, and the relations of occupations to their clients, and to the state, corporate capital, and the public.

* Professor of Sociology, faculty of Arts and Sciences, New York University.

1. I make no effort in this article to provide an exhaustive list of references. However, at appropriate places I shall cite key references to especially influential works, the more recent of which have useful bibliographies.

2. In her very important and influential book, Larson seems to conclude that the professions no longer have in reality any distinction other than prestige. See M. LARSON, *THE RISE OF PROFESSIONALISM* 232-37 (1977).

3. A good recent source containing some papers expressing this position is *REGULATING THE PROFESSIONS* (R. Blair & S. Rubin eds. 1980). It is also implied by critical writers like Abel, *Why Does the ABA Promulgate Ethical Rules?*, 59 TEX. L. REV. 639 (1981) and Moore, *Professionalism Reconsidered*, 1987 AM. B. FOUND. RES. J. 773 (1987).

Without distinguishing such differences, there is only the simplest kind of economic thinking to serve as a conceptual guide for analysis. Everything is reduced to the least common denominator of crude, material self-interest exercised in an imaginary free market. Since empirical differences are too important to ignore in practical policy discussion, however, whatever is ignored by that least common denominator gets drawn into discussion on an ad hoc and unsystematic basis, sometimes overtly and sometimes as underlying and unacknowledged assumptions.

This is not a healthy intellectual position. What is needed for analysis is a systematically interrelated set of comprehensive even if not exhaustive criteria by which we can distinguish among occupations in consequential ways. Ordinary use of the term by either lay people in general or those engaged in policy-related dialogue tends to focus on only one or two criteria depending on the context of discussion. Thus, professions are distinguished by some as being dedicated to public service rather than being concerned only with their own economic interest like other occupations. By others they are sometimes distinguished as being singular by virtue of the special kind of education and knowledge and skill that their members possess.

This is not enough, however. Even if the two criteria together might be used as keys to others, the arrangements and circumstances that make them possible have to be specified and their roles elaborated systematically. Thus, it is almost meaningless to invoke serving the common good rather than personal interest without at the same time specifying the conditions (such as a reasonably secure income) that support the very possibility of doing so. The concept of profession must be articulated systematically, and not represented by only one or two key ideas. This is not to say that one cannot articulate it through one or two key ideas—something that I shall myself do here.

THE ELEMENTS OF OCCUPATIONAL CONTROL OVER WORK

What are the elements that ought to be included in such a systematically developed concept? They are determined in part by the issue one puts at the center of the analysis—the key element to be explained. The choice of such a key is of course arbitrary. For myself,⁴ what professions have in common with all occupations should be the starting-point for analysis. Professions are occupations, and occupations are productive pursuits by which people gain their living in the labor market. One can differentiate among occupations, however, in a number of ways. One can focus on

4. The following sketch is being developed in a more elaborate way in a work in progress tentatively titled, *Professions and the Fate of Knowledge*, to be published by Polity Press, Cambridge (U.K.).

variation in the way their relation to the labor market is structured. Or one can differentiate them by the nature of their productive pursuits—that is, the kind of work their members perform and the way they perform it. And one can differentiate occupations by control—who controls or commands the determination of what the work shall be, and how it shall be performed and evaluated.

My preference is to take this third element as the central focus. I start by defining a profession as a kind of occupation whose members control recruitment, training and the work they do. This explicitly distinguishes occupational control from industrial or collective worker control, the former being limited to particular, demarcated tasks and the latter embracing the overall organization of a division of labor without controlling specialized tasks.

Since the historic crafts share that characteristic with the professions, however, further differentiation is necessary based on the knowledge and skill involved in work. Like the crafts and unlike those kinds of work that are regarded as unskilled or semiskilled, professional work is represented as work that requires the exercise of discretionary judgment. Unlike the crafts, however, it is considered to be work that requires formally organized, theoretical or abstract knowledge for its adequate performance. That knowledge requirement in turn distinguishes the kind of training and the way it takes place. For both craft and profession, training is controlled and conducted by members of the occupation. For professions rather than crafts, however, training is heavily weighted by book learning. It characteristically takes place today in an institution of higher education where theory is taught formally. Substantive knowledge and skill may be taught both in school and afterwards in practical work-settings. In the crafts, training characteristically takes place on the job rather than in school, and is based more on practice than on theory or book-learning.

This characteristic of training in a school creates and sustains a special role within the professions that is missing from the crafts—namely, members of the profession whose job it is to train recruits in professional schools. When that job is full-time, those faculty members are freed from the demands of making a living by practice in the marketplace and can engage in research or scholarship and in the elaboration of the profession's ideas, knowledge, skills and procedures. This provides professions with an advantage over the crafts in that by institutionalizing research and scholarship in this manner they are in a better position to control their own body of knowledge by undertaking their own innovations. The crafts must constantly defend their jurisdiction against incursion by innovations and substitutes created by outsiders.

Control over training for a particular kind of work can be sustained only if there is sufficient control over the labor market to provide a living to

those with such exclusive training.⁵ Thus, an essential element to include in the systematic articulation of a theory of professions lies in postulating some consequential form of labor market control by the occupation. A variety of methods is possible, but near-exclusive jurisdiction⁶ by members of the occupation over particular kinds of tasks is essential so that only they have the right to perform them. Certification by an accepted agent of the occupation that an approved course of training was successfully completed is a common prerequisite for being admitted into this controlled labor market to gain a living.⁷ This in itself restricts the amount of competition for available positions, though those admitted may have to compete with each other for the more desirable positions. Another prerequisite for full occupational control is officially enforced or customary understandings that only members of the profession may supervise and evaluate the work.

THE ELEMENTS FOR GAINING AND MAINTAINING CONTROL

These interrelated elements involved in a system in which workers exercise control over their own work allow us to see the dimensions of the system, but do not allow us to understand how such a system could come into existence and how it can be maintained. It represents, after all, a privileged position for labor in the marketplace, virtually a monopoly. The vast majority of all occupations lack such a privilege. Why a monopoly for professions or, for that matter, crafts? A systematic conception of professions must be able to answer that question.

Occupational control of work is an alternative to either control by consumer demand in the marketplace or control by some central authority like the state or the management of firms. In order to control their work, workers must block the desire of both individual consumers and officials or executives of organizations to use whomever they please to perform particular tasks and to evaluate the performance of that work by their own

5. Abel, following Larson, takes control of the relative number of professionals competing in the restricted labor market as his key criterion. See Abel, *supra* note 3. This criterion emphasizes the importance of the relative amount of economic reward available to members of the profession. Unlike Abel, and holding in mind professions other than law and medicine, I assign less theoretical significance to the size of economic rewards, which is a function of restricting the number of credentialed professionals, and more to the security of rewards, which is a function of restricting the right to work and to supervise workers to those with credentials, no matter what the number of professionals competing with each other for available rewards.

6. An important recent work seeking to explain the development of occupations by focusing on the establishment and defense of jurisdictional boundaries is A. ABBOTT, *THE SYSTEM OF PROFESSIONS* (1988).

7. For an analysis and description of the credential system sustaining the professions in the United States, see E. FREIDSON, *PROFESSIONAL POWERS* (1986).

criteria. This requires the exercise of power, but apart from the military, the police, and some criminal vocations, occupations have no real power of their own. They have only their knowledge and skill. Knowledge and skill can influence others, but only if others believe in their value. In order to gain a privileged position in the marketplace an occupation must persuade those who do have the power to grant and sustain it. However, in order to negotiate with the powers that be, an occupation cannot be a mere aggregate of workers or practitioners. It must be an organized corporate body, one that in the United States takes the form of a private professional association.⁸ Given such formal organization it is possible for an official leadership to speak for and represent the members of the occupation whether they belong to the association or not. The leadership of professions performs the task of persuading those who possess power—most particularly the state—that members of the occupation are worthy of their protection and support. And the association also undertakes activities designed to influence legislative and other policies that bear on its members' interests.⁹

The task of persuasion is a complex one and includes the generation of a number of rhetorical claims and institutional practices that ordinary occupations do not ordinarily display. Some rhetorical claims stress the special character of the tasks performed by the profession—their more than ordinary value to civilization, to individuals and their problems, and to the political economy as a whole, and the dangers to civilization, individuals and the political economy should they be permitted to be performed by non-professionals. Others stress the claim that the body of knowledge and skill employed by the profession is so complex and esoteric that lay people are not able to employ it themselves, and are not able to evaluate how well those with professional training use it. Thus, consumers would not be able to protect themselves by their choices in a free market—members of the profession must be trusted to protect them by their own dedication, self-discipline and mutual evaluation.

Claims about the profession's knowledge and skill are not enough for gaining support, however. A monopoly controlled by those who possess it is not likely to be willingly and deliberately granted without some belief that it will be used in the public interest rather than for purely selfish purposes. Those seeking such a monopoly, therefore, must be persuasive in claiming characteristics that discourage its abuse. It is in that context where we must place the claim that professionals are, unlike ordinary workers, more devoted to the good of their clients than to their own material interests. In their arguments to gain the power to control their own affairs, or to

8. A dated but still major source on professional associations in the United States is C. GILB, *HIDDEN HIERARCHIES* (1966).

9. For a recent study of the activities of an association of the Bar, see T. HALLIDAY, *BEYOND MONOPOLY* (1987).

defend the power they already have to do so, the representatives of professions claim that recruitment into their profession selects those who have qualities that resist the abuse of privilege, and that this "altruism" is reinforced by the manner in which they are trained and by the way in which the organized profession functions after training in the world of practice.

Empirically, the particular content of those claims to trust varies. At one time the family and ethnic origins, religion, class, gender and race of recruits were employed to assure the "good character" required for assuring dedication to the public good. Lately the stress has been on selection by universalistic criteria of competence, which itself seems to require placing less emphasis on character and more on the content of the training of recruits, and most particularly on training in ethics and professional conduct. But whatever else, claims have also included assurance that once training is completed, only those capable of competent and ethical practice are permitted to enter the labor market, and that the profession supports institutional procedures that discourage the abuse of public trust among its members and that undertake to exercise effective disciplinary action against those who do so. Formal codes of ethics are often promulgated both to demonstrate concern with the possible abuse of privilege and to provide guidelines for evaluating and taking action against it. One of the duties of the profession's leaders is to periodically make speeches reaffirming the profession's resolution to sustain high ethical standards of performance that justify the public's trust.

The claims of professions are rarely, if ever, matched by their actual performance. It is that mismatch which is pointed to by both those who wish to eliminate professional privileges entirely and those who speak for competing occupations seeking for themselves a portion of the privileged jurisdiction controlled by an established profession. There can be little doubt that the greater the public perception of gross deviation of professional performance from professional claims, the less can professions resist pressure to weaken their monopoly, but the class standing of professionals and their leaders, the caution of those in power, the almost universal dependence of large, complex societies on credentials for determining the qualifications of those who do complex work, and the ambiguity of evidence bearing on that deviation make for rather slow changes in professional privileges. Sweeping changes have occurred only following revolutions, and even then, historically, professional privileges have been reinstituted in virtually every case.

CLIENTS AND POWER

This sketch of the interrelated elements that distinguish the professions from other occupations is not particularly original, synthesized as it is from

the work of many other scholars.¹⁰ It does, however, provide a framework, an institutional and historic context by which we can then make sense of the more concrete questions we wish to raise about professions. I believe that it can more or less serve to characterize all occupations falling into the category. But when we turn to examine professional work itself, we must distinguish the consequences of there being different kinds of professional work and differently organized labor markets. While professions may be said to share certain claims, aspirations and institutions, they differ in other respects. Some professions command bodies of knowledge and skill that serve the needs of individual clients while others serve the needs of institutions, organizations or aggregates of individuals: most physicians are found among the former while most engineers and professors are found among the latter. Lawyers, as Heinz and Laumann's recent study of the Chicago Bar has reminded us,¹¹ are divided between those who serve primarily the former, and those who serve primarily the latter.

An additional characteristic of considerable importance for determining what kind of work is done and how it is done lies in the organization of the profession's clientele. If clients are relatively few in number, sophisticated, well-organized and politically or economically powerful, the capacity of members of a profession to select the work they do and determine how they do it is markedly limited: their clients will call many of the shots. On the other hand, if clients are many, unorganized, heterogeneous and individually without significant resources of individual power, professionals are in a better position to call most of the shots. Thus the paradox that Heinz and Laumann noted: Members of the most affluent, prestigious and influential hemisphere of the Bar, in large law firms serving corporate capital, have less power over their clients (and presumably less leeway to determine how they practice) than do those in the other hemisphere of considerably less prestige who serve the needs of individuals and small businesses in local neighborhoods.¹² This suggests that the content of some of what is deplored as "commercialism" may stem from acquiescing to the concrete demands of clients rather than being an invention by professionals responding to economic incentives alone. Certainly that is the case for some of the "commercialism" to be found among physicians today, for powerful third

10. Key past works on professions (aside from the author's) are E. CARR-SAUNDERS & P. WILSON, *THE PROFESSIONS* (1933); E. HUGHES, *THE SOCIOLOGICAL EYE* (1971); T. JOHNSON, *PROFESSIONS AND POWER* (1972); M. LARSON, *supra* note 2; W. MOORE, *THE PROFESSIONS: ROLES AND RULES* (1970); Goode, *The Theoretical Limits of Professionalization*, in *THE SEMI-PROFESSIONS AND THEIR ORGANIZATION* 266-313 (A. Etzioni ed. 1969); Parsons, *Professions*, in *12 INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES*, 536-47 (D. Sills ed. 1968); Parsons, *The Professions and Social Structure*, 17 *SOCIAL FORCES* 457-67 (1939).

11. J. HEINZ & E. LAUMANN, *CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR* (1982).

12. *Id.* at 360-73.

parties who now pay the bills of individual patients have deliberately designed reimbursement policies that stimulate and exploit purely commercial incentives.

PROFESSIONAL PRACTICE

The most important question to ask about professions is how and why their members do what work they do the way they do, which leads us to the analysis of professional work itself and its organization into professional practice. Practice is the ultimate test for the claims of professionalism, for it is there where the work of professions takes place, and where it is done well or badly, ethically or unscrupulously. But what do we mean by practice? My comments on the importance of clients for shaping the work of professions have treated practice as if it could be understood only as an interpersonal relationship—the relationship between an individual professional and an individual client or representative of an organization. Indeed, this is the usual way we think about professional work. Most of the conventional literature on the professions is dominated by the image of an individual, self-employed practitioner who works alone in his own office serving individual clients in his community. Those who deplore the present state of their profession use that image to represent what existed in the nineteenth or early twentieth century and what has been lost to us today. This is not a very useful image against which to compare what is going on today, in part because it has not been conceptualized adequately and in part because, empirically, it applies to only a few professions and, even for them, by no means all their members.

In any case, solo practice itself is not merely a relationship between a professional and successive individual clients. It is a form of organization, to be understood only in part as the relations an individual practitioner has with individual clients. It is also a way of organizing work that could not exist without being embedded in a system of professional institutions that protects and sustains it. And it is an organized node or point in a community network of relations among clients and prospective clients, in a professional network of colleagues, and in an organized division of labor that includes members of other occupations whose cooperation is necessary for both receiving clients and dealing with their problems effectively. Unfortunately, in spite of the nostalgic attention it receives, we have very little good, empirical information about solo practice in any profession.¹³

Solo practice is of course only one way of organizing work. Salaried practice is far more common in most professions. There are many studies of the state agencies, hospitals, schools, churches, and universities that

13. For solo legal practice, a virtual classic is J. CARLIN, *LAWYERS ON THEIR OWN* (1962).

employ many professionals from which we are able to infer something of value about the way their work is organized, but little information has been gathered specifically about professional practice in such organizations. Furthermore, much of the available information is superficial, composed as it is of such gross data as the number of professionals in practice units, their status as employees, partners or owners, probationers, or whatever, their differential incomes, the nature and volume of the cases they deal with, and the like. The significance of such data is not self-evident. To make much sense of it requires extensive interpretation, and for that we have to rely on only commonsense knowledge, intuition, and "background knowledge" based on personal experience. In spite of their patently limited perspective and frequent conflict of interest, professionals themselves dominate the interpretation of such data.

By and large, I think it can be said that the information we have for all professions shows a major deficiency. For most professions there is a reasonable amount of information about their associations and their activities, their professional schools and training programs, and their bodies of knowledge and skill. For all professions, however, the information we have on practice—the organization of professional work and the way it is performed—is by far the weakest. This deficiency is critical because the very justification for the market protection that associations, schools and credential systems provide lies in the actual work that professionals do. And it is only by a close and systematic look at professional practice that we can understand what work is done, how and why.

THE NEED FOR FIRST-HAND STUDY OF PRACTICE

It is true that there seems to be an enormous amount of information available about professional practice. Trade journals publish a great deal of information about the activities of professional firms and their personnel policies, as do the major newspapers of the nation. Historians have taken up the professions with gusto, and in the case of law in particular, more than one writer has published books providing detailed description of the activities of lawyers.¹⁴ And of course we have a great deal of material in the form of journal articles, speeches and memoirs produced by members of the professions themselves. But this is by no means enough. To analyze a practice systematically one must show how it is set up as an organization,

14. For law firms see, e.g., J. STEWART, *THE PARTNERS* (1983). Compare its content, organization and focus with that of R. NELSON, *PARTNERS WITH POWER* (1988). For an extensive bibliography of past work on the legal profession, see Abel, *The Sociology of American Lawyers: A Bibliographic Guide*, 2 L. & POL'Y Q. 335-91 (1980), and the recent review and annotated bibliography in J. FLOOD, *THE LEGAL PROFESSION IN THE UNITED STATES* (3d ed. 1985).

the lines and focal points of authority, how authority is exercised, over whom and over what facets of their work, how the division of labor is set up and coordinated, the pattern of informal (i.e., unofficial) interaction and influence among its members, the characteristic problems and conflicts experienced by members serving in different positions in the practice and performing different kinds of work, and much more.

Above all, adequate understanding requires first-hand observational and interview data self-consciously collected by an outsider. Without a detached, ethnographic account of professional practice, both our knowledge and our capacity to interpret the data we have are grievously handicapped. Without it, our knowledge is limited to topics that happen to attract public attention and our interpretations limited by either the diffuse framework of common sense thinking or by the inevitably partial and self-interested perspectives of members of the professions. While those concerned with understanding the past have no alternative but to depend on the highly selective documentary material that has survived the past, we are in a position to generate new material about practice today in our own way for our own needs. First-hand study of the various forms of professional practice is a critical requirement for developing not only better understanding of the professions but also sensitive and intelligent social policies for dealing with them.