The Fiduciary Relationship and the Nature of Professions

I. Introduction: Formal Knowledge as the Distinguishing Feature of Professions

It has not proved easy to determine what a profession is. There is no problem about the existence and definition of skills and arts: clearly, some people know how to repair refrigerators, or treat sick animals, or cut hair, and the like. They have cultivated these skills and hence are obviously different from people who cannot do such things well. If the people who have the skills also understand what they are doing, if they have knowledge as well as skill, if they can teach and explain as well as perform, they can be said to possess not only a skill but an art, a technê.1 When people who possessed certain arts formed associations to protect, promote, and teach their art, they were said to form guilds. Arts and guilds are not controversial; they are easy to identify. What more is needed? Is it truly necessary to introduce professions? Why not stay with the arts of medicine and law, and the guilds of doctors and lawyers? Is the distinction between a technê and a profession a genuine distinction, or does one term of the distinction, the profession, get absorbed into the other, the art, when we think precisely about the issue? How is a profession different from an art, how is a profession different from a guild?

Some twenty-five years ago, Bernard Barber2 provided four features that an occupation must have if it is to be considered a profession: general and systematic knowledge, orientation to community interest, self-monitoring through internalized codes of ethics, and rewards that symbolize accomplishments in work and that are sought
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The recent book by Eliot Freidson, Professional Powers, may be taken as a counterpoint to Kultgen's work. Freidson distinguishes where Kultgen identifies. Freidson's aim is to "emphasize analytical description over abstract theorizing." He provides a highly differentiated view of the professions, distinguishing not only the variety of professions themselves but also the variety of roles found within each profession: the roles of practitioners, administrators, teachers, and researchers. He comments in detail on the various ways professionals exercise power but also stresses the limits of such power, and he criticizes large-scale generalizations, such as the claim that professionals constitute a single new class in our social order or that professionals who are self-employed enjoy greater autonomy and success than those who work for others. He takes the concept "profession" as a historical concept, "an American social category for distinguishing a group of occupations," but he acknowledges that the concept can apply, with adjustments, to groups of people in other modern countries. Although Freidson stresses detail and variety, he does claim that the professions can be distinguished from other occupations. They are so distinguished, he says, by virtue of the "formal knowledge" they possess, apply, protect, and develop. Members of the professions are the "agents of formal knowledge."

The formal knowledge that is at the core of professions is, Freidson says, specialized knowledge, different from what most people know; it requires extensive education and training. It is the knowledge "shared by particular groups of people who perform activities on a regular basis that other people do not." However, it is not just specialized knowledge, which has been found in all civilizations and can be found in the arts; it is specialized knowledge that, in the modern West, has taken on a distinctive character or structure, one that Freidson calls "formal." It has been shaped into systematic theories that explain facts and justify actions. It involves hypotheses, axioms, deductions, and models. Freidson says it is knowledge characterized by rationalization, a term that he takes from Max Weber and defines as "the pervasive use of reason, sustained where possible by measurement, to gain the end of functional efficiency." He observes that "rational" knowledge and action are realized in or associated with contemporary natural science, technology, economic and institutional management, and social organization. He also states that such knowledge does not apply itself; it exists in and is developed by "human agents or carriers." We might say that the formal knowledge is both embodied and applied in and through the professional.

as ends in themselves. A few years later, G. Harries-Jenkins supplied a list of six elements of professionalization, then went on to subdivide these elements into no fewer than twenty-one subelements.

The debate has continued, and recently John Kultgen (1988) concluded his book Ethics and Professionalism with the claim that the distinction between professions and other occupations is, in fact, now a genuine distinction. In a chapter entitled "Professionalism without Professions," he claims that professionalism is a way of being and acting that can be achieved in any occupation. He says that "the ideal of a professional is that of a person dedicated to providing proficient service to those who need it." He describes the various virtues, both moral and intellectual, that a dedicated professional must have; he observes that such virtues can be "deliberately pursued and cultivated," and he claims that all these virtues "are relevant to features of work as such, not just features of particular kinds of work." Since practically everyone provides some sort of specialized labor, each person, he says, contributes something to society and ought to shape his or her contribution according to professional ideals. Even apparently menial and routine tasks involve some specialization; and if there are forms of work for which the professional virtues seem hardly to be required, societies should organize these occupations in such a way that greater professionalism can be realized in them: "The challenge is to alter the conditions of other kinds of work so as to foster greater self-development and self-expression and to provide conditions in which workers will know and approve the products of their labor." Kultgen maintains that professionalism must be universalized and observes that the term "profession" has suffered extensive "semantic hemorrhage" as more and more occupations have laid claim to it. Thus, in the terms we used to introduce our question, Kultgen's position would imply that professions do not differ in principle from skills and arts.

Kultgen's proposals have much in common with the encyclical Laborem exercens of Pope John Paul II. In his encyclical, the Holy Father does not discuss professions as such, but he does extend the concept of work to cover many different kinds of human performances: "Work means any activity of man, whether manual or intellectual, whatever its nature or circumstances; it means any human activity that can and must be recognized as work, in the midst of all the many activities of which man is capable and to which he is predisposed by his very nature..." The pope unifies the concept of work not in terms of the activity that is done but in terms of the one who accomplishes it, the human subject whose dignity, rights, and duties must everywhere be respected.
II. Prudence and the Distinction between Art and Profession

Let us assume that Freidson is correct in isolating the possession of a certain kind of knowledge as the distinguishing feature of a professional. The knowledge in question, furthermore, is useful knowledge, the kind that can be applied to situations to bring about a desired result. Not all knowledge is useful in this sense; there is a kind of speculative or theoretical knowledge that can be very important for us without being practical and useful. There is some knowledge that is simply about the way things are and the way things have to be, about essentials and necessities; and our response to such knowledge may not be to put it to our use, but simply to recognize that things are that way and that there is nothing we can do about it. The patterns of time, for example, are essential and necessary; the future becomes the past through the present. It is not strictly speaking useful for us to know this, not in the way it can be useful to know the intricacies of the tax laws or the symptoms and causes of arthritis, since we cannot do anything about or with the passage of time. Such knowledge is too basic to be useful; it expresses what we must simply take as it is, not what we can use in modifying the world.

But not all useful knowledge ought to be called professional knowledge. A good automobile mechanic may know a lot of useful things about cars, but we would not, I think, want to call him a professional. One reason for our reluctance has already been provided by Freidson. The mechanic's knowledge is not formal and systematic enough to become the basis of a profession; his knowledge is tied to the particularities of the automobile. If he knew not only a lot about cars, but also a lot of physics, mathematics, mechanics, metallurgy, chemistry, and electromagnetics, and if he could apply all this knowledge to the automobile, then he would be not just a mechanic but an engineer. He would not only know that certain things are true about cars, but would also know why they are true, and he would be able to trace the “why” through several layers of explanation. He might or might not be a better mechanic because of all this, since auto repair deals with this particular car and not with theory and explanation, but he would be able to do certain things that a mechanic could not do. He might, for example, be able to help in developing new synthetic materials for automobile engines.

When we say that the knowledge of the professional, though still practical, is more formal and abstract or general than that of the mechanic, we do not mean that the professional's knowledge departs from the world and expands into mere words or textbooks. To be

more formal and abstract or general means to have a wider range, to work within a more comprehensive context and with more materials. The mechanic may know that the terminals of the battery must be kept clean and that batteries run down after three years or so, but the engineer can see the car battery as an instance of the same forces that are at work in radios, lamps, generators, and bolts of lightning. Because the engineer's knowledge is so wide-ranging, he or she can see other ways of doing what is done with a battery. Because, for example, a doctor's knowledge of medicine is so wide-ranging and because she knows why certain things happen, she can think of many different ways of treating the headache that I have been trying to treat with aspirin. One feature of the knowledge possessed by professionals, therefore, is its formal and wide or expanded character.

But if knowledge, even formal knowledge, is the only distinctive feature of the professional, it is still not clear how a profession can be distinguished from an art; technē was also defined classically as skill with understanding. The distinction can be sharpened by noting another important aspect of professional activity. If I go to an automobile mechanic, all I entrust to this person is my automobile, but when I approach a professional, I subject something more than a possession of mine to the professional's expertise: in a distinctive way, I subject myself and my future to his or her assessments and to his or her judgment. Using the word “prudence” in the classical sense, the sense given to it by Aristotle as a person's ability “to deliberate about what is good and expedient for himself” in a way conducive to the good life in general, I submit my own prudence to that of the professional. In a limited way, I hand over the steering of my life to this person. I let him or her take over not just one of my things, but my choices and activities themselves. I must do so, because I have wandered into an area of life in which my own knowledge does not equip me to steer by myself. Someone fell on my sidewalk and broke an arm and is suing me; I have developed severe headaches and blurred vision; I need to learn Russian because I will be stationed in Moscow. For a while I must do what someone else says I should, not what I simply decide to do myself. In engaging a professional, I do not abandon my own prudence; I do not delegate my prudence to someone else, but I do blend my prudence with that of the professional, or the professional's with mine.

It is true that the professional assumes responsibility for only a limited part of the client's life and that the client remains the ultimate agent in the relationship. As a client, I could always stop the transaction in question. But within that limited domain and with the importance
that the domain may involve (my mental or physical health, my familial relationships, my legal standing), the professional deals not merely with my possessions but with me. If I go to a mechanic or to a dry cleaner, even one that provides "professional dry cleaning," I hand over my car or my jacket to someone else, but in dealing with a doctor or a lawyer or a teacher, I submit myself to be determined in my future condition by the one I consult; if I hire an architect to build a house for me, I am entrusting to that professional the design of part of my future life. This blending of my own prudence with that of the professional shows how knowledge can be common and shared even when it is practical knowledge, the kind that addresses and changes situations. It is not the case that only speculative thinking is common. I can share someone else's mind even in regard to what I should do, even in regard to my assessments and deliberations.

What we could call the phenomenon of nakedness, in its various forms, follows from the fact that a client or patient subordinates himself or herself to the prudence of the professional. The client has to remove the cover used for both protection and privacy in his or her normal exchanges with others. The most vivid instance of such nakedness occurs in regard to medicine; patients must not only tell the physician about their experiences and activities, but may also have to remove their clothing, that most elementary of shelters. This is done so that the physician can carry out an assessment and an intervention on the patient's behalf. A client has to lay open to his lawyer everything that happened and everything that he did concerning the issue he has brought to the lawyer, and another client must tell her architect everything about how she wants to live in the building the professional will design for her. If in any such cases the client were to retain part of his or her cover or shelter in the relevant area, the appeal to the professional's prudence would be in vain; the very item that is kept concealed might be the key to the situation.

Some special obligations befall professionals because their prudence is being called upon to help steer clients' lives. The exercise of professional judgment and skill must, first of all, be for the client's good. This obligation does not stem from any personal benevolence or private virtue on the part of the professional, but from the very nature of the relationship between professional and client. The client addresses this individual not because of any personal characteristics as such, not as a friend to whom he or she has come for advice, but as the embodiment and agent of a certain kind of formal knowledge. It is only to activate this knowledge on his or her own behalf that the client has come to the professional. Second, clients need to shed their privacy only to the extent required by the exercise of the professional's judgment and skill. The physician does not need to be told about the patient's savings, and the real estate lawyer does not need to be told about the client's deafness. Third, the confidentiality required of the professional stems from the fact that things were told or shown to him or her only so that the expertise he or she embodies could be brought to bear on the life of the client. The professional's mind in this respect becomes like an expansion of the client's own mind and the information the professional acquires remains the client's own, unless and until the client wishes to disclose it. Ultimately, the one thinking and acting, the one taking the initiative, is the client. The client has come to the professional, has initiated and established the relationship, and keeps it in being.

The obligation of professionals to put their knowledge and skill at the service of the client is vividly perceived in instances in which this obligation is broken. Suppose a client discovers that his lawyer is using information the client provides and even perhaps soliciting information from him, for the lawyer's own financial benefit; or suppose a patient discovers that her physician is making decisions regarding her case in view of some institutional or personal purposes or gain that the doctor has. In such cases the prudence of the professional steers the client's life for the benefit of the professional, and yet the client has come to the professional to have his or her own good pursued.

It is instructive to distinguish the way we turn to a friend for help in deliberation and share in the friend's prudence from the way we turn to a professional. A friend is not specialized; my friend knows my whole way of being. I ask him for help in making a decision that affects me in my entirety; he helps me deliberate whether the course of action will be for my good as such, not just for my good health or for my legal standing. In contrast, I turn to a professional for help within a certain domain, the domain in which he or she is the expert. Furthermore, the "knowledge" I draw on when I turn to a friend is not a formal kind of knowledge. It is the friend's understanding of my general strengths, weaknesses, possibilities, and achievements, his understanding of my character, history, and expectations. It is a knowledge he has about me which is analogous to my own knowledge of myself. We, my friend and I, deliberate together about how the proposed action will affect the whole of my life, and although the final decision will have to be my own, the deliberation that leads up to it can be done in common. In contrast, the knowledge I appeal to in the professional is not primarily a knowledge about me in my entirety, but the knowledge of a domain in which I need expert assistance; it is
a knowledge about general rules and principles, joined with the ability to apply them to particular cases. It would be out of place for me to ask the professional as such to deliberate with me in the way a friend would.

We have been describing the relationship between professional and client from the point of view of the client; the client’s life becomes directed, in part, by the prudence of the professional. We could reverse our perspective and describe the same relationship from the viewpoint of the professional. From this standpoint the professional is understood to be capable of exercising independent judgment; this ability is based on his or her knowledge, training, and experience. In listing some of the features of the professional, Philip Elliot, in *The Sociology of the Professions*, mentions “broad, theoretical knowledge used in non-routine situations to reach unprogrammed decisions...”21 The “unprogrammed decisions” of a professional are usually made in respect to other persons, in respect to clients. They are almost always decisions that steer the lives of others. The autonomy of the professional is not an isolated independence, nor is it one that deals with mere things.

Once a client has engaged a professional, the professional does not like to have his or her recommendations disregarded. As Everett C. Hughes wrote, “The professional in some cases refuses to act unless the client—individual or corporate—agrees to follow the advice given.”22 By its nature, prudential deliberation is done in view of action, and if a professional is to share her deliberation with someone else, she wants to do so with the same certainty of action she would have if she were deliberating for herself alone. Most of us, surely, at one time or another, have had the embarrassing experience of admitting, say, to our physician, that we did not do what he or she told us to do: to lose weight, to take medicine, to get an X-ray. When this happens, the physician is not amused. He is not just worried about what will happen but offended by our neglect. He exercised his prudence, he deliberated on our behalf, and our failure to follow through was something like a personal affront. We did not just neglect advice, we slighted the physician’s prudence.

The claim that a client subordinates his or her prudence to that of the professional may seem to hold in the case of a profession such as engineering, in which the expert deals with materials and not with persons. However, it is quite clearly true of the paradigmatic professions, the four that originally were called “professions” in English: divinity, medicine, law, and “the gentlemanly occupation of the military.”23 It is true of many forms of social work, it is true of the professions of architects, teachers, financial advisors, and the like. The feature of dealing rather directly with the decisions to be made by other people is an important element in the definition of the professional.

The relationship between professional and client is a fiduciary relationship. The client trusts the professional and entrusts himself or herself—not just his or her possessions—to the professional. The professional is presented as trustworthy not primarily in the way a friend is found to be faithful, by having proved himself or herself in many situations, but by having been certified as a professional. There is an elegant anonymity to professional trustworthiness; if I get sick away from home and must go to the emergency room of a hospital, I can in principle trust doctors and nurses I have never met before. I enter into a fiduciary relationship with them because they are presented as members of the medical profession, persons who are certified by the profession and who can, *prima facie*, be taken as willing to abide by its norms. I do not have exactly the same kind of trust if my car breaks down somewhere away from home; I am delivered over rather to the personal honesty, trustworthiness, and competence of the local mechanic. It is as though I had to find a temporary friend rather than being able to appeal to a professional.

The difference between a profession and an art, therefore, lies in the fiduciary relationship that is built into the profession but not into the art. The fiduciary relationship is based on the fact that in the paradigmatic professions, and in the paradigmatic practitioners of those professions, the client partially blends his or her prudence with that of the professional. Even members of a profession who do not treat clients directly can participate in this fiduciary relationship, because what they do—their medical research, their legal administration—receives its sense ultimately from its application to the lives of clients. Such persons do not merely promote an intellectual discipline; they develop a discipline that will bear on someone’s prudence.

In this respect the profession of divinity, one of the four original “professions,” is an interesting case. We would be hard put to determine what the “art” of the clergy might be, and we would find it somewhat odd for clergy to form guilds. The profession of divinity seems to be the critical test for distinguishing between the arts and the professions. The clergy do have a certain specialized, theological knowledge, and do deal with a special domain of the “client’s” life: with the client’s relationship to God. But the relationship to God is “partial” in an unusual way, and it clearly engages the prudence of the client. The believer comes to the cleric for help in determining how to live. In the clerical profession we seem to find the fiduciary
relationship *par excellence*, and it may well be that the profession of divinity established a kind of field of force that emphasized analogous relationships in the other professions.

III. The Natural and the Conventional in Professions

The professional relationship between practitioner and client can be morally interpreted in both a utilitarian and a deontological way. The profession is geared toward providing a service, and one can evaluate policies and performances in regard to how effectively and how extensively the service is furnished. But the one who benefits from the service is an autonomous human being, a person, and must be treated as such. This demand brings about deontological obligations for the professional, who must avoid paternalism in his or her involvement with the client. The professional’s knowledge and judgment are offered to expand the prudence of the client, but they must not replace it. John Stuart Mill reminds professionals that they must aim at increasing the well-being of others, while Immanuel Kant reminds them that they must respect the client as a person. As Kulgen says, “Determination not to harm and if possible to help others to achieve such benefits as health, justice, desirable structures and artifacts, education, and solace is the utilitarian dimension of the professional’s dedication to service. The deontological dimension is respect for autonomy.”

The utilitarian and the deontological perspectives bring out different moral aspects of the professional relationship, but even when taken together they do not exhaust the moral dimension. Indeed, they tend to make the relationship appear almost entirely conventional. They underemphasize the dimensions of the relationship that are by nature. The professions as such tend to lay stress on convention and human art. As institutions, they have come about through the development of technology and bureaucratic social structures; even the knowledge associated with them has arisen in the context of technology and complex, capitalist social orders. The knowledge of lawyers, accountants, and social workers, for example, is largely concerned with rules and regulations that cultures and individuals have devised, and it might easily seem that even medicine, with its dependence on technology, is primarily a matter of human contrivance, a matter of what we can make and what we can do. The professions then might appear to be purely human institutions sharply distinguished from the natural world; islands of human ingenuity dealing with human persons, exalting human techniques and human choice, regulated only by utility in service and respect for persons.

But the utilitarian and deontological emphases must be complemented by a recognition of those aspects of the professional relationship that are by nature. We can distinguish two ways in which “what is by nature” is at work in the professions: (1) there are natural relationships and natural processes that precede the professions and provide a focus for them; and because of this focus, (2) the professions themselves can be seen to have a nature and a proper end.

(1) Professional practice, although empowered by formal knowledge, is ultimately based on relationships that are established naturally, relationships that do not arise through human decisions but come to be as part of the natural human condition. The formal knowledge that empowers the professional is itself ultimately knowledge about such natural relationships, no matter how amply human convention and contrivance may have articulated the relationships. The profession of medicine, for example, ultimately depends on the fact that human beings become sick and become well again, but sometimes need the assistance of others who can adjust and improve the healing process. The whole of medical science and technology is about healing, and the process of healing has its own definition and nature. The natural process occurs before there is a profession of medicine. The physician and the patient are defined in relation to the healing process, to something established by nature. The teaching profession depends on the fact that we can and must learn things, and that such learning can be assisted by others, who have become identified as members of a profession; but all the conventions, technology, and knowledge that empower the teaching professionals would immediately turn to worthless dust if the natural process of learning were to disappear. The scale and complexity of formal knowledge and technology may give us the impression that the human world is made up entirely of our interventions and of ourselves as interveners, but the heady self-confidence to which our technological achievements may tempt us must bow down before the natural order that comes first and remains always as the form and substance of our activity. Formal knowledge may empower the professional, but the profession is authorized by nature.

Indeed, the natural order in a professional relationship is what allows the relationship to be more than a merely contractual exchange, a purely conventional agreement in which the client comes asking for something and the professional is expected to deliver what is wanted. Both the client and the professional are subject to the nature of the relationship, and for this reason the professional has a certain authority over the client. A client *ought* to take proper care of his health; he is subject by nature to this obligation. Therefore the doctor can tell him what he *ought* to do according to the nature of things. The doctor is
not limited to being able to say, “Well, you want to be healthy and you have come to me for help, so I recommend that you do this and that.” Such a remark would be appropriate for, say, an automobile salesman or a clothier, someone who is merely assisting someone else in a purely contractual exchange. The governing principle in such cases is the desire or the will of the customer, not the nature of the client; but a professional is not a supplier, and a client is not a customer. Also, the formal knowledge of the professional is not mere information that can be useful to the client in satisfying his or her desires, but knowledge about the client in his or her own nature, in what he or she is. The knowledge of the professional can therefore help a client to understand herself better and thus be able to live more authentically according to what she truly is. A patient who lives temperately according to the medical knowledge of her physician is living more appropriately according to her nature as a human being, and so is a student who, through the knowledge and skill of his teachers, learns to think more precisely and more truthfully. The utilitarian and the deontological aspects of the professional relationship must be complemented by the goods and obligations in the relationship that are by nature.

The knowledge of the professional is concerned with the natural relationship between professional and client, and the skill of the professional is concerned with that natural dimension as well. The skill is exercised in imitation of nature: the physician promotes healing, the teacher promotes learning, the judge redresses wrongs, the social worker promotes familial cohesion and independence. The phrase “art imitates nature” does not mean that art makes a copy of the things that nature brings about; rather, it means that human skill makes things develop the way nature would make them develop, if it were not impeded in a particular case by sluggish circumstances or excessive complexity. When we exercise our skill, we let it be guided by the way things would occur according to their own nature. We imitate and assist the natural process, we do not subdue the natural process or replace it with a process of our own making. Professionals do not create what they achieve; they add their skill to a process that is already there, a process they try to bring to a more perfect completion. We imitate, we do not subdue nature, we do not wrestle nature to the ground.

The relationship between nature and human intervention (whether as art or as convention) is not as clear-cut as we might suppose. It is not the case that we have, on the one hand, nature pure and simple, say in some primitive people, and on the other hand, sheer human making and convention. Rather, in human affairs, nature and art, and nature and convention, always permeate each other. The natural manifests itself to us in and through the conventional and the skillfully transformed. The nature of a river is more fully disclosed when the river is bridged; the nature of wood is exhibited more vividly when wood is worked into a piece of furniture; the nature of familial relationships is more fully expressed when they are confirmed by good laws. Because nature and skill, and nature and convention, usually come to us as blended together and not as detached, it takes insight to ferret out the natural dimension in the human things that surround us; it takes insight to know what is at the base and the core of medicine, military affairs, legal transactions, and the like. It is easy to get so caught up in the arbitrary aspects of such things that we overlook the fact that something humanly substantial is going on in them. It is easy, for example, to claim that the law is just what we lay down as being law, and to overlook the fact that whether we want it to be so or not, an issue of justice is always germinating in and through the law that we lay down. It takes insight to see what is the naturally just thing in a particular legal controversy.

Sometimes we have to bring the natural core to mind because the conventional has taken a course and a form that threatens its own natural basis: welfare programs may destroy families and human character, medicine may get caught up in procedures that impede health instead of promoting it, education may become so bureaucratised that young people are prevented from learning. When we criticize a way of doing something, and specifically when we criticize an established profession, we do so on the basis of a distinction we have drawn between the natural and the established. We claim to be able to see that the natural and the conventional, or the natural and the skilled, do not cohere. It is the generation of this distinction that presents both nature and convention or artifice and skill to us; it is not the case that we first have nature fully given as a standard against which we measure our conventions and plan our arts. But it is not only in such negative cases, in which criticism is needed, that we see the distinction between nature and human intervention. In happier instances, in a more positive way, if we are insightful enough, we can rejoice at how well what we are doing seems to blend and fit with what naturally needs to be done in the activity we perform.

(2) A profession is based upon a natural process that it tries to imitate and bring to as perfect a condition as it can. Through this focus, the profession itself, as an institution and as an activity, has its own nature and its own end: the formal knowledge and the skill involved
in the profession are employed to bring this end about. The end of medicine is to restore and maintain health, the end of architecture is to construct buildings in which people can live and work, the end of teaching is the education of students. Such ends are built into the professions and they exist independently of the purposes the individual professionals may have in mind when they exercise their professions. A doctor may pursue her practice with the intention of becoming rich and famous, but medicine remains what it is whether or not her purposes cohere with its end.

The professional is obligated not only to his or her client but also to his or her profession. Professionals must act to preserve the profession. Their purposes, as Francis Slade says, must be congruent with the ends of their professions.27 In discussing medicine and the difference between healing and destroying life, Slade says,

Killing those upon whom they attend is forbidden to physicians by the Hippocratic Oath, not because it is morally wrong to murder people—the wrongness of murder is something that applies to all men and it is forbidden by whatever laws they acknowledge themselves to be subject to—but because to use the art of medicine to kill people destroys the art. The Oath, then, is for the sake of the art. The Hippocratic Oath does not forbid murder by medicine to physicians on account of the patients, but on account of the art of medicine.28

Thus, euthanasia is wrong not only because it injures another person, but also because it threatens the profession of medicine:

...[T]he fact that physicians acquired a reputation for killing rather than for curing, no one would wish to consult them. Since everyone would do everything possible to avoid them, there would soon be no physicians, for without patients the art cannot be practiced, and so could not be learned.29

Unprofessional conduct, therefore, such as violating confidentiality or financially exploiting the client, not only harms the client but damages the profession as well. Professions have ethical codes and they police themselves not only in order to protect vulnerable clients but to preserve themselves.

IV. The Religious Dimension of Professions

There is a religious overtone to the English word “profession.” Freidson, drawing on the history of the term provided in the *Oxford Classical Dictionary*, observed that the oldest meaning of the word, dating from before the sixteenth century, was that of “a declaration, avowal, or expression of intention or purpose.”30 He says that this usage was “originally connected with taking consecrated vows and stemming [sic] from the clerical foundation of the medieval university.” The term implied “religious and moral motives to dedicate oneself to a good end.”31 (We might note that the word “profession” is derived from the Latin *profiteri*, the basic meaning of which is “to state openly, declare, avow.”32 The root is Latin *fateor*, *fateri*, which means, in this context, “to admit, to assert, to state.” This sense of a public declaration is an interesting correlative to the words “calling” and “vocation,” which are sometimes used to name one’s decision to enter a profession. In response to being called, one goes on to declare publicly. To profess is also to confess.)

Concerning the religious overtones of the word “profession,” Philip Elliot notes that before the Reformation, the close affiliation of the universities with the church gave an ecclesiastical and hence religious tone to most professions.33 But he also observes that modern professions arose with the development of secular branches of learning which were often “separate from the religious orthodoxy.”34 Such an origin would suggest less of a religious and theological dimension in the modern profession.

Is the etymological overtone the only religious sense left to the professions? Has the secular knowledge the professions are now based upon removed any religious and theological dimension from them? There are some aspects of the professions that can easily be given a religious meaning: dedication to the service of others can be seen as a form of charity, and respect for others, for one’s clients, can be infused with respect for them as created in the image of God. Thus the utilitarian and deontological aspects of the professions seem easily able to accept a religious interpretation. However, the natural relationships that underlie professional relationships ought also to be given religious significance. They ought to be reverenced as parts of the world that are there before our intervention. To an Aristotelian, such things that are by nature would appear simply as part of the way the world is; but to one who believes in biblical revelation, they would appear as nature created by God. They would express a religious opportunity and obligation: it is a duty of the professional to preserve this natural foundation, to criticize institutional distortions of it, and to promote the human cultivation of it.

One might think that the religious aspect of the professions consists in the motivation that religion can provide for the virtuous performance of professional activities. A person would be given greater
reason to furnish good service to others and to respect them. Motivation is certainly part of what religion contributes, but it is not everything. Religion provides not only motivation but also understanding; perhaps one could say that it provides motivation through understanding. Because we understand ourselves and others as created and redeemed by God, we are motivated to act with charity toward others, and because we see the world as created, we have a religious reverence for the nature of things. For example, the Christian religious understanding of the family, of human life, and of human sexuality will motivate social worker or a health care professional to act in certain specific ways and to formulate certain policies in regard to families and young people.

In closing, I would like to mention a particular challenge to theology in the modern professions. In the past, Christian theology was able to find a religious sense in the knowledge that people acquired about the world and about themselves. Origen and St. Augustine gave a theological interpretation of the world of Plato, the Neoplatonists, and the Stoics, and St. Albert, St. Thomas Aquinas, and other Scholastics were able to do the same for Aristotle’s world. The analogous challenge now is to provide a religious interpretation of the formal knowledge that distinguishes the professions. In what way can formal knowledge be seen as a reflection of the reason and wisdom of God? To clarify the religious dimension of professional knowledge is an important task, because the development of this knowledge will very likely continue apace in the future, and will continue to be one of the major cultural factors in human life. There is something metallic and mechanical about formal knowledge; like mathematics, it tends to eschew questions about the good (about what are now commonly called “values”). It is culturally important to determine whether such knowledge must indeed avoid questions of the good, why it must do so, and how questions of the good are to be formulated and how related to formal knowledge. To do all this is a philosophical and cultural challenge, but it is also a theological one. It is the task of showing how not only professionals as persons, but also the formal knowledge that empowers them, can be seen as reflections of God’s wisdom.

Notes


5. Ibid., 347.

6. Ibid., 360.

7. Ibid.

8. Ibid., 361.

9. Ibid., 369.


11. Ibid., 1.


13. Ibid., xiv.

14. Ibid., xii.

15. Ibid., 3.

16. Ibid., 16.

17. Ibid., 3.

18. Ibid.


28. Ibid., 1-2.

29. Ibid., 1.


31. Ibid.


34. Ibid., 20.
Discussion

Dr. Zaner: I wonder how you conceive the relationship between the two senses of nature; that is, take for example the body's natural healing and then the healer, the ancient healer or modern physician's development of a certain nature, telos, or end pertaining to this. How do you conceive those two?

Fr. Sokolowski: It is hard for me to understand how anyone could deny that through a medical intervention one is restoring something or letting the body be what it ought to be. You see, when you say art imitates nature—this is one of the points I tried to bring out—it doesn't mean that you make a copy of nature. It means you let nature work in ways it would normally work, except under the circumstances it can't do that. So you have to come in and let it restore itself. Now, even transplants or artificial organs really are letting the body function ultimately.

Dr. Gorovitz: Let me ask just one question to try to get at this notion of the thing that is there by nature that the profession builds on. For medicine it is healing. I don't understand what it is for law.

Fr. Sokolowski: Justice, I would say.

Dr. Gorovitz: Surely justice isn't there in the same way that healing is there by nature.

Fr. Sokolowski: I wonder if it isn't. There are some sorts of human relationships that are as real, even though they are not bodily, but they are there prior to our improving on them. The reason someone is called a lawyer is because of something that germinates in the more central cases of law, the paradigmatic cases. It seems to me that one looks at best cases to define a thing. You don't determine what a golfer is by looking at me. You look at Nicklaus or somebody to see what golf is, and in the same way you look at the good cases to see what medicine or law is.

Dr. Brock: I'd like to express some skepticism about a couple of points. The first is the distinction between the professional to whom one submits oneself as opposed to the auto mechanic to whom one submits something one has. I guess I am not sure that this distinction works across very many professions. In fact, the better distinction is probably that one submits different kinds of concerns and/or concerns of different importance to one versus the other.

The other question concerns the issue that was just talked about, about having obligations by nature. In section III, part 1, you say that the "client ought to take proper care of his health; he is subject by nature to this obligation." You go on to say that the authority of the professional derives from this.

I am not sure I understand what it is or how it is that obligations arise by nature. If you really pressed this issue of authority, then professionals would seem to have authority to go out and get people who haven't solicited their services at all to try to get them to be healthy.

Fr. Sokolowski: In regard to the first question, I agree that this distinction doesn't cut across all the professions, but I think that in these areas some imprecision is unavoidable. I am not using that to get out of the problem, but I think that the level of precision here is appropriate to the thing being discussed, and in this case the paradigmatic professions are the ones you deal with.

The very notion of profession is a problem, whether there is any such thing, and Kultgen, as I said, tried to say that there isn't. But I think that in the most crucial cases, as I said earlier, you look to the paradigm cases to define the thing, that there is an element of this subordination of yourself to the professional. I shouldn't even say subordination, but fusion of minds, where it is you and not just things that are involved. I tried to spell it out fully and maybe more controversially by saying that even in the case of an architect you are sort of subordinating your style of life to the architect. It is more than just going to an artisan.

Now, I grant that those intermediate cases are problematic, but that is true of any kind of sociological category, and I think one would look to the dominant cases of law and medicine and teaching, and so on.

In regard to the second question I would like to say that I think the sense that a patient has an obligation to take care of his health is reflected in public health measures such as vaccination.

Prof. Kimura: Do you think the professional has the authority to praise or blame the values of the patient—to tell the client what to do?

Fr. Sokolowski: To the extent that the client wants to remain with that professional, then I think that the professional does have that authority.
Prof. Kimura: This is an accepted standard of the medical profession in Japan. The medical profession will say very clearly to the patient: you shouldn’t smoke, or something like that; but I have the impression that here and in Europe there is more of a respect for patient autonomy.

Fr. Sokolowski: The professional can’t force you to do something, but I think there is more at work there than a mere recommendation, and I am trying to pick out what that more is. I am not saying that the man has a kind of authority that a military commander would have over one of the troops, but there is a sense in which, in this relationship, one ought to do something if it is central and important, and so on. There is a certain authority there; it is imprecise but I think it is there, and I am trying to pick it up and highlight it. This authority is a function of the fact that you are involved in something that is there by nature—again, in that limited way, with a lot of nuances, but it is something you can’t completely wash out of the picture.

Dr. Mellaender: When you try to talk about what it means to be a professional, when you look at it from the side of the patient or client or person who comes to the professional, your main move, I think, is in terms of the sort of subordination of my prudence to the prudence of the professional, and you look at it from the point of view of the professional. Your central move is in terms of the kind of knowledge that is involved.

Why don’t you make more of what for you becomes just a kind of etymological note when you take up religious significance, that in a fiduciary relationship the client’s subordinating prudence suggests a kind of faith and the availability of the one who professes something suggests a faithfulness.

Might this suggest that a claim to being a professional involved a certain kind of availability?

Fr. Sokolowski: Right. I didn’t say that, but I certainly wouldn’t deny it. In professing, you are making it publicly known that you are there to handle this domain from then on. You can hang up a shingle and declare yourself as available for the people who need this.

Dr. Buchanan: For people who need it and who can pay. That is an important qualification.

Fr. Sokolowski: Yes, all right. But then, how one pays is another thing, too. I think you have to have a certain survivability in order to really help other people. That is very important. I don’t think that that is demeaning at all or wrong as part of the picture.

Dr. Freidson: I think Dr. Buchanan and others have already stated really what my concern is, that by and large there is a difficulty in your terms. You take medicine as paradigmatic. That is extremely convenient for your argument, particularly if you eliminate engineers. You might want to rule them out as professionals entirely, and of course, this is part of this game that is so confusing in dealing with the issue of professionalism.

But I think in one way or another it is extremely important to bring in even lawyers, who are perhaps less problematic than accountants, architects, or some of the others, but take the professor also as being a professional. I think if you attempt to cast a wider comparative net, there will be a much greater challenge to your approach, and I think in dealing with that challenge it would probably illuminate some things about medicine that don’t come out from just thinking about the doctor and the patient in and of itself as the paradigmatic profession.

But the difficulties of using something other than medicine have already been mentioned, and I don’t want to take any more time. But I think they should be recognized.