

RE-INVENTING & SUSTAINING PROFESSIONS

Making Management an Accountable Profession, and Monitoring It

I.

I shall begin by taking – and tackling – the traditional notion of a profession, and familiar examples; I shall proceed to revise our understanding of what it means to be a professional while accounting for emergent or would-be professions, which may or may not include management; and I shall conclude the initial argument by placing the role of judgement at the heart of professional practice. A corollary of this is that those whose judgement or sense of responsibility is found to be seriously deficient must be excluded. This would have far-reaching consequences for the nature and practice of business ethics, involving a move away from formal compliance to rules (and familiarity with loopholes and evasions) and a reaffirmation of the sovereignty of character. The difficulty then is to find ways of tracking and judging character.

Like others have done before, I begin with some features that are widely shared by what have been commonly understood to be professions, though you are free to contradict some of these assertions.

- The skills and knowledge involved are especially extensive and complex. They might almost be described as esoteric, involving as they often do a hermetic language and arcane procedures
- The use of judgement and discretionary scope are paramount
- Consultation is required with those for whom the assignment is being performed
- Client satisfaction is not the sole criterion of whether a task has been properly performed, that is:
- The task is not performed solely for the principal
- Associated with this, professionals see themselves as assuming responsibilities extending beyond those of loyalty or obedience to the client
- Continual education – possibly formal but mainly informal – is part & parcel of professional practice
- Professionals work within a self-conscious tradition. Early on in the profession, especially, one is dependant on induction and the advice of – and exchange with – colleagues
- The work contains creative elements. It is not just a matter of following procedures
- The work is often individual – others in the same profession and perceptive outsiders can recognize the personal style of work or the products of the professional
- The quality of the work or the effort invested is not determined by the fee alone

I have left out of my list the requirement that there be an extended educational process within an institutional setting. That is the case with some classical professions, but it is factually incorrect as a generalisation. Nor is it universally desirable.

Apart from this omission, as forewarned, you may want to query one or the other feature on this list, and it is not said that all apply equally to all professions. Some of the above characteristics involve variations of degree, i.e. implicit comparisons with some unspecified activity that, it is insinuated, would not be worthy of the description *professional*. Indeed, in an era of standardisation and the hegemony of *best practice*, a critic may want to reject much of the list.

You may also object to the inclusion of creativity: some doubt is allowed as to whether this is desirable, for instance, in banking and accountancy.

But I shall ask you to bear with me. The starting point is a description of what is involved, ideally, in a number of professions or, arguably, what until recently was understood to be involved in a profession. But past use does not offer us a neat conceptual definition of a professional: we have, rather, to do with the various ideas and ideals of diverse professions accumulated over time.

As new areas of expertise have emerged and the division of labour, especially intellectual labour, has progressed, it may be that activities not previously thought of as professional must be granted this status. It is conceivable, too, that the standing of some professions will be put in doubt or, at least, aspersions cast on their practice, either because new procedures have taken the art out of the craft, making them exercises in technical expertise; or else because they have degenerated into a branch of business, as seems to have happened with some areas of civil law.

It is against this background that the description *professional* is often used – or abused – to claim the evaluative high ground, as indeed is happening exponentially with the word *ethical* itself.

My core contention is that a true professional does not – or should not – work at the behest of the client or customer or principal alone. Put another way, who is the client? The body (organisation or person) paying the fee may not be the immediate beneficiary. The fee-payer may make stipulations about how the task is to be performed, but must usually do so in some ignorance of the details of the case and the legitimate wishes, needs or indeed desert of the beneficiary. Moreover, the interests of a wider public may also carry weight, irrespective of the stipulations of the fee payer or the beneficiary.

Hence at the heart of professional conduct we have a tension involving divided loyalties. When it makes itself felt, that tension is resolved by the use of judgement and discretion. These in turn are guided, ideally, by reference to the generalities that constitute the horizons of the profession, for example: justice in the case of a responsible lawyer; or health in the case of a medical doctor; or veracity in the case of a journalist. This last example, incidentally, demonstrates well how extremely conflicted professional conduct may become: effective journalistic investigation will often necessitate deception in the cause of truth-telling (sometimes, though not always, the end justifies the means). Police work, too, justifies an element of deception, and the rules and the judgements on how or whether to apply the rules will be different for the two professions, requiring of the practitioners different habits of thought and action, and therefore different virtues or, dare one say it, vices. (A given virtue in an individual comes always at the expense of other virtues, and any virtue can become a vice as the context changes. Loose talk about virtues is as irresponsible as the near universal, undifferentiated and ignorant eulogy of "values".)

By distinguishing the fee-payer from the beneficiary, we are not distant from the concept of *stakeholder*. Professionalism, on the account given, will sometimes involve ranking, or *weighing up*, the interests of different stakeholders and making judgements, often quite minute or instinctive, granted, but occasionally or, in the aggregate, significant.

II.

Let me at this point introduce into the argument the matter of motivation. Human psychology is such that motivation seldom comes unadulterated. This said, I wish to say something about the nature of work and the drive involved in acquiring a profession. Work remains work – it generally involves doing things on behalf of others in return for payment; activities that, in the form performed at least, one would not normally do of one's own accord, i.e. purely for pleasure. Exceptions may apply, but they remain exceptions. (Sometimes activities that are not determined by the wishes of others, for example, artistic and other creative endeavours, are graced by the word *work*, but this is an aberration of usage and does not invalidate the general point.)

Probably somewhat more than those engaged in less intricate kinds of work, dedicated professionals develop a sense of pride in what their profession can offer, and pride, too, in their own skill and knowledge. The aspects mentioned above of continual development, consultation with colleagues, creativity possibly, judgement certainly: all require voiding the mind of business considerations, at least for a time, and allowing oneself to be motivated by a sense of purpose and a habit of diligence.

It is ideally, then – and here again you may want to disagree – a commitment to a generality – an abstraction – that sustains the professional spirit.

In the case of an architect, that generality might be to design buildings that are both socially functional and aesthetically pleasing; in the case of a civil engineer, to build infrastructure that will serve sanitation long and well, or transport safely and reliably; to facilitate faithful communication between speakers of different languages, in the case of a translator or interpreter; in the case of a lawyer or judge, to promote justice and due process; or to promote health and combat disease, in the case of a medical doctor. These goals are the horizons of professional activity, and as such can be defined only loosely, but it is, I maintain, incumbent on the relevant professional not to lose sight of them, and indeed it is this that sets the professional apart. Traditionally, a retailer, by contrast, need only satisfy consumer wants, since it is (purportedly) the consumer who knows best. Hence a retailer must only consider his sales figures. Though this example demonstrates at once how our common understanding of the (principle of the) separation of functions may be rightly questioned and reformed. (Retail today needs, allegedly, to include considering one's sources, and avoiding misinformation of customers. But how does advertising, with disinformation and confusion as its core purposes, play into this?)

In fact, of course, it happens all too frequently that people who consider themselves to be – or are thought to be – professionals fail to measure up to the mark. Maybe they are unduly constrained by bureaucratic rules or other pressures, and start reasoning as business people,

parcelling out their expertise to play the system; or else they see themselves as technicians following procedures. But it is exactly to combat this widespread degradation that I wish to redefine and rescue the ideal of a profession: my argument being that, as a fact of human psychology, most people can only engage profoundly enough with the complex – relatively obscure – material involved if their horizons extend beyond the immediate task that is entrusted to them.

Before the discussion of motivation and the orientation provided by some ideal (health, justice, aesthetics, truthful and balanced reporting, communication, functionality), I sought to place judgement and evaluation at the heart of the professions alongside the expertise that they also necessarily involve. Not that judgement and evaluation occur in a subjective vacuum: indeed, here, the professional may often and long be dependent on consultation with colleagues. But note again the contrast with what happens in the case of someone who is merely providing a service: in a professional context it is not the individual recipient of the *service* that rules on whether the service was rendered well, nor indeed the (probably corporate) person actually paying. A proper verdict on this matter could only be arrived at by some consensus of the stakeholders and peers embedded in the complex environment.

In the contemporary world, many who consider themselves – or count in the media as – *professionals* do not work in the one-to-one, professional-to-layman relationships idealised in classical descriptions. They are members of corporations, or are working freelance for business, or are employed by government, or are ultimately in the pay of other bureaucracies such as insurance firms. Some of them may be the usual suspects – lawyers and doctors, or else allied practitioners such as accountants and paramedics – but many will be administrators or engineers or members of little organised professions such as software designers, security experts or media consultants, all of whom count among the professional classes without necessarily enjoying quite the same status as the classics let alone ever encountering an individual as a client.

They are guardians nonetheless of esoteric knowledge and as such in positions of trust, and are therefore able to exploit for the wider good – or to abuse – the asymmetries of power their expertise affords them.

In the corporate context these emergent professions will need to consult with each other, and there may be jealousies about hierarchy or areas of competence. Some of the time such rivalries will be about power, or the payout of power, namely money; or about prestige; though on occasion they will be about conceit, wounded vanity or similar defects of character.

Sometimes – or sometime, it may be hoped – the rivalries will be about the nature of the greater good. For instance, software might be designed to empower those keen to be enabled, or otherwise be designed by default paternalistically to pre-empt the putative wishes or thought-processes of a majority of users. This conflict in approach might be given a further twist by a psychologist or sociologist intervening to plea for the priority of non-digitalised communication, opening up a wider-ranging debate. Thus judgement and ever changing hierarchies of values, and discernment and discretion are placed at the heart of professional work.

III.

Where might management fit in here? A first point to be made is the sheer variety of activities and positions that come under this umbrella term. This said, there are two factors that speak against management being considered as a – potential – profession. One is the absence of a single body of uncontroversial knowledge that is sufficiently complex, uncontroversial among peers, and separate in order to count as esoteric, i.e. beyond the easy reach of well-educated or intelligent laypersons. Much management knowledge is familiarity with routines, and other knowledge is manipulative, involving a choice of tactics in handling other players (e.g. customers, suppliers, employees). Manipulation is, need it be said, somewhere at the opposite end of ethics.

Another factor that speaks against management being considered a profession is the predominant role played in much management by monetary considerations.

This last aspect involves significantly an understanding of who – or what – the manager should serve. One traditional understanding is that management is an agent of the owners of the enterprise such that other stakeholders are only considered to the extent necessary to promote the interests of shareholders. There are a number of familiar objections to this conception. Some of these relate to the loyalty of the agent and others to the identification of the owners when the shares are owned by institutions or held only for short periods, or indeed infinitesimal ones, as occurs – incredibly – with computerised trading. There are also ethical considerations about the nature of ownership and sociological concerns about the distribution of power. On one perspective, non-shareholding stakeholders may represent what, in accountancy, is termed *goodwill*, a problematic balance-sheet entry that is in the ascendant. Those stakeholders, if spurned, can withdraw their collaboration, for example by withdrawing human capital, as it is called, or else by withdrawing custom.

My contention is that the idea of the manager as agent of a sole constituency or even of a principal constituency is no longer tenable, if indeed it ever was. The manager, properly understood, must increasingly cope with different and sometimes conflicting constituencies. This cannot be

done successfully if some constituencies are regarded solely as means to the purposes of others. At the point where management ceases to be a provider of organisational services merely and begins to provide leadership, it must conceive of itself as overseeing a well-balanced and intricate organism. At this point it can also begin to be regarded as a profession, but not before.

The desired status of a profession has a downside, especially for those whose ambitions are misplaced. It must be well understood that professional status has to be earned, and that it can be lost. And it is here that I pass from theory to practice.

IV.

Some professions or areas of activity, at least, are open, more or less, to all-comers whereas for others entry is quite understandably restricted. In principle, anyone can set themselves up as an entrepreneur, a public relations consultant or indeed a business ethicist. The same does not hold true for surgeons or engineers. Here lengthy formal education and induction are required, and thereafter there are professional bodies empowered to regulate their members. In extreme cases they punish misconduct or negligence by excluding the culprits from further practice. (Though far too seldom, and when, then too briefly, in the opinion of the observant author, and otherwise on occasion quite wrongly.)

Let us examine now more closely the concept of character. Quite rightly, our legal systems and similar processes within organisations focus on the wrongfulness of individual actions rather than the vices of individuals. But there remain vast areas of life where a person can behave poorly with considerable impunity. Taken individually, such misdemeanours cause real harm only exceptionally and by misfortune. In the aggregate, however, they undermine social discipline and cohesion. How, in an enormously anonymous society, do we protect ourselves from those who regularly behave badly?

Depending on the kind of misdemeanour there are a few isolated tracking mechanisms in many countries. Innumerable motoring offences, for instance, go unrecorded, but those that are captured and lead to fines being imposed may, above a certain threshold, be logged in a national system with driver license suspension for those who offend too often. Bad debts may be monitored by credit rating agencies (replete with errors). Private animal rights groups might choose to keep a database of people deemed unfit to own a pet. Notoriously there are various procedures in different jurisdictions to track sex offenders, the registration itself involving other dangers, abuses, and injustices.

In the world of the old professions there is self-regulation, generally falling well below satisfactory (and occasionally going over the top). Emergent professions are likely to be

even less organised and credible in this respect, especially as, lacking a monopoly, they may have no effective power to exclude offenders from a given line of work. In any case, the emphasis is always on particular acts or omissions with a high level of gravity. Yet a person might be clever and careful enough not to infringe any number of rules and regulations, while undermining systematically their purpose and spirit. Another might continually ignore the rulebook, while observing its gist. These are matters of intention and character, and easily elude inspection.

This said, the thrust of the argument here is that, at least in those professions where entry is unregulated, and similarly for managerial positions, we need mechanisms to judge character where there is evidence that this is wanting. More precisely, we need mechanisms that will enable documented doubts as to the proper character of such individuals to be raised. At the appropriate time such doubts must be put to those on whom aspersions are cast such that they can defend themselves by denying allegations, or explain themselves (e.g. by putting their conduct in a wider context), or exculpate themselves by a narrative demonstrating that occasional poor behaviour was out of character. One appropriate time is, for example, when a professional or manager applies for a new position or a promotion. The defences or explanations or apologies offered must then be taken as credible (or not) on their merits.

It may be thought that this is done already since references are regularly obtained. But who issues those references? Normally not those who have been on the receiving end of a deficient character. No end of obnoxious behaviour goes unreported, or the reports are never passed on to those who need to know. The key witnesses are likely to be in a dependant work relationship with the culprit and therefore reluctant to come forward, or else they have long since been forced out and *moved on*, as the euphemism has it. Or they have not moved on, and are still dependent on favourable references from perverse persons or entities that previously employed them.

Other witnesses, it is true, might be malicious. Nor, in this context, should one underestimate the role of stupidity, a vice that is remarkably common not only but also in the elevated layers of management and academia.

There is an epistemological problem here too. Even in the case of a clear-cut villain, much of the time their conduct will conform to expected norms. They will be courteous when the moment is propitious, honest when dishonesty is senseless, show themselves concerned when this is opportune. The vicious acts are likely interspersed with long periods of unremarkable activity, and the vice may not be visible except in rare moments (which may then be dismissed as aberrations).

A couple of easy examples of what is meant here by bad character: When employees are being dismissed, let us suppose necessarily, a certain etiquette is requisite. You do not dismiss employees by SMS, however convenient, and irrespective of legal or contractual validity. In fact, you do not dismiss long-standing employees who work Monday to Friday on the Friday (leaving them possibly a whole lonely weekend to decide whether life should go on). A second example (again from real life) is of the manager or professional who claims (in writing) to have read and understood a complaint and has evidently not done so, or intentionally misinterprets the communication. A third example is a lawyer who handles a case to maximise his own revenue at the expense of the state and against the interests of both client and justice.

Listeners (or readers) will have their own catalogue of mischief. I have a website documenting cases that have crossed my way (and naming names where the documentation is irrefutable, including some of the above). I encourage you to do the same. But the internet is too unregulated, unreliable and large for such sporadic measures to be much more than a rearguard action.

V.

I have two proposals.

The first, though constructive, will be controversial. It is a privileged database. Let submissions be invited of egregious behaviour of managerial or professional staff, documented as fully as possible. A very large number of reports would be needed for the project to take off. Maybe they would be forthcoming, maybe not. It would depend on enough individual citizens having faith in the scheme and being sufficiently incensed to put in time, and risk a little, in submitting the reports. There would be few resources at the outset to properly sift and evaluate the material. In time, when the volume had grown, corporations concerned about their ethical profile would be invited to subscribe: they could, for instance, when hiring senior staff enquire whether there are any relevant files in the database and pay to view any such files. The veracity of the file could not be completely authenticated, but may be sufficiently plausible. In time there would be something like a semi-private blacklist of dubious managerial characters, who of course on disclosure would be accorded a right to a hearing. In the past there have been blacklists drawn up by employers in order to silence union activists and the like, so this would be the other side of the coin. Fair enough. Of course, there would be rights issues, but rights often cut two ways. It is better that the scheme be private, though run by a not-for-profit institution with credible public accountability. A government scheme might be a cure worse than the disease.

It could be seen as a stop-gap measure until such time as most managers and professionals are organised in tough-minded professional associations, i.e. with high and enforced ethics standards, focused on character instead of on compliance. Such professional associations should – absolutely – not be self-regulating, as is the case now. Their disciplinary committees would need to co-opt suitable representatives from outside their own profession so as to ensure, in the public eye and in fact, that no favours or disfavours were done by peers to peers. (Some professions are still conspiracies against the public). And why, in exceptional cases, should professional bodies not take it on themselves to pass judgement on non-members?

I have a second proposal, a little similar but distinct, more focused and urgent.

VI. Ideological robber barons

One phenomenon that has disturbed me increasingly of late is the systematic abuse of the language of ethics, most notably in the ubiquitous statements on Corporate Social Responsibility. Every company of any size now pleads adherence to ethics and CSR, or to some variation thereof. They are also keen on dialogue and listening, or so they say. Yet when put to the test – and as an individual I can speak only of a few cases, some of which I have documented on a dedicated website – some such companies fail utterly to measure up to common decencies, sometimes infringing both the letter and the spirit of the

law, while in the same breath avowing all that stuff about *ethics* and *dialogue*.

Meanwhile CSR is, it seems, their new word for philanthropy, and I am still wondering whether they take the money for it from their shareholders, their employees, their suppliers, consumers, or from tax avoidance schemes. Ethics is regularly confused with legality or, at best, simple compliance. I have even had occasion to document cases in which the worst culprits are the so-called "ethics" departments themselves.

Here one begins to wonder about the point of all the learned and earnest articles on business ethics. Barely has a distinction been drawn by those who have addressed a matter thoughtfully than others, usually uninformed (i.e. wilfully ignorant) "consultants", proceed to destroy the distinction and to abuse any new concept. Any ethics organisation worth its name should be speaking out against these ideological robber barons.

A first step towards professional status is a willingness to exclude any charlatans who have infiltrated the professional body, and an equal willingness to name and shame others who set themselves up as experts without possession of expertise. In one way or another, these are mostly opportunists. Once their way is barred, they will desist and try something else. Others are fundamentalists; i.e. they pursue simplification and are fixated on a few key, fashionable phrases. And yet others, especially academics,

take the path of obscurantism, needlessly complicating matters that are straightforward, for example, by inventing a novel language to disguise old and sometimes discredited ideas. Thus they present themselves as being original and creative.

It is not good enough to insist on dialogue and tolerance. Others are only too eager to abuse such accommodation. What is needed is tough ethics and tough professionalism. There are always problems and borderline cases, and the possibility of errors of judgement is part of the game, but a failure to speak out is itself also a moral failure. There must be no hiding behind an imagined academic objectivity. Business ethics is not a descriptive discipline. Ethics is about making distinctions and judgements, and sometimes connections that are not obvious and only careful (i.e. circumspect) generalisations. The avoidance of moralising is not the same as a refusal to take sides in specific cases. Those who care about ethics, and about business ethics in particular, must be prepared to take a stand whenever mischief is being done; not least, when words such as "professional" and "ethics" are abused, as happens now almost ubiquitously.