

PART I: PROFESSIONALISM

CHAPTER 1

ELEMENTS OF PROFESSIONALISM

Anyone writing about the professions inevitably has to begin by discussing what is meant by the term "profession". Admittedly, it is nowadays used without explanation or definition even by the highest authorities. For example, the President of the Board of Trade directed the Monopolies Commission in 1967 to report on certain practices prevailing in relation to the supply of "professional services", including restrictions on entry into a "profession", without deigning to explain what he meant. No outcry followed from the Commission or anyone else, it being generally assumed that these terms were sufficiently precise to enable the Commission to get on with its job. Again, when in 1965 the Governments of the Commonwealth decided to set up the Commonwealth Foundation and subscribe a quarter of a million pounds a year for the purpose of promoting links between the professions throughout the Commonwealth they did not think it necessary to explain precisely what activities they had in mind.

Yet this is one of the least precise terms in the English language. Quite apart from obvious difficulties such as those posed by the contrast between a professional and an amateur (a distinction which happily is rapidly becoming of little importance), there is the persistent inclination of people to use the term profession as more or less synonymous with calling, vocation or indeed any daily activity whereby bread and butter may be earned. This meaning is as old as Johnson's dictionary and has often led to qualifications of the term by prefixes such as "learned" and "liberal". Further difficulty is caused by the implication that to do any job in a professional way is to do it skilfully, with an expert finish.

It is unnecessary to labour the point, or to duplicate such full length discussions as are to be found in, for example, Geoffrey Millerson's book *The Qualifying Associations* (1). Where, however, a term is hopelessly imprecise if reference is made to dictionaries, but is yet currently used in official references and other important documents in a way which indicates that it has an unmistakable core of meaning, it is worth spending a little time trying to ferret out what that core of meaning is.

In other words, while a mere semantic exercise may be arid and profitless, a search for the quintessential attributes of a profession can yield a fruitful result. Indeed it is the thesis of this book that it is important to the wellbeing of the citizen that these attributes should be isolated and fully known.

Until comparatively recent times the professions have been taken to be limited to the church, the law and medicine, with possible claims from the army and the navy. This was the position at least up till the time of the census of 1841, but such an approach finds little favour in the twentieth century. The Oxford English Dictionary offers as a definition of "profession": "avocation in which a professed knowledge of some department of learning or science is used in its application to the affairs of others or in the practice of an art founded upon it". While Carr-Saunders and Wilson eschewed a definition in their famous book *The Professions*, the Carr-Saunders report on Education for Commerce regarded as a profession "any body of persons using a common technique who form an association the purpose of which is to test competence in the technique by means of examination". (2) Millerson suggests: "a type of higher-grade, non-manual occupation, with both subjectively and objectively recognised occupational status, possessing a well-defined area of study or concern and providing a definite service, after advanced training and education". (3) Finally there is the definition put forward by the

Royal Institute of British Architects in its submission to the Monopolies Commission: "A professional is a person expert in some field of activity who shares the responsibility for decisions, and gives a service to others in that part of their affairs to which the professional expertise applies, bringing to bear in this participation wider values than those whom he is advising may necessarily themselves consider relevant". (4)

These definitions would not be regarded even by their authors as satisfactory, though they clearly represent the product of much thought. The alternative to an all-embracing definition is a list of occupations regarded as professional; indeed such a list may almost amount to a definition in itself. Thus, while Carr-Saunders and Wilson put forward no definition they nevertheless, by the occupations they discuss in their book, indicate where they consider the dividing line to be. This classic work goes very wide and embraces activities which few would accept without question as professional. At all events if the same concept includes midwives, opticians, masseurs, merchant navy officers, mine managers, secretaries, civil servants, teachers, journalists and artists it must be a very broad concept indeed. Are there in fact any common threads which unite all these people except that they are earning their daily bread in a number of different ways? It may help to answer this question if we take some of the activities about which there has been much debate as to whether they are or are not professional and briefly analyse the arguments.

Are They Professions?

1. *The Church.* The Church is the mother of the professions in the sense that until the end of the middle ages membership of the priesthood was virtually synonymous with professionalism. But is the Church a profession within the modern meaning? Lewis and Maude say "we cannot doubt that the clergy form a true profession". (5) yet Carr-Saunders and Wilson omit the Church from their wide-ranging discussion of the professions. Their reason for doing so is "because all those functions relating to the ordinary business of life, education among them, which used to fall to the Church, have been taken over by other vocations. The functions remaining to the Church are spiritual, and we are only concerned with the professions in their relation to the ordinary business of life." (6) Although the clergyman's role seems to fit neatly within each of the definitions cited above, many will share the view of Carr-Saunders and Wilson that in a meaningful modern use of the word profession the clergy should be omitted. Nowadays, led by Professor D.S. Lees, people tend to think of the professions in terms of economics, and the supply of services in return for a fee or other reward.

This hardly accords with the spiritual role of the clergy; and their hierarchical organisation also places them apart.

2. *The Armed Services.* Historically, the Army has been looked on as a profession. W.J. Reader gives a clue to the reason: "But the most gentlemanly occupation of all, really, was fighting, particularly on land. Warfare, like Government, had founded many a family fortune, and in the eighteenth century the industry had only recently been nationalised: a strong flavour of private enterprise remained." (7) Up till that time regiments were very often raised on a private enterprise basis, and were regarded as the private property of their Colonels. The Navy operated similarly, and Reader cites the Earl of Bristol who in the middle of the eighteenth century "followed the usual practice of carrying treasure and charging one per cent. on the value of the cargo for doing so." (8)

Again, however, Carr-Saunders and Wilson exclude the Army, giving the curious reason that "the service which soldiers are trained to render is one which it is hoped they will never be called upon to perform". (9) Whatever the reason, most people would exclude the armed forces from any but the most general meaning of the term profession. Their having been for a very long period completely under the control of the State is probably conclusive in itself, though perhaps an exception might be made for those fighting men who still hire themselves out as mercenaries in overseas wars.

3. *The Civil Service.* Carr-Saunders and Wilson take the Civil Service as having been a profession since the middle of the nineteenth century, which witnessed the end of patronage and the introduction

of the examination system. It may be assumed however that the Monopolies Commission, in conducting their enquiry into the so-called restrictive practices of “the professions”, did not take evidence from the Joint Permanent Secretary to the Treasury, the Civil Service Department or any other representatives from Government service. This is not because their terms of reference expressly excluded the Civil Service, but because the Civil Service is not nowadays regarded as being in a meaningful sense “professional”. There are of course professional civil servants, represented by the Society of Professional Civil Servants. These, however, are persons employed within the Civil Service after having achieved a professional qualification elsewhere. The administrative civil servant, or the ordinary member of the executive or clerical classes, is not generally regarded as a professional person either because he has no training in a particular expertise or because his employment is entirely public in nature. Similar considerations apply to the local government service.

4. *Brokers.* The function of a broker is to bring together the owner of property who wishes to sell or let it and prospective purchasers or lessees. He does this without himself becoming the owner, thus differing from the “middle-man” in the sale of merchandise. Many would say that the services he provides are not professional.

These services cover a wide range. There are estate agents acting as brokers in the case of land and property, ship brokers, produce brokers, stockbrokers, insurance brokers and mortgage brokers. Their difficulty in being accepted as professional is illustrated by the remarks of Lewis and Maude: “It is arguable, however, that since commercial buying-and- selling of an entrepreneurial kind makes it impossible to regard the stock jobber as professional, the broker ought not to qualify either, even though he is remunerated solely by commission for fiduciary services”. (10) The jobber is thus excluded because he is regarded as purely commercial in function, presumably because he actually becomes the owner of the stocks and shares he deals in. Others would disqualify brokers of various kinds on the grounds that they do not require to master an intellectual expertise.

5. *Teachers.* In the past teaching was often regarded as a profession, perhaps because it derived from the church. In ordinary usage it would still be referred to as such, though its having very largely entered the public sector at levels below that of the university and its lack of a representative body (apart from trade union aspects) clearly remove it from the narrow meaning of the term.

6. *Nurses, Midwives, etc.* Carr-Saunders and Wilson show some hesitation about the status of nurses. Their tentative conclusion is shown in the following passage: “At all times the direct personal relation of nurse to patient is a foundation upon which a sense of responsibility can be built. Until lately, however, the nurse worked under the direction of the doctor, and there was little element of co-operation. While the nurse must continue to work under direction, the tendency is to work towards co-operation which is made possible by the higher training. The vocation of nursing is becoming professionalised.” (11)

Midwives, masseurs and other medical auxiliaries may be expected to continue to act under the supervision of a doctor or as his assistants. While no clear-cut judgment can be made about whether or not they constitute professions in their own right, these attributes of dependence clearly militate against this status. Since Carr-Saunders and Wilson wrote, the position has been modified by the passing of the Professions Supplementary to Medicine Act, 1960.

7. *Pharmacists and Opticians.* Doubt as to professional status in the case of pharmacists and opticians has arisen from the fact that they couple their advisory services with retail selling. In the eighteenth century “the physicians could always point to the fact that the apothecaries lived not by charging for attendance and advice, like proper professional men, but by selling drugs like the tradesmen they were. This gave them a direct interest in the quantity of drugs they sold and cut across developing notions of professional ethics”. (12)

The modern view is that the ordinary pharmacist carries on two activities, one professional and the other commercial. This applies to about three-quarters of the 29,000 members of the Pharmaceutical

Society. As Lord Upjohn put it in the 1968 case of *Dickson v. Pharmaceutical Society of Great Britain*, “a pharmacist’s life consists of two parts: first, carrying on the profession of a pharmacist by dispensing and supplying medicines, surgical appliances and so on, and, secondly, carrying on a retail trade in what are called traditional goods, perfumes, cosmetics and the like, cameras and photographic materials. In recent years to meet increasing competition the range of goods sold by pharmacists has extended to non-traditional goods such as . . . handbags, beachwear, souvenirs, pottery, jewellery, books and wines and spirits”. (13) The Society’s attempt to check the practice of selling such non-traditional goods as being unprofessional was quashed by the courts on the ground that it constituted an unreasonable restraint of trade in a sphere where commercial activity had long been accepted.

8. “*Creative*” *Vocations*. W.J. Reader refers to actors, authors, artists and musicians as the “creative” group of professions. These would include journalists, often regarded as a separate profession.

Harold Nicolson, himself no mean journalist, wrote of a dinner of the Arts Council: “The heads of all the professions are there. Tom Eliot for literature, the Oliviers for the theatre, Margot Fonteyn for the ballet, William Walton for music, Graham Sutherland for art, and Lord and Lady Waverley for the Port of London Authority”. (13A)

Carr-Saunders and Wilson also regard these creative artists as belonging to the class of intellectual workers and therefore as coming within the professional field. They go on, however, somewhat surprisingly, to say that they differ from the architect (who also uses his aesthetic sense) in not possessing an intellectual technique, which can be learnt and tested. The technique of the musician certainly has an intellectual element which can be, and frequently is, learnt and tested. Admittedly the craft of authorship or use of words, where it goes beyond mere literacy, is less susceptible to academic instruction — though the attempt is often made to instruct people in the skills of novel writing, play writing and so on. But while freely conceding professionalism in the wider sense to these activities, many would feel uneasy at treating them as including those characteristics which we are coming to think of as the essence of professionalism. They lack developed professional societies and specialised codes of conduct. They do not provide advice, and are essentially individualists, whereas the type of professional we are beginning to identify tends to believe in the virtues of fraternal intercourse.

9. *Banking and Insurance*. Lewis and Maude express doubt about banking as a profession: “Banking, for example, is generally thought of as a profession — and so perhaps it was when bankers were individuals or small firms of partners, comparable to legal firms. But is it possible to regard a vast joint stock entity like one of the ‘Big Five’ as a professional entity?” (14) They take a similar view of insurance companies, but allow insurance brokers a professional role. In these fields it is not the nature of the activity undertaken but the way it is organised, namely in the form of large commercial companies, which raises difficulties in treating banking and insurance as professional.

The occupations just dealt with have been picked out as indicating various factors which cause difficulty in accepting a vocation or occupation as professional in the fullest sense. We have surely taken the discussion far enough to indicate that as a description of an occupation the term professional has at least two meanings, one wide and one narrow. The wider meaning is indicated by Carr-Saunders and Wilson’s assumption mentioned above, namely that any intellectual activity is professional. The narrower meaning, with which this book is chiefly concerned, is shaped by the factors which have caused difficulty in the full acceptance of particular occupations as professional. Before attempting to pin down this narrower meaning, we pause to examine three matters which have bedevilled discussion on what is and is not a profession.

Crucial Factors

1. “*Trade*”. It has long been an obsession with professional men, and still is today, that if they indulge in any activity which is “commercial” they are to that extent less “professional”. The two are seen as opposites and the true professional man is obliged to refrain from all acts bearing the taint of commerce or run the risk of losing his professional status. The brokerage activities, such as estate

agency, are particularly suspect. This is well illustrated by the fact that the Bill introduced into Parliament by Arthur Jones in 1965 with the object of setting up a statutory registration system for estate agents included a provision requiring that "account shall be taken of the fact that estate agency has both professional and commercial attributes". (15) This provision found its way into the articles of association of the Estate Agents Council set up voluntarily on the failure of the Jones Bill.

Probably most people in the property field would agree that the professional aspects of an estate agent's work are concerned with valuations, structural surveys and matters of that kind, whereas the commercial aspect is the purely brokerage function of bringing together buyer and seller and negotiating on the seller's behalf. This may be an over-simplification, however. The Royal Institution of Chartered Surveyors, the Chartered Auctioneers' and Estate Agents' Institute and other leading professional bodies in the property field take the view that the ordinary house agent's practice in the south of England is less "professional" than it is in the north. This is because in the south it is common for the vendor of house property to put it in the hands of a number of different agents, so that they each compete with the others in trying to find a purchaser. The societies accept with resignation the fact that in these circumstances there will be strong competition between agents in the seeking of instructions, but it is felt to be somewhat unprofessional. In the north, on the other hand, it is usual for the estate agent to be given a sole agency. This strengthens the relationship of trust between client and agent and enables the agent to offer advice on delicate questions, such as the right moment to close a transaction, without being harassed by the thought that he is by no means the only adviser in the field.

On balance, however, these societies believe estate agency, at least as practised by their members, to be basically professional. As they said in their submission to the Monopolies Commission: "The services of a professional estate agent are devoted to the best interests of the public as represented from time to time by the client who retains him, and this involves him in a fiduciary relationship with that client. The best interests of that client must be served in preference to the interests of other members of the public (provided that the latter are treated openly and fairly) and always in preference to any private interest of the estate agent, such as a quick sale to make sure of commission when some patience would have achieved a better result for the client." (16) Norman J. Hodgkinson, an experienced chartered surveyor, felt it was not strictly professional where the agent was one of those "who merely obtain particulars from an owner, and hand out those particulars to all and sundry, rather like groceries over the counter, often without inspecting or advising the owners as to value, nor, in fact, negotiating but merely putting a possible buyer in touch with the owner, hoping that business will result . . ." He contrasted this with the agent who inspected the property, took his own particulars, and advised on price and the best method of sale. This was "very much professional work". (17)

"Trade" has been used as a term of opprobrium throughout the modern history of the professions. Thus when a representative of the Royal College of Physicians was asked by the select committee on medical education of 1834 what he thought of the idea of reducing the three branches of the profession, medicine, pharmacy and surgery, to one faculty he answered, "It would be the downfall of all three . . . it would reduce those which are professions now to a mere trade". (18) As late as 1878 the British Medical Journal expressed the view that "Medicine is a profession, dentistry is largely a business." (19) In 1927 the British Medical Journal was again stigmatising as commercialism the taking out of a patent by a doctor and his wife covering the results of their research into the prevention and treatment of scarlet fever. The view was expressed that they had their full and sufficient reward in having made the discovery, and that to ask money for it "would be revolting in the extreme". (20) Opticians, mentioned above, are dismissed by Carr-Saunders and Wilson as shopkeepers whose financial interest is to prescribe spectacles rather than diagnose disease. (21) The inescapable links between pharmacists and retail trading are mentioned above (page 5).

Why are professional people so anxious to be dissociated from trade? Carr-Saunders and Wilson say, "If a professional man were asked to explain the grounds of this objection to commercial activity, it is not unlikely that he would be unable to formulate them with any definiteness. At bottom they would appear to be the same as those which render it improper for a civil servant to speculate in foreign currency. No one engages in commerce who does not expect to make a profit out of fluctuations in

prices, and the mental attitude associated with speculative profit-seeking is felt to be incompatible with single-minded devotion to a professional calling." Although the distinction has often been criticised, as by Matthew Arnold in his attack on English education as producing snobbery, neglecting science and perpetuating and reinforcing the damaging division between "professions" and "trade" (22), nevertheless it is very deeply ingrained - not least among writers on the professions. Thus Reader labels auctioneering "an undoubted trade" (23), although a case can be made out for saying that some types of auctioneering at least require a considerable degree of intellectual knowledge for their proper performance. There is after all more to the practice of the auctioneer than a run of patter on the rostrum and the ability to wield a gavel. Reader himself says that, "it is in depth of theoretical knowledge, as much as in anything else that a professional man differs, or ought to differ from a tradesman." (24) A considerable amount of theoretical knowledge is required of a man before he is permitted to mount the rostrum at a sale at Christie's or Sotheby's.

Dicey took the view that the chief difference between a profession and a trade or business was, that in the case of a profession its members sacrificed a certain amount of individual liberty in order to ensure certain professional objects. In a trade or business the conduct of each individual was avowedly regulated simply by the general rules of honesty and regard to his own interest. (25) This suggests that a grocer could turn himself into a professional man by adopting a code of conduct similar to that of a chartered accountant.

It is indeed absurd for a nation dependent on trade as this nation has been since the sixteenth century to look down on those who earn their living in that field. Surely a more sensible ground for the distinction lies in the functions involved. There is a difference in kind between the supply of furniture or groceries and the supply of skilled advice on a basis of trust and confidence. One need not be better than the other; they are simply different.

2. *Manual Effort.* Commentators in search of marks distinguishing professions from other activities have seized thankfully on the concept of manual work. Here surely is a disqualifying ingredient, at least where it plays any substantial part in the activity. Yet is a land surveyor any less a professional man because he uses a ranging rod and theodolite? Does a surgeon cease to be professional if he spends a great deal of his time carrying out operations? The physicians formerly looked down on surgeons "as mere manual operators", (26) but the time has long passed when their function was equated with that of the barber. Yet barbers also have obtained a professional-type regulating council, so in one respect are no different from surgeons. (27)

Despite the fact that they have completed the circle and rejoined company with the surgeons in this respect at least, few would consider the barber's essentially manual operations to be consonant with professional status. John Hunter advanced the prestige of surgery by applying scientific method to it; perhaps one day someone will do the same for hairdressers. Most people would feel that more than this is required, and that the function of cutting hair is not one which ever could be equated with true professionalism, perhaps because it lacks the advisory element which is an important feature of the surgeon's role. One does not "consult" a barber, even if one suffers from alopecia or any other disease of the scalp. It cannot be denied that manual work, or at least physical activity, is a concomitant of many occupations generally treated as professions, at least in the wider sense. From the dentist carrying out an extraction to the commercial artist drawing a poster; from the chemist analysing a specimen to the architect at the drawing board, most professional people use manual and other physical techniques. Clearly manual effort is not a disqualifying factor, though if little or no intellectual effort accompanies it the activity will rank with trades rather than professions.

3. *Employee Status.* Until the middle of the nineteenth century activities now regarded as professional (in the wider sense of the word) were seldom carried on by persons in salaried employment. Where such work was not done by independent practitioners, it was the responsibility of quasi-independent office holders appointed under the extensive system of patronage which prevailed, and remunerated by fees and other perquisites rather than salaries. Very often of course such posts were in themselves sinecures and the actual work was done by low-grade clerks, supervised or not as the case might be.

In the older professions today members in private practice are often regarded within the profession as having a higher status than salaried employees. Employees rather bitterly regard the professional institution as an employers' club and themselves as excluded from a fair share of the senior offices. Some professional bodies openly prefer the private practitioner, and regret any diminution in his numerical strength and influence. Indeed some, notably the Bar, do not regard a salaried employee as a practising member of the profession at all. Yet a barrister employed as a legal adviser in a company is handicapped by rules of etiquette of the Bar which prevent him from instructing counsel without the intervention of a solicitor or acting as an advocate for his employer in the Courts. He is not even allowed to use in correspondence, for example in his employer's letter heading, the appellation "Barrister-at-law". These restrictions undoubtedly limit the usefulness of salaried barristers, and lead to a preference among employers generally for solicitors (who are not subject to such stringent restrictions) to manage all work in legal departments of companies.

The Institute of Chartered Accountants on the other hand does not regard the profession of accountancy as being restricted to those of its members who are in private practice. The Institute specifically regards all its members as being within the profession, including those engaged as employees of members in private practice or as directors or employees of limited companies or public corporations, or as employees within the Civil Service or local government service.

In a recent study of British medical practice, the American Samuel Mencher recognises that the medical profession in Britain has maintained "an image or ideal of professional performance identified with independent practice". (28) Millerson notes that over the last hundred years, the tendency has been for independent professionals to decline in number and proportion, even in the older professions. (29) In 1964 about half the architects in the United Kingdom were in private practice, a little over a quarter being principals and a little under a quarter assistants. At the end of 1966 about 40% of the 50,000 members of the British Medical Association in the United Kingdom were principals in private practice. In 1967 about half the 18,000 qualified members of the Royal Institution of Chartered Surveyors were engaged in private practice either as principals or employees of firms. The Pilkington Commission found that in 1958 the proportion of members of various professions who were principals in private practice were as follows:

Accountants 33%

Actuaries 4%

Architects 25%

Engineers 2%

Solicitors 62%

Surveyors 27%

In 1968 nearly 23,000 solicitors held practising certificates, of whom 15,000 were principals in private practice; 1,750 solicitors were employed in local government, 750 in commerce and industry, and 350 in the Civil Service. (31)

The following are sometimes given as reasons why salaried employment is less "professional" than independent practice: the employer, and not the client, comes first; the client cannot choose between employees of one employer; the standards applied by professional bodies are less strict; the relationship tends to be impersonal.

The argument that the employer comes first is applied particularly to large public employers, notably the Civil Service. Many professional people in the Civil Service tend to think of themselves as Civil

Servants first and barristers, valuers or accountants second. Membership of their professional body is regarded only as a necessary qualification which enables the Civil Servant or local government officer to obtain his appointment. Thereafter his interest in the activities of his professional body is often non-existent. Employers must take their share of the blame for this; they often discourage, and seldom encourage, service by their employees on committees or working parties of the professional body. Employees find difficulty in obtaining leave of absence to attend meetings and conferences — sometimes being made to feel that they are thereby throwing an unfair burden on their colleagues. It is difficult for an employee to act as an official of a professional institute or its branches since he is not free to use his employer's stationery, phones, etc. The public employee often has to pay his own fare to attend meetings, while colleagues in private practice are able to treat such outgoings as deductible from the profits of the firm for tax purposes.

Another point tending to make the employed member of a professional institute feel that he is regarded as an outsider is that most professional bodies either are not empowered to act, or decline to act, as trade unions in defence of the salaries and conditions of work of their members in employment. This contrasts with the fact that many of them do act in this way in the private sector, laying down scales of fees for members in practice. This is seen, particularly by employees of members' firms, as an example of the institute acting as an "employers' club".

An aspect of the tendency for the employer to come first is noted by Millerson when he says that loyalty to strictly professional values may be replaced by observance of those emanating from the employer: "Any code of professional conduct, imposed by an external organisation, may not coincide with the aims and methods of bureaucracy. Instead of being an independent, fee-paid principal, the professional is a salaried employee, who has to superimpose a duty to his association upon any obligation to his employer." (32)

The point about the client's freedom of choice being restricted assumes great importance where there is only one employer, as in the case within the field of the nationalised industries. By the client here of course is meant the individual citizen or corporate body seeking to make use of the services provided by the employer through his employees. Millerson confuses the matter by applying the term "client" to the employer as well, as where he says that the teacher serves the child, the parents, the school authorities and the community — all as "clients" in one sense or another. (33) In truth the term "client" is inappropriate when speaking of employees, who do not have clients of their own though they may assist the principal to serve his clients. The work of the professional when serving as a salaried employee may of course be different in kind from work carried out by an independent practitioner. Thus accountants employed by local authorities do work for which there is no direct parallel in private practice. The techniques of the draftsmen of public Parliamentary bills are exercised only within the Civil Service, though in former times they were part of the multifarious expertise of the Chancery Bar.

The British Medical Association attaches great importance to the principle of free choice of doctor and recognises that this principle may be interfered with where employing authorities seek to impose restrictive conditions of service, which the Association resists where- ever possible.

Britain has had a National Health Service for twenty years. It was organised by the Health Minister, Aneurin Bevan, in a way which permitted private practice to continue, and remains thus. On this, Mencher comments: "The doctors were particularly sensitive to losing their freedom in a state-administered service, and it may have been literally true, as one physician and Labour Member of Parliament observed, that if it had not been for Bevan there would have been no opportunity for private practice in the Health Service." (34)

The point that rules of professional conduct are applied less strictly to employed members has some foundation in fact. The Institute of Chartered Accountants, for example, does not object to a member not in practice being connected with a management consultancy organisation which does not follow the strict code of ethics expected of members in practice. Similarly, a member not in practice may

work for a merchant bank or similar institution which advertises its services in a way not permitted to accountants in private practice. Many of the strict rules of etiquette of the Bar do not apply to barristers who, even though they are carrying out legal work, are not in practice as barristers within the meaning applied to that term by the Bar Council.

The criticism that salaried service leads to an impersonal relationship with the client can be reduced in importance by appropriate organisation on the employer's part. The joint stock banks for instance have been successful in preserving personal relationships with their customers through their branch organisation and the tradition by which the branch manager in most cases makes himself readily available to any of the bank's customers who may seek his advice. Other large organisations, such as some insurance companies and local authorities, have not been so successful.

The foregoing brief account is enough to show that there is no unanimity of view on the question whether entering salaried employment makes a qualified member of a profession lose his professional status. This is probably because the proposition is virtually meaningless in view of the uncertainty as to what "professional" really signifies. It is clear however that some at least of the qualities often associated with professionalism can be displayed less easily, or not at all, outside the direct relationship which exists between the independent practitioner and his client. Where the activities being considered are predominantly, or even exclusively, carried out by persons in salaried employment, as in the case of teachers and secretaries, there is perhaps to be gathered from this discussion the conclusion that the activities are not really professional — at least in the narrower sense of the term. Conclusions

The time has now come to try and identify more precisely the characteristics which distinguish a profession or professional in the narrower sense from the wider meaning which extends these terms to virtually any occupation where some degree of intellectual discipline is required. We are looking for characteristics such that when all or most are present in the case of a particular occupation we can say with the prospect of general acceptance that the occupation falls within a definite category unequivocally labelled "professional". On the basis of the foregoing discussion we can say that if the following factors are present the activity will be professional in the strictest sense, while acknowledging that the absence of any of them will not necessarily rule out professionalism, at least in the wider sense:

1. *Intellectual Basis.* An intellectual discipline, capable of formulation on theoretical, if not academic, lines, requiring a good educational background, and tested by examination.
2. *Private Practice.* A foundation in private practice, so that the essential expertise and standards of the profession derive from meeting the needs of individual clients on a person-to-person basis, with remuneration by fees from individual clients rather than a salary or stipend from one source.
3. *Advisory Function.* An advisory function, often coupled with an executive function in carrying out what has been advised or doing ancillary work such as supervising, negotiating or managing; in the exercise of both functions full responsibility is taken by the person exercising them.
4. *Tradition of Service.* An outlook which is essentially objective and disinterested, where the motive of making money is subordinated to serving the client in a manner not inconsistent with the public good.
5. *Representative Institute.* One or more societies or institutes representing members of the profession, particularly those in private practice, and having the function of safeguarding and developing the expertise and standards of the profession.
6. *Code of Conduct.* A code of professional ethics, laid down and enforced by the professional institute or institutes.

It is the thesis of this book that these six characteristics, taken together, identify a group of vocations or callings essentially different from others and of particular value and importance to the community, which we may call the consultant professions. This is not to say that other callings are of less worth; only that they are different in nature. Since these excluded callings comprise those, for example, of the senior civil servant, the artist, author or composer, the business executive and the pure scientist it is obvious that no slur is intended by their exclusion.

It is also contended that while historical developments have played a large part in determining what occupations are currently included among the consultant professions, there is a theoretical basis for this category. In other words there are sound reasons why the public good requires certain services to be provided on a basis conforming to the six points given above. With the help given by observing the occupations which, actually or potentially, conform to these six points we can put forward the following basic proposition:

Advisory services (including concomitant executive functions) on matters requiring expert intellectual knowledge and concerning the physical or mental health of an individual, or the protection or advancement of the rights or property of an individual or body corporate, are best provided by a private practitioner whose competence and integrity are vouched for by an independent body representative of such practitioners.

If this basic proposition is correct it follows that any opposing development, such as the introduction of a scheme whereby professional services are provided by a salaried staff employed by the state, is bad and should be resisted. It also follows that public policy should be directed to providing conditions in which the consultant professions may flourish, with the removal of factors militating against their successful operation. It is not intended to denigrate in any way members of a consultant profession who have chosen to enter salaried employment. The qualities developed over the years by private practitioners and absorbed by each new generation of students are of great value to employers. A profession does not cease to be a consultant profession because a proportion of its members enter full-time employment, nor do they thereby cease to belong to the profession. If the basic proposition is accepted however it does involve that the best type of private practice has advantages over employment as a medium for rendering the professional services in question.

It is not the object of the present work to offer formal proof of the validity of the basic proposition, if indeed such a thing is possible. The core of the proposition is that problems of health, rights or property call for a personal relationship with a trusted adviser, whose discretion is absolute, who serves no master but his client, and whose competence is assured. The codes and traditions of the professions who supply these services support the basic proposition. They also display the uniformity that its truth would lead one to expect.