

Structural and Institutional Invariance in Professions and Professionalism

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Abstract

Received wisdom in the sociology of professions revolves around two assumptions. First, professions cannot be distinguished either analytically or empirically from other expert occupations and middle-class occupations. Second, whatever consequences professionalism introduces into civil society or the state, all of these consequences are strictly socio-economic and, as a result, confined exclusively to the stratification system and occupational order. Professionalism does not and cannot contribute more grandly to “social order,” as Parsons believed, nor does it or can it in any other way affect at all, let alone uniquely, shifts in the direction of social change.

In this paper I challenge received wisdom at these two core foundations with two sets of listings and discussions. In one set I list and discuss structural qualities constitutive of professions uniquely; this challenges the first assumption. In the other set I list and discuss institutional consequences which professionalism introduces uniquely into the larger social order. Being at once structural, institutional and invariant, these consequences of professions and professionalism, by definition, bear on the direction of social change. Moreover, they do so in ways which can be explained and predicted, both in cross-national research today and in historiographic analyses and comparisons. This challenges the second assumption.

Keywords

professions, middle class, occupations, expert, intermediary associations

During the 1930s and 1940s the British and American sociologists who founded the sociology of professions thought it self-evident that professions differ empirically from all other occupations. This presupposition persisted in the English-speaking world for three postwar decades and more. From the 1930s through the early 1970s, therefore, Anglo-American sociologists endeavored assiduously to identify and list the “traits” or “qualities” distinctive to professions, those which distinguish them from other expert occupations and middle-class occupations (Moore 1970 and Pavalko 1971 are among the last efforts). Many of these same sociologists also became preoccupied with identifying whether and how the presence of professions in civil society, or an absence of or deficiency in professions, bears on “social order.” Being “service” occupations, do professions contribute grandly to integration and democratization? Or, being elitist and monopolistic expert occupations, do they instead contribute to control, hierarchy and inequality?

Through the early 1970s even the sociologists who eventually became most critical of this “early list-making” enterprise disputed less the characteristics within the various listings of putatively “essential” professional characteristics than whether particular characteristics could inform *empirical* studies of actual professional *practice* (e.g. Freidson 1970:158-68; Klegon 1978). The following ten characteristics span those typically found in the lists **[Handout A]**:¹

(1) Theoretical knowledge or knowledge not only of particular applications of a group of sciences but also of the sciences themselves (Parsons 1937, Greenwood 1957, Barber 1965).

(2) Motivation of disinterestedness or sense of selfless calling to a vocation (Carr-Saunders and Wilson 1933; Parsons 1952, Caplow 1954, Hughes 1965, Barber 1965). Related, it is also assumed or asserted that such a motivation contributes something important

¹ Most of the works cited in this listing and the discussion before and after it can be found in Parsons and Platt 1973, Larson, 1977, Abbott 1988 and elsewhere, and are not included in the References at the end of this paper.

to the larger community, by mediating or blunting state-administrative hierarchy and control as well as commercial acquisitiveness and cupidity (Parsons 1952, Pavalko 1971).

(3) Commitment to dominant, modern cultural and social standards, including those of: rational knowledge, universal treatment of clients, and cosmopolitanism (rather than localism or clientelism) (Parsons 1937, 1960: 505-8; Carr-Saunders 1955, Greenwood 1957; Merton 1949, Strauss 1963).

(4) Prolonged, specialized training dedicated to acquiring the technique and "art," part scientific and part aesthetic, by which a specialized service may be provided reliably (Carr-Saunders and Wilson 1933). Control over selection of trainees and their adult socialization (Goode 1957), including the power to restrict entry (Strauss 1963).

(5) Fiducial responsibility for, or trusteeship over: (a) the technique, (b) the competence and honor of practitioners (Carr-Saunders and Wilson 1933, Barber 1965), and (c) both client and community best interests (Parsons 1952: 372, 381, 1970: 35-36; Carr-Saunders 1955).

(6) Professional authority within a specialty or functionally defined "jurisdiction" based on professionals' education as well as client deference to their "monopoly of judgment" (Parsons 1939, Greenwood 1957, Goode 1957, Wilensky 1964, Abbott 1988).

(7) Claim to autonomy in decision-making within an explicitly claimed workplace "jurisdiction" (Strauss 1963, Wilensky 1964, Hughes 1965, Moore 1970, Pavalko 1971; also Barber 1983).

(8) Associations which test or oversee practitioner competence and, in principle at least, enforce practitioner compliance with other standards of conduct. Such enforcement includes informal mechanisms of discipline or social control by voluntary in-groups which, as examples, employ practices and patterns of colleague consultation and referral (Barber 1965, Greenwood 1957).

(9) Codified standards of ethical conduct which largely revolve around professionals' self-control and their associations' informal mechanisms of social control. Professionals are bound by: a sense of identity, shared values, shared role definitions that span colleagues and clients, a common lexicon, and terminal or continuing status within the profession (Goode 1957, Barber 1965, Pavalko 1971).

(10) Registration or certification by the state (Lewis and Maude 1952), or else the fostering of a belief among the public (Wilensky (1964), or at least among elites (Freidson 1970; Abbott 1988), of practitioner trustworthiness.²

One of the last of the list makers, Ronald Pavalko (1971), posed succinctly two major problems riddling the entire list-making enterprise. First, research fails to confirm that professionals' behavior actually exhibits these characteristics in their occupational activities; if anything, case studies too often reveal that they do not (e.g. Strauss et. al. 1985, Starr 1982, Larson 1977:xi, Crane 1972, Freidson 1970, Scheff 1964). Second, the relationship between the characteristics themselves is so unclear that the lists land researchers in the worst of all possible worlds: The lists defy theoretical generalization, either historically or cross-

² Abbott (1988:48) may be read as contributing yet an eleventh characteristic to this standard typology. He notes that unlike auto repairmen or plumbers, who are experts having multiple chances to alter their treatments, professionals often lack second or third chances to solve client problems. He points to law, architecture and medicine as exemplars of limited treatment chances. However, he also notes that psychotherapy, the clergy, and forestry typically have several opportunities to act, and he fails to specify what then differentiates them from auto repair and plumbing. He is confident, regardless, that the "profession" with the least room for error is military tactician (1988:49).

nationally, and they elude empirical falsification (Larson 1977:xi, Cleaves 1987:8). As examples: Is theoretical knowledge more or less important than technique? Does the autonomy of decision-making refer to professionals' autonomy from the power and influence of state authorities or, say, from that of their most prominent clients and patrons (e.g. Heinz and Laumann 1982)? Regardless, is professionals' autonomy more or less important than their monopoly of instruction and training, or their expertise or their judgment?

Putting this differently, it is not at all clear why either theoretical knowledge or autonomy, as examples, even qualify as an *essential* criterion of professionalism *in practice* (Cheek 1967, Klegon 1978, Pavalko 1971).³ Worse, this may be said of literally all ten characteristics (Larson 1977:xi).

From the mid-1970s through the 1980s the list-making enterprise fell out of favor. Beginning with Terence Johnson's *Professions and Power*, published in 1972, revisionist critics of the earlier, largely functionalist literature explicitly abandoned its first core tenet, that professions are unique among all other occupations in at least certain identifiable respects.⁴ They abandoned and then disparaged any effort to distinguish professions from other occupations and then also any effort to identify the larger social consequences of professionalism. Andrew Abbott, for instance, never asks why competition between expert occupations for workplace jurisdictions matters sociologically, in contributing to social order and a relatively benign (or malevolent) direction of social change. He simply notes that the "system of professions" can "distort" the stratification system and occupational order, by introducing unwarranted monopolies into the labor market for expert services.

Later in the 1980s, however, many sociologists, on both sides of the Atlantic, began seeing these two major lacunae in revisionist accounts of professions being nearly as unsatisfactory as the earlier list-making enterprise. One unsatisfactory result is that sociologists collapse the very concept of professions into more generic categories, namely expert occupations or middle-class occupations. With this the Anglo-American sociology of professions becomes indistinguishable, both conceptually and empirically, from the Continent's more general, socio-cultural *Burgertum* (middle-class) approach to all learned or liberal occupations (Sciulli 2005).

Another unsatisfactory result is even more troubling. Sociologists either assume or assert outright that whatever affects professions introduce into society, these affects are confined to the occupational order and stratification system. Sociologists no longer believe that professions contribute more grandly in any way, let alone uniquely among all other occupations, to "social order" and then social change. Thus, as Randall Collins put the matter in 1990, revisionists approach professions with an eye focused narrowly on the "structure of privilege" (1990:13-14). Parsons, he is confident, had wrongly approached professions too broadly, with an eye to social breakdown ("a mass society"). As Abbott puts the matter today, the sociology of professions is "a branch of the sociology of work concerned with the analysis of expert occupations." It is not, in his view, a branch of the sociology of intermediary

³ Barber (1983) refers to "powerful knowledge" and Abbott (1988) to "abstract knowledge." For Abbott, expert occupations secure control over some workplace "jurisdiction" within a relatively finite system of available niches. As occupations compete within this "system of professions," workplace jurisdictions open and close; at times they also expand and contract, albeit more rarely. What distinguishes *expert* occupations is that they employ abstract knowledge in these competitive struggles. But Abbott acknowledges: "I have not specified 'how much' abstraction is enough to enter the system [of professions], because that too depends on time and place - on other competitors, larger forces, internal structures" (1988:316).

⁴ We show later (at pages 34-41) that Johnson's very rationale for asserting this, his reading of the historiographic record, is deficient on its face.

associations, concerned centrally with larger consequences, whether cultural, social-psychological (attitudinal) or institutional.

This second result of today's received wisdom in the sociology of professions is troubling because the presence or absence of professionalism, whether in civil society or in the state, has literally dropped out of sight in the vast literature of comparative democratization, with rare but notable exceptions.⁵ Yet, if Parsons and other functionalists were correct, if professions do contribute uniquely to social integration under modern conditions, and thereby ameliorate the negative effects of state bureaucracy and market commercialism, then this oversight in this literature is nothing short of disastrous. It draws attention away from factors potentially vital in integrating new democracies and, equally vital, in retaining or increasing integration in established democracies.

I. Transition: List-Making Returns

By the late 1980s many sociologists finally began reacting against the revisionist dismissal of both core tenets of the earlier sociology of professions. While rightly wary of simply returning to the old list-making enterprise, they nonetheless appreciated, on strictly epistemological grounds, that definitional integrity *simultaneously constitutes the very field of inquiry itself*. The sociology of professions as an enterprise of empirical inquiry and theorizing is literally *constituted* by how professions are defined. Absent any basic invariant definition which distinguishes professions from other occupations, sociologists become incapable of drawing *any* salient distinctions among expert occupations and middle-class or learned occupations on the basis of their constituent qualities. They then also become equally incapable of identifying the consequences of the presence or absence of these constituent qualities in civil society or in the state.

In 1990 Michael Burrage, Konrad Jarausch and Hannes Siegrist endeavored to overcome these deficiencies of revisionism by proposing a multi-part definition of professions and professionalism. They drew this definition from earlier Anglo-American theories and approaches but quite purposefully "broadened" the latter by also considering lessons learned from cases of modern (mid- and late nineteenth century) occupational upgrading in the *Burgertum* on the Continent. Many sociologists today consider this definition and accompanying typology to be the most promising new start in the sociology of professions in a generation (Jarausch 1990a:7, Jarausch 1990b:11,21 note 13; Siegrist 1990b:46-47; Malatesta 1995:2,9; Torstendahl 1990a:53).

Drawn in part from earlier definitions of "professions" (liberal occupations) by *Burgertum* theorist Jurgen Kocka, the three co-authors define profession, and thus constitute the field of inquiry, with the following six characteristics (1990:205) [**Handout B**]:⁶

- (1) It is a full-time, liberal (non-manual) occupation;
- (2) It establishes a monopoly in the labor market for expert services;
- (3) It attains self-governance or autonomy, that is, freedom from control by any outsiders, whether the state, clients, laymen or others;
- (4) Training is specialized and yet also systematic and scholarly;
- (5) Examinations, diplomas and titles control entry to the occupation and also sanction the monopoly;

⁵ For its absence, see as examples Collier and Levitsky 1997; Diamond 1999; Munck and Verkuilen 2002; O'Donnell, Cullell and Iazzetta 2004; Lijphart 2004; Morlino 2005. For three exceptions, where professions enter the picture, see Perez-Diaz 1993:50-51; Smulovitz and Peruzzotti 2000; and Levitsky and Way 2005.

⁶ I rearrange the order of presentation for purposes of clarity, consistent with my reading of their argument and intention overall.

(6) Member rewards, both material and symbolic, are tied not only to their occupational competence and workplace ethics but also to contemporaries' general belief that these expert services are "of special importance for society and the common weal."

Burrage, Jarausch and Siegrist's point in offering this listing is that in the absence of any accepted ideal type (or invariant analytical distinctions), it is best to generalize on the basis of empirical characteristics drawn from the cross-national record of modern cases of occupational upgrading spanning both the Anglo-American world and the Continent.

One problem with the new listing, however, is that it too fails to distinguish professions from many other expert occupations and middle-class occupations on any invariant basis, empirical or analytical. This means, in turn, that the pool of cases of occupational upgrading from which the three co-authors drew the empirical characteristics of professions above fully reflect this conceptual state of affairs. Their baseline of cases is hardly confined to putatively self-evident instances of professionalism. This baseline instead includes instances of occupational upgrading by all sorts of middle class occupations, including, as examples, haute couture and haute cuisine. In this regard, the listing above remains very similar to earlier listings by Anglo-American sociologists: it, too, is insufficiently abstract to distinguish professions analytically, then empirically, from other occupations.

This lack of abstractness explains why Burrage, Jarausch and Siegrist have no alternative other than to convert their listing of empirical generalizations into "types" of professionalization processes whose scope of application is intrinsically relative, confined by both historical era and social context (Siegrist today endorses typological relativism, 2002). For instance, the co-authors point out that sociologists are free to apply each empirical generalization in their listing independently to particular cases of occupational upgrading. "In the absence of any agreed supra-historical or cross-cultural definition that can be applied with a consistent meaning to various historical and cultural settings, it is probably best to work with a definition that can be disaggregated and operationalized in this manner" (1990:205).

This means that the listing of empirical generalizations above, however promising on its face constitutes at best a variable "yardstick." It identifies "one possible way in which certain occupations have been distinguished from others" (1990:206). Indeed, the co-authors acknowledge that sociologists are likely, in disaggregating the empirical characteristics, to end up with two tiers of lists. One tier will contain short, manageable lists of putatively invariant empirical qualities ("basic, constant characteristics"). The other tier will contain supplementary lists of "optional variables." We will see momentarily that this is remarkably insightful, and yet, as worded, invites rather than resists relativism.

II. Two Lingering Problems in the Sociology of Professions

Standing back from both listings of profession qualities or traits, the compilation spanning the entire first phase of the sociology of professions and the shorter one Burrage, Jarausch and Siegrist formulated explicitly in response to revisionist criticisms, we see two problems with both. These two problems, therefore, span the entire sociology of professions across its seventy years of development, from the 1930s to today.

One problem is that all participants – Talcott Parsons included – proceeded and continue to proceed too directly on the basis of empirical generalizations, a crude or lowly level of conceptual abstraction. They failed and continue to fail to define profession and professionalism more abstractly, whether as a clearly stated ideal type or, more promisingly, by clearly identifying analytical qualities or traits which are invariant. Being invariant, such analytical distinctions would be literally constitutive of professions and professionalism as

such, both historically and cross-nationally. They would distinguish professions universally and immutably from all other expert occupations and middle-class occupations. Such invariant qualities or traits would once again distinguish a professions approach to occupations proper from the *Burgertum* approach of the Continent - which Anglo-American revisionists now share inadvertently.

A second problem with the sociology of professions is related: All contributors to this literature without a single exception have drawn their empirical generalizations first and foremost from the same remarkably narrow range of four putatively exemplary fields of occupational upgrading: law and medicine, science and engineering. The expert services provided in these occupational fields *do* indeed provide unambiguously the clearest examples of the earliest *modern* occupational and organizational upgradings to professionalism. The problem is that in unthinkingly approaching the *historiographic* record of the entire occupational order with these four *modern* occupations in mind, this invariably yields indefensible Whiggish misreadings of this record.

That is, sociologists of professions unthinkingly and wrongly confine themselves to perusing the historiographic record of these four particular occupations fields whenever seeking the earliest origins of professionalism. They dutifully go back in time only as far as the historiographic record in this pre-selected set of occupations permits. The result of all such inquiries is thereby preordained. It gets sociologists and historians to: law, during the mid- or late nineteenth century, in Britain (London) - and then in the United States a generation later. It does not get them to law anywhere earlier on the Continent nor, certainly, to any earlier professionalism project in any of the other three exemplary occupational fields.

As a result of this institutionalization of Whiggish historiography, even today sociologists treat professions as quintessentially *modern* occupational and organizational developments, those which accompanied industrialization, first in Britain and then elsewhere. There is not a single study in the sociology of professions in which it is argued explicitly that qualities or traits *constitutive* of professionalism as such *analytically* may be traced to *any* occupational and organizational developments which originated on the Continent, as opposed to the English-speaking world. There is also not a single study which seeks such analytical distinctions in any occupational fields other than law in particular, and then medicine. Even more certainly, sociologists have never endeavored seriously to trace the origins of professionalism centuries earlier in time, not only prior to industrialization but as far back as the seventeenth century – the very zenith of the *ancien regime*.

III. Moving Outside the Received Pool of Exemplars

1. Visual Culture in Mid-Seventeenth Century Europe

With these two problems spanning the entire literature in mind, let us take a quick look back to Europe during the mid-seventeenth century and focus exclusively on ambitious visual culture and, more particularly, on narrative painting and sculpture.⁷ We find the following situation. From the Renaissance to now, the 1640s, Italian princely courts and municipalities provide visual-cultural leadership for all of Europe, North and South, East and West. Leadership was first provided by Florence, and now Rome, with Venice being highly competitive as well as Bologna at times and even much smaller northern Italian princely

⁷ These brief remarks are drawn from a twenty-chapter book manuscript, co-authored with Jeffrey Halley, which reviews the cultural landscape of this era and then, more particularly, occupational, instructional and organizational developments (and machinations) in narrative painting and sculpture from the High Renaissance to 1680. Other ambitious cultural activities are, of course, literary, such as epic poetry and dramatic playwriting. Still others are performances or demonstrations of all sorts – whether dance, musical, acting and entertaining, or experimental natural philosophical.

courts. The Low Countries are also making their mark visual-culturally, but their master painters and sculptors do not typically receive commissions for visual narrations, for scenes drawn from Scripture, or mythology or antiquity. They instead provide middle-class patrons with genre scenes, scenes of everyday urban and rural life – albeit often with religious or scriptural motifs.

Within this setting France in general and Paris in particular is considered *universally* in Europe to be literally a visual-cultural backwater. French kings experience notorious difficulties in recruiting top-tier Italians to relocate to France, first to the Loire Valley and then to Paris. There is literally no commentary on or criticism of visual culture in French-language usage. Indeed, the French aristocracy lacks any vocabulary or lexicon of visual-cultural appreciation, and very few French collectors exhibit the kind of ambitious taste which is quite typical in Italy. French collectors are indiscriminating *curieux* who assemble rarities and curiosities of all kinds, natural and man-made. They are not *virtuosi* and *amateur* who give pride of place to visual narrations. French visual-cultural taste and commissions, in short, are middling, often inferior even to those of many middle-class merchants in the Low Countries (exceptions include prominent Italians in Paris, such as Jules Mazarin and Marie de' Medici).

By contrast, aristocracies across the Italian peninsula as well as prominent commoners, such as the Medici in Florence and Barberini in Rome, have been operating for generations informally with an elaborate visual-cultural lexicon. Yet even this robust oral tradition, the most advanced visual-culturally in Europe, is nonetheless drawn by analogy from literary commentary and criticism. It had not been based directly on close observation of paintings and sculpture alone. Regardless, Italian princes, courtiers and prominent commoners appreciate, discuss and routinely commission and collect visual narrations. In turn, the most ambitious painters and sculptors across Europe – including, from France, Simon Vouet (1590-1649), Nicolas Poussin (1594-1665), and a young Charles Lebrun (1619-1690) - consider it vital to travel to Rome to learn Italianate taste, discourse and occupational practice, and thereby to compete for these commissions.

Our point in looking back to this era is that literally within one generation – by 1680 – Paris begins forcefully to compete with Rome (and Florence and Venice) for visual-cultural leadership of Europe. Only a single generation after that, by the turn of the eighteenth century Paris will wrest visual-cultural leadership from Rome, and then retain this lofty position for over two full centuries. Such a turn of events is something that no contemporary - in Italy, France or anywhere else in Europe - could possibly have envisaged in 1640, let anticipated or predicted.

How, then, was this remarkable visual-cultural recovery and trajectory possible? The answer is simple and direct, and yet eludes the sociology of professions. Louis XIV and Jean-Baptiste Colbert supported a visual *Academie* – an *Academie Royale de Peinture et de Sculpture* - alongside a somewhat older literary *Academie*, the *Academie francaise*. This new *Academie* of painting and sculpture, founded in 1648, proceeded by 1680 to professionalize the instruction and execution of visual narrations, the highest genre of an entire era which would remain highest for another two centuries, to the Impressionist revolution of the 1860s and 1870s.

2. *Academie* Professionalism

This is not the place, certainly, to review *Academie* accomplishments at length. But we can at least take note of three major steps taken by the fledgling Paris visual *Academie* which will for two centuries distinguish it from all other expert occupations in any field [**Handout C**]. First, it establishes in 1666 the first “professional graduate school” in Western history, by

opening in Rome the *Academie de France*. Admission to this satellite *Academie* is tied to merit, to success in student competitions. It is not left to the play of nepotism, patronage or venality, which is what otherwise prevails across the entire occupational order, from the lowliest guild to the loftiest position in the royal administration. It is not possible to overemphasize how utterly path breaking or anomalous *structurally* this development is. There is no precedent anywhere in early modern Europe for a school of advanced instruction in any field that, first, has a practical, occupational end and, even more, ties admission and advancement to competitive examinations.

Second, the founding guidelines for the new student competition apply principles and precepts of narrative painting which the *Academie* is simultaneously identifying and standardizing, through a new series of formal *conferences* initiated in 1667. With this the *Academie* initiates and sustains learned – intellection-based – discussions and debates which simultaneously advance its instructional and occupational ends. We have just stated, of course, two of the most centrally constitutive characteristics of any professionalism project today, in any field.

In the *Academie's* case, one *academicien* each month analyzes before the entire assembly one exemplary painting (or sculpture) borrowed from the royal collection. Interested *amateurs* are also invited to participate fully and freely during the discussion period. This is the first time in Western history in which practitioners (and *amateurs*) gather formally before any painting or sculpture with the goal of analyzing it in a disinterested and methodical way. Thus, simply as formally organized events, the new *conference* series is already path breaking. Yet, these gatherings are also unprecedented in two other related respects.

They reveal and identify what contemporaries believe (and will continue to believe until the mid-nineteenth century) to be “universal” and “immutable” *visual* rules (*regles infaillibles*) and teachable principles (*preceptes*) of narrative painting. The explicit goal is to arrive at a “core curriculum” of instruction and a visual-based lexicon which, together, can upgrade visual-cultural discernment first within the *Academie*. Here is the other unprecedented outcome of the *conference* series. The *Academie* refines, standardizes and disseminates the first *visual-based* lexicon – as opposed to literary-based, strictly oral vocabulary – in Western history. Moreover, this same curriculum and lexicon then steadily diffuse in part more generally into gentle discourse in Paris. This is what eventually upgrades the French aristocracy to Italianate standards of visual-cultural discourse and taste.

Third, the success of the satellite visual school in Rome is already sufficiently notable by 1676 that the older *Accademia di San Luca* in Rome formally merges with the parent, still upstart, visual *Academie* in Paris. Here is an unprecedented organizational development in any field of occupational activity. With the merger, French *pensionnaires* in Rome become eligible to compete in *San Luca* student competitions. In an aristocratic society which revolves openly around nepotism, patronage and venality, extraordinary measures have to be taken simply to ensure basic fairness – thus, meritocracy - in such competitions. Any and all such measures, it goes without saying, are utterly alien *structurally* to the institutional design of an aristocratic society.

Students submit drawings or other works that they have completed unsupervised over the course of several months. Then three judges administer the *prove*, an extemporaneous drawing exercise used for comparison to the submissions, to ensure that instructors or masters had not assisted contestants. Only now does the actual competition begin, among students who survive this screening. Now assigned the same subject, all drawings submitted for the next round are executed on site, in separated work areas, and submitted numbered, not signed, all for purposes of anonymous scoring. There is not another instructional facility in any

scholarly discipline or in any occupational field in early modern Europe which tests students with anything approaching such a disinterested and impersonal format.

No other seventeenth century Academy of any kind anywhere in Europe professionalized similarly, not in painting, not in writing or letters and, most certainly, not in “science” –experimental natural philosophy. The Paris visual *Academie* nonetheless professionalized by 1680, and then remained professionalized for two full centuries. It professionalized, that is, two full centuries before any comparable developments unfolded in English law, and certainly well before any unfolded in medicine anywhere - or science, or engineering. Indeed, even into the mid-nineteenth century, English legal instruction is woeful by comparison to that in *the mid-seventeenth century Paris visual Academie*, and the same is true of French legal instruction (and of medical instruction across Europe) (see Sciulli 2008a,b for methodical comparisons to English law and French law).

3. Why the *Academie* Case Eludes Sociology

Why has this case of instructional, organizational and occupational upgrading not been seen before, even though the historiographic evidence of professionalism is utterly unambiguous on its face? One reason is etymological: “profession” is uniquely an English-language term, utterly as alien to French-language usage as it is to usage in every other continental language. Another reason is that because Anglo-American *sociologists* universally attribute the first professionalism project to English law, art *historians* have never approached the historiographic record of the Paris *Academie* with professionalism in mind. They instead routinely characterize the *Academie*, wrongly, as bureaucratic or, worse, autocratic.

The Paris visual *Academie* was nothing of the sort: it was instead a reason-giving collegial formation which, as such, institutionalized both disinterestedness and ongoing deliberation. That is, the Paris visual *Academie*, unlike the *Academie francaise* and all other academies in Paris and across Europe, institutionalized two sets of activities (among others) during its formative years. Internally, it institutionalized ongoing deliberation over how to reform and improve the instructional program, member *conferences*, and occupational practice. Externally, it institutionalized reason-giving regarding visual culture on basic epistemological and didactic grounds, those universally acknowledged at the time (and into the mid-nineteenth century). Paris visual *academiciens* did not somehow issue commands or decrees regarding visual culture to their patrons and clients, because this was utterly infeasible. Their patrons and clients were far superior to them socially and would never have tolerated such impudence from commoners.

The Paris visual *Academie* instead convinced – by word and deed - first the aristocracy in Paris and then eventually all visually-attuned groupings across Europe and its colonies that its instructional and occupational activities were both correct and exemplary. This is why for two full centuries the most ambitious artists from literally all of Europe and beyond sought access to and consecration from the Paris *Academie*, not the older *Accademia di San Luca* in Rome

A third reason why the case of the Paris visual *Academie* has gone literally unseen in the sociology of professions is the most important for our purposes. The empirical generalizations with which Anglo-American sociologists and then other sociologists approach the historiographic record of occupational upgrading has heretofore cast this case from sight, even as it nonetheless stands in plain view in the record. However, now that we have placed this case on the table, sociologists can no longer take this tack. They can no longer continue to assume blithely that professionalism originated in law, in London, sometime during the nineteenth century. Our case strips away the most prominent consensus underpinning of the entire sociology of professions.

IV. The Conceptual Weightiness of Backdrop Dissonance

By challenging received wisdom so dramatically and fundamentally – regarding historical era, occupational field, geographic locale, and both socio-cultural and institutional setting - our case accomplishes far more than simply broadening our understanding of professionalism strictly descriptively, anecdotally. It provides us with notable advantages of optics over received wisdom in advancing the sociology of professions at conceptual and theoretical levels. After all, our case casts in sharper relief than does any modern case of purposeful professionalism in the English-speaking world the *structural* qualities truly constitutive of professionalism as such. It accomplishes this by removing from view, as if in thought experiment, all obstructing, extraneous accompanying variables of professionalism: those particular to English industrialization and liberalism, those particular to Anglo-American democratization, and, for that matter, those particular to Western modernity and then industrialization more generally.

Indeed, our point in tracing invariant structural qualities of professionalism to the Paris visual *Academie* rather than taking our bearings from English law or any case of purposeful occupational upgrading during nineteenth century industrialization is to mine at conceptual and theoretical levels the many advantages of backdrop *dissonance*. It is far easier to discern invariant structures of professionalism when the backdrop - institutional and cultural, social and economic - cannot possibly be accommodated by received wisdom. Not only is a cultural understanding of or social-psychological attraction to professions by participants or observers entirely absent from our backdrop – to say nothing of any ideology of professionalism. More generally, our backdrop is at once pre-industrial, socio-culturally aristocratic, institutionally clientelistic and politically despotic or absolutist.

In addition, because our case of professionalism unfolded *inadvertently on the Continent*, not purposefully in England, it simultaneously removes from play all influences, let alone putatively causal factors, stemming from “Anglo-Saxon” conditions: English language usage, common law tradition, and ideologies of economic laissez-faire and political liberalism. All of these influences or factors can now be seen more plainly for what they are: They are extraneous variables which simply happened to accompany the professionalization of English law. They are not qualities constitutive of professionalism as such, whether in seventeenth century France, or in the nineteenth and twentieth century West, or in lands of the South or East today.

By contrast, when backdrop dissonance is not working to our favor, when English law remains by default the historiographic exemplar of professionalism, the socio-cultural and institutional landscape visible to sociologists (and then historians) at conceptual and theoretical levels flattens, becomes indiscriminating. The structural qualities constitutive of professionalism literally dissolve into it, as a gestalt of extraneous accompanying variables, many parts of which are in fact Anglophile. The invariant becomes undetectable amidst the extraneous.

The predictable result of backdrop consonance at a conceptual level is obscurantism – imprecision, mere empirical generalizations – and relativism. One manifestation of this is the multiple, often incommensurable, listings of professional qualities which characterized the early sociology of professions. These listings are every bit akin to Ptolemaic epicycles. Another manifestation of the same obscurantism and relativism is the willingness of sociologists today to allow colloquial usages of the terms “profession” and “professional” literally to orient first research and then theorizing in this field of inquiry (e.g. Evetts 2006).

Received wisdom based on backdrop consonance, in short, is precisely what has been hampering theorizing and concept formation in the sociology of professions from the 1930s to

today. Only by breaking out of this bind, only by using the Paris visual *Academie* as our lodestar and then considering *only in this light* the significance of any subsequent modern occupational developments (including in law and medicine, science and engineering), can we possibly advance.

V. Profession Invariance

1. Structural Qualities of Professionalism

Now fortified by backdrop dissonance, we are in a position to rescan the entire occupational landscape and isolate eight structural qualities constitutive of professionalism as such. Being constitutive of professionalism, these structural qualities are invariant in all instances of professionalism - whether during the *ancien regime* or cross-nationally today, whether in inadvertent professionalism projects on the Continent (and elsewhere) or in purposeful professionalism projects in English-speaking lands.

By far, the first structural quality is the most critical. Always and everywhere successful professionalism projects, whether in practice or research, in associations, or in instructional facilities [**Handout D**]:

- Unfold within structured situations, at which two sets of positions are entrenched: positions of power, discretionary judgment and impersonal trust; and positions of dependence, vulnerability and apprehension.

Professionalism does not unfold at any alternative sites or venues, including fluid sites of retail commerce and diversion or ongoing exchanges which are simply embedded in personal networks, not structured institutionally (and socio-culturally).

Within structured situations, both sets of positions – those of power and those of dependence - are literally fixed, and in two respects. First, neither set of positions is contingent upon quotidian social constructions of meaning, available for substantial renegotiation by participants or interested observers. Power and dependence accrue to these positions irrespective of what individual participants or observers happen to believe social-psychologically or happen to understand culturally. In addition, the relationship between these positions is equally fixed, equally beyond social construction and renegotiation. Always and everywhere incumbents of the first set of positions exercise *positional power* over dependents. This remains the case even when these incumbents are visual *academiciens* and their clients or patrons are *gentilshomme*, otherwise superior - seemingly ontologically - and unambiguously wealthier, more powerful and more influential in everyday social life.

Related, always and everywhere incumbents of entrenched positions of power are oriented structurally by readily identifiable *positional interests*. Professionals indeed do not typically act self-interestedly as if they are retailers, individual service-providers unencumbered positionally. However, this hardly means professionals *typically* act altruistically or selflessly, as if motivated social psychologically or oriented cognitively in common to be abnegating. Rather, professionals instead always and everywhere advance identifiable positional interests, and key is that the latter are distinct both analytically and empirically from their self interests, internalized motivations, and cognitive understandings as individuals. In advancing these positional interests, professionals always and everywhere exercise positional power over dependents, as opposed to being altruistic or selfless.

Because this first structural quality of professionalism is so vitally important in distinguishing professions from other expert occupations (including haute couture and haute cuisine), and because it has heretofore been neglected in the literature, we elaborate on it at greatest length below. We also explain why it has been neglected or disregarded in the sociology of professions. That is, we trace the origins of where the turn to conceptual

imprecision and relativism became received wisdom, thereafter recapitulated unthinkingly on both sides of the Atlantic.

In addition to unfolding within structured situations, professionalism has seven other invariant structural qualities. Always and everywhere professions:

- Successfully claim an independent socio-cultural authority within their structured situations (areas of expertise), which is asserted and exercised also consistently with the same positional and corporate interests.

Being independent, professions and their associations never directly “control” this socio-cultural authority. They do not control its direction of change or the uses to which it can be put, whether by dispersed practitioners and researchers in everyday workplaces, or by dissidents internally, or by critics externally. Indeed, this socio-cultural authority’s independence, along with professionals’ fiducial responsibilities (introduced next), is what effectively constrains professionals’ exercises of positional power short of one-sidedness or abuse. Third, professions:

- Are held accountable structurally, positionally, to two sets of fiducial responsibilities. One set is assumed purposefully, namely fiducial responsibilities for client or patron wellbeing and that of local communities.⁸ The other set is invariant historically and cross-nationally but also typically assumed inadvertently rather than purposefully, namely fiducial responsibilities for the institutional design of the larger social order.

A **dividing line** in the occupational order (or in what Abbott calls the “system of professions”) goes here, as Burrage, Jarausch and Siegrist anticipated (but worded wrongly): All qualities or traits above this line are exclusive to professions. By contrast, the qualities or traits below can be, and today frequently are, adopted or feigned by other occupations. However, *all* qualities or traits, those below as much as those above, are equally constitutive of professionalism as such, always and everywhere. Thus, fourth, professions:

- Are held accountable structurally, positionally, to two occupational orientations, one epistemological or scientific and the other didactic or moral. As behavior, credible claims to incarnate truth and morality are invariant in professionalism; but, in content, these claims certainly evolve historically as well as vary by specialty.

All professionals provide expert services consistently with an epistemological occupational orientation and then, typically also, where applicable, with a didactic occupational orientation. This is as true of the behavior of professional practitioners as it is of the behavior of professional researchers. The epistemological orientation is structurally universal and thus invariant across all fields of professional practice. By contrast, the didactic orientation varies somewhat across professional fields, depending on the nature of the expert services being provided or research being undertaken.

Epistemologically, professionals as well as their associations and disciplines are compelled structurally or positionally to provide expert services consistently with prevailing standards of (scientific) truth, whatever these standards happen to be. Prior to the mid-nineteenth century such standards tended to be ontological or otherwise directly substantive-normative, consistent with positivism and copy theories of truth. From the mid-nineteenth century forward prevailing standards of scientific truth became increasingly epistemological and procedural-normative, including standards of theorizing and methodology.

⁸ This set is variable in part and invariant in part, a point which cannot be elaborated on here.

This transition was adumbrated during the 1860s and 1870s by the ordinary-language pragmatism of American philosopher Charles Sanders Peirce (1839-1914). Then it was advanced during the 1930s by the critical rationalism (fallibilism) of Austrian philosopher Karl Popper. Finally, in the face of mounting post-positivist challenges to Popper (by Thomas Kuhn, Imre Lakatos, Paul Feyerabend and others), it was consolidated during the 1960s and 1970s on explicitly procedural-normative grounds by discourse theories of truth, including those presented by Jürgen Habermas and Karl-Otto Apel which are directly indebted to Peirce's earlier approach.⁹

Not coincidentally, the mid-nineteenth century is precisely the period when artists voluntarily abandoned the inadvertent professionalism project bequeathed to them by the Paris visual *Academia*. The ontological and substantive-normative standards of truth, morality and beauty which for two centuries had oriented narrative painting and sculpture were by now withering away. This is also the period, again not coincidentally, when medicine and engineering, along with science, increasingly forcefully initiated their professionalism projects, following that by British law. Increasingly, they proceeded consistently with quite different, epistemological and increasingly procedural-normative, standards of truth (and, where applicable, morality).

One manifestation of an epistemological occupational orientation is that professionals and their associations are compelled structurally or positionally to provide their services relatively disinterestedly and dispassionately. This does not mean, nor require, that they do so oblivious to, or unconcerned about, their remuneration, their social status or, certainly, their positional and corporate interests and positional power. What it does mean is that professionals are constrained structurally or positionally from advancing these interests and exercising this power beyond limitations set by prevailing theories, scientific findings, scientific methods and then also fiducial responsibilities.

Turning briefly to the didactic commitment or mission imposed upon professions structurally or positionally, this is reflected behaviorally in practitioners' typical or quotidian prudence, comportment and decorum. Considering only one contemporary example of such behavior, psychotherapeutic ethics in the United States include proscriptions against any and all social interaction with patients, what are called "dual relationships." These proscriptions are expansive in their behavioral demands. Psychotherapists are expected not only to refrain from sexual relationships with current or former patients. They are also advised to avoid: living in same neighborhood, attending the same church, supervising patients' graduate studies or employing them as research assistants, exchanging gifts or entering business partnerships (Shapiro 2003:169).

Of course, the particulars of similar behavioral proscriptions in other professions, being substantive normative rather than strictly procedural normative, vary across occupational fields, the nature of the expert services being provided. They also vary, of course, across time and across societies. Moreover, many other expert occupations, not professions exclusively, may well encourage practitioners to adopt or feign adopting similar proscriptions. Turning to the remaining four structural qualities constitutive of professionalism, professions:

- Establish and maintain their independent socio-cultural authority in both internal governance and external regulation through ongoing procedural-normative integrity, deliberation and relative disinterestedness organized in a

⁹ See Radnitzky 1968 for a remarkable overview of and commentary on epistemological developments on both sides of the Atlantic.

collegial form of organization. They do not do so through unwarranted social closure, through occupational monopoly organized bureaucratically, strictly commercially or clientelistically.

- Their collegial formations uniquely institutionalize procedural-normative integrity – a bright-line threshold of rule clarity and consistency¹⁰ – which, first and foremost, permits dispersed professionals themselves, and then also any interested outsiders, shared cognition of:
 1. instances of possible positional one-sidedness (or opportunism);
 2. the principles and precepts of the profession's independent socio-cultural authority;
 3. the substance of professionals' structurally or positionally imposed fiducial responsibilities and occupational orientations;
 4. the evolving and varying content of professionals' instructional and occupational activities;
 5. professionals' ongoing disinterestedness and deliberation, as substantive-normative behavior.
- Privilege merit structurally in both instructional entry and matriculation and then occupational placement and advancement, as opposed to permitting open nepotism, patronage or venality to displace or subordinate demonstrable merit.

This factor is vitally important during the pioneering initiation of professionalism in any occupational field historically, whether painting and sculpture in mid-seventeenth Paris, or law in mid-nineteenth century London, or medicine in late-nineteenth century Baltimore (at Johns Hopkins University) or elsewhere in France and Germany. But meritocracy then diffuses far more generally into the occupational order; alternatively, patron-client networks, bureaucratization or commercialism may stem this diffusion, and thereby enervate professionalism.

- Establish and maintain identifiable jurisdictions or fields (if not monopolies) in the labor market for expert services which are relatively well-patrolled. Such patrolling is possible *only because* these jurisdictions span structured situations based on an independent socio-cultural authority and framed by fiducial responsibilities. As a result, this means these jurisdictions are warranted both structurally and institutionally (and also typically culturally), never wanton – pointless, capricious, or indefensible on generalizable grounds.

2. More on the Dividing Line

The dividing line in the occupational order noted above serves two purposes in our sociology of professions. One purpose is that it indeed accounts, at least in part, for why the term “professional” is applied so broadly colloquially in some lands. The dividing line thereby reveals one major source of confusion in the scholarly literature. The other purpose is that the same dividing line reemphasizes the importance of the structural qualities (and institutional consequences, see below) of professionalism, for these are indeed uniquely constitutive of professions exclusively. The dividing line thereby reveals why professions and, equally important, the consequences of professionalism are indeed distinctive, irrespective of scholarly confusion and quotidian usage.

Our thesis is that in distinguishing professions from other occupations both analytically and empirically it is vital, first, to identify the structural qualities distinctive to

¹⁰ These are taken from Harvard legal theorist Lon Fuller (1964/1969:46-84). See Sciulli (1992) for an extended discussion of why and how Fuller's “desiderata” of the rule of law are consistent at a conceptual level with Habermas' discourse theory of truth as well as with Parsons' references to collegial formations.

professionalism exclusively. Then, in addition, it is equally vital to identify the immediate and institutional consequences which follow intrinsically from these structural characteristics. These qualities and consequences are equally distinctive to professionalism exclusively.

Only professions, not any other expert occupations or middle class occupations, provide expert services within structured situations on the basis of an independent socio-cultural authority and consistently with fiducial responsibilities. In turn, only professions are compelled structurally – as they simply advance their own positional and corporate interests – to exhibit behavioral fidelity to both occupational orientations and then also to all additional structural characteristics listed thereafter, including the collegial form and procedural-normative integrity. When professionals fail openly to exhibit such behavior *as a piece* this is literally suicidal for professionalism projects. It runs directly counter to professionals' (and their associations') immediate positional and corporate interests.

This remains the case even if particular failures serve the self interests of particular profession leaders or particular professional practitioners or researchers. Any open pattern of failures:

- Jeopardizes the positional power and compromises the positional interests of *anyone* in a professional position;
- Compromises the place and purpose of professions' occupational activities in civil society or the state, and thereby literally invites increasingly open and direct challenges to professions' independent socio-cultural authority; and, at the limiting case
- Calls into question the cultural truism which heretofore had distinguished structured situations from embedded exchanges and fluid sites. This is what happened in art during the 1870s.

Other experts and practitioners, in short, may well exhibit behaviorally one or both of the same occupational orientations which animate professional behavior always and everywhere. They may also adopt or feign adopting the other qualities listed after that. But these same experts and practitioners routinely and openly neglect or disregard both of the fiducial responsibilities constitutive of professionalism. Chefs and couturiers, after all, are hardly fiduciaries, dedicated positionally to advancing the wellbeing of others. The same is true of athletes, sportsmen (e.g. bowlers, golfers and billiard players) and entertainers. All of these practitioners are called "professionals" colloquially, but none are professionals. Operating outside structured situations none can ever professionalize.

Fiducial behavior comes into play exclusively within ongoing professionalism projects (and within other structured situations, such as corporate governance). Most important, when nonprofessional experts and practitioners fail to exhibit fiducial behavior they never suffer any comparable loss of positional power or socio-cultural authority. This does not happen precisely because they lack this power and this authority in the first place. They provide expert services solely within embedded exchanges or at fluid sites of commerce or diversion, not in structured situations. Thus, nonprofessional experts and practitioners – such as chefs, couturiers and the others noted above – never exercise positional power over clients and patrons and never claim credibly an independent socio-cultural authority, let alone consolidate this authority across cohorts and generations.

3. Invariant Consequences: Immediate and Institutional

As a result of providing expert services within structured situations on the basis of an independent socio-cultural authority and consistently with positional interests, fiducial responsibilities, occupational orientations and the other invariant qualities, only professions introduce into the larger society structurally and positionally both immediate consequences

and institutional consequences. The immediate consequences of professionalism are noted frequently and debated in the literature as well as in journalistic accounts. These are the consequences for particular professionals and associations, on one side, or for particular clients, patrons and local communities, on the other.

Professionals typically advance the wellbeing of patrons and clients even as all professionals are capable structurally or positionally of doing great harm. Put differently, professionals do not typically take full advantage of their entrenched positions of power. They instead typically draw back from this, advancing their positional interests more adroitly than heavy-handedly, and thus in ways which are more evenhanded than one-sided *in fact*.

Sociologists cannot simply neglect describing, explaining and predicting the evenhandedness typical of *anyone* occupying a professional *position*, as if such empirical behavior is not manifestly and unambiguously in evidence all around them (including among fellow sociologists). They cannot possibly advance the scientific study of professions by sweeping this behavior under the rug. Equally duplicitously, they cannot continue to approach this behavior at a conceptual level in ways which simultaneously disregard the very real safeguarding it provides to clients and patrons against moral hazards and, correlatively, the very real demands of fiducial responsibility, of impersonal trust, this behavior places on professionals. Indeed, because fiducial relationships often involve strangers, they are also called relationships of “impersonal trust” and “precarious trust” (Shapiro 2003:92 and note 7).

Sociologists’ received concepts currently disregard such evenhandedness by treating it as rare or unusual behavior, rather than typical behavior. Or, alternatively, received concepts treat evenhandedness as: some conspiracy by profession officers, designed strategically to advance professional power alone; or some ideological smokescreen, employed cleverly to veil occupational cravenness, unwarranted closure in the labor market for expert services.¹¹ Our point is that the evenhanded - disinterested and deliberative - behavior so typical of professionalism is entirely worthy of methodical sociological inquiry and examination on its own terms, on the merits, shorn of all such dismissals and disparaging labeling.

The other set of consequences of professionalism, the institutional ones, are more important for our purposes because they are expansive in scope and, more important, invariant. The institutional consequences of either successful or failed professionalism are those for the institutional design of the larger social order. Being consequences of the governance, regulation and activities of professions and their associations, they are invariant. But, of course, the institutional designs being affected by them evolve historically and vary cross-nationally today. The institutional design of mid-seventeenth century Paris is quite unlike that of mid-nineteenth century London, and the latter, in turn, is quite unlike that of the U.S. or EU today.

Despite being invariant, the institutional consequences of professionalism are nonetheless more elusive than the immediate ones, and precisely because they are longer term, and thus subtler in their impact. Being elusive, these consequences have been overlooked and neglected heretofore in the sociology of professions despite the earlier efforts

¹¹ Here Julia Evetts hits the mark, noting (2003:401) that “Parsons’ work has been over-zealously criticized” by revisionists who reject his view of professionalism as a “value system” in favor of seeing professions as “elite conspiracies of powerful occupational workers” (also Evetts 1998:64). Sociologist of law Susan Shapiro (2003:201) is similar, noting that many sociologists today, on both sides of the Atlantic, view professions “as strategic devices to achieve monopoly, not self-regulated institutions structured to deliver and shore up trust.” These sociologists see professional codes of ethics, for instance, as mere window dressing or, worse, as “linguistic Trojan horses” designed to deflect attention and criticism from professions’ ever-broadening power.

of Parsons and other functionalists to draw attention to the putative relationship between professionalism and social order.

Our thesis here is that precisely because the structural qualities listed above are constitutive of professionalism, professions always and everywhere also introduce four invariant *institutional* consequences into the civil societies and states in which they appear. That is, professions are unique instances of occupational upgrading within structured situations. In turn, *major* structured situations are invariably constituents of either major intermediary associations in civil society (in the Anglo-American world) or, alternatively, of state administrative agencies (on the Continent and elsewhere). There is no third option of organizational context or setting for either major structured situations or professions.

This follows because social elites *never* entrust major structured situations to informal assemblies or, certainly, to strictly commercial enterprises, whether of embedded exchange or of arms' length retail transaction. They never entrust major structured situations to occupations (or avocations) whose practitioners are permitted structurally to act in ways which are one-sided (abusive), irresponsible (cavalier or idiosyncratic), opportunistic (strictly self-interested) or market-mimicking (strictly commercial). Always and everywhere social elites instead entrust major structured situations either to officially recognized private governance structures or to state-warranted public governance structures.

As a result of this, professions always and everywhere introduce into institutional design a new governance structure, whether private or public. They either introduce into civil society distinct venues of private governance (in the case of intermediary associations) or they introduce into the state distinct venues of public governance (in the case of state administrative agencies). In either case elites also insist upon state (judicial or administrative) oversight and regulation of these governance structures. They never permit the latter to be entirely self-regulating.

The following four consequences of professionalism for the institutional design of the larger social order (and its direction of change) are invariant, both historically and cross-nationally today. Professions [**Handout E**]:

- Establish and maintain an independent socio-cultural authority and governance structure in a particular occupational jurisdiction or field, consistently with identifiable fiducial responsibilities, occupational orientations and the other structural qualities noted previously.
- Upgrade discourse (and, where applicable, sociability) within civil society and the state, as professions' specialized understandings and lexicons diffuse in part into popular consciousness and general cultural understandings.
- Exercise entrenched positional power short of one-sidedness and opportunism by operating consistently with an independent socio-cultural authority, fiducial responsibilities, and identifiable positional and corporate interests. That is, professions institutionalize within identifiable positions - either within major intermediary associations in civil society or within state agencies - a set of bright line, procedural-normative restraints on arbitrary exercises of collective power of any kind, public or private.
- Are "arbitrating" institutions which, in restraining positional one-sidedness, extend lawfulness as procedural-normative legal integrity from the state to major intermediary associations in civil society or, alternatively, to independently governed agencies of the state. As such, professions support structurally one and only one institutional design in particular. Otherwise, their professional power, authority,

responsibility, occupational orientation, procedural integrity and collegiality, and meritocracy challenge structurally all other institutional designs. Professions:

1. enervate structurally (and typically inadvertently) all despotisms and autocracies, in which one-sidedness characterizes both state agencies and major intermediary associations;
2. expose (often more purposefully) structural limitations in formal democracies, in which fair and free elections are held but one-sidedness continues to characterize both the state and intermediary associations;
3. expose (typically even more purposefully) structural limitations in limited governments, in which state one-sidedness is restrained procedurally-normatively but one-sidedness continues to characterize major intermediary associations in civil society.
4. support structurally democratic societies, in which one-sidedness by major intermediary associations is restrained procedurally-normatively.

This fourth, four-part institutional consequence of professionalism indicates why Continental sociologists have long considered professions to be Trojan horses (see note 11). Living within “state societies” (Dyson 1980) and *Rechtsstaats* which at best institutionalize limited government, not democratic society (see Sciulli 2008d), they see professionalism insidiously challenging received practices and institutions. Worse, they see it spearheading an ongoing, ultimately sinister diffusion of “Anglo-Saxon cultural imperialism” (e.g. Bourdieu and Wacquant 1998:197-98 note 40; Dezalay and Garth 1996, 2002; Fournier 1999; and Sousa Santos 1995, 2005).

How professionals, and their associations, typically and openly exercise positional power over dependents does indeed always and everywhere structurally support, enervate or expose limitations in whatever institutional design is in place. One example of the structural invariance to which we are pointing comes into view when professionals act with integrity, consistently with their independent socio-cultural authority, fiducial responsibilities and other qualities. They then always and everywhere exercise positional power short of one-sidedness or abuse, to say nothing of short of opportunism or irresponsibility. But now we can add examples of variation in institutional design to this basic proposition.

Integrity in professional practice and professional research always and everywhere supports structurally only one set of institutional designs, that of democratic, commercially competitive societies. The *same* behavioral integrity by professionals always and everywhere either exposes structural limitations in other institutional designs, those of limited governments and formal democracies, or enervates still other institutional designs structurally, those of autocracy.

On the one hand, always and everywhere, historically and today, ongoing professionalism enervates structurally all societies and regimes which are manifestly despotic or authoritarian in institutional design. These societies and regimes include, of course, the aristocratic societies, dynastic states and absolute monarchies of the *ancien regime*. They also include all authoritarian societies and autocratic regimes of the modern world, including those today. Ongoing professionalism, including that which unfolded inadvertently in the visual *Academie*, never supports *structurally* any of these institutional designs. (Consider again in this light our comments above about *Academie* meritocracy being incompatible *structurally* with the institutional design of an aristocratic society.)

On the other hand, ongoing professionalism also always and everywhere introduces a structural irritant into all remaining institutional designs. Being both wide-ranging in scope and internally variegated, this intermediate category of societies and states spans all

institutional designs, historically and today, which resist outright autocracy and yet fail to democratize sufficiently to qualify unambiguously as democratic, commercially competitive *societies*. Ongoing professionalism exposes severe structural limitations within or introduces salient structural tensions into this entire intermediate set of societies and states.

The institutional designs we have in mind include not only those which Larry Diamond categorizes generally as “pseudo-democracies,” those which fall short even of formal or electoral democracy. They also include regimes which institutionalize fair and free elections but otherwise fall short of liberal democracy structurally and institutionally (and then also socio-culturally). Such regimes span those which Guillermo O’Donnell calls “delegative democracy,” others call “illiberal democracy,” and Diamond categorizes generally as “intermediate democracy.”

For present purposes, we restrict our discussion to two major examples of intermediate democracy, of institutional designs which are clearly formally democratic but, equally clearly, fall short structurally of democratic society.¹² One example is that noted above in passing: formal or electoral democracy. This set of institutional designs includes prewar continental *Rechtsstaats* as well as American democracy prior to Progressive reforms at the turn of the twentieth century. It also includes most new democracies in the South and East today. The other example goes a step further: limited government. It includes post-Progressive reform American democracy as well as postwar continental *Rechtsstaats* and, thus, most contemporary established democracies today.

Always and everywhere, professions are “arbitrating institutions” in the state or in civil society which operate more or less independently of more familiar arbitrating institutions, namely the state administration and judiciary.¹³ Indeed, professions bring with them, independently of both economic liberalism and political democratization, effective horizontal restraints on arbitrary power, and they do so irrespective of the latter’s source. They restrain arbitrary power which originates in state agencies as well as that which originates in structured situations in civil society, whether in private commercial enterprises (publicly traded corporations), in occupational associations or in dispersed workplaces.

This means that citizens’ everyday experiences with professions can bear directly on how elites as well as the mass public perceive the “representativeness” or “responsiveness” of an entire regime. Here is a good illustration of how “regime” extends beyond the “state.” It also illustrates, moreover, why “institutional design” is more descriptive than “regime” and, as a result, more helpful both empirically and theoretically.¹⁴

4. Discussion: Greater Abstraction

We can see already that the listings above have two important features. First, they are far more abstract than any of the listings presented heretofore in the sociology of professions; they are thereby capable of overcoming or overarching type and case relativism. Our definition and criteria of profession above are sufficiently abstract to grasp the Paris *Academie* case, and then also the rise of English law professionalism during the mid-

¹² How and why liberal democracy also falls short of democratic society structurally and institutionally is beyond the scope of this paper, as is our elaborated typology of institutional designs.

¹³ See Robert Rohrschneider (2005) for the phrase, absent any reference to, let alone discussion of, professions.

¹⁴ Gunther Teubner draws attention in various publications to what he calls “the horizontal effect of fundamental rights,” which extends beyond the state to private “centers of economic power” (2004:7; also 2002, 2000, 1998; Fischer-Lescano and Teubner 2004; Paterson and Teubner 1998). We are proposing that substantive-normative rights attached to persons are today increasingly less effective horizontally in identifying and restraining arbitrary power. Much more effective are procedural-normative duties attached to positions, both public and private.

nineteenth century as well as all instances of professionalism since then and any instances of unfolding professionalism today.

Second, and related, all of the qualities in the two listings above are first and foremost structural and institutional – not cultural, or social-psychological or socio-economic. This is why they are invariant rather than variable or relative. These qualities do not hinge on the cultural understandings and socio-psychological convictions of occupational practitioners, which are ineluctably variable. For instance, the notion of professionalism was entirely anachronistic during the *ancien regime*. Thus, Paris *academiciens* had no cultural understanding whatsoever that they were professionalizing, and yet this is precisely what they did. They did so in the complete absence of any ideology of professionalism and, for that matter, in the complete absence of any independent social-psychological convictions about the promise or limits of undertaking a professionalism project.

The qualities above also do not speak to the relative status or wealth of professionals as compared to other occupational practitioners and researchers. Professionals are not always and everywhere paid well, nor held in esteem; these are variables.

Being constitutive and invariant, our definition and criteria above apply always and everywhere to every professionalism project, past or present and future. The structural qualities and institutional consequences of profession and professionalism appear empirically irrespective of whether the instances of occupational upgrading being studied are found in the Anglo-American world during the nineteenth century or on the Continent in the seventeenth century or in the Pacific Rim or Southern Hemisphere today. They appear empirically, that is, irrespective of whether we are studying prototype (inadvertent) professionalism projects during the *ancien regime* or purposeful professionalism projects amidst industrialization. They also appear empirically in the major inadvertent professionalism project unfolding today in the U.S. and the EU, that in corporate governance.

These structural qualities and institutional consequences, in short, constitute the field of the sociology of professions. They distinguish this field from that of work and occupations more generally, from the more generic inquiries of both Anglo-American revisionists and continental *Burgertum* sociologists. At the same time, they once again align the field of the sociology of professions with the great concern so central to Tocqueville: identifying major intermediary associations in civil society (and the state) that contribute to stable or institutionalized democracy (while simultaneously resisting populism or leveling).

VI. More on Structured Situations

1. How Structured Situations Differ from Other Sites

Only professionals, whether practitioners or researchers, earn their livelihoods by providing expert services within what contemporaries believe *universally*, as a literal cultural truism of *their* society and era, to be *structured situations* in civil society or the state. Within a structured situation, clients or patrons of an expert service are captured, not free standing. Entry is compelled by condition or circumstance and exit is either unfeasible or prohibitively costly. On the one hand, due to circumstance or condition, one must secure the expert service or else suffer either literal or figurative harm to one's wellbeing, whether harm to one's person or property or harm to one's place and purpose (or status and influence) in society. On the other hand, once clients or patrons successfully secure the expert service, they cannot exit the structured situation on short notice or at negligible transaction cost.

The term structured situation is taken from the legal and sociological literature of corporate governance, where it is applied to stakeholders as opposed to shareholders. This literature, in turn, stems from the much older and much more expansive literature of fiduciary law (as opposed to contract law).

The *shareholder* position in corporate governance is not structured. It is instead fluid, a site of simple commercial transacting. Shareholders can exit on short notice – sell their shares – typically at little or no transaction cost.

By contrast, the *stakeholder* position in corporate governance is structured, not simply embedded. Stakeholders are captured. As examples, middle managers have already dedicated long careers to one company, or major suppliers have already tailored their production facilities to fabricate particular intermediate products for one company according to customized specifications. Because of this, stakeholders cannot avoid trusting existing and future sitting management teams to bear some fiducial responsibility for preserving or maintaining their sunk assets. They cannot avoid trusting management to act “responsibly” or “evenhandedly,” as opposed to acting either one-sidedly, more unilaterally in their own positional interests, or opportunistically, in their own self interests - and thereby depleting stakeholders’ sunk assets prematurely to management’s own benefit.

There are no possible contractual terms that can protect stakeholders fully from this moral hazard intrinsic to their position. This is why the corporate judiciary (in the United States) or the corporate state administration (on the Continent and elsewhere) enforces *independently of contractual terms and of statutory law* management’s fiducial responsibilities of “care” and “loyalty” within corporate governance structures (Sciulli 2001).

Likewise, clients or patrons of professional services provided within structured situations cannot avoid trusting strangers impersonally, trusting particular practitioners or researchers to exhibit some fiducial responsibility for their wellbeing or investments. Reflecting this intrinsic structuredness, professional-client relationships are never strictly contractual in the eyes of the law. Always and everywhere they are first and foremost relationships of impersonal trust, thus fiducial. Then only secondarily are they considered relationships also of commerce, thus also contractual (and statutory). This is why professionals are never bound solely by contractual terms, explicit or implicit, or solely by statutory language, criminal or civil. Always and everywhere they are bound also by a value-added layer of tribunal-enforced fiducial norms of impersonal trust, a layer which exceeds unambiguously all contractual obligations and statutory restrictions of commercial exchange.

Client or patron vulnerability structurally, positionally, to moral hazard by professionals was as much in evidence when Paris aristocrats secured the expert services of visual *academiciens* as it is today when individuals *or collectivities or even the state* secure medical services, legal services or other professional services. By contrast, all other expert practitioners, including as examples chefs and couturiers, as well as athletes, sportsmen and entertainers, provide expert services at one or more of three sites or venues which are quite different:

- Sites of embedded commercial exchanges, the repetitive market relations idealized by network analysts and economic sociologists. These exchanges typically yield social relationships and thus emergent norms of behavior, but they never contain entrenched positions, and thus never confront positional power.
- Sites of simple commercial transacting and contracting, the arm’s-length market relations idealized by neoclassical economists.
- Sites of elective diversion, of discretionary leisure and entertainment.

The last two sites or venues, those of commercial transacting and elective diversion are fluid sites precisely because they lack repetitive or embedded exchanges, let alone entrenched positions. No one entering such venues becomes embedded, and thus subjected to emergent norms, let alone being captured or entrenched, and thus subjected to fixed positions, whether of power or of dependence. And no one, certainly, is either compelled to enter these

venues or blocked from exiting them at will. These are the sites or venues idealized by neoclassical economics.

Turning to the first site or venue listed above, embedded exchanges, haute couture and haute cuisine are ideal occupations with which to illustrate differences from arms' length retail transactions and then differences from professionalism. First, these occupations provide services which are unambiguously expert and middle class (*Bürgerlichkeit*). Second, they also exemplify generally the types of occupational services which can be acquired and provided repetitively, in embedded exchanges, not necessarily always at arms' length. As a result, emergent social norms frequently materialize during the acquisition and delivery of these sorts of expert services. Third, haute couture and haute cuisine nonetheless do not qualify as professions on the structural grounds we are describing. Moreover, they are not likely ever to professionalize, irrespective of how they evolve empirically in the future.

Couturiers and chefs, whether today or historically, never occupy entrenched positions of power and their clienteles never occupy entrenched positions of dependence. In turn, their clients and patrons are hardly compelled by condition or circumstance to acquire, let alone *to retain*, particular clothing design or culinary services over time. As a result, couturiers and chefs are entirely free structurally, like everyone else providing goods and services retail at either fluid sites or in embedded exchanges, to act as self-interestedly as they wish (short of violating basic contractual terms and general legal statutes). Indeed, when these "artists" or "entertainers" act utterly opportunistically or otherwise conduct themselves in aggrandizing ways it is preposterous for a client or patron to imagine accusing them of somehow abusing *their power, their positions*. The position of couturier or chef lacks positional power and, as a result, is hardly fiducial; it is strictly contractual, and then can be celebrated socio-culturally in middle class circles - an extraneous accompanying variable.

But we must be clear about what is being proposed here regarding the invariant relationship between structured situations and professionalism. On the one hand, we are not proposing that every structured situation in civil society or in state administration invariably yields a professionalism project, let alone a successful one. This is not true historically and it is not true today. During the *ancien regime* Italian visual *Accademia* failed to professionalize, and the same was true of all literary and natural philosophical academies across Europe. Likewise today primary school teachers, police officers and funeral directors have all failed to professionalize. For different reasons they have been unable credibly to claim an independent socio-cultural authority even as they do bear fiducial responsibilities positionally. We also see uncertain success of professionalism in U.S. and EU corporate governance.

More generally, professionalism is typically unsuccessful – including in law and medicine, science and engineering, both today and historically - when civil societies are riddled with patron-client networks. Such networks prevailed during the *ancien regime* and today they remain prominent across the East, Middle East and Southern Hemisphere. It is beyond the scope of this paper to explore this, but we propose that clientelism and professionalism are literal structural antonyms.

On the other hand, we *are* proposing that every successful professionalism project without exception has unfolded within a structured situation, either in civil society or in state administration. As the Paris visual *Academie* demonstrates, the relationship between structured situations and professionalism holds true even when an awareness of "profession" is unavailable culturally, let alone an ideology of professionalism. Today cultural understandings and ideologies of professionalism are frequently unavailable outside the

English-speaking world and yet some occupations on the Continent and in the Pacific Rim and Southern Hemisphere have nonetheless professionalized, at least in part.¹⁵

Not being narrowly socio-economic, the relationship between structured situations and professionalism also does not depend upon, nor vary with, such factors as a capitalist mode of production or, in modern societies, the path-dependence of any particular occupational order and stratification system. Being structural rather than socio-economic, the relationship between structured situations and professionalism held true in the absence of modern capitalism, in mid-seventeenth century Paris. It will hold equally true in the future, we propose, even should capitalism be displaced by some alternative mode of production.¹⁶

2. Why Structured Situations Were Unseen or Neglected

If the connection between structured situations and professionalism is structural and invariant, why has it gone unseen or neglected until now? Unlike the neglect of the case of Paris *Academie* professionalism, which spans the entire literature of sociology of professions, the neglect of this connection to structured situations cannot be traced as far back. It cannot be traced to Parsons and other contributors to the first phase of the sociology of professions. Rather, it can be traced definitively only to 1972 and the publication of the first major revisionist critique of them: Terence Johnson's aptly titled book *Professions and Power*.¹⁷ This publication is important for our purposes precisely because one of its central theses is that the power differential between professionals and patrons is an occupational variable, not possibly an invariant structural quality constitutive of professionalism. Quite purposefully, that is, Johnson relativizes at a conceptual level the relationship between professions and what we are now calling structured situations.

Johnson accomplishes this by presenting three related theses which, respectively, misread the empirical record of professionalism past and present and then propose an equally faulty hypothesis about professionalism future [**Handout F**].

- Johnson's first thesis is that the aristocracy invariably occupied positions of unalloyed power in all patronage relationships, across the entire occupational order.

This is a misreading of the historiographic record.

- Johnson's second thesis is that a dispersed, thus powerless, middle class is *the key* factor which explains and predicts the rise, consolidation and continued presence of professionalism *always and everywhere*, whether during the nineteenth century, or today, or anytime in the foreseeable future.

This is a misreading of what is constitutive of and what is extraneous in modern professionalism.

- Johnson's third thesis is that wealthy and powerful clients of professional services today, in particular corporate patrons and consumer collectives (such as insurance

¹⁵ Teubner's analysis of "expertise contracts" exemplifies the continuing difficulties European sociologists have in identifying professionalism projects on the Continent, whether within the state or within civil society. For Latin America, see Cleaves (1987).

¹⁶ This is why our analysis of professionalism here can accommodate and supplement general suggestions in Cohen and Arato (1992) regarding the likely structural contours of post-capitalist civil societies (without, however, sharing their lingering utopianism).

¹⁷ To be sure, Parsons and other functionalists had hardly built a firewall against the possibility of the coming conceptual obscurantism, inaugurated by Johnson. Nor did they later endeavor directly and purposefully to rebut Johnson's faulty reading of history. At best they alluded in vague and varying ways to the putatively distinctive institutional context of professional services, namely an industrializing liberal democracy. They, too, did not explicitly – let alone consistently or methodically – distinguish structured situations from other sites and venues of occupational activity, and thus did not appreciate at a conceptual level the significance of positional entrenchment.

companies, trade unions and benefit clubs), are akin to aristocratic patrons of yore. They putatively exercise power unilaterally over occupational practitioners. His hypothesis, then, is that this means de-professionalization cannot be avoided in the future.

This is a misreading of the trajectory of change of professions (and publicly traded corporations) as major intermediary associations in advanced societies, whether during the 1970s or today.

Despite the manifest empirical deficiencies of Johnson's first two theses and sheer improvisation of the third, every revisionist since 1972 has adopted all three theses. Some (such as Larson 1977) did so directly, by following and citing Johnson's position and view. Others did so indirectly, by following and citing Magali Larson's later and more influential book of 1977 which, in turn, directly adopts Johnson's position and view. Still others adopted Johnson's three theses independently, by recapitulating his positions and views unawares, typically quite casually. This is what Andrew Abbott did in 1988 in his magisterial *The System of Professions*. Everyone today, therefore, who adopts Abbott's systems approach to professions or Larson's earlier power approach is simultaneously adopting Johnson's positions and views regarding professionalism past, present and future. Abbott, for instance, sees professionalism in irreversible secular decline. He also acknowledges that his systems approach lost all explanatory and predictive power from the 1980s going forward (Abbott 1988:317-8; 2002; 2005).

3. Johnson's Wrong Turns

Johnson distorts the historiographic record by approaching the entire occupational order of the *ancien regime* through the lens of the four exemplars of *modern* professionalism: law and medicine, "science" (experimental natural philosophy) and engineering. He correctly finds that in these four occupational fields aristocrats did not defer in the slightest ways to commoners offering these services – including engineering services for military fortifications.

To the contrary, aristocrats typically spoke for themselves before all tribunals, absent any legal representation. Indeed, they were frequently compelled to do so, whether by customary practice or royal decree. In any event, it is clearly true that aristocrats typically did not defer to lawyers of any kind. For that matter, they frequently did not defer to magistrates or judges of any kind (other than those of higher aristocratic rank). Indeed, law lacked procedural integrity, a central foundation of law's independent socio-cultural authority today. Revolving exclusively around eminently interpretable substantive norms and royal decrees, both legal proceedings and legal outcomes were routinely subjected to quite open plays of nepotism, patronage and venality.

As for medical, "scientific" and engineering services, aristocrats engaged actively in their own health care, treated natural philosophical experiments strictly as diversions – not as "truth-seeking" or epistemologically grounded – and routinely drew or designed their own military fortifications, just as they drew or designed their own residential architecture and that of friends and princes.

What Johnson fails to appreciate is that during the *ancien regime*, nowhere and at no time are legal, medical, "scientific" and engineering services provided in structured situations. They are provided, at best, in embedded exchanges (of household patronage, pensions and commissions) and then also at more fluid sites of commerce and diversion. What Johnson also fails to appreciate is that during the *ancien regime* there were other expert services which even some aristocrats at times could secure only within structured situations, in which even they could not avoid occupying entrenched positions of dependence, vulnerability and apprehension – as opposed to retaining their more typical entrenched positions of power.

These were the expert services dedicated to ambitious ceremony and decoration, from *fetes* (and their decoration and accompanying musical and acting performances) to epic poetry in literary culture and narrative painting and sculpture in visual culture. Aristocrats were literally compelled by circumstance and condition – by their place and purpose in a rigid status hierarchy - to secure these expert services. Moreover, when they were not conversant with either literary culture or visual culture, they had no choice except to trust their wellbeing – their status “honor” – to the talent and discretionary judgment of commoners.

Unlike the case in law and medicine, “science” and engineering, gentlemen did not compose epic poetry themselves, for such activities were disdained for being too pedantic. Even more certainly, gentlemen did not paint or sculpt, for the use of brush or chisel was considered manual labor – something in which no gentleman could engage without literally jeopardizing his (and his household’s) standing in the Second Estate. Drawing or design was acceptable, particularly in depicting military fortifications and residential architecture to illiterate underlings, but not painting and sculpture.

Our point is that in France and Paris in particular during the second half of the seventeenth century, and then for two centuries to follow, the French aristocracy in particular, unlike their counterparts in Italy, did in fact trust their wellbeing or honor to the talents and discretionary judgment of visual *academiciens*. They might offer suggestions regarding certain paintings and sculptures as they were being designed and executed; but they did not dictate – let alone unilaterally so – design and execution. They did not dictate this because they – unlike their counterparts in Italy – were not in a position to do so. French aristocrats did not develop a lexicon of visual-cultural appreciation or a taste for ambitious visual commissions independently of the Paris visual *Academie*. Rather, it is the latter’s instructional program and then monthly *conferences* which eventually codified the first visual-based lexicon of visual-cultural appreciation in Western history. And it is this lexicon which assisted the French aristocracy in eventually overtaking Italians for visual-cultural leadership of Europe. Put most succinctly, it was the professionalization of ambitious painting and sculpture instruction and services which permitted the French first to compete with Italians visual-culturally and then to overtake them.

Johnson misreads the historiographic record here of gentle patronage so casually, with such ingenuousness or improvident self-assurance, that he never senses that his passing, seemingly innocuous historical references are inaugurating a path-dependence of conceptual obscurantism. Nor, therefore, could he possibly sense that this turn at a conceptual level is simultaneously skewing hopelessly his (and then later revisionists’) understanding of modern professionalism, from the mid-nineteenth century to today. That is, and here like the entire sociology of professions earlier, prior to 1972, Johnson assumes literally without thinking, let alone absent any explicit argument, that *any* historical manifestations of professionalism *invariably* had to appear first in law, then medicine (or science), not possibly in any completely unrelated occupation.

Regardless, Johnson’s central point in drawing the parallel between aristocratic patronage historically and corporate or collectivist patronage today is to contrast both cases of patron power to the manifest lack of power of dispersed middle-class clientele for expert services. Johnson’s second thesis, again, is that a dispersed, thus powerless, middle class is *the* key factor accounting for the possible rise, consolidation and continued presence of professionalism always and everywhere, whether during the nineteenth century, or today, or anytime in the foreseeable future. Johnson thereby establishes at a conceptual level what he considers a seemingly unambiguous truism of the entire sociology of professions: the power relationship between patrons or clients and professions is a variable, not invariant. It varies

historically as well as today with what he calls “forms of institutionalized control” in civil society.

Johnson develops this line of argument by devoting a separate chapter to each of three major types of control in patronage relationships. The first type occurs when producers define the needs of consumers and how they are to be met. This characterizes, by Johnson’s account, modern professionalism in the industrializing English-speaking world, namely professionals’ power over dispersed middle class clients. The second occurs when consumers define their own needs and how they are to be met. This characterizes, by his account, aristocratic patronage historically as well as corporate, collectivist and wealthy patronage today. The third type brings a third party into the picture, which mediates between producers and consumers to define needs and how they are to be met. This characterizes, for Johnson, the overarching role played by the state in modern professionalism on the Continent. This accounts, he assumes, for why professionalism could not have originated anywhere there.

Johnson, in short, sees consumer information, activism and collectivism as well as state paternalism always and everywhere guaranteeing a secular decline in professionalism. Such developments, he insists, invariably encroach upon practitioner power and authority. He does not see a structured situation remaining in place irrespective of all such developments, and thus entrenched positional power remaining in place. As a result of Johnson privileging modern law (and then medicine) when generalizing about professionalism as such, he mistakenly treats the following tripartite relationship – professionalism, industrialization and middle class clientele – as if it is an invariant gestalt.

In turn, looking forward, Johnson on two grounds anticipates a coming demise of professionalism (which Abbott essentially repeats independently, in 1988 and then 2002 and 2005). Industrialized societies are giving way to post-industrial, information societies. More important, dispersed middle-class clientele are everywhere today being displaced or augmented regardless by consumer collectivism and state paternalism. This is evident not only in advanced Western democracies but also in newly industrializing and democratizing societies in the East and South. This second reason for anticipating professionalism’s demise is utterly central to Johnson’s (and Abbott’s) logic: Just as professionalism failed to appear historically in the absence of dispersed middle-class clientele, there is no good reason to believe professionalism can possibly survive in any society, today or in the future, where dispersed demand for expert services gives way to consumer collectivism or state paternalism.¹⁸ Given that many newly industrializing societies today contain insurance companies, trade unions, benefit clubs and governmental agencies which retain expert services, Johnson sees the handwriting on the wall. Professionalism everywhere is disappearing *structurally* today because everywhere the tripartite relationship above is becoming obsolete.

By contrast, the centerpiece of our structural-institutional approach to professions is that *anyone* – of any wealth or social status, knowledge base or collective support - who successfully *retains* professional services *cannot avoid* occupying an *entrenched* position of dependence. He or she cannot avoid trusting an expert service provider impersonally to bear fiducial responsibilities for his or her wellbeing. The state cannot reduce a client’s

¹⁸ The first word of Elliott Krause’s title, *Death of the Guilds* (1994), and then entire subtitle, *Professions, States and the Advance of Capitalism*, say it all. Just as guilds declined during early capitalism, Krause sees professions declining today, amidst late capitalism. Any presumed parallel between guilds and academies is inexcusable on historiographic grounds, as is any parallel universities (*studia generale*) and academies; as a result, the same holds true for any parallel between guilds (or early modern universities) and professions.

vulnerability vis-à-vis a professional, cannot somehow protect them from one-sidedness or opportunism; the same is certainly true of a consumer collective or a labor union.

Entrenched positions of dependence are literally inescapably vulnerable to moral hazard at the hands of *anyone* occupying entrenched positions of power in structured situations. Always and everywhere, dependents in structured situations are inescapably vulnerable positionally to moral hazard, to power-holders' one-sided exercises of positional power and self-interested opportunism. The degree of vulnerability positionally was not any less during the *ancien regime* for individual aristocratic patrons of Paris visual *academiciens*. Today it is not any less for individual clients of professional services who happen to be: members of consumer collectives; or employees affiliated with union or corporate self-help associations; or beneficiaries of welfare state paternalism.

Indeed, the degree of vulnerability positionally is also not any less even when any of the patrons or clients just mentioned – or their collective sponsors or supporters - are remarkably well informed about their circumstances or lived conditions and the occupational activities of professionals. It is not any less even when these patrons or clients are themselves lawyers, physicians or other professionals, or their sponsors or supporters include such professionals. Even the most informed patrons and clients, like the most informed stakeholders, cannot reduce substantially the power differential accruing structurally, on the ground, to practicing professionals and sitting management teams, as a result of their entrenched positions.

This means that even elites – to say nothing of middle-class consumers, whether dispersed or organized - never truly “control” professional services, including professional inquiry and research. Elite (and collectivist) control is not possible unless and until elites (or the state) first displace structured situations with either embedded exchanges or fluid sites. This displacement simultaneously terminates all professionalism projects, relieving occupational practitioners of all demands of impersonal trust, all fiducial responsibilities. Practitioners are held solely to contractual, criminal and civil obligations, which elites (or the state) can indeed define and control, at least at times.

A second, equally mistaken prejudice also finds its way into Johnson's approach, and precisely because he fails at a conceptual level to associate professionalism with any invariant structures which, as such, antedate, accompany and then succeed industrialization and dispersed consumerism. He essentially recapitulates all of the worst or least defensible features of Parsons' earlier cultural and social-psychological approach to professionalism. That is, he attributes *successful* professionalism to participants – practitioners and clients alike - sharing certain ascribed characteristics, as properly socialized middle-class individuals (rather than as aristocrats or, certainly, as blue-collar or unionized workers).

Accordingly, Johnson, like Parsons, sees these participants sharing certain cultural understandings and social-psychological convictions and sentiments. These include beliefs in their own wisdom, in the legitimate power of dominant groups, and in “values of justice.” In addition, he sees professional practitioners also successfully employing – whether appropriately or underhandedly - certain “ideological” strategies of occupational upgrading (1972:49,52,56-57,89-90).

With this, Johnson inadvertently recapitulates nearly in lockstep central parts of Parsons' basic cultural and social-psychological approach to professionalism - even as Johnson is otherwise asserting explicitly to readers all along the way a “need” always to avoid a “Parsonian reification of values” (1972:56). Johnson's second prejudice, in short, like Parsons' publications earlier, is that successful professionalism becomes impossible when:

- participants become heterogeneous ascriptively, rather than remaining rather more uniformly middle-class (*Burgertumlichkeit*);
- a very particular set of understandings, convictions and sentiments, and strategic options is unavailable to participants culturally and personally; or, when available
- participants neglect this set or otherwise fail to recognize and appreciate its strategic importance in any purposeful project of occupational upgrading.

VII. Beyond Parsons *and* His Revisionist Critics

Our point in contrasting at a conceptual level both embedded exchanges and fluid sites to structured situations is to go beyond all approaches to professionalism which are social psychological, cultural and ideological - or narrowly socio-economic - whether Parsonian or revisionist. Once we appreciate at a conceptual level that the relationship between structured situations and professionalism is invariant, and thus constitutive of professionalism, we arrive at an approach which is first structural (as we are seeing) and then institutional (as we alluded in Handout E). This approach allows us finally to succeed where Parsons and functionalists failed. First, it revolves around a bright-line distinction at a conceptual level between professions and all other occupations. Second, it brings into view consequences for the larger social order which stem uniquely from either successful or failed professionalism within structured situations.

Even with the very broad, preliminary sketch of the institutional consequences of professionalism in Handout E we are already adding nuance to narrower ways of characterizing civil societies, in strictly socio-economic terms or political terms. Cast in narrowly socio-economic terms, civil societies are simply capitalist modes of production, or neo-liberal exchange networks, or welfare-state ground-floors below which no one is permitted to fall. Cast in narrowly political or governmental terms, they are simply democratic or autocratic regimes, pluralist or corporatist patterns of intermediation (between state agencies and trade associations).

Our greater nuance in characterizing civil society means that the central question in a scientific, thus conceptually grounded and critical, sociology of professions cannot be whether or how professionals become altruistic or service-oriented at dispersed worksites, as properly socialized or inculcated individuals. Such motivations or orientations would require individual professionals – somehow - to disregard their positional interests and, as a result of this, to relinquish or abnegate their positional power. Our point is that such abiding self-control is simply not an available option structurally, irrespective of what professionals' motivations and orientations as individuals happen to be. It cannot become an available option unless and until fluid sites or embedded exchanges displace structured situations. As a result of this displacement at a structural level, professionalism then gives way to de-professionalization; and simple contractual and statutory relationships displace demands of impersonal trust or fiducial responsibilities.

The central question, given our nuanced characterization of civil society, is instead whether and how professionals, as well as corporate officers and others who occupy entrenched positions of power in structured situations in civil society, are typically governed and regulated as they invariably exercise positional power in advancing their clearly identifiable positional interests. How do they typically conduct themselves in open view of peers, association or agency officers, and interested observers, including reporters for trade publications? Do professionals exercise positional power one-sidedly, in ways that advance their positional interests to a point of arbitrariness and abuse? Or do they more typically exercise positional power more evenhandedly, that is, consistently with their positional interests *but short of one-sidedness* and thus, in this sense, relatively disinterestedly and

deliberatively? Do they typically conduct themselves in ways that peers, association leaders and interested outsiders are both willing and able to defend openly and publicly – including on epistemological and didactic grounds - as acceptable, legitimate and, indeed, exemplary? Or do they typically conduct themselves in ways that, when made public, these parties are compelled to acknowledge are problematic or indefensible, on both structural and fiducial grounds?

In being held accountable structurally or positionally for the fiducial responsibilities noted in our listing, those immediate and those institutional, professionals are expected, *at minimum*, to exercise their positional power short of one-sidedness. Put more positively, they are expected to exercise positional power consistently with the independent socio-cultural authority they have successfully asserted and now exercise within structured situations. Indeed, the fiducial responsibilities of professionalism, being structural and thus invariant, also illustrate the distinctiveness of professionals' immediate positional and corporate interests, as opposed to their self-interests and idiosyncrasies as individuals.

Like the socio-cultural authority which credibly can be claimed only within structured situations, the fiducial responsibilities constitutive of structured situations are at once facilitating (of immediate positional and corporate interest) and regulative (of positional one-sidedness and opportunism). They simultaneously advance the immediate positional and corporate interests – not self-interests - *of anyone* in a professional position of power as well as the wellbeing *of anyone* in a client or patron position of dependence.

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