# 185

# WILLING INSTRUMENTS OF THE STATUS QUO

#### **EUGENE KREMER**

Kansas State University

# **Serving Power**

Occupations societies classify as professions are the products, guardians and willing servants of power — of the existing order. The inextricable relationship of professionals and power lies at the heart of their role in society.

Professionals are highly skilled advisors to others who ultimately retain decision making authority. Whether the client is an individual, a committee, or a government, professionals offer counsel on resolution of important, complex matters demanding exercise of informed judgment in the application of theory-based knowledge. Routinely confronted by ambiguity and despite the absence of complete information, they must recommend courses of action to address clients' problems. Professionals avoid offering advice on problems that lie beyond their competence or that present conflicts of interest. Closely related to these norms is the prohibition of paternalism, the usurpation of clients' decision making prerogatives.

A productive professional-client relationship is one of shared but differentiated responsibilities. The realm of professional dominance lies at the level of strategy, tactic and technique, but even there clients retain the right to participate and to reject advice. Unavoidably, clients are preeminent in determining mission and objective. Thus the attorney counsels the client on the law, but the client decides whether to pursue the suit, and how to divide the estate among heirs. The physician diagnoses the malady and recommends treatment, but the patient decides whether to stop smoking, and whether to undergo surgery. The planner projects costs and benefits of a highway or rezoning, but the elected officials (by whom the planner is employed) decide on the action to be taken. The architect advises on all manner of questions, but the client decides where to build, and for whom. The professional who finds the client's purpose repugnant or whose recommendations are rejected is ordinarily free to withdraw, but violation of the client's trust, or subversion of the client's intentions, is proscribed for such behavior negates the central assumptions on which their relationship is founded.

Beyond such enduring virtues as professional loyalty, trustworthiness and confidentiality in their relationships with clients, most professionals embrace the larger political values dominating the cultures they serve. Whether it be feudalism, monarchical autocracy, American

slavery, laissez-faire capitalism, fascism, communism, the social welfare state, or South African apartheid, professionals have clamored to serve, to strengthen and often to glorify the institutions confirming established power.

It is not surprising that the professions serve societies primarily as agents of stability rather than of change. Professionals and most of their clients enjoy relatively high social and economic status. They have a considerable stake in the maintenance of the existing power relationships which have yielded (or promise to yield) them rewards beyond those characteristic of the society. Marked deviation from the dominant political, social or economic norm of the culture by the practitioner or by the profession threatens that privileged status.

In addition to simple self-interest, an array of devices operate to inhibit rapid or significant change in the professions. A royal or legislative charter granted to an occupation publicly endorses its claim of professional status, its assertion of unique capacity to address issues of critical importance to the welfare of the society, and its responsibility for self-governance, for autonomy. Such market advantages are bestowed conditionally. The nature and scope of the protected work are circumscribed, the requisite education and training for entry to the profession are specified, standards of occupational and personal behavior are imposed, and penalties for deviation from the law are established. The executive and judicial branches of government, or their surrogates, interpret and police adherence to the special privileges and obligations of each profession. They are not alone.

Almost without exception there exists a voluntary powerful occupational membership group, established long before governmental award of professional recognition, whose activities reinforce and extend those of government. Absent such an organization to unite the members of the occupation through the establishment and administration of reasonably consistent and rigorous standards, and to campaign for formal affirmation by government of its vital societal role, achievement of professional status is unimaginable.

The extended period of formal general and professional education required of the candidate for entry to a profession constitutes an effective socializing device. With but rare exception, the path for admission to the profession is comprised of a multitude of explicitly defined sequential challenges each of which must be

successfully met in order to proceed. If the novice learns and accommodates the dominant values, methods and behaviors the larger society and the occupational group have prescribed, progress to the next stage of preparation is assured. The student who rejects the curriculum as irrelevant to the problems confronting the field or society is obviously ill-suited for a career in that profession.

Certainly the student is free to select another school but, whatever the choice, its program will need to be accredited if the aspirant is to enter the profession's ranks. While curricular and other manifestations of diversity are encouraged by accreditation boards, their raison d'etre is to assure the public and the profession of the essential interchangeability of the educational programs they have certified. The spectrum of difference between the schools pales when examined against the commonalities mandated for accreditation. If the student's quarrels address matters central to the profession they will not likely be resolved by transferring to another institution.

Colleges and universities, the settings in which professional education takes place, conventionally assert their role and responsibility to critically examine the status quo and to lead the society in development of new knowledge and innovative techniques for addressing important questions. Elaborate structures have been created to protect the free exploration and expression of ideas by individual scholars and to insulate the institutions from the intrusions of partisan politics. Yet faculty autonomy and its most celebrated safeguard, academic tenure, have imposed an ever narrowing orthodoxy on professional school faculty for whom the range of acceptable academic credentials and modes of inquiry are diminishing. And highly prescriptive professional accreditation standards developed by agencies dominated by licensing boards, professional practitioners, and academics from other institutions have substituted the homogenizing judgements of others for those of the institution's own faculty. Consequently the vaunted faculty responsibility for design of the academic program has been reduced to an exercise in developing the details of an externally imposed professional education orthodoxy to which all would-be members of the occupation and their teachers are compelled to submit in order to achieve or to retain the accredited status of the curriculum.

Every university, whether nominally private or public, relies on the financial support of governments, corporations, foundations and affluent individuals. The wealth and power of each of these benefactors is a product of the established order which they have little interest in disturbing. The eager acceptance by higher education institutions of calls for active participation in government sponsored economic development activity, their collaboration with corporate developers of research parks and schemes to participate in the commercial development and marketing of the products of scholarship, promise even less intellectual independence, even less capacity to pursue unfettered questioning of society's norms and taboos.

During the late 20th century the American professions have been indispensable actors in the complex processes

creating growing economic inequality, social isolation, homogenous suburban sprawl, gutted cities, gentrification of neighborhoods, accelerating per capita consumption of resources and the concomitant escalation of waste production, as well as a plethora of other problems. The professions are not Gullivers rendered impotent by the Lilliputian's threads, nor are they captives of the Brobdingnagians; they are willing, nay active and indispensable, collaborators of those who hold power and give form and substance to the society. Each profession pines for greater access to power, promising that, given opportunity, it would shape a better world.

## Serving the Greater Good

The professions' position in society effectively restrains substantive effort to address the interests of the least powerful members of society for to do so challenges the *status quo* and brings the profession into conflict with the institutions on which it depends for its own power, privilege and authority.

Nonetheless, an important element in the mythos of *profession* is public service, dedication to the common good transcending the narrow needs and desires of the client, the practitioner, or the profession to address larger ethical, social and environmental objectives.

Professional assistance pro bono publico (literally, "for the public good," but meaning "without fee" to those who need help but lack financial resources to pay) is a means for addressing the obligation to assure that all members of the society have access to the benefits of professional services. Provision of pro bono services may be most prevalent among the legal and health professions which have historically acknowledged a special duty to serve the poor. Nonetheless, moved in 1987 by "abundant evidence of unmet needs" the editors of the journals of the American Bar Association and the American Medical Association published a joint editorial, "50 Hours for the Poor," reminding their readers that unlike ordinary business endeavors "the privilege to practice law or medicine" carries a responsibility, identified in ABA and AMA codes of professional conduct, to serve the indigent without remuneration. The editors acknowledged that "many but not enough" members of each profession "deliberately care for the poor in a voluntary and uncompensated way," and went on to call for every practitioner to devote a minimum of 50 hours to the poor each year (Bodine and Lundberg, 1987). The gulf between the standard espoused by the editors and professional behavior was suggested by the contemporary ABA study concluding that fewer than one in six American attorneys participated in organized pro bono programs for the poor ("Pro Bono Publico," 1987), and by the estimate that perhaps eighty percent of the need of the indigent for civil legal assistance was unmet (MacCrate, 1987). An AMA study of all American medical doctors carried out during 1987 reported that slightly more than one in six physicians were providing uncompensated care outside their regular practices ("Charity Takes Many Forms," 1987)

Commenting on "the medical abandonment of the poor," in the same issue, David Hilfiker, MD, observes that it is "easy to blame a public system in which only

31percent of the poor even *qualify* for Medicaid, of which bureaucracy and second-class care are the hallmarks." Hilfiker concludes instead that the problem is a symptom of "society's refusal to face its own brokenness" (1987).

Given the inextricable bonds between the professions and the existing order, it is not surprising that *pro bono* services have historically focused on the immediate difficulties of indigent clients and have purposefully avoided attack on the underlying economic conditions or societal relationships spawning those problems.

Although not unknown to the architectural profession, few practitioners perceive pro bono service provision as a fundamental responsibility. The ABA Model Rule of Professional Conduct 6.1, Pro Bono Publico Service, explicitly acknowledges professional obligations to serve the needy and details a variety of means through which this responsibility might be fulfilled (Gorlin, 1990). In contrast, the AIA Code of Ethics and Professional Conduct simply notes in Ethical Standard 2.4, "Members should render public interest services and encourage their employees to render such services" (Gorlin, 1990). The relative importance of the issue is further revealed by a review of professional journals in each field during the last decade. The ABA Journal and other major legal journals have frequently reported and editorialized on pro bono service provision; Architecture, Architectural Record, and Progressive Architecture each carried only a single indexed article or editorial on the subject (Crosbie, 1992; Schmertz, 1987; Shivers, 1991).

An indigent person may find professional legal services offered pro bono by an attorney or a legal aid agency and thereby address the landlord's threat of eviction, the failure to repair the roof or to provide heat. Success brings the force of the law to bear in directly resolving the client's immediate housing problem. Even if pro bono service provision were commonplace among architects, their work would remain substantially removed from effecting remedies to the problems confronting the poor. Architects' services result simply in recommendations or plans for action whose realization not only requires expenditure of significant capital resources, it is often dependent on approval by a variety of bureaucratic and elected officials. Thus, the indigent, who by definition lack economic and political power, are unlikely to find effective remedies to the problems besetting them through the professional services of an architect whether paid or not. The impoverishment which puts purchase of professional architectural services beyond reach, renders virtually unattainable the resources required to implement the advice proffered.

Architects have found the primary market for their services among power elites in the public and the private sectors of the economy. Unlike the law, architecture is not founded on notions of equality. Nonetheless, in America and many other contemporary societies, there is a substantial history of governmental policy, professional rhetoric, and social commentary asserting the "right" of all citizens to good housing, safe neighborhoods, access to the natural environment, etc. Land use regulation, building codes, and other government created or administered means for environmental management

promise equal protection but have often served to reinforce privilege.

The American architectural profession through its principal organization, the American Institute of Architects, has established a host of programs whose titles and nominal purposes suggest reform. Each of these enterprises was founded on the sorts of social and economic premises which had led earlier generations of architects to champion the development of sanitary housing schemes, garden cities, public housing, urban renewal, and new towns. In operation such AIA initiatives including Regional/Urban Design Assistance Teams, the Search For Shelter, the Affordable Housing Task Force, and the Community Assistance Initiative are polite efforts demonstrating the interest and involvement of the architectural profession, involving practitioners in collaborative relationships with business and government. None challenge existing power relationships.

### **Closing Observations**

The lead story in the July 1990 issue of Architecture was an extended examination of the housing crisis in America. The author, Andrea O. Dean, offered an analysis of the factors which had accelerated destruction of housing stock, depressed housing starts and inflated the cost of new and existing units. She found no reason to hope for resolution or abatement of the crisis (1990). At mid-decade the prospects remain dim. The 1996 Republican candidate for president added his voice to those calling for dissolution of the Department of Housing and Urban Development (HUD) (Nagourney, 1996; Nyhan, 1995). Its funding continues to decline precipitously and the Clinton administration backs far-reaching restructuring of HUD policies (DeParle 1996). Although "some 5 million American households ... pay more than half their pre-tax income for housing," (Loeb, 1996) there will be a further diminution in the supply of housing available to low and moderate income Americans (Barrett, 1995).

Inner-city social, economic and physical decay are largely ignored until neighborhoods erupt in riot, gang violence, or drive-by shooting sprees which trigger a few days or weeks of intense national television coverage. Less visible to the media, and therefore to the nation, rural poverty continues to shrivel small towns across the continent and to deny their residents access to adequate education, employment, housing, health care and other essential resources.

Growing economic inequality within American society (Fischer, 1996), compounded by accelerating technological complexity and continuing bureaucratization, has exacerbated the predicament of significant numbers of Americans and heightened the necessity for reform.

The popular suspicion that professionals are members of a privileged class dominating the nation and that professions often operate as occupational conspiracies benefitting their members rather than advancing the public good is rooted in America's long struggle to adhere to the ideal of an open democratic culture (Starr, 1982). Common among virtually every profession is the conviction that its high ideals and important work are significantly undervalued by society; that its realm of

service and well deserved status are dangerously eroded by competing occupations; and that it is unfairly assailed by an ill-informed, unduly critical public. The tendency of the professions to substitute hagiography for critical selfexamination is evident not only in their codes of responsibility, policy statements and journals, but in their rituals and awards programs, as well as in the socialization and educational experiences of students preparing for professional careers. Conspicuously absent from the dialogues of the professions is their complex, unavoidable relationship to power. As a result, students and practitioners often are ill-prepared to effectively anticipate or respond to professional situations shaped by that pervasive nexus.

#### REFERENCES

Barrett, Amy. "Uncle Sam May Raise the Rent: Subsidized Housing Could Succumb to Cost-Cutting Fever." Business Week. (September 11, 1995), 3441, p. 88.

Bodine, Laurence and Lundberg, George D. "50 Hours for the Poor." ABA Journal. (December 1, 1987), 73, p. 55.

"Charity Takes Many Forms." JAMA. (December 4, 1987), 258, pp. 3081-4.

Crosbie, Michael J. "Pro Bono Architecture." Architecture. (September 1992), 81:9, pp. 91-96.

Dean, Andrea O. "Housing America. Architecture." (July 1990 79), pp. 51-55.

DeParle, Jason. "House the Poor." Washington Monthly. January-February 1996), p. 33.

Gorlin, Rena A., ed. Codes of Professional Conduct 2nd ed. (Washington, DC: BNA Books, 1990).

Fischer, Claude S, et. al. Inequality by Design: Cracking the Bell Curve Myth (Princeton, NJ: Princeton University Press,

Hilfiker, David. "Unconscious on a Corner..." JAMA. (December 4, 1987) 258:21:31, pp. 55-56.

Loeb, Penny, et. al. "Helter Shelter." U.S. News & World Report. (November 11, 1996), pp. 28-33.

Lundberg, George D, and Bodine, Laurence. "Fifty Hours for the Poor." JAMA. (December 4, 1987), pp. 31-57.

MacCrate, Robert. "Pro Bono: The Lawyer's Response to a Public Calling." ABA Journal (December 1, 1987), p. 8.

Nagourney, Adam. "Dole Calls Public Housing One of 'Last Bastions of Socialism." The New York Times. (April 30, 1996), A14(N).

Nyhan, Paul. "GOP Factions Aims to Abolish or Shrink Beleaguered HUD." Congressional Quarterly Weekly Report (May 20, 1995), p. 1426.

Pro Bono Publico. ABA Journal (December 4, 1987), p. 54.

Schmertz, Mildred. "Pro Bono Architecture in Appalachia and Elsewhere." Architectural Record (March 1987), p. 9.

Shivers, Natalie and MacLeod, Douglas. Pro Bono Publico. Progressive Architecture (March 1991), pp. 40-44.

Starr, Paul. The Social Transformation of American Medicine (New York: Basic Books, 1982).