

What is a "Profession"?

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"Into the ranks!" exclaimed Willie. "But don't you want to be an officer?"

"No, I do not," said Horry.

"But what else can one be," asked Willie, "except a barrister, or go into the Diplomatic Service? Surely you wouldn't be a doctor or a clergyman?"

"There are more professions in heaven and earth, little Willie," said Horry, looking very profound, "than are dreamt of in your philosophy". Duff Cooper: *Operation Heartbreak* (London, 1950), p. 18.

What is meant by a "profession"? We are now so accustomed to the debasement of the currency in our pocket that many of us may be unmoved by the comparable change that has taken place in our professional status. Words of merit and significance, for which men died, are every day applied to concepts the very opposite of those which inspired them. Peace means war; democracy, tyranny; freedom, serfdom; dominion implies subjection, and material security is said to be obtained by utter dependence on others. We live in a revolutionary society. The word "profession", and all it stands for, has not withstood the surge of time. There has been a conscious examination in other places of this and like changes, which have been nowhere more marked than in socialist Britain. Carr-Saunders and Wilson in 1933 studied *The Professions* in a monumental work.¹ In 1939 Professor T. H. Marshall wrote a thoughtful and balanced essay on *The Recent History of Professionalism in Relation to Social Structure and Social Policy*.² In 1949 Roy Lewis and Angus Maude examined *The English Middle Classes*, the professions among them.³ Dr. Roscoe Pound has considered *The Professions in the Society of Today* with apprehension.⁴ This

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¹ A. M. Carr-Saunders and P. A. Wilson: *The Professions* (Oxford, 1933).

² (1939), 5 Canadian Journal of Economics and Political Science, reprinted in, *Citizenship and Social Class* (Cambridge, 1950).

³ (Phoenix House, London).

⁴ (1949), 241 New England Journal of Medicine 351, issue of September

year Professor J. E. Smith of Queen's University has written an impressive article in *The Canadian Chartered Accountant* on *The Criteria for Professional Status*.⁵ Finally, continual efforts to professionalize many callings and ventures have tendered to the traditional professions the sincerest form of flattery.

"Profession" is a word of decent antiquity. It is derived from the Latin verb *profiteor*: "to declare publicly, to freely own, acknowledge, avow, to openly confess or profess". In classical times the noun derived from it, *professio*, was used as a public declaration of a business or calling, and was applied then to rhetoric, philology, philosophy, magic and medicine.

The Greeks too had the concept of a profession. Plato wrote in *The Republic*:

But when intemperance and diseases multiply in a State, halls of justice and medicine are always being opened; and the arts of the doctor and the lawyer give themselves airs, finding how keen is the interest which not only the slaves but the freemen of a city take about them. . . . Is it not disgraceful, and a great sign of the want of good breeding, that a man should have to go abroad for his law and physic because he has none of his own at home, and must therefore surrender himself into the hands of other men whom he makes lords and judges over him?⁶

In the second century A. D. Lucian wrote in words as fresh today as then: "When my childhood was over and I had just left school, my father called a council to decide upon my profession".⁷ Later in *The Parasite: A Demonstration that Sponging is a Profession*, Lucian discussed trades and professions that enable ordinary people "to benefit themselves and others". The professions to him, at that date, were rhetoric, or the calling of an advocate, music, medicine, mathematics and philosophy. He spoke of abstaining from these professions "because nothing great is easy" and contrasted to them the trades of carpentry and cobbling.

In these civilizations of the Mediterranean, professions were already recognized as necessary elements in the civilized state, and on a level somehow higher than honest trades.

8th, 1949. Another rather disconcerting approach is found in, *Education for Professional Responsibility: A report of the Proceedings of the Inter-Professions Conference on Education for Professional Responsibility* held at Buck Hill Falls, Pennsylvania, April 12, 13 and 14, 1948 (Pittsburgh, 1948), which started with the assumption that it was concerned with Divinity, Medical, Business, Legal, and Engineering Education, an assumption which arose no doubt because of the unquestioned position of the Harvard Graduate School of Business Administration and The Carnegie Institute of Technology, who with the Carnegie Corporation of New York gave leadership and support to the Conference.

⁵ (1951), 58 *Canadian Chartered Accountant* 271, issue of June 1951.

⁶ Jowett's translation (3rd ed., Oxford, 1921) pp. 405A-405B.

⁷ *The Vision: A Chapter of Autobiography* (Fowler's translation, Oxford, 1905).

From the collapse of these civilizations a military profession arose. Buckle in the *History of Civilization in England* put it this way:

In a backward state of society, men of distinguished talents crowd to the army, and are proud to enrol themselves in its ranks. But as society advances, new sources of activity are opened, and new professions arise, which, being essentially mental, offer to genius opportunities for success more rapid than any formerly known. The consequence is that in England, where these opportunities are more numerous than elsewhere, it nearly always happens that if a father has a son whose faculties are remarkable, he brings him up to one of the lay professions, where intellect, when accompanied by industry, is sure to be rewarded. If, however, the inferiority of the boy is obvious, a suitable remedy is at hand: he is either made a soldier or a clergyman; he is sent into the army or hidden in the church. And this, as we shall hereafter see, is one of the reasons why, as society advances, the ecclesiastical spirit and the military spirit never fail to decline. As soon as eminent men grow unwilling to enter any profession, the lustre of that profession will be tarnished: first its reputation will be lessened, and then its power will be abridged.⁸

There followed an era in which the three peaceful professions of Law, Divinity and Medicine gained an eminence and honour that still attaches to the word. The great writers acknowledge it. "That famous scholar and physician Dr. T. Browne" wrote in *Religio Medici* in 1635:

And to speak more generally, those three noble Professions which all civil Commonwealths do honour, are raised upon the fall of Adam, and are not in any way exempt from their infirmities; there are not only diseases incurable in Physick but cases indissolvable in Laws, Vices incorrigible in Divinity.⁹

In Number 21 of *The Spectator* Joseph Addison "as a describer of life and manners . . . perhaps the first of the first rank" observed:

I am sometimes very much troubled, when I reflect upon the three great professions of divinity, law, and physic; how they are each of them overburdened with practitioners and filled with multitudes of ingenious gentlemen that starve one another.¹⁰

In 1742, David Hume, the Scots philosopher, linked law and physic together as "the common professions" in his essay *Of the Middle Station of Life*.¹¹ Samuel Taylor Coleridge had a great respect for the old professions. He set his boy to the law. In his *Table Talk* he included several pertinent passages:

January 2nd, 1833. I should be sorry to see the honorary character of the

⁸ Chapter IX (Robertson's edition, London, 1904), p. 114.

⁹ *The Religio Medici and Other Writings of Sir Thomas Browne* (Everyman's Library edition), p. 81.

¹⁰ Saturday, March 24th, 1710-11.

¹¹ *The Essays of David Hume* (World's Classics edition), p. 579.

fees of barristers and physicians done away with. Though it seems a shadowy distinction I believe it to be beneficial in effect. It contributes to preserve the idea of a profession, of a class which belongs to the public, — in the employment and remuneration of which no law interferes, but the citizen acts as he likes *in foro conscientiae*. . . .

March 14th, 1833. Divinity is essentially the first of the professions because it is necessary for all at all times; law and physic are only necessary for some at some times. I speak of them, of course, not in their abstract existence but in their applicability to man.

Every true science bears necessarily within itself the germ of a cognate profession, and the more you can elevate trades into professions the better.

That should be enough to show that in the development of modern Britain the professions meant pre-eminently the three common, noble and learned professions. They were a recognized part of the organized life of all European societies, enjoying a respect and privileges that persist today. They had a common merit. They were open at both bottom and top. A lad enjoying no special favour could enter and rise with talent and toil to the exalted ranks which otherwise had "no damn pretense of merit". These professions shared too the liabilities of a privileged class. The very tradition that sustained them in public honour subjected them to envy.

There have been many other professions in the books. Shakespeare spoke darkly of "thieves professed" and "boundless theft in limited professions";¹² Bacon, of "lawyers, seamen, mintmen and the like" as particular professions;¹³ and Milton, of "some old *patentees* and *monopolizers* in the trade of bookselling" as men labouring in a profession.¹⁴ In *The Beggars Opera*, Captain Macheath, the highwayman, looked upon himself "in the military capacity as gentleman by his profession".¹⁵ Charles Dickens in *Nicholas Nickleby* introduced Miss Petowker of The Theatre Royal, Drury Lane, who "disliked doing anything professional in private parties".¹⁶

There must be numberless other examples to show that "profession" has come to be applied to embalmers, public accountants, auctioneers, architects, patent agents, dentists, pharmacists, beer and insurance salesmen, nurses, midwives, engineers, chiropractors, surveyors, masseurs, business men, actors, veterinaries, teachers, optometrists, secretaries, chiropodists, plumbers, and

¹² Timon of Athens, Act IV, Sc. III.

¹³ Bacon's Essays, Of Counsel (1625).

¹⁴ In the last paragraph of Areopagetica (1644).

¹⁵ John Gay: The Beggar's Opera, Act I, Sc. viii, 1. 24.

¹⁶ Part I, Chap. XIV.

any calling of men who resent the fancied implication of "tradesmen's entrance". There is also the widespread use of "professional" in sport, implying mercenary in the old military sense. It is these uses that have led to a decay in the value of the word "profession" to convey a precise idea, and that call for a new definition.

Here then is another example of the meaning of a word changed by the life in which we live. It is a change that affects lawyers nearly. We use the word. Our parents considered that we would enjoy a distinction as members of a profession. We are members, but the word has changed around us.

It is not words and history that we ought to be most deeply concerned with. It is the real things of our current life. When we speak of ourselves as professional persons, what is the living character of our lives that we mean? If we know what we mean, we may the more fraternally welcome new professions and more surely distinguish the unqualified. What then are the elements of a profession?

The Oxford English Dictionary defines profession in part as:

The occupation which one professes to be skilled in and to follow.

(a) A vocation in which a professed knowledge of some department of learning or science is used in its application to the affairs of others or in the practice of an art founded upon it. Applied spec. to the three learned professions of divinity, law and medicine; also to the military profession. . . .

(b) In a wider sense any calling or occupation by which a person habitually earns a living.

Now usually applied to an occupation considered to be socially superior to a trade or handicraft; but formerly and still in vulgar (or humorous) use, including these.

What elements must be present in order that a vocation may be called a profession? On the one hand, the present tendency to apply "profession" to every calling represents decadence in our language. On the other, to restrict "profession" to the three learned professions is to give it nothing but an historical meaning. It is a significant word. It now represents an idea distinct both from vocation and from the recognition given at one stage of society to three privileged callings. That idea is found in Plato and Lucian, as it is found in Coleridge and Sir William Osler. Its significance and distinction is a part of Western civilization.

The first element is the holding out to the public, the offer of public service. The best example is the public avowal of the priest and parson. In the legal profession, there is the dedication of the call to the bar, the admission and enrolment of the solicitor and

the oath of office. There is the brass plate or shingle. There is the moral duty not to refuse the client without cause or explanation.

This avowal and practice of availability to the public is shared with groups that on other grounds are not professions. The innkeeper and the common carrier are by law required to accept and serve the public. Every advertising trader or business man declares his readiness to deal with the public. But there are groups and callings otherwise qualified that are not professions because they do not avow their service to the public. The creative poet, composer, author or artist who refuses to practise his art to order is not a professional man. Nor are the cloistered religious, the private antiquary or student, the stamp collector and the curator of a private art gallery.

Within the recognized professions themselves are groups and individuals who are no longer available to the public in any direct way. In the law, there are the solicitors employed by private corporations. They are members of the profession although they serve but one principal. They must be recognized as an exception to the definition of a profession rather than a cause for extending it. They dilute the professional spirit.

The second element is the special skill a professional man is assumed to have. This assumption is essential. It is not that the members of a profession must be skilful. It is that they should profess to be so.

The third element is training and education. The skill of the huckster is not the skill of a professional man. Nor is a calling properly called a profession if any man may qualify for it at this instant without more. At the very least there must be training; at the very most, there must be education in its broad sense. It is for this reason that systems of professional admission requiring nothing more than readiness as a qualification are held in scorn. Today, when the virtues of the past in legal training are being urged on the profession, no one advocates a return to the situation under the Upper Canada Judicature Act of 1794,¹⁷ and the appointment of lieutenants, clerks, registrars, leading citizens, prominent personages, sons of judges and inspectors of forests, without more. What that more should be is now a matter of public debate and private decision. This at least I will venture to say, that a profession requires not only training in technical skill but a broader education, inspiring the practitioner to relate his daily work to the life of man and the problems of mankind.

If we adopt merely the minimum requirement of training, we

¹⁷ 34 Geo. III, c. 2.

may still reject as professions certain stages of auctioneering, newspaper reporting, trading, selling, banking, advertising, most forms of brokerage and agency, and the work of postmen and day labourers. We must reject those aspects of these callings that do not now require training or any special standard of education. We must recognize however that not only is training in some of these callings done by the apprenticeship method but that they are developing special schools and standards. To this extent they are becoming professions.

Lord Macmillan discusses this element, and some others, in his address to Scottish law agents on "Law and History":

We call ourselves a learned profession. Let me remind you that we are also a liberal profession. The difference between a trade and a profession is that the trader frankly carries on his business primarily for the sake of pecuniary profit, while the members of a profession profess an art, their skill in which they no doubt place at the public service for remuneration, adequate or inadequate, but which is truly an end in itself. The professional man finds his highest rewards in his sense of his mastery of his subject, in the absorbing interest of the pursuit of knowledge for its own sake, and in the contribution which, by reason of his attainments, he can make to the promotion of the general welfare. It is only by the liberality of our learning that we can hope to merit the place in public estimation which we claim and to render to the public the services which they are entitled to expect from us.¹⁸

A fourth element in the concept of a profession is privilege or state recognition. The social changes of the past one hundred and fifty years have rendered it an unreal and unfair requirement. It is unreal to say on this ground that the barrister is a professional man and the social worker is not. It is true that the barrister is protected and governed by special laws and customs in his calling. But so are the notary, the doctor, the dentist, the pharmacist, the drugless practitioner, the nurse, the surveyor, the architect, the court reporter, the accountant, the engineer, the veterinary, the saw log culler, the innkeeper, the embalmer, the money lender, the pawnbroker, the detective, the optometrist, the real estate broker, the stock broker, the financial counsellor, the employment and collection agent and the auctioneer. In Ontario, for example, all these enjoy some special privilege or recognition and some enjoy wide powers of self-government and legislation. These have arisen from different causes. In some cases they are simply the recognition of antique precedence and privileges. In other cases they are the result of vigorous lobbying by the group involved in order that it might attain recognized status and the power to

¹⁸ Macmillan: *Law and Other Things* (Cambridge, 1938), p. 127.

control its members by lawful means. Others, again, have been placed under public control for the protection of the public or for reasons far removed from dignity and honour. In consequence the privileges they enjoy and the obligations each are under greatly differ. Thus, although this is a criterion, it is not a proper criterion today of professional status.

The point is a positive one, vital to the future of our society. As the state steadily assumes control of an increasing part of the life of its citizens, the existence of self-governing groups not directly dependent on the state becomes the surest guarantee of the liberties of all. The churches, the professions, the unions, and the other societies and brotherhoods of persons with common interests, are the bulwarks of our liberties against the totalitarian state on the march in our midst. They must neither control the state nor be controlled by it. If we are wise, we shall guard and preserve the independent position of all of them.

A fifth element is that a profession is a self-disciplined group. "You have all become", said Sir William Osler to students, "brothers in a great society".¹⁹ There must be a community of interest in theory and in fact among the members of the calling. Its solitary pursuit is not the practice of a profession unless in some measure at least there is contact with others of the same calling. The activities of Jack Miner in wild life conservation had most of the essential qualities of a profession, but it could not be said that he was a member of a profession until there had been established some conscious community of interest with others in the same work and some common discipline. This point, and the rise of a new profession, is illustrated by Robert Louis Stevenson, who wrote of the profession of his grandfather and family in the days when John Smeaton, the builder of the Eddystone Light, was the first civil engineer:

For the profession which is now so thronged, famous and influential was then a thing of yesterday. My grandfather had an anecdote of Smeaton probably learned from John Clerk of Eldin, their common friend. Smeaton was asked by the Duke of Argyll to visit the West Highland coast for a professional purpose. He refused, appalled, it seems, by the rough travelling. 'You can recommend some other fit person?' asked the Duke. 'No', said Smeaton, 'I am sorry I can't'. 'What!' cried the Duke, 'a profession with only one man in it! Pray, who taught you?' 'Why', said Smeaton, 'I believe I may say I was self-taught, an't please your grace.' Smeaton at the date of Thomas Smith's third marriage was yet living and as the one had grown to the new profession from his place at the instrument maker's, the other was beginning to enter it by the

¹⁹ *The Student Life and Other Essays* (Constable's Miscellany, 1928), p. 6.

way of his trade. The engineer of today is confronted with a library of acquired results; tables and formulae to the value of folios full have been calculated and recorded; and the student finds everywhere in front of him the foot prints of the pioneers. In the eighteenth century, the field was largely unexplored; the engineer must read with his own eyes the face of nature; he arose a volunteer, from the workshop or the mill, to undertake works which were at once inventions and adventures. It was not a science then — it was a living art; and it visibly grew under the eyes and between the hands of the practitioners.²⁰

Finally, there is the touchstone of the true profession and the truly professional life. There must be a measure of unselfishness or freedom from purely personal considerations. For a calling to be a profession, it must have an unselfish aspect of public service. For persons to be professional men or women they must be governed by moving considerations other than those of personal advantage.

The priest or minister, the doctor, the lawyer, the teacher, the social worker, the soldier, sailor or airman, the policeman, the civil servant, as groups share this quality. The main purpose of their calling is not themselves or their pay. This quality is shared in fact by all men of good will. Unselfish effort in the interests of our fellowmen is found in every corner of life. When it is practised by a group as a feature of their life in common, it is the highest claim to professional status.²¹

Here is the rub in modern professional life. The modern age is a commercial age. Its values are measured in money. (It is only money that can no longer be measured.) The leaders of our

²⁰ Records of a Family of Engineers (Scribners, N.Y., 1902), pp. 211-212.

²¹ Professor J. E. Smyth in the article in *The Canadian Chartered Accountant*, *supra*, lists eight criteria for professional standing: sale of intellectual services, training, research, responsibility to the public, responsibility to the client, independence, judgment, and self-governing associations. He says at p. 280 that independence is "the most important test of professional status". I respectfully suggest that he has been overly influenced by the structure and purpose of his own profession. By his definition he has denied professional status to ministers of religion, teachers, social workers, soldiers, sailors, airmen, and civil servants, some of whom had been practising professions long before the Court of Session first sought the aid of professional accountants in the administration of the estates of "bankrupts, lunatics, infants and other persons not regarded as fit to look after their affairs". See Carr-Saunders and Wilson, *The Professions*, *supra*, p. 209. Perhaps Professor Smyth has been strongly influenced by this work, which at p. 3 expressly excludes "the Church and the Army": the first because the authors were "only concerned with the professions in their relation to the ordinary business of life"; the second, in 1933 "because the service which soldiers are trained to render is one which it is hoped they will never be called upon to perform". What profession in 1951 do we require in the ordinary business of life more than the Church or the Army?

Professor Marshall in his article, *supra*, considered that the essence of professionalism is "the belief that the individual is the true unit of service because service depends on individual qualities and individual judgment, supported by an individual responsibility which cannot be shifted on to the shoulders of others".

thought constantly excite us with the injustices of our fellow citizens in terms of money. The poor would be happy if wealthy. The front-line soldier's dedication to his country is sought to be measured in an extra dollar a day. The naval officer at sea can be solaced for his service abroad by relief from income tax. Legislators will contentedly represent their fellow citizens if their indemnity is raised or their disbursement fund is recognized as tax exempt. The sage advice of bank and other directors can be assessed in terms of a director's fees. And in the field of labour there is one cry: What do we get in money or money's worth? What is there in it for me? The hire must be worthy of the workman or effort and interest cease.

The future of a profession depends today on how its members face this arid and pervasive assessment of a man's life work. If in the secret hearts of its members they know that they pursue their profession not for what they get out of it but first for the service of others, it can be a true profession. The sincerity of the fellow workers in a profession is the best security for its status.

In review, then, the factors to be considered in deciding if a calling is a profession are: the holding out to the public; the avowal of special skill; training and education; conscious community of interest as a self-disciplined group; and unselfishness. From these a modern meaning of a profession may be fashioned. A profession is a self-disciplined group of individuals who hold themselves out to the public as possessing a special skill, derived from training or education, and who are prepared to exercise that skill primarily in the interests of others. A professional person is a member of such a group.

Law and Society

The law is the calling of thinkers, and jurisprudence is not a mere survey of cases or of individual decisions determining particular rights. One learns from law an amiable latitude with regard to psychology, beliefs and tastes, and acquires that catholic outlook whereby men may be pardoned for the defects of their quality if they have quality in their defects. To be able to see so far as one may and to discern the great forces that are behind every detail makes all the difference between philosophy and disputation and between legal compilation and jurisprudence. A good deal of jurisprudence in the near future will see a battle between that broad judicial tolerance of legislative and executive action, which in the absence of a better term might be called judicial *laissez faire*, and that judicial control of legislative processes in which the political alarmists fear the creation of a third chamber in democratic institutions. In that battle it is safe to predict there will be a compromise. (Hon. Mr. Justice P. B. Mukharji in (1950), 4 *Indian Law Review* at p. 302)