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DEMOCRATIC PROFESSIONALISM

CITIZEN PARTICIPATION AND THE RECONSTRUCTION OF PROFESSIONAL ETHICS, IDENTITY, AND PRACTICE

A L B E R T W. D Z U R

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within professional ethics point to the nexus between knowledge of the ethical and knowledge of those others we will only ever come to know, work with, appreciate, and question in the fluid, challenging politics of middle democracy. Opening doors to this participation within professional domains and in those parts of public life influenced by them has and will continue to enliven and enlarge professional ethics and citizen politics.

CONCLUSION: THE UNIVERSITY'S ROLE IN THE DEMOCRATIZATION OF PROFESSIONAL ETHICS

[T]he nucleus of the cluster of the professions is the profession of learning itself.
—TALCOTT PARSONS, "Remarks on Education and the Professions" (1937)

Neophytes currently undergoing professional training lack instruction in the democratic consequences of the domains they will enter—the hospitals and clinics, newspapers and news studios, courtrooms and corrections facilities. At a time when ethics scandals in accounting, journalism, and other professions have drawn fresh attention to the need to rethink ethics pedagogy in professional schools, opportunities exist to incorporate the teaching of explicitly democratic duties to foster lay participation and task sharing into ethics seminars and workshops and to creatively awaken students' attentiveness to the prudential and normative reasons that support this new vision of professional integrity. This book supports such an effort by reorienting the teaching of professional ethics, focusing attention on the actions of democratic professional reformers, and fueling further discussions of the important roles of professionals in democracy.

Setting a Good Example

Flamboyant ethical failures in the last five years have eroded public trust in some of the country's most prominent firms and, more generally, in the concept of professionalism. Dramatic cases of professional dishonesty, fraud, concealment of public records, and other abuses have exposed chronic problems.

On May 25, 2006, former Enron chief executives Kenneth Lay and Jeffrey Skilling were convicted on multiple counts of fraud and conspiracy by a Texas jury. At its highpoint, Enron was the seventh largest company in the country, but the picture of success executives presented to Wall Street was built on fabricated profit numbers supported by compromised accounting. Caught up in the debacle was Arthur Andersen, a big five accounting firm known for impeccable

professional standards. It had violated these standards as pressures grew within the accounting firm to support one of its largest clients, one with which it had closely intermingled business consulting interests. After a criminal indictment and then conviction in 2002, Andersen went bankrupt. Though the conviction was overturned on appeal to the Supreme Court, Andersen is now a nonentity in the accounting world, with only two hundred of the twenty-eight thousand employees once employed in the United States.¹

On May 1, 2003, Jayson Blair resigned from the *New York Times* after it was discovered that his recent front-page article on a Texas soldier missing in action in Iraq had liberally borrowed from an article published in a Texas newspaper without attributing the source.² An internal inquiry by the *Times* later found evidence that he had plagiarized on many other occasions, fabricated interviews, claimed datelines from Maryland, West Virginia, Texas, and other states while he was writing from New York, and falsified expense accounts to cover his tracks. These severe breaches of professional ethics had occurred while he had covered prominent stories, such as the Washington, D.C., sniper case in the fall of 2002 and the story of Private Jessica Lynch's capture and rescue in Iraq. Blair wrote five articles on Lynch, some of which had Palestine, West Virginia, as a dateline. The *Times* now doubts whether he had ever visited West Virginia to interview the Lynch family.³ Responding to what it called a low point in the 152-year history of the paper, the *Times* replaced executive editor Howell Raines and managing editor Gerald Boyd and conducted a major internal review of fact-checking procedures.⁴

Responses to these dramatic ethical failures have sought greater transparency and accountability to public interests. Reacting to Andersen and Enron, Congress passed the Sarbanes-Oxley legislation, increasing government oversight of corporate accounting practices and prohibiting accounting firms from providing both auditing and business consulting services to the same clients.⁵ What had once been seen as a matter best handled within professions, a matter of

professional autonomy, is now an issue for official public scrutiny. At the *Times*, in addition to leadership changes, the newspaper empowered a public editor and charged him with the tasks of "publicly evaluating, criticizing and otherwise commenting on the paper's integrity." The public editor understood his charge as being a representative of the public, a conduit for lay criticism of reporting and editorial practice who had an "all-access backstage pass" to get answers from *Times* journalists and managers.⁶ He was given space in print every other week to pass along readers' comments, address readers' concerns, and assess the newspaper's attempts at rebuilding public trust after the Blair episode. Though the first and present public editors are both seasoned journalists, their role is to inject outsiders' and lay perspectives into the assessment of professional standards at the most respected newspaper in the country.⁷

Many concerned about an ethical crisis in American professions point to the university as a critical part of the solution. University faculty serve as gatekeepers to professions, sources of professional knowledge, standard bearers of technique, and role models of professional ethics. University curricula are normally the first stage of socialization in professional ethics. As William Sullivan writes, "As students experience it, the knowledge and skills that faculty . . . expect is the profession, for practical purposes. Therefore, it matters a great deal just what is put forward as significant through the medium of requirements, subject matter, and modes of assessment."⁸ In the professional schools where neophytes learn to think like journalists, lawyers, and doctors and begin to take the first steps of professional practice, ethics training is already a fixed part of the curriculum. For those not attending professional school, courses in professional ethics, applied ethics, and critical thinking about values are commonly encouraged if not mandated for undergraduate degrees.

Professional ethics as it is currently taught in most universities, however, tends to be either abstracted from the contemporary professional workplace or embroiled in workaday issues. A survey of ethics textbooks reveals a bipolar landscape, which is also evidenced in course syllabi as well. On the one end are texts that pit Kantian, consequentialist (utilitarian), virtue ethics doctrines against one another, with the goals of sensitizing students to core strengths and weaknesses

6. Daniel Okrent, "The Public Editor: An Advocate for *Times* Readers Introduces Himself," *New York Times*, December 7, 2003, D2.

7. Byron Calame, "The New Public Editor: Toward Greater Transparency," *New York Times*, June 5, 2005, D14.

8. William M. Sullivan, "Markets vs. Professions: Value Added?" *Daedalus* 134 (Summer 2005): 23.

1. Jonathan D. Glater, "Enron Trial Stirs Memory of Andersen," *New York Times*, February 21, 2006, C1.

2. Jacques Steinberg, "Times Reporter Resigns After Questions on Article," *New York Times*, May 2, 2003, A30.

3. Dan Barry, David Barstow, Jonathan D. Glater, Adam Lipiak, and Jacques Steinberg, "Correcting the Record: Times Reporter Who Resigned Leaves Long Trail of Deception," *New York Times*, May 11, 2003, A1.

4. Byron Calame, "The Miller Mess: Lingering Issues Among the Answers," *New York Times*, October 23, 2005, D12.

5. Glater, "Enron Trial."

of these traditions, introducing major concepts such as autonomy, justice, and impartiality and, above all else, developing moral reasoning skills. On the other end are texts that present quasi-historical accounts of the development of medical, legal, and journalistic ethics, discuss codes of ethics, and describe common ethical problems faced by organizations, such as the definition and institutional response to workplace sexual harassment, and what counts as a violation of current laws related to professional practice.

The limitations of current ethics training are made clear by two major research projects devoted to professional ethics training and pedagogy that shift focus away from abstract problem-solving techniques and workplace issues and toward the importance of what can be called character building. The decade-long GoodWork project, led by Howard Gardner at Harvard University, has interviewed journalists, scientists, professors, lawyers, and others to seek out ways to support "good work"—high-quality, socially responsible, professional work.⁹ Since 1999, the Carnegie Foundation for the Advancement of Teaching has aimed at the same target through its program on Preparing Professionals as Moral Agents, focusing on clergy, legal, nursing, engineering, and teacher education.¹⁰

Both research teams have pinpointed deficits in professional ethics education. In law schools, for example, in the midst of a training that stresses impartial, realist analysis of legal cases purged of normative assumptions, budding professionals are required to take an ethics for lawyers course. "Most often," write scholars affiliated with both the GoodWork and Carnegie projects, "this course is structured around legal cases that concern alleged violations of the American Bar Association's ethical code. Students apply their analytic skills to these cases, approaching them the same way they deal with challenging legal cases in torts or contracts." By contrast, these scholars recommend what can be called a "moral exemplar" model of training, praising a course at the University of North Carolina law school that asks students to interview widely respected and honored lawyers and judges about their career decisions. Students in such courses "have

the opportunity to internalize heroic images of professionalism, and to draw on these when confronting difficult moral problems."¹¹

Conducting interviews, studying moral exemplars, taking cues from faculty who practice what they preach, and being part of an educational process that is marked by integrity and social responsibility are all significant reinforcements to mainstream professional ethics training at the undergraduate and graduate levels. They reflect the need for professionals who have the dispositions and moral stamina to successfully brace themselves against the pressures of status, money, and power when these menace integrity and core professional values. Cultivation of character, to the extent that this is possible in adulthood, is no doubt a worthy addition to today's professional ethics curriculum.

The democratic professionalism perspective advanced in this book challenges these curricular reforms to go some steps in a different direction. Professional ethics training in law, medical, and journalism schools and in the mid-career workshops for professionals conducted at universities and by professional organizations should include the following goals:

Develop democratic self-reflectiveness: Cultivate an awareness of both the negative and positive impact of a given profession's norms and practices on core aspects of contemporary citizenship, such as knowledge of and trust in social and political institutions.

Encourage public contributions to professional ethics: Recognize that understanding and resolving, if only temporarily, ethical problems facing professionals will necessarily include laypeople affected by professional choices.

Encourage professional contributions to public ethics: Recognize that professional knowledge and experience can respectfully be brought to bear on inconsistent, mistaken, or incomplete public attitudes.

Create spaces and opportunities for meaningful lay participation: Be sensitive to the ways professional knowledge and practice would be strengthened by lay involvement and concrete task sharing.

Academic attunement to reform movements within the professions such as the public journalism, restorative justice, and bioethics movements discussed here is one way to encourage growth of a more democratic professionalism.

11. William Damon, Anne Colby, Kendall Bronk, and Thomas Ehrlich, "Passion and Mastery in Balance: Toward Good Work in the Professions," *Daedalus* 134 (Summer 2005): 32.

9. See Howard Gardner, Mihaly Csikszentmihalyi, and William Damon, *Good Work: When Excellence and Ethics Meet* (New York: Basic Books, 2001). The ongoing project Web site is <http://www.goodworkproject.org> (accessed June 2007).

10. The first book in a series that will cover the professional training of nurses, doctors, engineers, lawyers, and the clergy is *Educating Clergy: Teaching Practices and Pastoral Imagination* by Charles R. Foster, Lisa Dahill, Larry Golemon, and Barbara Wang Tolentino (San Francisco: Jossey-Bass, 2006). Information on the project is available at the foundation Web site: <http://www.carnegiefoundation.org> (accessed June 2007).

These movements are on the front lines of the struggle to rebuild public trust in the everyday practice of journalism, law, and medicine. Attainment means teaching about success stories as well as failed attempts, the overly grandiose projects put forward in the name of a more democratic professionalism and the cases of power sharing in professional domains that hindered rather than facilitated effective problem solving.

Reorienting professional ethics education along the lines suggested here is possible because of current public and academic interest in changes to professional education. Yet, it must be acknowledged that the American university currently finds itself in peculiar straits. At a time when higher education in the United States serves as a global model and a powerful magnet attracting the gifted and able from all over the world, it is under increasing scrutiny from federal and state governments demanding more accountability for university budgets, less discretionary authority for faculty in their classrooms, and more responsiveness in the practice of both teaching and research to the direct economic needs of their region or state.

The Public University

It may seem quixotic to ask universities to embrace a more democratic conception of professionalism at a time when the professionalism of university faculty is under sharp attack by some for being overly influenced by left-wing politics. No mere war of words, the current battle in the ongoing culture wars embroiling campuses involves the "academic bills of rights" proposed but not yet signed into law in fifteen states and the U.S. Congress. These bills borrow their principles and language from mock legislation proposed by the Students for Academic Freedom group organized by conservative activist David Horowitz.¹² The bills demand significant scrutiny of classroom techniques, syllabi, and hiring and promotion decisions to make sure that public universities do not discriminate on the basis of political allegiances. Ohio Senate Bill 24 introduced in 2005, for example, lists as one mandate that "[f]aculty and instructors shall not infringe the academic freedom and quality of education of their students by persistently introducing controversial matter into the classroom or coursework

that has no relation to their subject of study and that serves no legitimate pedagogical purpose."¹³

Reminiscent of the radical critique of professional power, Horowitz claims that the ut-profession of the academy has a subterranean political agenda that should be brought to light and transformed. While the earlier critique urged professionals to become more critical about how their knowledge and skills played a role in supporting—sometimes indirectly—dominant social, political, and economic values, Horowitz urges academics to be more critical about their opposition to such dominant values and sensitive to ways that their own left-liberal views lead them to dismiss the dominant values and mainstream political opinion of their students. To reclaim their professionalism, Horowitz insists that faculty take care to steer clear of partisan symbolism and commentary while on the job: "We don't go to our doctor's offices expecting to get political lectures. That is because doctors are professionals who have taken an oath to treat all, regardless of political belief. To introduce divisive matters into a medical consultation would injure the trust between doctor and patient that is crucial to healing. Why is the profession of education any different? It isn't."¹⁴

Though universities likely will be able to fend off such legislation by tinkering with their internal professional ethics codes and their student grievance policies, the reservoir of public distrust that some state and national politicians seek to tap through such legislation will be harder to treat. A *Columbus Dispatch* editorial declaring Ohio Senate Bill 24 as "unworkable," for example, also noted that "[i]f Ohioans, more than half of whom voted Republican in the presidential election, think that their views have been banished from higher education, then the public tax support and private donations to those schools could be undermined."¹⁵ Such sensitivity to whether the university is "for us" or rather "above us" and "against us" may be at the root of a more serious and more general weakening of public commitments to higher education in states like Ohio.

Democratic professionalism goes to the heart of such distrust, advocating a greater role for lay members of the public within university life and a greater role for university-trained professionals in public life. By reducing the social distance between professionals and the public they serve, efforts in democratic

13. See http://www.legislature.state.oh.us/bills.cfm?ID=126_SB_24 (accessed June 2007).

14. David Horowitz, "College Professors Should Be Made to Teach, Not Preach," *USA Today*, March 24, 2005, A13.

15. "Challenge to Colleges: Higher Education Ought to Seek Greater Diversity of Viewpoints on Faculties," *Columbus Dispatch*, February 15, 2005, A8.

12. See <http://www.studentsforacademicfreedom.org/abor.html> (accessed June 2007).

professionalism confront the crude us/them thinking behind recent ideological attacks on the university. True inclusion of lay voices entails respect but not automatic deference and certainly not the atrophy of critical discourse advocated by Horowitz. Where mainstream views and values clash with what is accepted wisdom in a given profession, professors and practitioners must feel free to challenge them strongly even if a (decreasing) share of their salaries is subsidized by tax revenues. Collaboration and contention are a powerful combination, bringing different perspectives, specialized knowledge, and deep passions together to confront questions of health and well-being, justice, public information, and others that have no single good commonsense or academic answers: when should someone be called "dead," what is the right sentence for aggravated assault, when is something "news"?

The need for more ethical professions is a need for stronger and more democratic professions to socialize and motivate the next generation of doctors, nurses, reporters, editors, lawyers, judges, and many others to meet new challenges creatively, skillfully, and collaboratively. The theory and practice of modern professionalism shows how the devoted commitment to performing socially necessary tasks must be aligned with a willingness to work with laypeople and to both accept and challenge lay views of proper goals, standards, and practices. What is it to serve the public good without an adequate understanding of the public? This Deweyan problem faces all thoughtful students of the professions, and many are acting to resolve it. Less aloof, democratic professionals are no less worthy of respect than their social trustee forebears. We see this as we begin to notice those already playing a role in our everyday lives.

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