

Chapter 9

In Defence of Discretion

Ylva Hasselberg

The Professional Problem

Modern society has been characterised as organised according to three different sets of rationality linked to three different modes of interaction: market, hierarchy and networks (Powell 1991). These modes of interaction also include three different sets of decision-making. The market mode bases decisions on demand. The hierarchic mode bases decisions on rules, routines and standards, monitored by authority. The network mode is based on discretionary decision-making. Discretionary decision-making means that decisions are taken on the basis of experiential knowledge in relation to the social context in which the decision is taken. Experiential knowledge is historical in its character; it makes use of history in order to judge future. There is a measure of subjectivity in it, as it demands interpretation, i.e. use of the mental faculties of a person. Discretionary decision-making is based on qualitative judgement, which means it can never be value-free. There must always be values according to which judgement is exercised. How is a *good* playground constructed? Does it have trees and grass? Does it have a bit of nature on it? Or is it more important to have many devices to play with? That, of course, depends on how one perceives childhood, one's own experience (as a child, mother, teacher, architect) but perhaps also one's formalised knowledge of, for instance, child psychology.

Professional groups are organised according to the network mode and exercise discretionary decision-making. Normally, they base their position on the access to a particular piece of theoretical knowledge held by no other group in society. Lawyers and judges know the law. Priests know their bible. Physicians know medicine. Scientists know a scientific discipline. One does not become a member of the profession

Y. Hasselberg (✉)

Department of Economic History, Uppsala University, Ekonomikum, Kyrkogårdsgatan 10,
SE-751 20 Uppsala, Sweden
e-mail: ylva.hasselberg@ekhist.uu.se

without acquiring both relevant knowledge and values regarding what the *standard of good work* within the particular field is. The fact that the professions base their position on factual knowledge (Leistungswissen) instead of or rather together with knowledge of how to embody a certain position (Herrschaftswissen) makes them an integrated and central ingredient in the process of modernisation. However, the process of modernisation does also include the creation of *facticity* itself. Professionalism has a troubled relation to facticity. The creation of facticity takes place within the domains of philosophy and science, including social science. Facticity rests on the assumption that facts and values/interest/subjectivity can and should be separate. Literary historian Mary Poovey (1998) demonstrates how the creation of facticity draws on numbers and quantities rather than qualities. Although the historian of science Theodore Porter (1995), Mary Poovey herself and many others, especially within the field of STS, have demonstrated the subjective quality of quantities, qualities on the superficial level have a much closer relationship with values and have thus not succeeded in establishing themselves as facts. Values are related to subjectivity which is linked to personhood and to the social context. The social context is very central. I would like the reader to reflect for a moment on the term “peer” in *peer review*. Peer review is the basis for advancement and for the evaluation of the standard of work in professional groups. Being judged by one’s peers means being judged by persons belonging to the same group and the same social segment of that group. It also means that you are judged by persons who are similar to you. In Swedish, the equivalent term is “*like*”. Being someone’s *like* means to be of equal standing and value, but it also means being like (similar to) that somebody. Successful exercise of judgement is based on social position and shared values. This is why we can speak of the network mode of interaction as fundamental to professions. Here, discretionary decision-making evidently clashes with modernity, paradoxically at the same time being a precondition for its realisation. Professions cannot and should not restrict themselves to objectively handle sheer facts, neither when they evaluate each other nor when they work as professionals. The statement that they *can* is a great lie, but a lie that is necessary for modern society.

For a long time, the lie worked. The conflict was not exposed. Professionalism rested on an informal contract between the professions and society, represented by the state. The contract stated that the professions had the right to exercise discretion and right to impose their own professional standards (autonomy), but in return they had to subdue tendencies for self-interest to become dominating. If a doctor says a certain treatment is necessary, we should not even begin to suspect that he prescribes it because it will give him a higher fee.

The professional contract was broken in the last decades of the twentieth century. It was easy to break but has turned out harder to mend. In the Anglo-Saxon world, where professionals are to a high extent self-employed, there arose strong suspicions regarding the morals and high standards of certain professional groups, among which are the medical professions and accountants. The criticism emerged in the 1970s and has grown stronger and stronger over time. Traumas such as that involved in Enron have greatly impacted on our general trust in professions. Professionals broke it with greed and a tendency to listen more to other professionals (in-group) and less to the

rest of society (out-group), thereby establishing anti-democratic coteries, based on peerhood. Professions became an economic as well as a democratic problem. This was also reflected in social science, where professions were now perceived as an interest group acting to protect their “labour market shelter” (being shielded from competition), and not as inherently benign (Larson 1977). Note however that only a small segment of the professional world (and only in some countries) was actually criticised. However, the critique against professionalism met with other central trends, such as the evolvement of *risk society*, in Ulrich Beck’s (1992) meaning of the concept. Professionals became a risk rather than a benefactor of society. Professional judgement was not transparent, not easily controlled and not easily evaluated. Also, it is not altogether predictable. The seemingly wayward character of professional judgement constitutes a risk. Limit the range of action of professionals, and we will limit the risks connected with professional judgement.

Thirty years (or more) of distrust against professional judgement have now begun to have clear consequences:

1. Professionalism is more and more conceptually framed as a matter of technical proficiency. Professionals should *know how* to do it, but they shouldn’t have any intrusive ideas on how it *should* be done, and why. Professionals should not have values regarding the development of society; they should not be political, not even in the broadest sense of the word. And it seems, when the issue is studied scientifically, that they don’t. The collective responsibility is not felt any more. Professionalism in the old sense of the word has given way to expertism (Brint 1994). Another way to put it is to talk of a “new professionalism” (Svensson 2006). The fact that the new professionalism lacks the central ingredient of a value-based standard of good work does not seem to get in the way of the use of the concept of professionalism (which I personally indeed think it should). This is of course a question of legitimacy. Professionalism is laden with the goodwill and legitimacy created by professional work during the last 150 years. The word is useful even though it is used to describe what the opposite of “old professionalism” is. A central problem of new professionalism is its uncertain relation to responsibility. A doctor who has, using his/her own judgement, prescribed the wrong treatment or made the wrong diagnosis is responsible to his peers and to his employers and can expect to be disciplined. A doctor who has prescribed a treatment which is *evidence-based* cannot expect to be disciplined if something goes wrong. After all, it wasn’t his fault; he just followed standard procedures. It is even doubtful whether such an event will produce a statement of something going wrong. Probably, the verdict would be just an accident. However, standards and recommendations can be constructed on the basis of many types of rationality, one of which is to save money (basing decisions on a cost-benefit analysis). Or, rather, professional judgement can be formulated in a language that clouds or avoids the conflict between the economic restrictions and the interest of the patient (Johnson and Sjögren 2012). It is not necessarily in accordance with what we used to see as the fundamental value basis of professional judgement in the medical professions: to improve the health of the patient with the means that

are at hand. Some scepticism of the idea that *value-laden* professional judgement could be and should be replaced with *value-free* managerialism is in order. The conflict should rather be seen from the perspective of Pierre Bourdieu's theory of habitus expressing the doxa of an autonomous field (e.g. Bourdieu 2000): The doxa of the economic field is to make a profit while the doxa of the field of medicine is to restore and maintain health. There is no reason to believe that the doxa of the economic field is more value-free than any other doxa.

2. When professional judgement is replaced by rules, regulations, standards, management, etc., the value of and need for professional knowledge is depreciated. We do no longer need the full range of professional knowledge, or we think we do not need it because complexity and context is no longer visible. This means that expertism is challenged by another trend, which we could term de-expertisation. Expertism gives birth to its own slayer, like the god Uranus being castrated by his son Cronus. Technical proficiency can be acquired: it is a type of knowledge that is accessible through text, in opposition to silent knowledge. Standards can also be accessed through text. Combining rules, regulations and standards, all expressed in documents, with technical proficiency, makes it possible for a layman to imitate professional work and to claim to be in possession of the competence to judge the quality of it. It also, evidently, becomes possible for a layman to question the essence of professionalism: the centrality of discretion. Who needs discretion to follow a good cake recipe? The power over knowledge on the superficial level becomes distributed, so that every one becomes an expert. We can all judge the competence and performance of our doctors, lawyers and university teachers. Each is an expert on his/her own life.

The Status of the Academic Profession

This is how the development of higher education today should be framed: as a consequence of the professional problem. University faculty are the last professional group to become "suspects", i.e. become the target of "good governance", but they are not least important, for the sheer fact that university faculty educate other professionals. Therefore, professionalism at the university is a prerequisite for the overall existence of professionalism. We are the ones who teach the use of professional judgement: we teach scepticism, critique, opposition and defence on scientific grounds, argumentation and the application of non-negotiable standards of good science. It may be that in the end, the only place in society where professionalism of some sort will remain is within groups that do not aspire to professional status because of lack of theoretical foundation of their knowledge, like artisans. A carpenter will be allowed to have views on what constitutes good work but not a judge or a teacher.

In higher education, critique has been directed towards academic oligarchy, entrenched in the ivory tower. The basis of the critique has been the suspicion that there are things that are hidden from view and that there is interest. Interest can be

tied to the internal relationships of the group. It is like when the police are suspected of protecting each other from the public and from discipline. The suspicion is that group loyalty is more central to the individual than loyalty to the public. The questions are the following: What are we suspected of? Where lies the foundation of interest? As a profession, economic interest has not been central to modern academics – not since the evolution of paid positions and the cease of practices of charging students of private services like tutoring. We are not (at present) self-employed and are not paid per student we examine or paper that we write. We are not entitled to use violence or have access to the system of justice to impose our values on the public. We are not responsible for people's health or lives. We do not exercise a great measure of direct power at all. In fact, autonomy (*freedom from/to*) is much more central than *power over* or *power to* to academics as a group. This autonomy is used for the purpose of creating new knowledge and for passing this knowledge on to the students in a form that includes the knowledge of how to use it as a base for professional judgement. It must be this autonomy that lies at the heart of the problem: the autonomy to phrase and solve scientific problems and the autonomy to pass this ability on to the next generation. Possibly we can discern a third type of autonomy at stake: the autonomy to speak to society of its own identity, as a part of a reflexive position taken by modern society.

The autonomy to exercise discretion and to formulate and solve a scientific problem is a necessary prerequisite to new knowledge. The public phrasing of the problem contains the statement that universities do not work with central issues and do not contribute enough to the solving of economic and democratic problems. That is why it is necessary to put more pressure on them and to diminish professional autonomy. This can only lead to less new scientific knowledge being produced eventually. Universities will return to a role they had until the event of modernisation: to educate civil servants and provide them with necessary ideological and technical schooling (see Blomqvist 1992 on the Swedish nineteenth-century university). Perhaps, this is exactly what is in reality desired by the powers that be.

This leads us to another question, which is, what is being done to address this problem of professional erring, if there is such a problem? It is my opinion that we need to keep the rhetoric around the problem separate from the measures taken against the problem. If we ask ourselves what the real question is, the perceived problem, based on an analysis of the steps taken to answer the question and solve the problem, we shall arrive at another conclusion than if we just trust the presented rhetoric regarding the problem at hand.

What is being done in the name of *efficiency* at European universities today is lowering the level of internal democracy and increasing the level of management. The initiative to formulate research issues is transferred to the field of politics and to the research administration and funding agencies. This should, according to the rhetoric, increase the control of professional managers and lower waste and wilful behaviour. The tendency, however, is not to lower the power of academic oligarchies. Presently, we are strengthening academic oligarchies. We are giving some actors in the system an unproportionate measure of power, in return for the loss of the autonomy of their colleagues. In Sweden, the development towards a corporatisation

of the state universities is going fast. The academic pawns, faculty without positions within management and PhD students, have less power than they had 30 years ago. They become more dependent, not empowered.

This is what is being done in the name of *efficiency*: deconstructing all shreds of democracy and limiting autonomy to the absolute top level. What is being done in the name of *democracy* on the other hand is abolishing discretionary decision-making in favour of prescribed research issues, prescribed outlets and prescribed values. This lowers the efficiency of both research and teaching as it is no longer possible to conduct these on the basis of scientific norms.

What remains of the academic freedom is null or at least very little. This is not a central societal problem. I admit that society can have goals that can and should overrule academic freedom. On the other hand, what remains of *efficiency* and *democracy* within the university is also null. This could be seen as a societal problem. However, if we construct the problem with the measures as a starting point, and thus deduce the problem that one tries to solve, it is rather that there is *too much* democratic potential and *too much* efficiency at the university. We here have a type of organisation where individual autonomy and emancipation exists, and decisions are made according to intellectual standards and after negotiation in which intellectual power counts more than rank. At least the norm system tells us this – reality is a different matter in all organisations. Further, we have – or used to have – an organisation with a minimum of bureaucracy which effectively rewards competence and equips individuals with professional standards according to which they then can go and do their job. This type of organisation constitutes a threat to *hierarchy* and to *market*. This is the reason it has to be abolished, not because it is undemocratic and inefficient.

The Future of Professionalism in Academia

So we (or rather higher education policy) try to tame academic professionals by the classical means: technicalisation, standardisation, managementisation, proletarianisation, marketisation, etc., all to lose discretionary decision-making, because it is the key problem. Discretionary decision-making cannot be cut loose from the issue of good science, and it cannot be detached from the internal relationships of the scientific community. In trying to lose discretion, we are turning academics into machines, except the elite which are paid good money for exercising judgement but above all for their loyalty. We are keeping the machines busy with producing papers that will not be read (but perhaps cited) and students who will be technically apt but intellectually shallow. Robbing the system of all meaning, here are the resulting problems, problems which cannot be avoided and which will sooner or later have to be addressed:

1. Discretion does not disappear. Neither does subjectivity. It just goes someplace else. Discretion can move in three directions:
 - To management within university, meaning that the right to exercise qualitative judgement is limited to people with little contact with the actual work of teaching and research

- Into technical standards (e.g. metrics), meaning that qualitative judgement is limited to the experts of the same systems
- To politicians and research funding administrators, meaning that qualitative judgement is limited to individuals who do not have the proper professional training to judge whether a problem is scientific or not

Presently discretion is more and more exercised by individuals within the higher education system who have another professional identity than that of academic faculty. This tendency is strengthened by the overall managementisation and corporatisation which increases bureaucracy so that fewer and fewer of academic faculty are prepared to accept a position within management. We are thus losing access to positions of power within our organisations, a classic feature of deprofessionalisation. Deprofessionalisation is a given way to lose talent (at least *male* talent). Deprofessionalisation usually, and I base this on solid sociological knowledge produced over more than 50 years, gives birth to feminisation, loss of status and lowering of salaries.

2. When discretion is not exercised by those who have the professional competence, the *power to create* is lost. The magic wand lies in the power to combine facts with context, power to see things from a new angle, the power to interpret and the power of analogy. All these emanate from the mental faculties of an individual. New knowledge emanates from discretion, not from rules, standards or even logic. This situation, meaning the gradual loss of discretion, threatens to bring us back to the early modern university in terms of creative capacity.
3. Meaning however, unlike discretion, can be lost. Meaning is embodied in the individuals who populate the system. When they as a collective discover that discretion is lost to them but exercised by somebody else, they will become alienated, and then they will become angry. Either the system will be abandoned by all creative talent, or there will be a revolution. The academic mob will overrun the streets of our capitals seized by frenzy. What will scientific knowledge matter then? Does it matter now, at the university? In my opinion, it hardly lies at the heart of the matter.

References

- Beck, U. (1992). *Risk society: Towards a new modernity*. London: Sage.
- Blomqvist, G. (1992). *Elfenbenstorn eller statsskepp?: stat, universitet och akademisk frihet i vardag och vision från Agardh till Schück* (Bibliotheca historica Lundensis 71). Lund: Lund University Press.
- Bourdieu, P. (2000). *Les structures sociales de l'économie*. Paris: Seuil.
- Brint, S. (1994). *In an age of experts: The changing role of professionals in politics and public life*. Princeton: Princeton University Press.
- Johnson, E., & Sjögren, E. (2012). Governing by drugs: The denial of subsidy for viagra use in Sweden. In B. Larsson et al. (Eds.), *Transformations of the Swedish welfare state. From social engineering to governance*. Basingstoke/Hampshire: Palgrave MacMillan.
- Larson, M. S. (1977). *The rise of professionalism: A sociological analysis*. Berkeley: University of California Press.

- Poovey, M. (1998). *A history of the modern fact: Problems of knowledge in the science of wealth and society*. Chicago: University of Chicago Press.
- Porter, T. (1995). *Trust in numbers: The pursuit of objectivity in science and public life*. Princeton: Princeton University Press.
- Powell, W. (1991). Neither market nor hierarchy: Network forms of organisation. In G. Thompson et al. (Eds.), *Markets, hierarchies and networks: The co-ordination of social life*. London: Sage.
- Svensson, L. G. (2006). New professionalism, trust and competence some conceptual remarks and empirical data. *Current Sociology*, 54(4), 579–593.