Towards a New Professional Autonomy in the Public Sector

A pledge for re-professionalization on a collective level

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Abstract

In 2001 Eliot Freidson published his last book “Professionalism, The Third Logic” before he died in 2005. In this book he presents professionalism as the third ideal type alongside Adam Smith’s ‘free market’ and Max Weber’s ‘bureaucracy’. In his opinion all three are alternative models for the organisation of work. Freidson’s concept of professionalism is sketched in the first paragraph, along with some comments. Next, this ideal type is used to describe the amount of professionalism in the present day public sector, and it is concluded that, due to political primacy, most professionals in the public sector have limited professionalism compared to Freidson’s ideal type. Also different kinds of public sector professionals are distinguished, like public managers, inspectors of different kind, care and welfare ‘workers’, etc.

In the third paragraph some developments in the public sector are sketched that interfere with professionalism. These developments try to make public services more efficient and transparent but as a result de-professionalise public service delivery. In the last paragraph Freidson’s pledge for ‘re-professionalization’ is translated to the public sector. It is my opinion that at least part of the professionals working in the public service should have a ‘doctor-like’ autonomy with accompanying associations and regulations like codes of ethics, internal reviews etc. Here the political primacy again is the most important element to take into account. Ideally politicians should not interfere with professional decisions. The conditions under which such a ‘new professionalism’ is thinkable, are examined. I propose not to organise professional autonomy on the individual level, but on the level of working units or teams. In such a way a collective professionalism is created, and the conditions can be maintained much better.

1 The concept of professionalism

Freidson’s ideal type of professionalism

In 2001 Eliot Freidson published his last book “Professionalism, The Third Logic” before he died in 2005. This is an interesting book in many respects. During his whole life Freidson published books and articles about professionals (especially doctors) and their professionalization processes (a.o. Freidson 1970; 1986; 1994) He can be seen as one of the authors who stand between two ‘traditions’ in the sociology of work: those who study professionalization processes from the characteristics of ‘renowned’ professional groups (the so-called trait approach), and those who are more oriented to the explanation of professionalization processes as a result of power processes (see for an overview: Krogt 1981).
Let me first of all summarise Freidson’s concept of professionalism. Professionalism, according to Freidson, is an ideal type where the organization of, and control over work is realized by the occupation instead of by the market or by an hierarchy (Freidson 2001: p. 9). This is new, because “[a]dvocates of the market and of bureaucratic management treat professionalism as an aberration rather than something with a logic and an integrity of its own” (p.11). Freidson sees professionalism as the third ideal type alongside Adam Smith’s ‘free market’ and Max Weber’s ‘bureaucracy’. In his opinion all three are alternative models for the organisation of work.

According to Freidson are “[t]he two most general ideas underlying professionalism … the belief that certain work is so specialized as to be inaccessible to those lacking the required training and experience, and the belief that it cannot be standardized, rationalized or … commodified” (p.17). Professionalism is the most effective way to organise work when the tasks to perform or problems to work on, lack uniformity and thus require ‘discretionary specialisation’ where special knowledge and skills are needed, and uncertainties are so high that discretion in the use of these knowledge and skills is necessary. This special knowledge has a foundation in abstract theories and concepts. Routines will be part of these tasks, but professionals have to be alert to exchange them in cases where discretionary judgement and action are required (pp.23-24).

The discretion given to the professional is based on trust. Trust that the professional uses its knowledge and skills in the interest of the ‘client’, that he (or she) is committed to the client and ‘morally involved’. Because one presumes failures are not the consequence of deliberate neglect, the amount of rules for the professional are limited (pp.26-35).

Freidson sees monopoly (control over one's own work) as the essential characteristic of the ideal typical profession, but he adds, almost casually, that this monopoly is given to those specialisations that embody values adhered to by the public, the state or a mighty elite (p.32).

“The ideal-typical ideology of professionalism is concerned with justifying the privileged position of the institutions of an occupation in a political economy as well as the authority and status of its members. To do so it must neutralize or at least effectively counter the opposing ideologies which provide the rationale for the control of work by the market on the one hand, and by bureaucracy on the other. I shall call the ideology of the market control consumerism, that of bureaucratic control manegerialism” (p.106).

The ideal type also implies an occupationally controlled labour market (market shelter), where only the qualified professionals are allowed to perform certain tasks by law (p.73). Important also is that “[t]he institutions of professionalism organise and advance disciplines by controlling training, certification, and practice on the one hand, and by supporting and organizing the creation and refinement of knowledge and skill on the other.” (p.198). In Freidson’s eyes this makes the profession also responsible for the ‘performance’ of the professionals and the information about the profession to the consumer (p.79).

Some occupations come close to the ideal type of professionalism, but have “not established sufficient cognitive authority to dominate either the division of labor in which its jurisdiction is located or public discourse concerning its work.” (p.90) These are so called semi-professions. Furthermore, Freidson signals that the functional and hierarchical relations and coordination between professions have the character of a 'negotiated order' (p.60). The professions at the top of this order were historically most successful in convincing the state. These historical processes differ among nations.

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1 Page numbers without any other indication are from Freidson, 2001
Of course there are drawbacks of professional specialisation as well: trained incapacity, occupational psychosis, and professional deformation, intellectual fragmentation, and social divisiveness (p.113). Problems that should be addressed by the profession by internal rules. We can add to these list of problems: the misuse of the collective power of professions to further their own interests. These shadow sides of professionalism have caused more and more critique on the concept of professionalism and especially the professional prerogatives of control over work, education and labour market.

According to Freidson “the assault on the credibility of the professional ideology” is the most important factor in weakening the influence of professionals. The ‘economic privilege’ to monopolise the exclusive right to do certain work, and so to realise a market shelter through an education controlled by the professionals, is threatened (p.197-198). However, in Freidson’s eyes, without such a closure, there cannot be a formal discipline. “Those boundaries create a mutually reinforcing social shelter within which a formal body of knowledge and skill can develop, be nourished, practised, refined and expanded.” Without a closure a profession probably cannot survive in the free market ruled by price competition and popularisation (p.202-203).

There is one other big issue for Freidson in professionalism, and that is the morality or underlying values of the profession. In his opinion professions these values are to work to the benefit of their clients and society as a whole. Form this values the profession (as a collective) has a right (and even a duty) to voice its opinion on developments and policies where these interfere with the ‘professional soul’. Because in present days all is aimed at benefit maximalisation the “spirit of ideal-typical professionalism” will diminish (p.213). Freidson summarises his prime concern as follows: “What has been seriously undermined is what I believe to be much more important – the ideology that claims the right, even the obligation, of professionals to be independent of those who empower them legally and provide them their living. The functional value of a body of specialized knowledge and skill is less central to the professional ideology than the attachment to a transcendent value that gives its meaning and justifies its independence. By virtue of that independence members of the profession claim the right to judge the demands of employers or patrons and the laws of the state, and to criticize or refuse to obey them. That refusal is based not on personal grounds of individual conscience or desire but on the professional grounds that the basic value or purpose of a discipline is being perverted.” (pp.220-221). And the very last paragraph of his book reads: “Transcendent values add moral substance to the technical content of disciplines. Professionals claim the moral as well as the technical right to control the uses of their discipline, so they must resist economic and political restrictions that arbitrarily limit it benefits to others. While they should have no right to be the proprietors of the knowledge and techniques of their discipline they are obliged to be their moral custodians.” (p.222)

**A comment on Freidson’s views**

I very much appreciate Freidson’s ideal type of professionalism. Viewing professionalism as an alternative way of organising, next to the free market and the organisation was an eye-opener for me.

However, I cannot agree with Freidson when he emphasises so much the monopoly of work and the market shelter as essential elements of the ideal type. For me the legitimate (and thus accepted) discretion to choose how to work is the only real essential element. Of course within boundaries set by the profession and controlled by peers. This discretion is based on the worth of the ‘service’ offered to the client on the one hand, and, on the other, the unpredictability or indeterminacy (Jamous & Peloille 1970) of the ‘best’ way to provide the service or solve the problem. This unpredictability calls for special knowledge and skills
based on abstract theories and concepts, and not for standardised solutions. Noordegraaf calls this work inferential and experiential (Noordegraaf 2005: pp. 4-5).

All other elements like the monopoly and closure, in my view, are not essential. They can be necessary (in the eyes of the professionals and also of other stakeholders) and even legally founded, to protect consumers in for example life threatening circumstances like surgical operations. They have developed and changed in specific (national) historical circumstances and are a reflection of the collective power of a profession, its position vis-à-vis other professions and other stakeholders (like the state), and of the perceptions of these actors on the ‘vulnerability’ of the clients/consumers of the professional services.

In my opinion the ideal type of professionalism should be restricted to the organising of work on the basis of the discretion of professionals.

2 Public sector professionals

The public sector as a professional field

The public sector has an enormous variety of organisations. In this article we concentrate on those organisations in the public sector where experts have their work (loosely defined as work that needs an extensive theoretical as well as practical training). In almost all organisations work experts, but here we concentrate on organisations where these experts do work that belongs to the core activities of those organisations. It entails the sectors like the health care, education, welfare, judiciary, and culture, but also organisations with tasks to advice on, or prepare, public policies in all kind of sectors.

Government organizations in general, but especially those in the above meant fields, and also those private not-for-profit organizations that provide education, health care, social welfare etc, have become more and more professional ((Ringeling 2001). In the Netherlands this sector is and has been relative large compared to other countries. In former times these organizations were religious or labour union based, but merged on a large scale in the seventies in the large secularisation wave. At the same time they were ‘functionally’ public because they performed important public functions, and were financed (almost) completely by public money. These organisations always have been semi-autonomous so the trend towards professionalization was easier than for formal public organizations. Many formal public organizations were able to professionalize when they were put ‘on arm-length’ or even became agencies or became privatized. Of course some formal public organizations always were professional, like the public universities and public hospitals.

Organizations in these sectors are essentially hybrid, according to Noordegraaf (Noordegraaf 2006). Hybrid organisations are neither fully public or fully private (Bovens, Pikkeret al. 2004: p. 11), and so could not be managed as either public or private organisations. The problem for such organisations is that under the present day neo-liberal ideology that got its translation into the public sector in the form of ‘new public management’ they are subject to “businesslike performance regimes (with businesslike managers) and market oriented logics” (Noordegraaf 2006: p. 182). Interestingly this ‘conflict’ gave rise to the professionalization of the managers of these organisations, who used their professional knowledge and skills to de-professionalise the professionals on the work floor (Noordegraaf 2006: pp. 185-186).

Political primacy

The political primacy is the right and duty of politicians in cases of public interest to take decisions and to (let them) execute these, and to determine rights and duties in society. One of the dimensions of this political primacy is the primacy of the chosen officials over the public
functionaries. Civil servants are subordinate and ought to be loyal (Kemenade, Korsten et al. 2002: pp. 4-5). So politicians formally are accountable for all (in-)actions and products of ‘their’ respective organisations and personnel (civil servants). It has been disputed whether this political responsibility concerns every act of subordinate officials, or is restricted to those acts the politician know about. According to Ringeling in the Netherlands “[f]ormally the large interpretation stands, although in practice now and then politicians in danger looked for emergency exits.” (Ringeling 2001: p. 20)

Is there a place for professional discretion in this construct? If the political instruction is a clear ‘to act professionally’ (so to use professional discretion if necessary) without any further constraints, than political primacy and professional discretion are compatible. This has been the case for many years in many countries in fields like health care for doctors, and in education for professors. There were no clear targets or policy objectives, or at least no one was measuring if they were attained or not. There was of course scarcity of resources resulting in fewer professionals than wanted, but the professionals could decide what the priorities were and how the work was done.

**Different kinds of public sector professionals and their discretion**

We cannot treat all professionals in the public sector alike, because the circumstances of their work differ a lot. Mertens distinguishes three types of civil servants: policy advisors, policy executors, and policy controllers. All three need a different kind of professionalization, where policy executors have very diversified professional appearances (Mertens 1996). The latter are the professionals on work floors work in (semi-)public organisations like doctors, professors, policemen and –women, social workers etc, the people Lipsky indicates as street-level bureaucrats. Some of them are not really seen as civil servants, and they see themselves primarily as professionals and identify with their peers. Others (lower in the ranks of professional imago) have a much stronger imago of bureaucrats.

Compared to Mertens, I would like to distinguish between two types of policy advisors. First of all there are the ‘real’ policy advisors who advise on all aspects of a policy directly to politicians. They work in departments on national provincial, regional or local level. One could call them policy professionals; they have specialised in policy advice. There is another category of policy advisors: the technical advisors, who advise on very specific ‘technical’ aspects of a policy. They have specialised in a specific (mostly technical) field of expertise.

Furthermore I would like to add another category of public sector professionals: the public sector managers. According to Noordegraaf they are in a process of professionalization (Noordegraaf 2006).

What can be said about the (de-)professionalization of these different categories of public sector professionals?

**Policy executors**

Although there are many indications of what can be called a de-professionalization of professionals on the work floor in sectors like health, education and welfare, they still are relatively autonomous and powerful (Noordegraaf 2006: p. 189). Nonetheless the perception of a de-professionalization process is widespread, for with both politicians and managers are blamed. Politicians because they want to control too much because of their political responsibility. The political interference with professional work differs a lot among professions. Doctors are influenced mainly through budget restrictions, but semi-professionals like social workers or rehabilitation officers more and more get ‘working instructions’.
Managers are blamed because they want to discipline and rationalise the professionals in order to realise the performance targets of the unit or organisation. The introduction of strict rules (e.g. for time per client available or budgeting of costs) are part of this rationalisation process. Also the introduction of more and more protocols for handling clients or cases must be mentioned, although this phenomenon is a complex one. Protocols are developed in most cases by the professionals themselves in order to improve the quality of their work. The term of ‘evidence-based treatments’ is used in this context as well. The problem arises when managers try to force professionals to follow the protocol in all cases, or when they don’t accept higher costs (time or money) when the protocol is not followed on ‘professional’ grounds.

With respect to discretion one could say that these professionals have a recognised discretional power. Some have a strong discretional power (like doctors) others have only a very weak discretional power (like social workers), which reflects the theoretical basis and societal recognition of their knowledge and skills.

**Policy controllers**

Policy controllers come in many forms, but in this context the controllers working in inspectorates are most relevant. Inspectorates (like safety inspectorates or health inspectorates) deal with very important issues, and most of the times they have serious power vis-à-vis organisations and other professionals (like doctors). They have two kind of specialisation: a field specialisation (health) and a control specialisation (how to inspect effectively and efficiently).

Policy controllers are under the same pressures from managers as the policy executors, while at the same time the political pressure to prevent any kind ‘disaster’ is great. When something happens (e.g. a safety accident) the relevant politician is held responsible in public. Policy controllers have discretional power, although theirs is most of the time heavily bounded by procedural constraints. Also there is a (political) pressure to ‘play safe’, which sometime means to be very strict in order to avoid disasters, and in other cases (or other times) to be ‘flexible’ to accommodate business. In the Netherlands the climate for policy controllers shifted dramatically after some serious disasters (firework disaster in Enschede, new-year’s eve fire in Volendam).

**Policy advisors**

Policy advisors see themselves as professionals, according to Noordegraaf. But, like managers of professionals in the public sector, they have contributed to the de-professionalization of the professionals on the work floor by preparing laws that contribute to de-professionalization. However, at the same time they have contributed to limit the possibilities of managers to turn their organisations into ‘real’ enterprises (Noordegraaf 2006: p. 188). Policy advisors are specialised in preparing policies in a political situation characterised by multiple stakeholders with non-overlapping and sometimes conflicting interests. Political and societal sensitivity and knowledge and skills on policy formulation and evaluation are most important, even more than knowledge from the policy field.

The discretional power of policy advisors is very limited because political interests are dominant. Most politicians are of opinion that policy advisors have to deliver all arguments pro, and counter all arguments contra, and to accommodate all powerful stakeholders. The better politicians allow policy advisors to give their professional opinions privately, but do not appreciate comments in public. The policy advisor has to be loyal.
**Technical advisors**

Technical advisors, as I explained above, are policy advisors on specific (mostly narrow) technical questions. They have to advise on technical possibilities and impossibilities, and are not responsible for weighing the interests of all stakeholders, like policy advisors are supposed to do. Technical advisors need knowledge and skills from the policy field foremost. The technical advisors’ discretional power is based on their technical expertise. They are under pressure from politicians and managers to ‘deliver’ technical solutions for societal problems for the smallest budget. And sometimes politicians ‘don’t take No for an answer’.

**Professional public managers**

As said before, managers in the public sector started to professionalise under the influence of the pressure of neo-liberal new public management. Managers of service organisations in the public sector are forced to be oriented to performance and cost control, while their ‘street-level’ professional employees try to be client-oriented. Between those two there always will be a tension, and there should be, but the relation should be balanced (Noordegraaf 2006; Steen & Noordegraaf 2006).

More and more public managers, but also others, recognise that being a public manager is different from being a manager of a for-profit organisation. Like an old colleague and professor in public management explained: being a manager is playing chess on 4 or 5 chessboards at the same time, but a public manager has to play on 10 or 12 boards simultaneously. This explains the rise and success of specific master programs in public management. Whether this phenomenon and the formation of several associations is sufficient to speak of a professionalization process remains open.

The discretional power of public managers is present, but not very large. It is up to them to run their unit or organisation as they see fit, but most of the times there are financial, juridical and procedural constraints. The discretion is largest in organizations that are put on ‘arm-length’, like agencies. However, politicians want to stay in control, and try to reduce the discretional power whenever the organisation (and thus they themselves) are under attack.

3 **Developments interfering with professionalism**

Veen distinguishes three concurrent developments: de-professionalization of the professional (esp. protocol implementation), commercialisation of the organisation, and network formation (for the production of public services more and more organisations need to collaborate) (Steen & Noordegraaf 2006: pp. 58-59). This commercialisation of the organisation finds its expression also in the New Public Management (MPM) movement, with characteristics like cost-efficiency and value-for-money, orientation to the client, transparency and accountability with accompanying instruments of performance measurement and audits.

However, Noordegraaf talks about contradictory forces: “Managers and markets pull organisations in different directions” The planning and control of managers (manager control) is oriented to ‘value for money’, while consumers seek choice, low prices and customer satisfaction (market control). Professional autonomy is seen as opposing efficient operation and a barrier to transparency and accountability. Hence there is a tendency towards de-professionalization. (Noordegraaf 2004: p. 5)

Another development which needs to be discussed here is the pressure upon government to downsize. The implicit argumentation seems to be that a slimmer government will produce less bureaucracy. Also a slimmer government is supposed to be cheaper. What is forgotten is that, unless tasks are taken from government, these tasks need to be executed, one way or the other. So with the reduction of the number of official civil servants, we see growing numbers of ‘consultants’ (many times redundant ex-civil servants) and more and more commercial and
not-for-profit organizations executing public tasks. The total costs of public tasks does not go down, probably increase because of the extra costs for supervision and control. For professionals involved, this development has mixed consequences. On the one hand they may be perceived as positive, in cases where professionals from a restricted position as civil servant now become independent professional consultants. But there is also a negative side to this development. An in most cases secure position (in employment terms) is changed into one that is subject to the harsh rules of the free market. Even not-for-profit organizations need to tender for work, and can be out of business when they are too expensive. This means that cost control becomes even more important for not-for-profits than for governmental units. And thus there will be pressure towards high production and low overhead (e.g. professional training and collegial exchange). Professional discretion that causes higher costs because of more personalised services, will be discouraged or even forbidden.

Political primacy
Ringeling states: “It is increasingly difficult for institutionalized politics to realize its claim for primacy. For exactly […] this reason politics will claim its primacy with even more force than it did in the past.” He gives three reasons for the loss of legitimacy of institutionalized politics: lack of achievements, the transfer of politics to many other arenas than the usual ones, and an ever more self-confident and professional public and semi-autonomous private administration. (Ringeling 2001: pp. 23-24) In a recent interview Roel In ‘t Veld (a Dutch professor of public administration as well as an experienced civil servant and politician) stated that politicians more and more use orders as means of communication, expressing in this way their view on the relation between politicians and civil servants. With this they inadmissibly accede at the professionalism of civil servants (Steen & Zouridis 2006: p. 37). More and more politics is short-term oriented. “The forums in which actions are justified, are changing: from parliament to elections, to media and to special issue movements.” (Ringeling 2001: p. 21) Because the orientation of professionals is much more long term oriented, this change in orientation of political responsibility means a threat for professionalism.

4 A new professionalism for the public sector
Is there future for professionalism? Let’s look again to Freidson. In his opinion most important is: “The freedom to judge and choose the ends of work is what animates the institutions of the third logic. It expresses the very soul of professionalism”. But also he asserts that in the end the immediate good of individual clients “must always be judged and balanced against a still larger public good, sometimes one anticipated in the future” (p.217). professional associations have a role here, and should be acknowledged in this role by politicians. However, the danger of mixing up, or even confusing the interests of the larger public with the (material) interests of the professionals, is always there.

But how to realise more room for professional discretion knowing all pressures upon professionals? Here a renewed alliance between the professionals and the public managers can offer relief. The managers of professionals in (semi-)public ‘hybrid’ organisations should be aware of the specific character of their ‘fields’, while at the same time respecting and guarding professional standards (instead of accepting standards set from a business or market perspective), and being accountable accepting the realities of scarce resources, emancipated clients and public pressures (Noordegraaf 2006: pp. 191-193).

But I would propose to go one step further. Up to now in the discussions professionalism is considered to be an individual characteristic. Of course there are professional associations, and also professional organisations (in the sense of organisations where professionals make up the ‘operating core’ ((Mintzberg 1979)), but never it is considered to see if professionalism
could be a characteristic of a unit. A unit where (semi-)professionals execute public tasks, where the management is done by a professional public manager, and where discretion is granted to the unit and not to individual professionals. Under strict conditions, like:

- Professionals use their knowledge and skills to the benefit of their clients according to the ‘state-of-the-art of their profession, using protocols when available and appropriate, and discretion when needed.
- The manager (consulted by his co-workers) sees to the efficient use of resources and effective co-operation with other units, in order to maximise the performance. He realises the performance targets agreed upon, but never accepts unprofessional work.
- The manager sees to the constant development of the knowledge and skills of himself and his co-workers. Also he stimulates the contribution of his co-workers to the development of the discipline.
- The work of the unit (executing professionals and manager) is bound to agreed upon quality rules, assessed regularly by peers. May be a kind of accreditation is necessary to organise this.
- The work of the unit (executing professionals and manager) is bound to agreed upon disciplinary rules, and action is taken by a relevant disciplinary board when someone (a client, a colleague or a politician) complains about the performance of the unit.

**Political primacy again**

One could ask whether the above hollows out the political primacy to an unacceptable level. I don’t think so. Already for many years units are more or less autonomous from political command, by ‘nature’ (because they are not formally belonging to the government), or because they are deliberately placed at-arm-length as ‘agencies’. But the way these are organisations are ‘controlled’ is most of the times by performance targets only. Mainly quantitative ones, sometimes coupled with some vague norms on the quality of the performance. I have never seen the regime controlling e.g. an agency included specific professional ‘targets’.

I agree with Ringeling who suggests that the main task of politicians should be to enable problem solving by others. “Their responsibility is that processes should be institutionalized in such a way that others can make these decisions. In addition they have to make transparent the ways decisions have been made” (Ringeling 2001: p. 25). With this politicians reduce the possibilities of ‘others’ to behave irresponsible. “Politicians can be held responsible for the way the policy processes were institutionalized. But other actors can be held responsible for the way they handled conflicting values, how they coped with other actors and their views, and how they behaved as responsible citizens” (Ringeling 2001: p. 26).

One important implication of organising professionalism on the unit level is that professionals of a specific discipline are not granted discretional power as such, but only when working in a professional unit. Also not all alike units are granted discretional power, but only when they are ‘accredited’ by some sort of authority.

Is professionalism organised at the unit level a viable concept for all public professionals distinguished above? I think it is for sure for policy executors, policy controllers and technical advisors. Also the public managers are included when managing a unit of these public professionals. I don’t know yet if units of policy advisors can have as much discretional power as the other professionals.

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2 Wherever it is said he, his or him, she or her is implied.
References


