

Chapter 4

The public pledge as the ground of professional authority

Although the expert and contract models fail to legitimate professional action on behalf of the client, the failures nevertheless are enlightening as to the conditions any successful grounding of professional ethics must meet. Using the discoveries of Chapters 2 and 3, we can now say that for professionals to have moral authority they must be trustworthy. Moreover, we can specify conditions they must meet if they are to be so. For example, to be trustworthy, professionals must have the client's interest at heart. This requirement derives from the nature of trust. Trust is simply the trustor's expectation that the trusted will act to benefit the trustor. Since in this relation the professional is the trusted party and the client the trustor, it follows that the professional must aim at the client's good to be worthy of the client's trust (condition 1).

Good will alone is not sufficient to merit trust, since the client is looking for help to be rendered. The best evidence that the professional does in fact aim at the client's good is *action* on the client's behalf. The lawyer who promises to help a party but who never gets around to making an appointment to talk with that would-be client will not appear trustworthy in the client's eyes. Exhibited willingness to act is thus also necessary for trust in this relation (condition 2). In addition, this willingness must be open-ended. To be helped the client may have to be seen or assisted on many occasions. The willingness must be sustained since the client expects the professional's good will to be forthcoming not just for the next minute or hour but for as long as it takes either for help to be rendered or for a determination to be made that nothing can be done to help the client (condition 3).

Even a sustained willingness to help will not make a professional trustworthy unless the professional is actually able to competently determine the client's condition and to then do what will in fact tend to help that client. Doctors need not be able to heal all brain tumors but they must be able to perform well procedures the profession thinks helpful or that they themselves, given their knowledge of health and their past experience, judge likely to heal the patient. Together the profession's and individual practitioner's judgment constitute a standard of practice defining what it means to act for the benefit of the client. To be trustworthy, the professional must conform to this standard or offer compelling reasons for deviating from it in the case at hand. In short, professionals must be competent to be trustworthy (condition 4). Furthermore, since it takes two to make help possible, the professional must also be able to demand from the client the degree of accountability and discipline necessary for treatment to proceed or a legal case to be developed (condition 5). The doctor cannot be truly trustworthy if the patient refuses to divulge information necessary to make a competent diagnosis.

We must add as well that a legitimating ethic will allow the professional room to exercise discretion. We have seen that trusting another always entails permitting the entrusted to use her own judgment within limits to do what is best for the trustor under the circumstances at hand. To the degree that the professional's clientele has an organic dimension, the trustworthy professional must have the freedom to serve each individual client's good with discretion, revising prior commitments and previous allocations of time and energy if such revisions will result in better service for the clientele as a whole (condition 6). A legitimating ethic cannot therefore be a mechanical one which specifies in detail exactly what the professional should do, but rather must be one which suggests some general guidelines for, and limits upon, professional behavior.

Finally, we must not forget that, while most clients can work with the professional to address their need, not all are capable of doing so. Professionals are sometimes asked to act on behalf of vulnerable and often very young, very old, or reason-impaired clients who cannot monitor, much less assent to, every action the professional undertakes on their behalf. In order to be trustworthy not just in the eyes of clients but also in those of the guardians and representatives appointed to look after the infirm, the professional must have a highly internalized sense of

responsibility. No one can watch over professionals all of the time, so the professional must be bound to monitor her own behavior (condition 7).

While I have no proof that these conditions for trustworthiness are formally exhaustive, they seem to be the key conditions for establishing and maintaining client trust in professionals. Other important professional traits taken up in subsequent chapters (e.g. professionals as preservers of client confidences) are variants of one or more of the above traits. Grounding professional authority thus becomes a matter of showing either that professional practice is already structured to meet the above requirements or that it can be altered to do so. In this chapter and the ones that follow, I shall argue that the practice of professions is already essentially morally sound. I do not mean that professionals can or should rest on their ethical laurels and do nothing to improve their relations with clients. I mean rather that, in discerning what professionals are, one simultaneously sees that they are trustworthy as long as their behavior accords with what it is to be a professional. Of course, this is merely to assert what now must be shown – that professionals are in essence beings whose speech and action merit our trust.

PROFESSIONALS AS PLEDGORS WITH A MORAL COMMITMENT

While the criteria for who qualifies as a professional vary widely, five traits are frequently cited. Professionals: (1) are licensed by the state to perform a certain act; (2) belong to an organization of similarly enfranchised agents who promulgate standards and/ or ideals of behavior and who discipline one another for breaching these standards; (3) possess so-called “esoteric” knowledge or skills not shared by other members of the community; (4) exercise autonomy over their work, work which is not well understood by the larger community; and (5) publicly pledge themselves to render assistance to those in need and as a consequence have special responsibilities or duties not incumbent upon others who have not made this pledge. While the last criterion is perhaps the most controversial, it is also the one which is the most defensible. The other traits are neither necessary nor sufficient to define a professional.

Although professionals such as ministers and doctors have been licensed by the state to act as they do, a license alone does not make one a

professional. The state licenses people to drive cars; but not all drivers are professionals. Nor is a license necessary to be professional. The clergy are widely recognized as such, but the US Constitution's Sixth Amendment rules out state licensing of ministers. Nor is membership of a practice-regulating organization a necessary condition for professional status. It is true that some lawyers, doctors, and ministers do belong to groups which promulgate ethics codes and in some cases discipline members for offenses against the codes. However, it is equally true that many doctors do not belong to the American Medical Association (AMA). While some officials of the AMA might consider these doctors unprofessional renegades, many consider these doctors' renunciation of membership a sign of professionalism, particularly when the doctors resign, for example, to protest against AMA policies which they think restrict health care access. Those who stress group membership as a criterion for professionalism would do well to remember that it has not been that long since America was served by itinerant country doctors, lawyers, and ministers who had minimal interaction with colleagues. For these reasons, group membership does not seem necessary for professionalism and it obviously is not sufficient. If it were sufficient, Ku Klux Klan members would all be professionals.

Chapter 1 showed that having esoteric knowledge and applying it autonomously cannot be a distinguishing trait of professionals. When such expert knowledge is applied in interactions with clients, the application proves self-undermining because it weakens the client trust necessary for the voluntary interactions in which the knowledge is applied. This problem with the definition can be avoided by restricting the class of professionals to researchers who never act on behalf of clients. But this definitional maneuver is somewhat suspect. The persons most consistently and universally recognized as professionals are the so-called learned professionals who *do* serve clients. We either refuse to call academics who do only research "professionals" or we give them the dubious name of "scholarly professionals."¹ I term such usage dubious because if esoteric knowledge and autonomy over work were sufficient for professionalism, then a coven of Satanic witches would qualify as professionals. Yet we do not consider Satanists professionals precisely because we do not see clients trusting them and seeking their help in obtaining a good.

This last observation brings us to the fifth trait of professionals, their "atypical moral commitment."² Making and honoring a publicly stated

commitment to aid clients does seem a prerequisite for professionalism. No one considers slaves, sharecroppers, or family farmers professional because these groups neither proclaim nor exhibit fidelity to clients. We agree with fine artists' and craftsmen's rejection of the label on the ground that they create for themselves, not for a clientele because we, too, think a commitment to clients defines the profession. *The Oxford English Dictionary* captures our sense of professionals as client-centered when it takes professionals and clients to be correlatives, defining a client as "one who receives professional services."³

A professional then is a person who provides service to a client. We must be careful at this juncture to clarify what precisely is comprehended in this definition. While professionals do aid clients, this initial definition does not entitle us to conclude that clients are no more than recipients of professional attention. Individuals clearly do not seek assistance because they are clients. Instead, persons become clients because they seek some good they lack and are unable to provide for themselves. The unhealthy, injured/accused, and sinful soul all want help in obtaining or recovering something they think desirable – health, a fair share, or spiritual wholeness respectively.

These three types of "wanting" individuals existed before professionals came on the scene. Moreover, they would continue to exist even if doctors, lawyers, and clerics were to disappear from the face of the earth. These desiring persons give professionals their being. Trusting that the minister, doctor, and lawyer will act on their behalf, the spiritually unfulfilled, the sick, and the accused/injured enter into relations with unfamiliar professionals. By virtue of this relation, they become, *in addition to what they already are*, the minister's "congregant," the doctor's "patient," and the lawyer's "advisee" or "client." While acting to address the want which brings the client into the professional's presence is not sufficient for professional intervention to be trustworthy and legitimate (the want itself could be immoral), it is necessary. The trustor's expectation that the trustee will exhibit good will toward him constitutes trust. And it is trust, not the perceived power of the professional to manipulate things or people, that bestows moral legitimacy. This legitimacy is always at risk⁴ and in need of being grounded precisely because persons can refuse to extend trust and to become clients. And where there are no clients, there ultimately are no professionals.

It is equally important to see that the professional is more than the correlative of the client. Desiring legal representation when one is accused does not bring a lawyer into existence. Nor does it seem that persons have a duty to become lawyers, doctors, or ministers. Although some assert that people have a right to health care, no one in the free world takes this “right” as creating an enforceable obligation for persons to become physicians.

We must therefore refine our initial definition of a professional. A professional is an agent who freely makes a public promise to serve persons (e.g. the sick) who are distinguished by a specific desire for a particular good (e.g. health) and who have come into the presence of the professional with or on the expectation that the professional will promote that particular good.⁵ In other words, agents become professional by virtue of what they profess or publicly proclaim before persons lacking particular goods. The history of the term “profession” confirms the importance of the public statement to the ability of professionals to practice within the community. The word “profess” comes from the Greek verb *prophaino* meaning “to declare publicly.”⁶ The Greek *prophaino* became the Latin *professio*, a term applied to the public statement made by persons who sought to occupy a position of public trust.⁷ As early as the first century AD, the physician Scribonius spoke of physicians “professing” and compared them to soldiers bound by a public oath to render service.⁸ During the Middle Ages, priests desiring to learn and then share church teachings had first to profess themselves dedicated to this mission.⁹ Centuries later the great jurist William Blackstone called attention to the public statement of lawyers, describing them as agents who have sworn to do their duty.¹⁰

In all of these cases, the profession or statement binds the speaker, but not the listener, to act to help those needing a particular form of assistance.¹¹ The agent’s profession differs from a contract, which requires performance from both parties in order to be valid. Furthermore, unlike a contract which must be explicitly accepted by both parties in order to be binding, the profession binds the speaker upon utterance. A profession no one ever spoke would not be a profession at all. Speakers make these pledges or professions in order to encourage others to trust them.¹² For example, God’s covenant with Noah never again to destroy the earth is a pledge intended to fortify His people. With this unilateral and unconditional vow, God gives mankind reason to turn to Him again and

again. Men and women have cause to believe that even in times of pestilence or war, God will not abandon them.¹³ In a parallel fashion, professionals unilaterally pledge to serve those who desire aid in obtaining a particular specified good. The pledge is not made before any particular person but rather before all who may find themselves afflicted or injured.

As I noted above, medicine, law, and the clergy each use a pledge to bind would-be helpers to assist parties.¹⁴ Like God's covenant, these pledges are relatively unconditional. They bind their utterers to serve those who qualify as clients irrespective of clients' ability to pay, their personal traits, or the personal liking the professional may feel toward them. In the Hippocratic Oath (sworn by doctors until recently),¹⁵ the doctor pledges to act for the "benefit of the sick."¹⁶ The sick are to be helped because they are sick. Note, too, that the profession is open to anyone who is willing to publicly dedicate themselves to preserving or restoring people's health. As the philosopher and physician Leon Kass has noted, nothing in the oath makes medicine into a closed shop.¹⁷

The lawyer pledges to uphold the law when he becomes a practicing member of the profession.¹⁸ As a lawyer, he is bound by the ABA *Model Rules of Professional Conduct*. The very first of these rules, which have the force of law, requires that a "lawyer shall provide competent representation to a client."¹⁹ Although this wording might be interpreted to mean that the client is simply whomever the lawyer chooses to represent, the *Rules* go out of their way to deny this construction and to make the relation between the two covenantal. While "most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so," there are other duties such as preservation of client confidentiality which may apply whenever a person in need of help seeks assistance from counsel.²⁰ In other words, the client cannot be reduced to a person upon whom the lawyer decides to bestow service. Rather the client is the person seeking legal justice who has come to the lawyer because of the lawyer's public promise to promote legal justice, which is the good the client desires.²¹

It goes almost without saying that Judeo-Christian theology revolves around pledges. Judaism conceives of the rabbi as *promising* to teach others the Torah and to observe the terms of God's covenant with His chosen people in his own life.²² Honoring this promise or pledge in turn

entails assisting others because they are God's creatures. The person's race, sex or socio-economic background does not lessen the rabbi's responsibility to love the person. A rabbinic pledge or promise of service is widely understood as implicit in the practices of orthodox Judaism. Within the orthodox Judaic tradition, a congregation can ask anybody they want to act as their rabbi. However, as a matter of practice, having confidence in a candidate means believing the individual competent and willing to teach and abide by the Torah. Congregations place a high priority on learning, asking prospective candidates about who their own rabbis have been. No rabbi takes on students who are not publicly committed to Judaic (as opposed to Christian, Mormon, etc.) beliefs, including Judaism's understanding of the rabbinic role. Within the American Reform movement, the rabbinic promise is formally proclaimed. The President of Hebrew Union College asks each graduate whether he or she is prepared to serve as "rabbi of Israel."²³ Christian priests and ministers take ordination vows committing them to support certain dogmas and to assume a pastoral role in which they minister to all in need, especially those at the margin of society. Furthermore, a "profession of faith" is required of a cleric when circumstances make it important to re-establish the cleric's dedication to service. Thus, whenever the cleric assumes a role to which people will look for spiritual help and guidance (e.g. the cleric is promoted to a new office within the church), he must profess anew.

THE TRUSTWORTHINESS OF THE PROFESSION

If then professionals become such by virtue of a largely unconditional public pledge to promote a specific end desired by a particular group of needy people, does the pledge suffice to make professionals trustworthy in the eyes of the clients who provide the professions with their *raison d'être*? That is, does the pledge meet the requirements for trust listed at the beginning of this chapter?

The pledge quite obviously meets the first criterion. The pledges of the learned professions all commit the pledgors to promote the good of the client.²⁴ If clients qualify as such, they deserve service. Just as God's covenant means He will always be present for anyone who calls to Him in need, so the professional's pledge has the effect of placing its adherents

continually “on call.”²⁵ While professionals take time off to attend to personal matters, they protect their clients by arranging with colleagues to substitute at the hospital, in the pulpit, or in court. Such devotion to the client’s welfare is vital because clients in crisis often must expend a great deal of time and money just to see the professional. In the western United States, people may drive several hundred miles to consult a lawyer or doctor. Thinking persons do not undertake such treks without some assurance that the professional will take an interest in their condition. The pledge provides them with this assurance. Moreover, since in extreme cases the client’s life is at stake,²⁶ the vulnerable client must believe the professional will continue to be interested in him as long as the crisis continues.²⁷ The primacy of the client’s welfare under the pledge provides this assurance.

Of course, no single lawyer, minister, or doctor can help everyone in need of legal justice, salvation, or medical assistance. Although the pledge is open-ended and invites any and all who qualify as clients into the professional’s presence, no single professional can help all clients. Since a promise cannot bind an agent to do the impossible, the pledge must be taken as binding swearers to make a good-faith effort to personally aid those who come into their presence and to assist others whom they cannot help to obtain aid elsewhere. For example, a doctor could discharge this obligation by working with legislators to create incentives for graduates of medical schools to locate in rural or other under-served areas of the country. In other words, the pledge obliges professionals to work for ever-increasing client access to help, not to treat every client personally or to intervene in every case of client neglect. Only when the client is actually in the professional’s presence and in dire straits, does the responsibility to serve begin to approach an absolute obligation to help *that* client. If the professional does not render assistance in this situation, help will probably not be forthcoming in any situation and the professional’s pledge rings hollow.

Subject to these caveats, the pledge meets the first requirement of binding professionals to make the client’s welfare their primary focus. The pledge meets the second requirement for trust as well by binding professionals to *act* to promote the client’s welfare. A doctor or lawyer cannot lessen this obligation to act by saying, “My colleagues may be bound by this pledge, but I personally never swore an oath to act for the

benefit of the sick (or accused, etc.).” Professional pledges engender public expectations and have been intended to do so since they first began to be used in the first century AD.²⁸ These pledge-generated expectations regarding what an agent will think, do, or say constitute a role. Swearing the pledge and occupying a role are therefore for all practical purposes one and the same in the case of the professions. Like the various roles in a play which are identified by a name (e.g. *King Lear*), these public roles also go by names (e.g. doctor or minister). These named roles are in the public domain and belong to all who share in the expectations that have been created by agents’ professions. Just as one is not free to unilaterally rewrite the script of Shakespeare’s *King Lear* and then to represent oneself as staging that play, so individual professionals are not at liberty to treat their pledge-based roles as private property with scripts to be rewritten at whim.

Cavalier treatment by professionals of these role responsibilities is particularly egregious because no one else occupies these roles. The professional either honors the pledge and provides clients with the help they have been led to expect or clients do not get served. There are no understudies in our society waiting to step in should professionals fail to fulfill their role. Professionals are their own understudies, and they recognize as much. When the city of Knoxville, Tennessee needed more lawyers to serve as public defenders, the local judge (who is also an attorney) cited the attorney’s professional obligation to serve the accused and ordered all lawyers in town, including the mayor, to do a stint as public defender. The attorneys grumbled but ultimately they complied because they knew their pledge/role obliged them to act on behalf of clients.²⁹

Professionals have no ground for complaint about such demands. They have voluntarily assumed a role largely defined by the public statements of those in the role. The responsibilities are self-imposed. Furthermore, these role-related obligations are not unknown. The pledges are public; the pledge-based responsibilities are thus readily discernible by anyone who bothers to consider what role he or she is assuming. A would-be professional may choose to remain ignorant of such responsibilities. But just as ignorance of publicly decreed law does not mitigate responsibility for unlawful actions, so ignorance of publicly known responsibilities attendant upon a role voluntarily assumed does not diminish their binding character.

We can say, therefore, that the pledge grounds client trust by providing clients with a reason to expect and demand service from those occupying the roles of doctor, lawyer, or cleric. The client may reasonably expect not merely action (trust condition 2) but also consistent, ongoing help (trust condition 3). The client is entitled to think of the profession as permanently binding because the pledge cannot be renounced at the professional's pleasure. Once made, the pledge belongs to the public. The public's continued willingness to allow professions to exist constitutes its acceptance of the professional's pledge-defined role. Once a pledge is accepted by the public whose expectations have been shaped by the pledge, those who make the vow explicitly or who make it implicitly by occupying the pledge-defined role have forfeited any claim to repudiate the pledge at will.

The ministry has been particularly clear on this point. Solemn professions of the religious are forever binding. The other professions also behave as though the vows defining their roles are permanently binding. As the sociologist Everett Hughes has observed, "[a] man who leaves a profession, once he is fully trained, licensed and initiated, is something of a renegade in the eyes of his fellows."³⁰ Hughes might have added, "in the eyes of laymen as well." For example, the public always referred to the businessman Dr Armand Hammer by his medical title even though he stopped practicing medicine early in his life. Having once been a doctor, he always remained such in the public's eye.³¹ In the event of a medical emergency aboard an airplane, passengers no doubt would have looked to Dr Hammer for help. One suspects he would have felt obliged to provide it.

Unlike the service contract recommended by contractualists, the pledge does not oblige the professional to fulfill any and all special agendas of clients. Instead, it orients professionals toward a single end, thereby making their education possible. Lawyers benefit persons not by healing them but by representing them in court. This single end of assisting the client to have his or her day in court (or in settlement proceedings which may lead on to the courtroom) informs legal education and serves to define a standard of practice, a standard which is necessary if the education system is to produce trustworthy lawyers. In this fashion, the pledge makes for competence (condition 4).

The pledge also empowers the professional to hold clients accountable for doing what must be done if they are to be aided (trust condition 5).

Although more needs to be said about client accountability, it is clear that the pledge does allow disengagement from the client if and when help of the sort promised cannot be rendered. The doctor vows to try to heal the sick but those who are non-compliant cease to qualify as patients since the doctor cannot restore their health. The doctor can no longer act for the benefit of the sick in such cases and may withdraw from “treatment.”

When and whether certain clients’ behavior or condition is such that they cannot be helped must be determined by professionals exercising their judgment and discretion. Professionals do retain the discretion necessary for trust under the pledge (trust condition 6). The sphere of professional activity is limited, as we shall see in the next chapter. But, within that sphere, the pledge grants professionals scope to use their best judgment to decide the tactics of service. If triage procedures maximize the healing power of physicians, then they have the flexibility under the pledge to adopt such procedures. Professionals need not obtain the clients’ approval for every tactic adopted. An attorney may call witnesses in the order she judges most favorable to her client without clearing this order with the client. The client will generally know far less than the attorney about the effect of various tactics upon the jurors’ reasoning processes and perceptions. In addition, the client may be distraught and unable to think clearly about the tactics of the case. As long as the decision is tactical and does not affect the client’s ability to arrange his life in light of his priorities, the pledge leaves the professional with the trust-eliciting power to develop and initiate appropriate strategies for promoting the client’s end.

Finally, the professional pledge respects clients’ vulnerability (trust condition 7) by letting those whom professionals help be clients in the original meaning of the term. Clients are seen as human beings who are doubly vulnerable. They are at risk not only because their life is threatened but also because they are dependent upon the assistance of a benefactor. Unlike the contractual service provider, who requires that clients argue for why they deserve to be helped³² and who is free to turn away those whose actions are considered by the service provider to be immoral,³³ the pledging professional helps persons simply because they need the particular good she has promised to promote. She acknowledges that clients are dependent precisely because they are lacking in the means to lead a self-sufficient life. Consequently, she does not expect them to act or

argue like healthy, self-reliant, upper middle-class philosophy professors before she will extend them help.

Granted, some parties, particularly corporate clients of attorneys, are not marginal members of society, teetering on the brink of death or in danger of losing their freedom. Nevertheless, corporate representatives sometimes do find themselves braving intimidating foes.³⁴ For example, the Internal Revenue Service and UK Inland Revenue have immense power and have been known to abuse it. The court has rebuked the IRS for what it has perceived as a kind of high-handed harassment on the part of government agents.³⁵ Confronted with such an antagonist, representatives of the corporation are grateful to have a tax attorney on their side. Even if the corporation does not start out vulnerable, it and its employees certainly become more so as a consequence of conveying highly confidential material to hired counsel. Competitors would dearly love to know such things as the corporation's strategic plans, the status of pending patent applications, and earnings forecasts. Furthermore, when we speak of a "corporate" client, we do well to remember that the corporation is only a legal fiction. The lawyer deals with individuals who are often stressed and are afraid of losing their jobs or their liberty as a result of litigation. It is not farfetched to think of the lives of corporations and the livelihood of those within corporations as dependent upon the assistance of a professional benefactor.

The pledge model recognizes client vulnerability by identifying the client with the life-impairing need responsible for bringing the client into the professional's presence in the first place. The defendant is a person in need of justice, not simply a party the lawyer happens to want to help. In addition, the pledge sensitizes professionals still further to this vulnerability by reminding them of their own vulnerability. Commenting upon the Hippocratic physician's pledge to share the life of his teacher, to meet this mentor's needs, and to teach his teacher's sons free of charge, Kass observes that:

Such a physician will understand that he is not a self-made man or self-sufficient man, and that a belief in his own autonomy and independence is mistaken. He will appreciate that he owes both his life and his work to those who came before, that the art of medicine, like the rest of civilization, is a monument to the ancestors. By remembering his

teacher and looking to his students, he will be kept aware of his own mortality.³⁶

The pledge makes clear that a professional has a profession and a livelihood only because those who have gone before took care to pass on the medical practice to students. Professional, student, and client are all part of this fragile network we call community. Like his patients, the doctor is mortal and dependent upon the good will of past and present members of the community. In fact, the very practice of the profession leaves the doctor susceptible to harm. The truly professional physician may find himself in need of funds at the end of life precisely because he has both served patients and taught future professionals regardless of their ability to pay. The oath's requirement that doctors aid their own mentors can be read as a reflection of medicine's understanding that it is a practice of helping needy patients who ultimately may not be so different from the doctor himself.

This mutual vulnerability is recognized by the clergy, who are bound to pray regularly for forgiveness, acknowledging that they, like the laity, are sinners who can and do hurt their fellow man. Legal practice shows the least explicit awareness of human fragility, neediness, and interdependence. From the perspective of the needy client, this lack of awareness is a defect. It is not surprising that the public appears highly ambivalent about attorneys' trustworthiness. The large number of jokes made at attorneys' expense may be an attempt to puncture their illusion of invulnerability.³⁷ Or, viewing this behavior more sympathetically, one might argue that lawyers tell these jokes on themselves as part of an attempt to show the public that attorneys know they share their clients' frailties.

CONCLUSION

Summarizing the previous discussion, we may say that professionals' unilateral, unqualified pledge to serve a specific end of a particular group of vulnerable human beings grounds professionals' authority, legitimating their power of initiating and performing or authoring life-altering actions on the client's behalf. The pledge functions as a ground because, and to the extent that, it meets the objective requirements for a trusting relation between the professional and the client. It binds only the pledgors; and it

legitimizes only the authority of those making the vow, not all human authority. It can thus properly be said to be a ground of professional authority. In addition, the pledge can be said to be the ground of professional authority because, like all grounds, it reveals in whose eyes professionals have authority: those making the pledge have authority to do what they have promised to do both in their own eyes and in those of their clients, actual or potential.

Although I have used the past history, practices, and statements of the profession to show how the problem of professional legitimacy can be solved, the analysis is nevertheless essentialist rather than historical. Adherence to the pledge meets the requirements for client trust; the pledge itself can be thought of as a structure embodying these requirements. It is irrelevant to trust whether this structure came into being yesterday or two thousand years ago. The origin of the structure in period and place does not affect its ability to serve as a legitimating foundation for professional practice.

What does matter to professional practice is the recurrent need to demonstrate its legitimacy. The psychiatrist Harry Stack Sullivan is right to suggest that the question of legitimacy arises in every interaction with every client because in order to continue to merit a client's trust the professional must repeatedly show that he is in fact acting for the benefit of that client.³⁸ In other words, professionals must have some way of establishing that they are worthy of the clients' continuing trust. Adherence to the professional pledge in each and every interaction with the client constitutes a solution to this problem. It may not be the only one. But anyone who proposes an alternative understanding of professions must show how exactly this other model solves the legitimacy problem. The dismal failure of the expert and contractual service provider models to address and resolve the problem suggests that the task is not an easy one.