

PROFESSIONAL TRUST

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ABSTRACT: This paper examines the concept of 'professional trust' and argues that trust is an essential component of what it means to be a 'professional'. The first part of the paper discusses the nature of trust in general and attempts to establish two main points: that we are all involved in relationships of trust and that all trust involves risk. The second section examines the idea of professional trust and draws on an analysis of knowledge provided by Michael Oakeshott that divides knowledge into two components, 'information' and 'judgement'. The central argument is that the exercise of judgement through the possession of 'discretionary powers' is central to being a professional, but that judgement itself resists reduction to propositional formulation because it is essentially tacit and individual. The paper's focus is fairly narrow and does not examine, for example, the role of trust in teacher-pupil relationships, how trust may be related to learning or the role of trust in the pursuit of collaborative educational research.

Keywords: trust, knowledge, information, judgement

1. INTRODUCTION

'The question of whom to trust and how far is as central a question of political life as it is of personal life' (Dunn, 1995, p. 638). Whilst the place of trust in personal relationships is fairly obvious, Dunn believes that its role in the wider political and social areas of life has been neglected by many contemporary political philosophers who regard a focus on trust in human relationships as indicating '... sentimentality or a residually feudal social imagination' (ibid., p. 641). Whether or not this is true of political philosophers, there has been a significant amount of philosophical work on the nature of trust, some of which will be discussed in this paper. For those concerned with education, the notion of trust must play a central role in their thinking and actions. Annette Baier proposes that trust is linked to the idea of 'caring' in that trust is '... letting other persons (natural or artificial, such as firms, nations, etc.) take care of something that

the truster cares about, where such “caring for” involves some use of discretionary powers’ (Baier, 1994, p. 105). If we add ‘schools’ or ‘universities’ to the examples cited, then it’s clear that parents, children and students ‘trust’ teachers, lecturers and institutions to ‘take care’ of something they value, namely their own education or that of their children. Baier’s reference to ‘discretionary powers’ is important because in the case of education and what I will call ‘professional trust’, the existence of such powers is a central concern.

2. TRUST: SOME PRELIMINARY REMARKS

We all know people we believe we can trust and those who we are less sure about. Whilst the giving of trust is often described as a voluntary act in that it is in the gift of the truster to extend trust to the trustee or not, this is not always the case. In many areas of life we have little choice but to trust other people. When we drive we trust other motorists to obey the rules of the road and given that we wish to use our vehicles we have no option but to extend trust to people that we don’t know. Similarly, we trust the pilot and train driver, the doctor and dentist, the plumber and electrician. We trust the supermarket or shop supplier not to sell us poisoned food, the water company to send us drinkable water. Because these are mundane aspects of our lives we may not think of them in terms of trust but essentially it is trust that is involved because we are ‘letting others take care of something we care about’. There is nothing irrational in such an attitude; indeed normal life would be impossible without such non-voluntary trust. Experience tells us that the majority of drivers will obey the rules of the road, that few retailers are out to poison us, that the majority of medical practitioners are competent, etc.

It might be argued that in such cases where we have no choice but to trust others, it is not trust that is involved but more a resigned ‘shrug of the shoulders’ attitude which makes us reliant on others irrespective of whether we trust them or not. Given that we have to eat and drink to survive and assume that the plethora of food scares has made us sceptical about the wholesomeness and safety of any foodstuffs, we will still have to consume something even though we may trust no producer. Our purchasing practices therefore may not constitute an endorsement or mark of trust but simply indicate those we mistrust least. However, lack of choice does not make the concept of trust redundant but rather indicates that in some situations actions alone leave the question of trust or mistrust unresolved. This is simply a case where the same overt behaviour may be carried out for a variety of reasons. Whether actions are accompanied by trust or

not may be a significant question. If, for example, private education were abolished then the vast majority of parents would have no choice but to send their children to state schools. Would the issue of whether they trusted the state system be irrelevant? No, in fact it would be highly relevant for all those involved in education. Those who had little or no trust in the state system would no doubt be able to identify exactly what they considered to be the shortcomings of the service provided whilst those who did trust it would point to perceived strengths. It may turn out that the critics have genuine grievances, e.g., under-investment, large classes, poor buildings, over prescribed curriculum, lack of discipline etc. in which case any moves to improve the quality of provision will have been motivated, at least in part, by the lack of trust of some of those involved be they parents, students or teachers. Where there are no options the question of trust may still be highly relevant simply because one cannot take one's business elsewhere.

However, in many cases of trust there is some element of choice involved; we can refuse to drive, consult doctors, use trains or planes and decide to grow our own food (although we would still have to trust the sources of seeds or plants etc.) but the practical consequences of such behaviour would be to make our lives so complicated as to persuade us that the risks involved in trusting others are worth taking. As Warren comments, 'If I am unwilling to trust that the strangers I meet will not mug me, I will be unable to leave my house. So the alternative to trust, particularly in complex societies, is not a transparent knowledge of risks and contingencies – which is impossible in any case – but rather generalized distrust, which offers a sense of security but at the cost of an impoverished existence' (Warren, 1999a, p. 4). The problem is that many of the things we value include aspects of our lives that we cannot individually either create or sustain and we are therefore forced to trust others: Luhmann observes that 'A complete absence of trust would prevent [one] even getting up in the morning' (Luhmann quoted by O'Neill, 2002, p. 4).

Perhaps it would be useful to differentiate between two notions of trust: 'primary trust', which might be specific trust relationships that are voluntarily entered into between or amongst individuals where the truster trusts the trustee to act in some agreed way, and 'secondary' or 'background trust', which might be the tacit trust relationships we have with those individuals or institutions that we do not encounter directly but nevertheless trust to act in certain ways. Luhmann is surely correct in pointing to the almost transcendental character of trust for the existence and functioning of anything that we could reasonably classify as a community or a society. It seems

unlikely that we could imagine a ‘society’ where no one trusted anyone else, for in such a situation even basic communication would be rendered problematic. For communication the default position is to assume that people speak truthfully and thus we can trust what they say. Radical mistrust of others would lead us to doubt whether they meant what we did by the words they used (and raise the problem of whether we ourselves could attach any meaning to the putative words we used) in which case we could not even consider the truthfulness of their statements for the question of their meaning would be perpetually indeterminate. Without a degree of trust interpersonal relationships are condemned to be (at best) impoverished, transitory and instrumental.

Primary trust would seem to be logically prior to secondary or background trust. Presumably trust relationships first appeared as person to person interactions in a context where there were no social institutions – at least not in the way that we now understand the term. Commentators such as Hardin (Hardin, 1999) have questioned whether the idea of trust in institutions is possible given their complexity, anonymity and the distance separating individuals from those institutions. Hardin maintains that one condition of trust is that the truster has sufficient knowledge of the trusted to know that he or she will act in the truster’s best interests. In modern societies, claims Hardin, such knowledge between individual and institution is impossible. However, Harre argues a convincing case for believing that trust can exist between an individual and an institution (Harre, 1999). Although I may not have personal knowledge of the staff of an institution, I know that the behaviour of the staff is subject to certain rules and customs, obligations and duties that give me reason to believe that they will, all things being equal, act in the ways that I expect. ‘... I trust my bank because I believe, without ever having formulated the thought explicitly, that it is staffed by honest and competent people. The difference is that these people are not known to me personally’ (ibid., p. 259). Harre terms this, borrowing a phrase from Patterson ‘indirect personal trust’ (ibid., p. 259) and I think he is correct to conceptualise trust between an individual and an institution as a type of person-to-person relationship, albeit one or two steps removed from the model of primary trust which is mentioned above. Trust between individuals and an institution is a defensible use of the term. However, there are no cast iron guarantees that the institutions of secondary trust will not fail just as there are no such guarantees that those extending primary trust will not be betrayed or let down.

Trust always involves risk and even if we try to reduce the amount of risk by reverting to alternative mechanisms we still need to trust

in those mechanisms. There are many people who mistrust various institutions (such as the banking system) and conduct their financial affairs either through cash (the least risky of monetary tokens), barter or through extended family relationships where the bonds of kinship engender a high degree of primary trust. Unless we wish to conduct our transactions at the level of primitive exchange we have no alternative but to trust in other people, institutions or, as is the norm, a mixture of both. 'Absence of trust paralyses collective action ...' (Warren, 1999, p. 17). Trust arises because we cannot control or guarantee to sustain all aspects of our lives, nor are all aspects of our lives predictable. The uncertainty, complexity and contingency of human affairs require that we have to put our trust in others either directly or indirectly. On the other hand, we know that on occasions our trust is misplaced and the driver does jump the lights, the plumber does a poor job and overcharges, the pilot is drunk, the doctor a fraud. Trust always comes with an element of risk because we can never fully control the actions of others or fully allow for the contingencies of life. If we have absolute control over the actions of another, then there is no need to trust them because we can be assured that the behaviour we desire will be forthcoming. Granting bail to an accused person involves trusting that the person will honour the conditions and turn up for trial. The financial penalty provides some security but many still fail to appear at court on the appointed date. If the accused is thought to be untrustworthy, bail will not be granted and the individual remanded in custody. In this case there is no need to trust the accused to turn up because, barring a breakout from jail, he or she has no choice in the matter. Trust is always epistemologically underdetermined in the sense that we can never know for certain that the trustee will do what we have entrusted him or her to do. If we have such certainty then trust appears to be redundant for what are we trusting the person to do if there is, for all practical concerns, no doubt that it will be done? When we say 'I'm not sure, I suppose we'll just have to trust her,' the role of trust as that which we employ when a degree of uncertainty exists is clear. It appears that the weaker the epistemic grounding, the greater the amount of trust required because of the greater risk involved.

Becker distinguishes between two conceptions of trust which he terms 'cognitive' and 'noncognitive' (Becker, 1996).

Cognitive trust is trust that is based on:

... beliefs or expectations about the future behaviour of others, in some or all situations. ... to assert that A trusts B cognitively is to

assert something of the form A believes or expects B will do X in situation S.

Non-cognitive trust is:

... composed of attitudes of certain sorts, period. To assert that A trusts B noncognitively is to assert something of the form of A's attitude (affect, noncognitive disposition) toward B is X. That is, to assert that A's attitude is trustful or trusting of (or trusting with) B.

Cognitive trust, as the name implies, seems to involve gathering information about the likely trustworthiness of a particular person, group of persons or institutions such that some rational choice can be made about whether they can be trusted. The 'peculiarity' (ibid., p. 47) involved in cognitive trust is that as we strengthen the epistemological foundations for the giving of trust we correspondingly reduce the amount of trust required because we are systematically attempting to reduce the risk involved. The logical conclusion of cognitive trust is that once we achieve secure epistemological groundings, that is, good reasons to trust, we no longer need to trust. Cognitive trust once acquired seems to eliminate that which it was intended to describe because the aim is to remove all possible risk and if there is no risk there is no place for trust.

Noncognitive trust also has problems. If noncognitive trust is simply an attitude or disposition to trust then the range of situations in which such trust is to be employed is significant. For example, if noncognitive trust is to be understood as a universal attitude so that I trust everyone or every institution on every occasion, then it is both naïve and dangerous. Such trust is perhaps best illustrated by infants and young children who may extend trust to those they do not know, often adults, because they see no reason not to do so. Much personal and social education aims to eliminate this type of naïve trust from children and make them aware of the risks involved in extending trust in an indiscriminate manner. In adults such universal noncognitive trust would be viewed as a serious weakness characteristic of utopian dreamers or those aiming for sainthood. Interestingly, although such people may extend trust to all and sundry, they would not be considered trustworthy themselves because any trust extended to them is likely to be further extended to those who are considered unsuitable recipients of that trust. Who would entrust such a person to take care of their child given that that child may quickly be passed over to the care of an unknown other? Similarly, any confidences extended to such a person would soon become common knowledge. It would seem that if you trust everyone no one will trust you.

Becker's terms, cognitive and noncognitive, are slightly unfortunate and he recognises that the boundary between the two is rather 'fuzzy' (ibid., p. 44). Excepting the cases of infants and idealists, noncognitive trust is not devoid of all cognitive elements because our attitudes are not exclusively noncognitive in character. We can always, when asked to justify or explain our holding of a particular attitude, provide some grounds or reasons why we do so. These may be rather vague, general or unsophisticated, (or they may be specific and refined) but whatever the case they provide some epistemic basis for the attitude in question. To respond to the question 'Why do you hold attitude X in relation to Y?' with 'No reason, I just do' is unsatisfactory at an intellectual level although it may pass muster at the level of chitchat. A trusting attitude should not simply be blind faith but a disposition rooted in experience, perhaps drawing on beliefs about human nature or the preferred ethics of human relationships. Attitudes are not impervious to experience and if I have experiences of a certain kind I may change my attitude towards something, indeed it may be seen as irrational not to adjust my attitudes in the light of experiences. Noncognitive trust is hardly ever devoid of all cognitive content and when it is it should be viewed with suspicion and alarm.

If cognitive trust eliminates trust at the limiting case through the removal of all risk, then in those situations other than the limiting case there is no doubt that what we should try to do is to establish the trustworthiness of those with whom we have dealings involving the giving of trust. Imagine that I am trying to find someone to look after my children. I may actually say that my main concern is to find someone I can trust and this would be immediately understood as the central issue involved. If I do not know anyone personally able to do the job (and whom I trust) I may need to use an agency or advertise. In this situation I will take great pains to gather information to build up a picture of the trustworthiness of either an individual or a commercial concern before handing over my children. Of course all systems of checks and screenings are open to abuse and I may find that the person is not suitable even though they looked as if they were. I would take more care to find a suitable person to care for my children than I would to find a plumber to mend my washing machine for the obvious reason that my children are far more important to me than my washing machine: I value my children more.

The greater the value we attach to something or somebody the greater the potential for pain should that which we care about be mistreated or damaged in some way. In the case of primary trust relationships there is also the issue of responsibility because I make a

conscious decision to extend trust based on an evaluation, a judgement, regarding the trustworthiness of another party and may be held accountable for the subsequent outcome of my decision. If the carefully selected childminder does harm to my child and therefore betrays my trust, even though I may have taken all reasonable steps to ascertain his or her suitability such that others may tell me I should not hold myself responsible – it was not my fault – it was still my decision that put the child in harms way. I may believe that if only I had taken more time, made further inquiries, assessed the character of the childminder more carefully etc., the damage could have been averted. On the other hand, my responsibility towards an institution such as the country's financial system is less direct. Unless I am a George Soros, withdrawing my savings from the high street bank is not going to send the stockmarket into freefall. The majority of individuals have little or no power to influence the operations of those social institutions in which they trust be it the financial system, judiciary, civil service, police, health care or education. This, of course, is not to claim that in particular circumstances individuals may not be able to exert influence on specific social institutions through, for example, high profile campaigns perhaps supported by the media or prominent people but these are the exception rather than the rule. Whilst we may trust such social institutions and use their services, the scale and complexity of their operations, conjoined with our relative powerlessness to influence their functioning, serves to reduce the level of our personal responsibility towards them.

The central point I want to distil from the above discussion is that we are inevitably, to a greater or lesser extent, involved with relationships of trust. Some are more trusting than others but a degree of trust is an ineliminable aspect of our lives. In addition, all trust involves risk because we may always be betrayed or let down by those individuals or institutions with which we are in relationships of trust. This may be a result of malfeasance or simply a product of life's contingencies. The reason(s) why the trusted failed to fulfil the necessary act are obviously important for the application of blame: if the trusted fails to do what they were trusted to do because, despite their best efforts, events conspired to frustrate them, then although I may be disappointed I would not feel betrayed or even let down by the trusted. It would not reduce my trust in the person, in fact, depending on the details of the case, it may increase my trust in the person once I am aware of the lengths they went to in order to try and meet their obligation. Trust is clearly an important part of our personal relationships with family, friends and colleagues but I want to examine the notion of 'professional trust', that is, the type of trust that

non-professionals, or more precisely, those not professional in a particular sphere of life, extend to those who are in order to benefit from their greater expertise.

3. PROFESSIONAL TRUST

Downie characterises a profession as having, amongst other features, a membership who possess specific skills and expertise and provide a service to the public through a special relationship (Downie, 1990, p. 154). He also distinguishes between two notions of legitimacy, namely 'legal' and 'moral' (ibid.). Legal legitimacy arises simply through the profession being established in law and given certain powers to regulate its affairs. Moral legitimacy is concerned with how the profession is viewed by the public, notably to what extent the profession is seen as creditable, that is, the extent to which it is regarded as '... being independent, disciplined by its professional association, actively expanding its knowledge base, and concerned with the education of its members' (ibid.). Moral legitimacy could be understood as indicating the degree to which the general public trusts the profession. It is easy to cite examples where professions may have legal legitimacy but lack any moral legitimacy e.g., corrupt judicial systems, in which cases the public's condemnation would be on the grounds that such a profession could not be trusted to administer the law in an impartial manner. There could also be groups of people who, although lacking legal legitimacy nevertheless constitute a profession and attract a wide degree of trust from the general public, for example, some practitioners of complementary medicine. The possession of some particular skill, knowledge or expertise would seem to be essential for something to be considered as a profession for in the absence of such elements what service are the members supplying that the general public could not furnish for themselves? Clearly there are questions regarding the nature of the knowledge base and at what level the term 'profession' can be applied in contrast to the more humble 'job' but wherever the line is drawn (and it probably can't be drawn exactly), professions are considered to be characterised by the possession of knowledge or abilities not generally available to the general public and it is the existence of these that provides the basis for offering a service. (Such is the specialised knowledge relating to many occupations that we are all laymen in many contexts.) Importantly, as Downie remarks (ibid.) the relationship between the professional and non-professional is always one of inequality in terms of access to the knowledge base and this opens up a space for the possible exploitation of the latter

by the former. (This needs to be distinguished from circumstances in which professionals may consult other professionals working in the same field. For example, doctors have to consult other doctors because they cannot prescribe drugs for themselves, not because of some unequal access to the knowledge base, and one professional may employ another of the same profession to act for him or her because of lack of time or to meet conditions of impartiality.) In the majority of cases however there is an inequality and consequently professions have rules of conduct to regulate the relationship between the two parties and thereby reduce the potential for the more powerful to profit at the expense of the weaker; but such codes of conduct cannot prevent all cases of abuse although they may act as deterrents to the less determined would-be exploiter.

In the professional/non-professional relationship the non-professional is vulnerable through a lack of equivalent expertise and therefore puts their affairs in the hands of another party whom, it is assumed, will act in the non-professional's best interests. The non-professional is vulnerable partly because he or she is epistemologically disadvantaged in relation to the relevant knowledge base and therefore has to trust the professional to behave in a non-exploitative manner. As with all trust relationships there is an element of risk because no professional codes of conduct can provide cast iron guarantees that the professional will not act to exploit the situation. The detection, disciplining and perhaps expulsion of those who transgress the codes of conduct drawn up by various professions, at one and the same time shows that the profession can regulate and police itself, thus increasing its credibility in the eyes of the public, whilst also highlighting the untrustworthiness of some of its members, which may have the opposite effect on the public's opinion of the profession. (One often feels that the sloth with which miscarriages of justice are handled is governed not only by the need to gather convincing evidence but also by the fear that the exposure of too many miscarriages will severely reduce the public's trust in the whole judicial system.) Professionals clearly need to be regulated and held accountable for their actions but what they should be accountable for and to whom are thorny questions.

In her discussion of trust, Anette Baier notes how trust always involves vulnerability, 'Trust ... is accepted vulnerability to another's possible but not expected ill will (or lack of good will) towards one' (Baier, 1994, p. 99) and that although there are cases where we trust someone not to do something, in many cases, 'The most important things we entrust to others are things which take more than non-interference in order to thrive' (*ibid.*, p. 103). This is certainly so in

the case of education where, except in the most *laissez-faire* approaches, we expect teachers to ‘interfere’ in the child’s development in some way, although the nature and scope of this interference is obviously debatable (and has been a central concern of educators for over 2,000 years). ‘Interference’ is a slightly misleading term here because it can carry connotations of unwanted or unjustified meddling by one party in the affairs of another. However, understood in a positive sense, the notion of a professional ‘becoming involved’ in our affairs is precisely what we turn to the professional for. Baier clarifies the picture by characterising trust as those situations where we let ‘... other persons (natural or artificial, such as firms, nations, etc.) take care of something the truster cares about, where such “caring for” involves some exercise of discretionary powers’ (ibid., p. 105). The concept of ‘discretionary powers’ is, I believe, a central element of the work of any professional. It separates the professional from someone who is simply told or instructed to do something in a specific way over which they have no choice. This is not to give the professional *carte blanche* to act in any way he or she decides but it does signify the acknowledgement that part of being a professional is to exercise personal judgement about what courses of action are appropriate in particular situations. The justification for allowing this freedom of action arises primarily from the knowledge base underpinning the professional practice. When we trust professionals with something we care about, such as our health, financial affairs, children’s education, a legal matter, what we are expecting is that they will draw on their knowledge to exercise considered judgements so as to serve the best interests of those they act for. It is precisely because the non-professional is epistemologically disadvantaged in relation to the knowledge base that they have to trust the professional to employ these discretionary powers wisely. As Warren remarks, trust involves a three-way relationship between the truster, trusted and a valued good and this sets up a potential power relation (Warren, 1999, p. 324). ‘Potential’ because this is not an inevitable feature of a trust relationship but a possible one. If A trusts (professional) B to do X, then given the fact of vulnerability mentioned above, B has the power to make A act in B’s interests (and maybe against A’s own interests) rather than B acting in A’s interests. It is this possibility that renders such trust relationships between professionals and non-professionals risky and explains why the existence of a manifest conflict of interests always undermines the willingness of one party to place their trust in the other.

But what, precisely, comprises the professional’s knowledge base? Oakshott provides an interesting analysis of knowledge that brings

out an important point. He equates knowledge with two components, both of which are necessary for knowledge to exist. One is what he calls 'information' which '... consists of facts, specific intellectual artefacts ... It is impersonal ... and it is to be found in dictionaries, manuals, textbooks and encyclopaedias. It is the appropriate answer to questions which ask: who? what? where? which? how long? how much? etc.' (Oakeshott, 1989, p. 51). He also sees 'judgement' as essential for knowledge but this is something that cannot be taught directly (unlike information) and only appears slowly as a sort of by-product of the acquisition of information (*ibid.*, p. 60). The main reason judgement cannot be taught directly is because it is resistant to systematic formulation as a series of propositions. Judgement is the '... tacit or implicit component of knowledge, the ingredient which is not merely unspecified in propositions but is unspecifiable in propositions ... It ... cannot be resolved into information or itemized in the manner characteristic of information' (*ibid.*, p. 54).

Becoming familiar with a discipline (or knowledge base) begins with the acquisition of various amounts of information that give the learner an insight into what the subject they are studying is about, that is, the subject matter, concepts, principles and methodology characteristic of the discipline. People who continue to study a discipline move from merely 'learning about' history or science to become historians or scientists and this requires an upward shift in understanding to the point where they can think as historians or scientists and have what is sometimes called a 'feel' for the subject. It is here that Oakeshott's idea of judgement begins to appear, for now the practitioner can reflect on what they know and consider its significance, identify the salient principles that are relevant to a particular situation, evaluate alternative strategies and, importantly, make decisions in situations that are novel or unexpected where the information available underdetermines any one correct course of action. When faced with such a situation the professional is called upon to draw on their knowledge and experience to make a judgement about what ought to be done. As Oakeshott remarks, knowledge takes us beyond the rules, '... across those wide open spaces ... where no rule runs' (*ibid.*, p. 54) and the significance of the judgemental element of knowledge increases, according to Oakeshott, as we move from manual skills to mental operations (*ibid.*, p. 55). The professional therefore has to be conversant with the information component relevant to their discipline but this alone is insufficient because he or she also has to know what 'use' to make of the information and this requires the exercise of judgement which, in Oakeshott's view,

can only be acquired in practice, it cannot be taught directly but it may be ‘... learned in everything that is learned’ (ibid., p. 61). Importantly for Oakeshott, it is the acquisition of judgement that is the ‘... real substance of our inheritance ... [it is] ... the residue which remains when all else is forgotten; the shadow of lost knowledge’ (ibid., p. 61). (For a more detailed discussion and defence of tacit knowledge see Arnal and Burwood 2003.)

The non-professional therefore requires the professional to possess a satisfactory grasp of the information component specific to their discipline but also to be able to ‘make use of’ or apply what they know in the particular circumstances pertaining to the situation at hand, that is, to judge what is the appropriate course of action given a specific set of conditions. Whereas the information component of knowledge is impersonal, ‘... not a matter of opinion’ (ibid., p. 51) the status of the judgement component is not. Professionals will often disagree about the correct course of action when faced with the same situation: they will use their discretionary powers differently. This is because in the exercise of judgement, each individual draws on their own experience and is influenced by a personal set of attitudes, values, principles and expectations. Oakeshott hints at this when he refers to the notion of ‘style’. ‘For every significant act or utterance has a style of its own, a personal idiom, an individual manner of thinking of which it is a reflection ... style, is the choice made, not according to the rules, but within the area of freedom left by the negative operation of rules’ (ibid., p. 61). Whilst ‘style’ may be suggestive of a sort of ‘showiness’, shallowness or artificiality, this is clearly not what Oakeshott has in mind. ‘Style’ is the recognition of individuality and that the complexity of many situations will lead to equally knowledgeable people making different choices about appropriate courses of action. This is not to be seen as a failing of those concerned – as though they were ignorant or intellectually lazy – but an inevitable outcome of the nature of judgement. At the level of information disagreement may be explicable by reference to the failings of certain individuals or gaps in the information base and resolvable by either closer attention to the information component concerned or the expansion of that component, but at the level of judgement things are not so straightforward.

It might be thought that Oakeshott’s notion of ‘style’ leaves things at too subjective a level, perhaps advocating a position where each is judge and jury as to the validity of their judgements. This is clearly unacceptable for any professional body (and for any account of judgement in general) but I think we can utilise another of Oakeshott’s ideas to offer some structural support here, namely his

concept of a 'conversation'. A conversation is something that is both open and constrained. It is open in the sense that we do not know what the structure of a conversation will be because a conversation is genuinely unscripted and its form is only apparent retrospectively. The structure of a conversation is only revealed historically. It is unlikely that we ever repeat exactly the same conversation although there may be similarities with previous conversations. On the other hand there are limiting formal constraints on any conversation we may have. For example, our responses must be intelligible to the other party, they must be relevant to the topic at hand, each participant must pay attention to the other etc. Grice's analysis of conversation makes the point that it is essentially a co-operative enterprise, conversations display what he calls the Co-operative Principle (Grice, 1989). Conversations are characterised by each participant recognising '... a common purpose or set of purposes, or at least a mutually accepted direction ... at each stage, some possible conversational moves would be excluded as conversationally unsuitable' (ibid., p. 26). Grice provides a set of formal requirements in terms of categories to be met – Quantity, Quality, Relation and Manner – and the content of these categories may be satisfied in different ways. His point is that conversation is not just a '... succession of disconnected remarks' (ibid., p. 26) but an interchange which recognises and responds to the contributions of the participants. Whilst there will be responses that are inappropriate, within the sphere of appropriate responses there is always unpredictability and novelty. Conversations are therefore simultaneously constrained and open-ended.

If we apply the conversational model to judgement, then we can argue that, when called upon to defend or justify a judgement, the manner in which this is done should be conversational in character whether this is conducted in an informal or formal setting. The situation is open ended because we do not know what justifying reasons will be brought to bear or what course the discussion will take as each party listens to and responds to what is said. But the discussion is also constrained by the need of each to adhere to the type of formal conditions mentioned by Grice. Not just anything counts as a justifying reason. Depending on the nature and context of the discussion (legal, medical, ethical, scientific, educational, political etc.) the conversation will take place against a background discourse that informs the particular practice. The justifying reasons would then need to be seen as related to the concepts, norms and procedures characteristic of the said practice. They would also need to be 'good' reasons, that is, reasons possessing quality which carried persuasive force because they drew on elements that were considered central,

important features of the practice. A doctor who attempted to justify his judgement to use a particular course of treatment on the grounds that it was quick and he didn't want to be late for a golf match would rightly be condemned because such an argument is not relevant to the proper care and treatment of patients. A teacher who treated a child unfairly because she didn't get on with the child's parents would be similarly criticised on the grounds that such considerations are not relevant to the education of pupils. The politics of accountability, who should be accountable to whom, for what and against what background discourse, is a complex and contested area (see below) but the ability and need to justify judgements is vital. The background discourse against which justification occurs is not static: what may have been considered an acceptable justification for a course of action at one time may fail to be so at another. The background discourse will contain (at least) an epistemology and an ethics – a knowledge base and a code of conduct. However, whilst the background discourse may in certain instances provide the resources necessary for a clear adjudication of justificatory arguments (as in the two examples above) in other cases, issues of interpretation, relevance and context will prevent any simple, straightforward deduction as to the acceptability of the justifying reasons presented. The reasons for the judgement themselves become subject to judgement. The background discourse helps to form the character of the practice and thus enables issues of judgement to be raised but also acts as a constraint on the nature of the justificatory reasons to which an appeal may be made. It is at this level that the conversational model is useful because the justificatory process is itself conversational in manner, open ended (we cannot know what the structure of the discussion will be) but also constrained by the existing background discourse. Oakeshott's notion of 'style' is best understood within this wider framework which recognises an essential degree of individual freedom but against a background discourse that constrains the means by which judgements may be redeemed.

Let us assume that students wishing to enter a profession be it medicine, teaching, social work, the law etc., in each case all receive a basically similar education and training. However, at the end of their courses they do not appear as clones but as individuals with distinctive orientations towards their chosen career. They may have all been exposed to a core of common information (in Oakeshott's sense of the term) but each will have interpreted, understood, prioritised and evaluated this in different ways because they bring different attitudes, experiences, values and expectations to the material. As this gaining of information is also beginning to shape their judgement

and as their judgement is a combination of their individual histories and attributes and the information content acquired, it would seem inevitable that students will develop different approaches to judgement, that is, their judgements will not always agree. In education this is recognised by believing that it is important that students develop a ‘personal philosophy of education’ and, if this is taken seriously, it entails that not all these personal philosophies of education will be compatible each to the other and some may stand in direct conflict. Faced with similar situations it is not surprising therefore that the professional judgement of one teacher may conflict with that of another, concerning, for instance, the best way to deal with a difficult child, the preferred nature of teacher–pupil relationships, whether children should be organised in terms of ability, what role children’s interests should play in the curriculum, to what degree a competitive ethos should pervade the school, the correct balance between the academic and social development of children and so on. Such questions take us beyond the mere application of rules – as if we could look up the answers in some ‘encyclopaedia of teaching’ or on a government website – and require an acquaintance not only with the information base but also the ability to exercise judgement. (Oakeshott’s view of judgement explains why, at least in part, student teachers often observe experienced teachers successfully interacting with a class and then try to emulate this behaviour but with less success. They observe and copy certain strategies but lack the experience that enables their judgement to become sufficiently attuned to the particular circumstances.)

I have argued that the possession of ‘discretionary powers’ is an essential aspect of what it is to be a professional and that the exercise of judgement, in the Oakeshottian sense, is the key component of such discretionary powers. Consequently the ability and freedom to exercise judgement is inseparable from the notion of professionalism. Because ‘judgement’ is resistant to reduction to a set of propositions, any attempt to specify in explicit terms what, exactly, is the nature of judgement is misconceived. This means that the notion of professionalism itself can never be fully specified, or if such an attempt at specification is made, that the resulting account will be impoverished, erroneous and misleading. The ‘deprofessionalising’ of teachers that has been much discussed in recent years (particularly in the UK), can be seen as an attempt to fully specify, fully script, something which cannot be exhaustively captured in a series of propositions. Michael Luntley makes the point that ‘judgement’ is intimately linked to creativity. He comments that ‘... the role of judgement, in contrast to technique, points up the fundamental

creativity in language use. Educated competent language use is not something modelled in terms of the application of techniques, procedures that could be articulated in explicit rules. Educated competent language use is fundamentally open-ended' (Luntley, 2003, p. 153). Luntley is here echoing the sort of point made above in relation to the nature of the conversational exchange, namely the essential unscriptability that the 'fundamental creativity' of language enables. If this is so, then any attempt to offer a reductionist account of judgement (professional or otherwise) is not just empirically difficult but a logical error arising from a failure to fully appreciate the true nature of judgement. Such attempts have been made and Beck (1999) notes how 'trainability' has become the dominant model of teacher professionalism understood as the capacity to '... profit from continuous pedagogic re-formation, designed to equip the individual to cope effectively with the accelerating pace of externally imposed changes' and how the preparation of teachers has become '... strongly competence based and highly specific-formulated as lists of closely prescribed behaviours which competent practitioners must display, and in relation to which their professional progress is assessed' (ibid., p. 228).

In this model there is a clear assumption that professionalism is linked to flexibility understood as willingness to accept and internalise externally imposed directives and the belief that professionalism is no more than the competent acquisition of information, that is, the understanding and exhibition of a set of behaviours which are able to be identified and expressed in propositional form. As Groundwater-Smith and Sachs comment, 'The audit society requires constant surveillance and inspection. It requires professional practice to be auditable by creating specific performance measures. It requires of its professionals self-ordering, not based upon individual moral judgement, but on meeting externally applied edicts and commands' (Groundwater-Smith and Sachs, 2002, p. 347). As such this conception of professionalism deals with only one of Oakeshott's knowledge components and fails to appreciate the nature and significance of judgement as something essentially tacit and individual. This is a view in stark contrast to that advocated by liberal educators such as Charles Bailey who characterised the professional teacher as one who was 'relatively autonomous' and '... accountable only in the sense that he or she is acting professionally as a liberal educator' (Bailey, 1984, p. 236). Importantly for Bailey what the professional educator must not do was to consider their role as that of '... an agent for someone else's decision making, especially when such another was not a professional educator' (ibid., p. 237). Bailey

recognised the need for professionals to exercise their 'discretionary powers' as 'relatively autonomous' practitioners and not simply carry out the wishes of others be they headteachers, inspectors or governments.

The desire to specify completely what professionalism is arises, at least in part, from an attempt to exercise excessive control over the actions of those concerned. As such it moves towards the limiting point of cognitive trust mentioned by Becker where the need for trust becomes redundant because the mechanisms of control are externally applied to ensure compliance. Whilst this can never be fully realised, it can shift the balance to a point where the ability of individuals to exercise their discretionary powers is severely limited and thus their status as professionals undermined. Such a process indicates a lack of trust in the ability of professionals to do their job properly: one cannot simultaneously insist that professionals are trusted whilst imposing an extensive series of prescriptions designed to fully regulate how they will behave. It is also self-defeating, for any conception of trust which requires the introduction of regulations to achieve it, necessarily undermines and weakens that which it is intended to foster. In such cases what we have is the utilisation of 'trust' as no more than a rhetorical device, a public relations fiction masquerading as a moral commitment. Claus Offe, in a discussion of the benefits of trust, comments that, 'I do not need to monitor those I can trust. ... Trusting begins ... [when] ... we decide to stop calculating, enforcing and monitoring ...' (Offe, 1999, pp. 52–53). In all cases of trust there is an element of risk not only because professionals may act with malice but because they may; motivated by goodwill, exercise their discretionary powers differently and thus make decisions that are not always to the liking of those whose trust has been placed in them. I see no way out of this situation because it is an unavoidable possibility given the account of judgement argued for in this paper. Professionals may not always give the answers that their clients wish to hear or act in the way that their clients desire but discretionary powers are just that – discretionary. This is not to condone the irrational, immoral or otherwise unacceptable exercise of discretionary powers by professionals for any professional can be asked to justify their behaviour but it is to suggest that there may be a range of justifiable behaviour and a range of justifying reasons for that behaviour. It would, however, be misleading to gain the impression that professionals are permanently at odds over the best means of dealing with or analysing situations, in the majority of cases there is a large area of common agreement regarding legitimate courses of action and the conditions under which justifications may be seen as reasonable. Indeed, in the absence of a general consensus over a

broad range of issues, the application of the term 'profession' would itself be brought into question.

Over twenty years ago Robin Barrow wrote a book entitled *Giving Teaching Back to Teachers* (Barrow, 1984). The title suggests that this would be a good thing (there is no question mark) but it assumes that teachers can be trusted with the responsibility the transfer would entail. Whilst it is obvious that the amount of money invested in education necessitates accountability and the monitoring of practice, the over-regulation of the profession is corrosive of many of its most valuable elements. In the U.K. there has been a recent 're-discovery' of the value of creativity and self-expression in children's learning but these qualities should also be a feature of the teacher's work. However, just as the development of creativity and self-expression in children requires an atmosphere of trust and security, so is the same true for teachers. Central to this is the possession of a degree of personal autonomy that allows the teacher, like the pupil, to achieve a level of ownership of their work that is essential for any sense of satisfaction and growth. This, in a large part, comes through being trusted as a professional to use their own judgement in the exercise of discretionary powers.

Innovation and experimentation is encouraged by the freedom granted by trust, and such behaviour may lead to the discovery of collectively beneficial opportunities that would be missed in the absence of trust. The absence of trust is rather likely to condition a type of behaviour on the part of the non-trusted that is rigidly and ritualistically following orders and seeks to hide behind established rules and routines. (Offe, op. cit., p. 53)

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