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### The Profession as a Moral Teacher

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# LEGAL ESSAY

## THE PROFESSION AS A MORAL TEACHER\*

THOMAS SHAFFER\*\*

[T]hat things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life, and rest in unvisited tombs.

George Eliot

One of the things that happens to a young person who comes into a profession is that she or he encounters the profession as a moral teacher: The profession itself claims teaching authority. Thus the founder of modern medical ethics, Sir Thomas Percival, writing in 1791, demanded for the profession not only obedience but even reverence: "Every [one] who enters into a fraternity engages, by a tacit compact, not only to submit to the *laws*, but to promote the honor and interest of the association. . . . A physician, therefore, should continuously guard against whatever may injure the general representations . . . all general charges [of] . . . selfishness, or improbity . . . [and] affected or jocular skepticism concerning the efficacy and utility of the healing art."

And Judge George Sharswood, originator of what are now official lawyers' ethics in the United States, said in 1854, "Nothing is more certain than that the practitioner will find, in the long run, the good opinion of his professional brethren of more importance than of what

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\* This essay is a chapter from the author's forthcoming book, *Faith and the Professions*, to be published in 1987 by Brigham Young University Press. Copyright 1986 by Thomas L. Shaffer.

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is commonly called the public. The good opinion and confidence of members of the same profession, like the King's name on the field of battle, is a tower of strength . . . the title of legitimacy."

Another thing that happens to a young person entering a profession is that she or he returns home. I remember my first year in law practice, when September came and the air felt like football, that I noticed, as if discovering something, that I was not in school. I was in a town, with people who didn't take academic vacations. It was a place not of dormitories and blackboards but of families and churches and neighborhoods. The world around was more like the world of my childhood than the world I had been studying in for seven years. My wife and I bought a home, joined a church, got acquainted with our neighbors, became *people*—like our parents. The clients who came into the law office were like people I grew up with, more than like players in law school case books.

Doctor and lawyer stories show both of these aspects of professional entrance—the profession's claim of moral authority and the return to the moral authorities that formed our characters. The best doctor story in English, George Eliot's *Middlemarch*, has the young physician Lydgate come to town and do the things my wife and I did, and encounter the wary influences of older practitioners. In Sinclair Lewis' doctor story, *Arrowsmith*, Martin goes to his wife's home town; they move in with her parents; Martin begins to learn, as Lydgate did, the threat and the comfort of practicing among country doctors. In Louis Auchincloss's big-firm lawyer story, *The Great World and Timothy Colt*, Timmy moves downtown when he finishes law school at Columbia, becomes Henry Knox's apprentice and the breadwinner of a family, in a neighborhood where young professionals and their wives think that getting ahead is fun. Some of the stories show how the moral authority of the profession and the return home are at war with one another. Thus William Carlos Williams fled from the corruption of pediatrics in Hell's Kitchen and went to live with his parents in New Jersey—to practice medicine there.

Williams's story is unusual among twentieth century American stories in that it shows the failure of the professional moral teacher and the triumph of character, as Williams's character was formed in his parents' home. In *Arrowsmith* and *Timothy Colt*, the professional teacher prevails and character fails. The nineteenth century stories are in a third category. In them, character is determinative: The professional teacher cannot rescue a weak character; as the professional

moral spokesmen put it then, the professions are for gentlemen. Nor can the profession damage strong character. Lydgate rejects his professional teachers, and suffers for it, but his character is strong and, in a phrase that is characteristic of Eliot, his professional limit becomes a moral beginning. *Middlemarch* makes the point in medicine that William Dean Howell's American story, *The Rise of Silas Lapham*, makes about business, or Trollope's *Orley Farm* about the law.

My argument in this article turns on this distinction between professional teacher and culture, between code and character in professional ethics, and on two propositions: (1) Sound ethical codes in the professions are those which depend on character; and (2) Ethical codes in which that dependence is not understood are corrupt and corrupting.

My first proposition—that code depends on character—was fundamental and clear in the earliest codes in British and American law and medicine. Both professions came in the nineteenth century to take the dependence for granted, then to ignore it, then to betray it—with the result that modern codes in both professions are at least irrelevant to ethical reasoning and are often worse than irrelevant: They are often corrupting. And so the modern organized professional associations that purport to be the guardians of professional ethics are pressure groups more than anything else. The schools that these organized professions maintain and protect are not places of moral formation so much as places where moral issues are evaded by vocational redefinition; morals in professional life are treated there as private if not eccentric, and moral outrages are excused by modern forms of licensed irresponsibility.

That is the situation in our official professional ethics, I think, although it is not yet, or not consistently, the situation in professional practice. The professions practice better than they preach. How do I, an aging academic, know that? I know it because our doctor and lawyer stories say so. In our stories, code<sup>1</sup> still depends on character, and, because I trust our stories, I take some comfort as I see my friends and my children go out to practice in these two ancient callings.

Tertius Lydgate came to Middlemarch with ideal training for the

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1. When I use "code" in this context, I do not mean a document or a consensus statement so much as I mean the influence of the profession as a moral teacher—the profession's claim that it is a moral teacher and the substance of its moral teaching.

practice of medicine in a nineteenth century country town. He didn't know anybody, but he had obtained a place: He had purchased Dr. Peacock's practice. He was ready: He had the most thorough medical education available (London, followed by Edinburgh and Paris); he had learned a disciplined and curious, scientific approach to disease; his clinical training had been at the hands of doctors who were not afraid to innovate but who also respected the contributions of hidden and faithful professional forebearers who rested in unvisited tombs.

Lydgate had optimism that he could cure and explore at the same time—"the hope that the two purposes would illuminate each other: the careful observation and inference which was his daily work, the use of the [microscopic] lens to further his judgment in special cases, would further his thought as an instrument of larger inquiry. . . . He would be a Middlemarch doctor, and by that very means keep himself in the track of far-reaching investigation."

"He was but seven and twenty, an age at which many men are not quite common—at which they are hopeful of achievement, resolute in avoidance, thinking that Mammon shall never put a bit in their mouths and get astride their backs, but rather that Mammon, if they have anything to do with him, shall draw their chariot."

"[H]is scientific interest . . . took the form of a professional enthusiasm: he had a youthful belief in his bread-winning work . . . the conviction that the medical profession as it might be was the finest in the world; presenting the most perfect interchange between science and art; offering the most direct alliance between intellectual conquest and the social good." His personal and emotional equipment, trained in the virtues of the English gentleman and in liberal education, led him to seek this combination of mind and progress, and to seek as well human companionship with his neighbors and, perhaps, in his work. His "nature demanded this combination: he was an emotional creature, with a flesh and blood sense of fellowship which withstood all the abstractions of special study. He cared not only for 'cases,' but for John and Elizabeth. . . ."

Tertius came with all of this useful cultural equipment to a new town, among professional elders he had not met. He came without money from a good family; he was physically attractive, socially capable, personally charming. The town he came to was conventional in all of the conventional ways: It had ordinary morality and a lively awareness of the religious tradition. It had its economic and moral

elite—squires, baronets, and senior Anglican clergy. It had a respectable mercantile class, to which most professional people (lawyers, physicians, apothecaries, and lesser clergy) belonged. Tertius's story is the story of how a beginning professional enters the professional and civic world, the world of code and character and a world—as Jane Austen described it best—in which code depends on character. Middlemarch provided surmountable and virtually insurmountable difficulties to him in his practice of medicine; it also provided support and training for him in his practice of the virtues.

Consider, for example, the case of Nancy Nash's tumor. Nancy was Mrs. Larcher's charwoman; Dr. Minchin, an established physician in Middlemarch, was called in by Mrs. Larcher when Nancy complained of "alarming symptoms," most notably a lump that was said by Nancy's neighbors to be "as large and hard as a duck's egg, but later in the day to be about the size of 'your fist.'" The neighbors thought, as Dr. Minchin did, that the lump was a tumor, and the view in the neighborhood was that it would have to be cut out by a surgeon, although "one [neighbor] had known of oil and another of 'squitchineal' as adequate to soften and reduce any lumps in the body when taken enough of into the inside—the oil by gradually 'soopling,' the squitchineal by eating away."

People who could pay doctors in Middlemarch were treated in their homes, usually with drugs. People who could not pay doctors were referred to a charitable hospital. Hospitals in that time (1820s), in both Britain and America, were places where the poor went, usually to die. In Middlemarch, care at the hospital was given principally by Lydgate, assisted by surgeons, who were then a lesser species of medical practitioner. But all of the physicians in the town were on the hospital's "medical board" or "faculty."

Dr. Minchin gave Nancy Nash a certificate for the hospital. After consulting her neighbors in Churchyard Lane, she went to the hospital and was seen by Tertius Lydgate. He examined her and said to Nancy and to the house surgeon, "'It's not tumour: it's cramp.'" He ordered her a blister and some steel mixture, and told her to go home and rest, giving her at the same time a note to Mrs. Larcher, who, she said, was her best employer, to testify that she was in need of good food."

"But by-and-by Nancy, in her attic, became portentously worse, the supposed tumour having indeed given way to the blister, but only wandered to another region with angrier pain. The staymaker's wife

went to fetch Lydgate, and he continued for a fortnight to attend Nancy in her own home, until under his treatment she got quite well and went to work again. But the case continued to be described in Churchyard Lane and other streets as one of tumour—nay, by Mrs. Larcher also; for when Lydgate's remarkable cure was mentioned to Dr. Minchin, he naturally did not like to say, 'The case was not one of tumour, and I was mistaken in describing it as such,' but answered, 'indeed! ah! I saw it was a surgical case, but not of a fatal kind.' "

Dr. Minchin, though, was annoyed at Lydgate's oral disagreement in the presence of Nancy and the surgeon. If Dr. Minchin had accused Lydgate of being unethical, he would have been on solid professional ground. The medical profession in Britain, and notable leaders in the American profession, had adopted by that time the medical ethics of Sir Thomas Percival, physician and teacher at the Manchester Infirmary, who laid down professional principles for cases of disagreement in diagnosis. One, directly applicable, said, "When a physician or surgeon is called to a patient, who has been before under the care of another gentleman of the faculty, a consultation with him should be proposed, even though he may have discontinued his visits. His practice, also, should be treated with candor and justified, so far as probity and truth will permit. For the want of success, in the primary treatment of a case, is no impeachment of professional skill or knowledge, and it often serves to throw light on the nature of a disease, and to suggest to the subsequent practitioner more appropriate means of relief."

If Lydgate disagreed with the diagnosis written by Dr. Minchin on Nancy's certificate, he should have consulted Dr. Minchin—both as a matter of courtesy (which was important for the preservation of public trust in healers, then as now) and as a matter of education: Lydgate might have learned something from his older and more experienced colleague. Dr. Minchin was right to be offended; his and Lydgate's profession gave him justification: "He had been inwardly annoyed . . . when he has asked at the Infirmary about the woman he had recommended two days before, to hear from the house surgeon, a youngster who was not sorry to vex Minchin with impunity, exactly what had occurred: he *privately* [emphasis added] pronounced that it was indecent of a general practitioner to contradict a physician's diagnosis in that open manner, and afterward agreed . . . that Lydgate was disagreeably inattentive to etiquette."

Lydgate would have admitted he had been inattentive to etiquette.

He did not value etiquette as highly as he valued technique and science. He "did not make the affair a ground for valuing himself or (very particularly) despising Minchin, such rectification of misjudgments often happening among men of equal qualifications. But report took up this amazing case of tumour, not clearly distinguished from cancer, and considered the more awful for being of the wandering sort; till much prejudice against Lydgate's method . . . was overcome by the proof of his marvelous skill in the speedy restoration of Nancy Nash after she had been rolling and rolling in agonies from the presence of a tumour both hard and obstinate, but nevertheless compelled to yield." The public approval made Dr. Minchin uncomfortable, and it did not give Lydgate as much satisfaction as it might have; "he had to wince under a promise of success given by that ignorant praise which misses every valid quality." If Lydgate had thought more about his behavior, he might have seen more serious reason than he did for respecting professional propriety in the case. The probability of ignorant blame and praise is one good reason for a group of professionals to keep its relatively esoteric disagreements to itself.

Lydgate had similar success with Fred Vincy, member of a merchant's family, whose medical care was paid for and given at home. Fred was seriously ill with typhoid fever. He was at first under the care of one of Middlemarch's two apothecaries. Mr. Wrench thought that Fred had a slight derangement. But Fred in fact was in the pink-skinned stage of typhoid fever and became so ill, during one of Mr. Wrench's absences from town, that Fred's parents called in Lydgate, who diagnosed the disease correctly and, with great difficulty, finally cured it. Lydgate did not consult Mr. Wrench and thus offended two of Sir Thomas Percival's principles of medical ethics—the one quoted above, and another that dealt more directly with a general practitioner who was called in to see the patient of an apothecary: "Physicians are sometimes requested to visit the patients of the apothecary, in his absence. Compliance, in such cases, should always be refused, when it is likely to interfere with the consultation of the medical gentleman ordinarily employed by the sick person, or his family. . . . Physicians are the only proper substitutes for physicians; surgeons for surgeons; and apothecaries for apothecaries."

Mr. Wrench, like Dr. Minchin, was annoyed at Lydgate, as he had every right to be. So devoted was the profession to respect for the first healer that it had made it a matter of patient duty, so that Mr. and Mrs. Vincy were also in violation of professional ethics when they

called Lydgate in to see to their son. As the American Medical Association adapted Percival's principle, in its first code of ethics (1847): "A patient should, if possible, avoid even the friendly visits of a physician who is not attending him—and when he does receive them, he should never converse on the subject of his disease, as an observation may be made, without any intention of interference, which may destroy his confidence in the course he is pursuing, and induce him to neglect the directions prescribed to him. A patient should never send for a consulting physician without the express consent of his medical attendant. It is of great importance that physicians should act in concert; for although their modes of treatment may be attended with equal success when employed singly, yet conjointly they are very likely to be productive of disastrous results."

Lydgate could have consulted Dr. Minchin about Nancy Nash's tumor, without difficulty, and without jeopardizing what he saw as correct care for her. He could at the very least have applied the blister and steel and kept his mouth shut. He could—even within Percival's careful separation of subcategories in the profession as it was then—have discussed Fred's case with Mr. Wrench, and probably have persuaded Mr. Wrench that the case was more serious than Mr. Wrench had first thought. The likely reason Lydgate failed at these two rather easy and obvious observations of professional ethics was not zeal for healing but contempt for his elders. He had rejected the Middlemarch elders as his teachers; his teachers were in Edinburgh and Paris. "[W]ith our present rules and education, one must be satisfied now and then to meet with a fair practitioner," he told Mr. Bulstrode, the town banker, when he first met him. "As to all the higher questions which determine the starting-point of a diagnosis—as to the philosophy of medical evidence—any glimmering of these can only come from a scientific culture of which country practitioners have usually no more notion than the man in the moon."

Mr. Bulstrode was embarrassed to hear this criticism of the town's other doctors; he changed the subject, but remained committed to getting Lydgate appointed as physician at the hospital, and to a longer range project for a new and more scientific fever hospital under Lydgate's direction. Lydgate was later ungracious enough to hint in a dinner conversation that he was the only person qualified for either job: "Sometimes, if you wanted to get a reform, your only way would be to pension off the good fellows whom everybody is fond of, and put them out of the question."

The hospital board, and particularly Mr. Bulstrode, supported Lydgate in his medical objectives, but not because they accepted his superiority as a scientific physician: They did it in order to get his support for the appointment of an evangelical clergyman to be chaplain at the hospital, a political project that involved other professions and other objectives. Lydgate's devotion to science, as he saw it, led him to alienate his professional colleagues and to make bad political alliances, and those two factors in turn contributed to early failure in his practice of the profession in Middlemarch.

He should have moved more sensibly than he did in setting up practice in a strange town. The conventional way to have done that was to pay attention to his professional elders, not so much in technical matters as in moral matters: "For character too is a process and an unfolding. The man was still in the making, as much as the Middlemarch doctor and immortal discoverer, and there were both virtues and faults capable of shrinking or expanding." His faults were ordinary in the sense that any bright young doctor could have been expected to have them, his "conceit was of the arrogant sort, never simpering, never impertinent, but massive in its claims and benevolently contemptuous. . . . Lydgate's spots of commonness lay in the complexion of his prejudices, which, in spite of noble intentions and sympathy, were half of them such as are found in ordinary men of the world." The usual way for such a young man to be made better in a conventional world is for him to listen to and learn from its professional elders. For young doctors who come home to practice medicine, this part of professional education is made easier by the fact that they return to their towns and their families and find it comfortable, or at least customary, to learn there how to practice, as they have learned there how to behave in church, how to court or be courted by those they want to marry, and how to say good morning to their neighbors.

Lydgate was offered an inkling of how this professional training might work, but didn't pay attention to it, in a dinner conversation about the office of coroner in Middlemarch. The incumbent coroner was a lawyer, Mr. Chinchely. He said to Lydgate, "You never hear of a reform, but it means some trick to put in new men. I hope you are not one of the *Lancet's* men, Mr. Lydgate—wanting to take the coronership out of the hands of the legal profession. . . ." Mr. Chinchely was worried about his job, and Dr. Sprague, an elder physician, saw that and was sensitive to it, but Lydgate was not. Dr.

Sprague supported his young colleague for a while, as doctors should support one another in public. He said he could think of a point or two on which the reformers were right.

Mr. Chinchely said, "I should like to know how a coroner is to judge of evidence if he has not had a legal training," and, of course, Lydgate said that only a doctor knew medical evidence when he saw it. "A lawyer is no better than an old woman at a *post-mortem* examination. . . . You might as well say that scanning verse will teach you to scan the potato crops." The argument then took on some heat for a while, although Mr. Vincy, the host, tried to deflect it with the opinion that a coroner should be a man who enjoys hunting. Finally, Dr. Sprague gave his young colleague a lesson in how to be gracious, a lesson that was, though, lost on Lydgate: "I hope it will be long before this part of the country loses the services of my friend Chinchely, even though it might get the best man in our profession to succeed him."

Lydgate also offended medical convention, and, probably, medical ethics as well, by seeking to perform autopsies on the bodies of patients who died under his care or in the hospital: "Mrs. Dollop became more and more convinced . . . that Doctor Lydgate meant to let the people die in the hospital, if not to poison them, for the sake of cutting them up without saying by your leave or with your leave; for it was a known 'fac' that he had wanted to cut up Mrs. Goby, as respectable a woman as any in Parley Street, who had money in trust before her marriage—a poor tale for a doctor, who if he was good for anything should know what was the matter with you before you died, and not want to pry into your inside after you were gone."

This propensity for the post-mortem was in the interests of science. If Lydgate had been coroner, he would, in his post-mortems, have been after discoveries for pathology and anatomy more than after medical evidence for the case at hand. His hero, he said, was Versalius (1514-1564), "a great fellow, who was about as old as I am. . . . And the only way he could get to know about anatomy as he did, was by going to snatch bodies at night, from graveyards and places of execution." This interest, and Lydgate's use of new methods of diagnosis such as the stethoscope, the microscope, and (the then uncommon) physical observation of patients, were relatively subtle matters within the medical fraternity in Middlemarch. Lydgate's professional elders would probably have admitted that there was something to his preferences, or at least would have put the preferences down to youthful

enthusiasm, and their distaste for them to habit and taste. They probably respected science as much as Lydgate did—or, at least, they respected his respect for science.

In one final particular, Lydgate offended virtually everyone in the professional fraternity, and all but a few in the town. This one particular, which was probably as delicate as any he could have chosen if he had set out to offend, had to do with the economics of practice: He did not charge for the drugs he dispensed and did not receive any part of the price of drugs he prescribed when they were dispensed by Mr. Dibbitts, the druggist. This was a radical enough departure from custom to be the sort of issue that could not be contained within the professional fraternity of Middlemarch. It was bound to end up in the ordinary gossip of the town, particularly in view of Lydgate's unprofessional behavior:

"[H]e did not mean to imitate those philanthropic models who make a profit out of poisonous pickles to support themselves while they are exposing adulteration, or hold shares in a gambling-hell that they may have leisure to represent the cause of public morality. He intended to begin in his own case some particular reforms which were quite certainly within his reach, and much less of a problem than the demonstrating of an anatomical conception. One of these reforms was to . . . simply prescribe, without dispensing drugs or taking percentage from druggists. This was an innovation for one who had chosen to adopt the style of general practitioner in a country town, and would be felt as offensive criticism by his professional brethren. But Lydgate meant to innovate in his treatment also, and he was wise enough to see that the best security for his practising honestly according to his belief was to get rid of systematic temptations to the contrary."

Maybe so. And maybe this seems a particularly admirable reform in this story, written about half a century after its own time. In Lydgate's day, though, the best professional guidance was that professional income from dispensing drugs was orderly, appropriate, and even admirable. "This apparent profit," said Sir Thomas Percival, quoting an unidentified "political and moral writer of great authority" (William Paley perhaps), "is frequently no more than the reasonable wages of labour. The skill of an apothecary is a much nicer and more delicate matter than that of any artificer whatever; and the trust which is reposed in him is of much greater importance. He is the physician of the poor in all cases, and of the rich when the distress or danger is not

very great. His reward, therefore, ought to be suitable to his skill and his trust, and it arises generally from the price at which he sells his drugs. . . . [T]he whole drugs which the best employed apothecary, in a large market town, will sell in a year . . . may not perhaps cost him above thirty or forty pounds. Though he should sell them, therefore, for three or four hundred, or a thousand percent profit, this may frequently be no more than the reasonable wages of his labour charged, in the only way he can charge them."

"[A] physician, who knows the education, skill, and persevering attention, as well as the sacrifice of ease, health, and sometimes even of life, which this profession requires," Sir Thomas said, speaking of apothecaries, and not quoting anybody, "should regard it as a duty not to withdraw, from those who exercise it, any sources of reasonable profit, or the honorable means of advancement in fortune. Two practices prevail in some places injurious to the interest of this branch of the faculty, and which ought to be discouraged. One consists in suffering prescriptions to be sent to the druggist, for the sake of a small saving in expense. The other in receiving [a] . . . stipend . . . for being consulted on the slightest indispositions to which all families are incident."

Lydgate's practice, then, offended professional ethics, a system of ethics that was observed in the British medical community then, and was adopted by the American Medical Association within Lydgate's lifetime. That fact, coupled with what was seen as criticism of the way the elder medical men in Middlemarch made their living, led to the strongest possible local moral indignation. Lydgate's so-called reform "was offensive both to the physician whose exclusive distinction seemed infringed on, and to the surgeon-apothecaries with whom he ranged himself; and only a little while before, they might have counted on having the law on their side against a man who without calling himself a London-made M.D. dared to ask for pay except as a charge on drugs." (Lydgate had his medical education in Scotland and France and did not have the M.D. degree. The allusion to the law is to judicial construction of the Apothecaries Act of 1815).

This was exactly the sort of distracting debate that Sir Thomas Percival's medical ethics was designed to keep within the professional fraternity, and which has, since Lydgate's day, managed to work the issue out so that, if modern professional ethics were applicable, none of the doctors in Middlemarch would make their income from selling drugs. Percival, who first wrote his ethics as a referee in an intra-

professional squabble at Manchester, knew as well as anyone the harm that could come from open professional quarrels: "A diversity of opinion and opposition of interest may in the medical, as in other professions, sometimes occasion *controversy*, and even *contention*." He recommended arbitration within the fraternity—that is, with doctors as arbitrators. "[N]either the subject matter of such references, nor the adjudication, should be communicated to the public; as they may be personally injurious to the individuals concerned, and can hardly fail to hurt the general credit of the faculty."

Lydgate would say, of course, that no arbitral settlement of the fee matter could have occurred under Percival's procedures, since Lydgate could not have succeeded in reforming the profession in Middlemarch, which had Percival's ethical principles in its support, and since he could not have avoided disapproval by minding his own business; the other doctors noticed his practice of not charging for drugs, of charging only for his professional time, and they took Lydgate's procedure as a criticism of what they did. Here again, though, Lydgate could have been careful, and he was not. Differing practices were not new to the Middlemarch medical fraternity. Dr. Sprague "had weight, and might be expected to grapple with a disease and throw it; while Dr. Minchin might be better able to detect it lurking and to circumvent it. They enjoyed about equally the mysterious privilege of medical reputation, and concealed with much etiquette their contempt for each other's skill."

The result of Lydgate's indiscretion (as distinguished from his following his own conscience in the matter of fees) was that the debate became a debate in the town, a debate that provoked the other members of the medical fraternity to speak in public about their fees; it was a thoroughly bad case of dirty professional linen being washed in public, and Lydgate was more to blame for it than the other doctors were. It was Lydgate, in fact, who started the public debate, in reckless remarks made to Mr. Mawmsey, a grocer: "It is in that way that hard-working medical men may come to be almost as mischievous as quacks," Lydgate said. "To get their own bread they must overdose the king's lieges; and that's a bad sort of treason, Mr. Mawmsey—undermines the constitution in a fatal way."

"Mr. Mawmsey laughed more than he would have done if he had known who the king's lieges were, giving his 'Good morning, sir, good morning, sir' with the air of one who saw everything clearly enough. But in truth his views were perturbed. For years he had been paying

bills with strictly-made items, so that for every half crown and eighteen pence he was certain something measurable had been delivered. He had done this with satisfaction, including it among his responsibilities as a husband and father, and regarding a longer bill than usual as a dignity worth mentioning. Moreover, in addition to the massive benefit of the drugs to 'self and family,' he had enjoyed the pleasure of forming an acute judgment as to their immediate effects, so as to give an intelligent statement for the guidance of Mr. Gambit." Mr. Gambit was one of Middlemarch's apothecaries.

" 'Does this Mr. Lydgate mean to say there is no use in taking medicine?' said Mrs. Mawmsey. . . . 'I should like him to tell me how I could bear up at Fair time, if I didn't take strengthening medicine for a month beforehand. . . . I should have told him at once that I knew a little better than that.' " She discussed the matter with Mr. Gambit, who was carefully professional and tried to keep the professional dispute out of a public arena, but who was personally annoyed by what Lydgate said. Mr. Gambit thought of the uncompensated hours he spent talking with his patients. But Mr. Gambit said only, "Well, Lydgate is a good-looking young fellow, you know." Nonetheless, "Mr. Gambit [went] away from the chief grocer's . . . [with] a sense that Lydgate was one of those hypocrites who try to discredit others by advertising their own honesty, and that it might be worth some people's while to show him up. Mr. Gambit, however . . . did not think it worth his while to show Lydgate up until he knew how." It was perilous for Lydgate to have a professional elder bent on learning how to show him up. The point of the professional tradition—of Percival's ethics—was that this situation was also perilous for sound morals in professional practice.

Mr. Toller and Mr. Wrench were also apothecaries. Both of them were at first restrained in what they said about fees, as Mr. Gambit was, and as Lydgate was not. Mr. Toller made a good-natured joke about the inventory of the druggist to whom Lydgate sent his prescriptions, "Dibbitts will get rid of his stale drugs, then. I'm fond of little Dibbitts—I'm glad he's in luck." He was provoked into a little edge and some economic inaccuracy on the question of whether what Lydgate was doing was a professional reform: "The question is whether the profit on the drugs is paid to the medical man . . . or by the patient, and whether there shall be extra pay under the name of attendance." Mr. Wrench was finally even less restrained, but only after he drank wine at a party: "[W]hat I contend against is the way

medical men are fouling their own nest, and setting up a cry about the country as if a general practitioner who dispenses drugs couldn't be a gentleman. . . . I say, the most ungentlemanly trick a man can be guilty of is to come among the member of his profession with innovations which are a libel on their time honored procedure."

The professional context in "Middlemarch" is a trifle quaint—not because healing was any quainter then than it is now, but because Eliot, writing half a century after the events she described, wanted it to appear quaint. The story is meant to sound at first like an account of professional hypocrisy. But only at first. In fact, Lydgate was a young man of learning, character, and courage—just the sort of young professional who can be prophetic against corruption in a profession. But he was also reckless, thoughtless, and unfair to those whom convention would expect him to honor as his elders in the profession. And in fact he was in violation of the ethics his medical counterparts in Britain and America, then and now, have agreed upon—particularly in reference to the two most delicate of intraprofessional matters: seeing a patient who has been under another doctor's care; and taking exception to the arrangements under which doctors earn their bread. The precepts Lydgate seemed most interested in violating—and not only violating, but scoffing at—came about because of an ugly, harmful, intraprofessional quarrel at the Manchester Infirmary, a quarrel that was recent enough to be within Lydgate's sense of his profession; it had occurred within forty years of the time he began practice. What it comes down to, I think, is the fact that Lydgate had good intentions and good character but was in the wrong. He set himself up for the most common of all complaints by professionals against professionals—the callous ignorance of the young.

My favorite legal example of contempt for the profession as moral teacher occurred a couple of generations after Lydgate's, in Trollope's *Orley Farm*. A barrister named Thomas Furnival, who had a general practice, sought to retain as counsel for the defense of Lady Mason, on a charge of forgery, a more specialized barrister named Mr. Chaffanbrass. Mr. Chaffanbrass was a professional forebear of Horace Rumpole; both served as defense lawyers in London's Old Bailey, the central criminal court. Mr. Chaffanbrass was willing to be retained, but he and Mr. Furnival wanted a third and more junior lawyer to join them, and Mr. Furnival suggested a young barrister named Felix Graham. Graham was known at the Bar for having been influenced by German jurisprudence, and particularly for his disagreement with

the settled professional principle that a criminal-defense lawyer should serve his client faithfully whether he thinks the client is guilty or not.

Mr. Furnival told Mr. Chaffanbrass that Graham was interested and that Graham believed in Lady Mason's innocence. " 'Ah,' said Mr. Chaffanbrass. 'But what if he should happen to change his opinion about his own client?' "

" 'We could prevent that, I think.' "

" 'I'm not so sure. And then he'd throw her over as sure as your name's Furnival.' "

" 'I hardly think he'd do that.' "

" 'I believe he'd do anything.' And Mr. Chaffanbrass was quite moved to enthusiasm. 'I've heard that man talk more nonsense about the profession in one hour, than I ever heard before since I first put a cotton gown on my back. He does not understand the nature of the duty which a professional man owes to his client.' "

#### Code Before Character

Both professions cherish the tradition that says the young doctors' or young lawyers' best moral teachers are their professional elders. Both professions invoke metaphors of family or monastery or military collegueship to express this and to characterize relations among professionals—metaphors that suggest intra-professional morals based on philosophical and theological concepts such as covenant, commitment, and faithfulness, rather than codal rules of behavior. That is, in these doctor and lawyer stories, code depends—expressly—on character. The metaphors for the profession as moral teacher are more like the morals of behavior in a family than like a civic polity. "The *esprit du corps* is a principle of action founded in human nature, and when duly regulated, is both rational and laudable," Sir Thomas Percival said.

Percival pursued this professional fealty only "so far as . . . consistent with morality, and the general good of mankind," and Judge Sharswood probably would have agreed with that limitation. Not so the modern professions. Virtually no ethical instruction reaches modern lawyers and law students except that prepared and dispensed by the organized profession. In teaching hospitals, where the principle of scientific discipline is probably stronger *as an ethic* than anywhere else in practicing medicine, even science is subject to the judgment of elders. "There are two competing systems of legitimation for medical

authority: clinical expertise and scientific evidence," Charles Bosk says. "These systems are not of equal importance: in the case of discrepant opinions, arguments based on clinical expertise override those based on scientific evidence; in some specific cases the attending [physician] is literally the last word on a subject."

Bosk reports an example, from a discussion between senior (attending) and junior physicians on a surgical service: "Mr. Darnell . . . had a proctocolectomy the day before. As Arthur [attending] was surveying the wound, Earnest [junior] asked him about a new technique developed by Dr. Stanley and reported in a recent journal article. According to Ernest, Stanley reported that on a series of patients using this new technique, he had no instances of a particular complication. Arthur replied: 'I've tried that technique and I've seen patients on whom it was used, and I'm convinced it's not a bit better.' Ernest repeated: 'But in a large series, there were no complications.' Arthur answered: 'Then Stanley has a poor memory, or he didn't include in his series at least six of his patients I treated for that complication.' Ernest asked: 'Doesn't that call for a letter to the editor, sir?' Arthur answered: 'I don't think it would do much good. Dr. Stanley is the editor.' "

The same primacy of the judgment of elders is applied to moral matters. It is in fact applied even more stringently when the issue is integrity rather than technical competence, and in both cases the judgment of senior physicians is final. In Bosk's study, a resident was denied promotion, for example, despite a flawless clinical record, because his behavior caused "public embarrassment to the department."

But modern professionals find it uncomfortable to live with the arrangement, when the arrangement is described as one in which the moral judgments of elders is not argued with. That way of accounting for the power of elders leads to resistance among the young. It is more effective for the profession to describe the power of elders in terms of technical skill. That is, to define the medical issue as one involving clinical judgment rather than moral judgment. Wendy Carlton, in a study of teaching hospitals similar to Bosk's, found that moral issues in medical education are not taken on directly; they are defined as clinical whenever possible, and when they cannot be defined as clinical, they are ignored.

Carlton describes, in a chapter she titled "Being Female," the case of Joan Spoon, an eleven-year-old Down's Syndrome patient. Her parents wanted the doctor, Ralph Hodge, to get a hysterectomy done

on Joan so that Joan could not become pregnant and would not menstruate. That is what her parents wanted; nobody asked Joan. The moral problem presented in that situation is one doctors and lawyers and judges have fretted over extensively since about 1970; it tends to remind us of Justice Holmes's opinion in *Buck v. Bell*: "three generations of imbeciles are enough." All of the young physicians and medical students in the surgical service Carlton studied were aware of the moral problem and, in cryptic phrases, they discussed it among themselves. They did not discuss it officially as a moral problem, though. The best they could do collectively, more or less meeting together about it in the absence of the attending physician, Dr. Fine, was to define the problem as clinical: Joan might have a weak heart; Down's Syndrome patients often do; her heart might not withstand the trauma of major surgery. No one was willing to call Dr. Fine and put this clinical problem to him, though; they were all afraid he would take an inquiry of this sort as reflecting on his *clinical* judgment. And no one was willing to describe the issue as moral, not to Dr. Fine, not even to himself. One of the residents asked Dr. Hodge if he had discussed the clinical risk with Joan's parents, and he said he had not; "it turns people off," he said, "and they go elsewhere to get it done."

The issue that was put to Dr. Fine was a clinical issue—risk to Joan by reason of her weak heart. The moral issue was not put to him, and not clearly discussed among the junior doctors. "The invisibility of ethical issues is supported by the absence of questions," Carlton says. "Learning to rearrange moral questions, so that they are clinical, is one of the first things the profession teaches young doctors," she says. "[T]he first year of significant clinical responsibility is also the year of gradual extinction of the ethical perspective. . . . [T]he clinical perspective is held out as the mainstay of . . . professional identity. The student actively works to internalize the behavior, vocabulary, and manner of thinking of the physician."

It is important to notice that the modern surveillance of old over young, and of collective profession over individual professional, is more olympian than it was for Tertius Lydgate or Felix Graham. If Tertius had been serving in the surgical service of the hospitals Bosk and Carlton studied, his progress toward surgical credentials could have been stopped because of his defiance of professional norms. If Felix Graham had been employed by a modern large law firm, he could have been denied advancement and thrown out of the firm.

It is not altogether comforting that modern arrangements, in both

professions, move the violator to a less prestigious, less profitable, but still licensed and responsible professional position. In the hospital Bosk studied, both the young physician who was found to lack integrity, and a colleague of his who was found to lack technical skill, were moved to the minor leagues. The less competent surgeon to another form of medical practice, the less moral surgeon to a less illustrious surgical residency. On the other hand, the tendency to collective practice, in both professions, and particularly in the most attractive parts of both professions (large law firms, teaching hospitals and specialized clinics), gives power to professional elders that Dr. Sprague or Mr. Chaffanbrass would never have imagined they could have.

It is very likely the case that the arrangement for collective practice that has occurred, say, in the legal profession in the United States, *is* the profession. At any rate, the moral teacher Percival and Sharwood described as local and focused now has not only the authority of older and wiser practitioners, but also the power to promote, cast out, and fix pay. The situation that beginners in the medical and legal professions now face, when they consider the profession as moral teacher, is a more tyrannical situation, and one less vulnerable to gentle persuasion or prophetic witness, than the situations of Tertius Lydgate and Felix Graham were. The issues these old English stories present are more acute now than they were then.

#### The Law Firm as Moral Teacher

Louis Auchincloss describes this world for modern lawyers in America. In the story of the young lawyer Timothy Colt, Auchincloss called it a "great world." The country and the profession most broadly considered have largely lost the moral and religious consensus that Middlesmarch had, and that America once had. The profession *broadly* considered now operates on what Emile Durkheim called a market morality; it has come to terms with robber barons of various sorts so thoroughly that it no longer attempts to be a moral teacher. What it calls ethics are traffic regulations that make professional intercourse relatively efficient and keep professional practice at least (and often at most) within the boundaries set by the criminal law. The nationally organized legal profession in the United States has lately and clearly dropped even the attempt at moral admonition for its younger members.

The profession *narrowly* considered—as the young lawyer meets it intensely—is then the more interesting source of the professional eth-

ics Lydgate and Graham might meet if they came along today with their new licenses. A local bar association in a smaller city might be, still, very much like the medical fraternity Lydgate found in Middlemarch. But in the urban practice of the law, which is where most young lawyers now go, the profession as moral teacher is not a local bar association, or a specialized bar association (patent lawyers, trial lawyers, or whatever); it is the *law firm*. The profession as Timothy Colt met it, and the profession in the only manifestation he *cared about*, was the law firm. If the profession is, to such a lawyer today, a moral teacher, it is because the profession has become the law firm. Otherwise the profession is not a moral teacher; otherwise it has given up the office Judge Sharswood claimed for it.

The legal profession in America, when I came into it in 1961, was, in this way, a moral teacher. When I later left my law firm, to become a fulltime teacher, I could say—I did say—that the lawyers I had practiced law with there were persons of character who taught their junior colleagues how to practice the virtues in their practice of law. One of the most ordinary of these lessons—and the one I have found it most difficult to persuade my students of—is that the lawyer in modern business practice in the United States is a source of moral guidance for his clients.

I had come from law school with the certainty that (to use the phrase of one of my teachers), “the American businessman is the biggest sonofabitch in the world.” I expected (as my students usually do) that the business clients I would meet would threaten my morals. They would ask me to do things that offended conscience, a particularly perilous situation because the organized legal profession—the American profession considered broadly—has largely given up concern for the conscience of lawyers. One of the first small cases I worked on involved a young husband and father who made a life-insurance claim on a policy insuring his recently dead wife. She died of cancer; the insurance policy was a group policy, insuring the employees of a factory; it had a thirty-day claim clause. That is, the beneficiary had to let the insurance company (our client) know, within thirty days, of the insured person’s death. And this young husband and father had not done that. I was asked to determine whether the company could avoid the claim; and the answer the law gave was that it could.

I was working under the guidance of a partner. That is the way the law-firm-as-profession functions in modern America, in teams, and

usually in hierarchical teams that are rather like the medical services Bosk and Carlton described in the teaching hospital. I reported my findings to the partner, and added that I thought it would be bad (my phrase was "pretty crappy") for the company to deny the claim, even if the law let them do it. He agreed with me and said we should advise our client, the insurance company, of what the law said, and say that we thought the company should pay the claim. If they did not pay the claim, he said, our law firm would consider whether it should continue to represent that company. He was the lawyer who relayed our advice to the insurance company, and I suspect he did not hint at what we might do if they denied the claim. (That point was for my benefit.) In any event, the company paid the claim. One of the early lessons of my law practice was that business clients follow the moral advice of their lawyers.

The first large job I had involved President Kennedy's executive order on equal employment opportunity. This (1961 and 1962) was before the days of modern federal civil rights legislation; there was no clear federal law prohibiting racial discrimination in employment, and in fact our clients in several parts of the country maintained racially segregated factories. One of our best clients had factories that were segregated according to the procedures of the Old South—separate jobs, separate areas of work, separate rest rooms, separate cafeterias. That corporate client, through its secretary, wanted to know what President Kennedy's order would require of it. The client was one we gave especially good service to; it had become large enough to have set up its own internal legal department, but had not taken that step, and we, of course, did not want it to take that step. We acted, and were happy to act, as if we were the internal legal department, and we thought we did a better job than an "in-house" set of lawyers would have done. There was folklore in the firm that said one of our senior partners had got up from a treatment table in the hospital to take a phone call involving this client's business. We young lawyers heard and heeded the lessons in that sort of folklore. In our youthful skepticism, though, we gave the lessons an economic, rather than a moral, explanation.

President Kennedy's executive order required that government contractors integrate their work forces. It bore directly on contractors that sold to the federal government; our client had virtually no business with the federal government. If the executive order was inconvenient for it, it could drop the government business without seri-

ous harm. But the order also had provisions covering second and third and fourth tier government contractors—companies that sold to companies that sold to the government, etc. The regulations grew weaker as the chain grew longer. Our client, which did business mostly in the third or fourth link of the chain, was required to do very little integrating, and even then it was unlikely that the regulations would be enforced on a company that was so peripheral to the federal enterprise. It was unlikely, really, that President Kennedy and his advisors had companies like our client in mind. The “bottom line,” as we came later to call terse conclusions in business, was that our client had to do nothing.

I reported this in elaborate detail to the partner I worked under. He heard me out, asked some questions, and said he understood. He said he would call the corporate secretary of our client, who had referred the question to us, and asked me to stay in his office while he did that—on a “squawk box” telephone that would allow me to join in the conversation from across the partner’s desk. I sat there while the partner and the secretary and I worked through my arcane analysis, and they came to understand that the law was not a threat to our client’s segregated factories.

The secretary said, at the end of all this, “Well, what do you think we ought to do?” My senior in the practice of law said, “Oh, I don’t think there’s much doubt about what you ought to do; I think you ought to integrate those factories.” The secretary said, “All right,” and hung up his telephone. I did some other work for this client, at its factories in the South, about a year later. They were well into the integration of the factories, and well into the social, political, and business turmoil that accompanied such decisions in 1962.

Those two stories involved two different partners in the firm—lawyers who were philosophically and temperamentally different and who practiced law in different ways. That they were so much alike in these moral matters said something about their personal character, of course, but, in view of their personal differences, it also said something about the way the firm practiced law—about the way the firm functioned as the profession (for me) and, as the profession, functioned (for me) as a moral teacher. It was not, that is, an apprenticeship, in which I was learning my craft, and the morals of my craft, from a master—or at least it didn’t seem, then, that it was. It was the profession (the law firm) that was the moral teacher. There was a consensus at work within the profession (the law firm) that was some-

what like the professional code as Lydgate and Graham experienced it. Except that it wasn't a code; it wasn't explicated as a code. It was in some ways like a covenant (as that term is used in Jewish and Calvinist theology). It was even more like the moral formation a person gets from family, town, and church. Which is to say that, here, code depended on character.

One of the jobs given to young lawyers in big firms is that of searching through the files of corporate clients for documents that somebody wants. The somebody is often the other side in an antitrust action—either a civil plaintiff who has demanded the client's documents under discovery procedures, or a criminal justice or administrative authority seeking ammunition for an indictment or a punitive administrative order. I spent many tedious weeks going through file cabinets in corporate offices to comply with such orders. I think our law firm's theory was that it was worth the cost to the client to have a lawyer who understood generally what was in the files and who could report to the court or administrative agency that a lawyer had personally selected the papers it wanted.

These were also the days when one or two federal district judges were sending corporate executives to jail for violations of the federal antitrust laws. There had been several cases (my memory says they were in Michigan) in the news at that time. I was asked to go through a corporate client's files in response to a subpoena from a federal antitrust grand jury. I was doing this alone, but under the guidance of a partner, a third partner, not one of those I worked for in the insurance company or segregated factory cases. After a couple of weeks at it, I had assembled a formidable, ominous pile of papers for the grand jury and I had two sales executives passing by the desk I was using, several times a day, looking at that pile and asking me how I was doing. They were worried. I reported to the partner that they were worried, and he did three things.

First, he gave his attention to the worried executives; he asked me to invite those two businessmen to come in and talk to him—which I did. They came in on a Saturday morning and they and I sat with the partner for most of an hour. When they left, they were a lot less worried, even though he didn't give them any assurances about what was going to happen to them or to their company. We say that such lawyers have "good bedside manner," but I have found since that it is the rarest and very likely the most valuable of all skills for lawyers who see worried people—as business lawyers often do—and I have

tried to write and talk about it, at tedious length, for students. I wish I had that bedside skill, and, even more, I wish I knew how to teach it.

Second, he suggested that I bring the incriminating documents in to the law office as I gathered them, rather than leaving them on the desk in the client's office. "You never know when a fire might break out or something," he said—with a wink.

And, third, he told me a story to guide me in a later step in this file-search process: the step in which we lawyers would compare the language of the subpoena with the papers we had (incriminating papers, by hypothesis) and see which ones we had to turn in. He said he and another partner in the firm, when they were young lawyers, had a job like mine. The day came for them, as it would for me, when they sat down at a conference table in the law office to go through the incriminating papers and decide which ones had to go in. One of these papers, he said, was particularly damning; it was hard for them to see how the client could avoid serious trouble if that paper went in. It was not a paper that would have been missed by the prosecutors; it should not have been filed in the first place. (This is true of most such incriminating papers; they tend to have scrawled on them, at the top, "Destroy this"). There was, near the conference table, a waste basket. Either lawyer could have disposed of his client's trouble with a flick of his finger. My mentor said he looked at the other lawyer, and the other lawyer at him, and each understood what the other was thinking, and then they silently agreed on what they should do, and they put that incriminating paper in the pile that had to go in.

Does the profession still appear that way to young lawyers entering it in a law firm? (It has been fewer than 25 years since these things happened to me, less than a generation.) I have talked to friends in and out of teaching who are in or are newly arrived from large law firms—firms that would find it difficult to function as my firm did, by reason of differences in size. Some of them are now approaching 1,000 lawyers; my firm had fewer than fifty. My friends say that law firms do, by and large, function in the ways I discovered—as profession and as moral teacher—although, they say, the group in which that function occurs may not be the firm anymore; it may be a department in a firm, or some other working team of lawyers, within a firm, who are together intensely and frequently.

I hope my friends are right; not all of the evidence says they are. Others of my friends say that competition, shopping for lawyers by

corporate clients, and more ambiguous forms of moral entropy, make my stories from the sixties sound quaint. In James B. Stewart's study of large law firms, *The Partners* (1983), there is little evidence of what I found—and Stewart is an acute observer. His picture of the associate in a large firm is the picture of a lawyer who feels exploited by an amoral if not corrupt institution. The young lawyer is a person who at first thinks she or he is overworked and well paid and then comes to realize that, however well paid, the young lawyer makes much more money for older lawyers than he makes for himself. The older lawyers take the credit for what the younger lawyers do. One, who left to become an in-house corporate lawyer, said, “[Y]ou had to wait 25 years to get a real share of the money. . . . Where was my pot at the end of the rainbow?” He did not seem to have any significant personal relationship with the partner he worked for—and therefore there was no significant possibility of moral influence from elder to younger. If Stewart is right, and the moral influence I claim to have found is disappearing in law firms, my memory of it is still fresh enough, and my hope for it clear enough, that I am willing to say it will show up again, somewhere.

Louis Auchincloss describes what I found, in *The Great World and Timothy Colt* (1960), a novel that was once used by interviewers in Wall Street law firms, to acquaint law students with their world of big firm, urban practice. In that novel, the firm claims collective, organic moral character. This moral character is described as “the ideals of old Mr. Sheffield,” named for an elderly partner whose years in the practice reach back to the firm's earliest days. These ideals carry a certain grandness of style, the sort of thing that shows up in the tasteful furnishings and the restrained elegance in discourse that is familiar to anyone who has dealt with one of the old Wall Street firms.

In Auchincloss's case the firm was Sullivan and Cromwell: “A visitor had the impression of wandering through the bright, clean avenues of an ordered city. . . . The whole great hushed interior, with its hum of muted typewriters, its discreet scurrying of office boys and the distant, silvery bong of the endlessly repeated autocall, summoning the absent to their telephones, gave an impression of efficiency but not, as in some firms, of an efficiency that was ruthless or even harsh.” Our firm had an autocall, too; it sounded like the door bells I heard when I was a boy, in houses of the well-to-do.

The autocall meant that no one was summoned by a human voice; the tone of the office was restrained civility. We weren't allowed to

come into the halls without our suit jackets on. (There were no women lawyers there). The main waiting room was paneled in dark wood and had a white marble bust of George Washington over leather-bound copies of the *English Reports*. "If things were neat and ordered, they were still not over regimented. . . . Oh, we can be grand, if it's grandness you want, the long corridors seemed carelessly to echo, but who are *you* to want it?"

I first read that novel when I was in law school. It was probably part of what made it possible for a poor boy from rural Colorado to think about joining a large urban law firm. I read it again years after I had left the practice to become a teacher, and what I decided then was that it was no accident that my firm had an elegant style; a tradition of and insistence on careful, thorough work; and the moral teaching authority I had learned from when I was a lawyer there. It was no accident. It was the result of the influence of a moral spokesman, a mentor, a contemporary, *specific*, and influential person.

In Auchincloss's story the person was Henry Knox, a regal figure with white hair, an expert on securities law, the son and grandson of Calvinist clergymen. Old New York gave him his manners, his style, and many of his clients; his family and religious tradition gave him his values; and an amiable and finally paternal concern, coupled with years of astute law firm politics, gave him his influence. Most law firms seem to have such a person in their hierarchy, and those that don't have such a person tend to disintegrate over quarrels such as Sir Thomas Percival found in the Manchester Infirmary—fees, turf, division of profits, selection of employees. The essential difference for present purposes is that the firms that have a moral leader function, as my firm and Henry Knox's did, as moral teachers for young lawyers. Law firms have become, as a result of the implacable forces of history, I guess, the profession. As the profession, they may or may not be moral teachers; most of them are, I think, moral teachers. Still. Even now. Those of us who have hope for legal ethics in the United States had best depend on them, if only because there is no one else to depend on.

Our firm's Henry Knox was a grand old Hoosier lawyer named Kurt F. Pantzer. When I read the Auchincloss novel the second time I thought of Mr. Pantzer. He had been a founder of the firm; he presided at weekly firm meetings (elegant affairs held in a dining room at his club). He talked to us about the firm's public responsibility and its high standards of professional service. He conducted evening ses-

sions on legal skills—sessions to which he sometimes invited other denizens of the law, such as the late Professor Karl Llewellyn. He selected the art for the hallways in the firm's offices; this included handsomely framed etchings of each of Indiana's ninety-some county courthouses. It was he who decided that the firm's new conference room should be paneled in sycamore (as in "Back Home Again in Indiana"). And it was he, I think, who symbolized for the firm both its style and its moral tone. Both Knox's firm and the one I worked for have now passed into other hands. Before long, Mr. Pantzer's will be a hidden life. He will rest in an unvisited tomb. I don't know who sets the moral tone now. I doubt that she or he is as good at it as Mr. Pantzer was.

What Henry Knox had done (and what Mr. Pantzer may have done—I don't know) was to seize control of the law firm, at a turbulent and propitious time, with the force of his personal leadership—his charisma, as we say of a president who is a movie actor—and with a coherent moral claim. The moral claim in Knox's case was that lawyers are in practice to serve clients and to serve the public interest. Serving clients means competence and diligence, as I found out in the cases I have described, and it means moral leadership—the sort of moral leadership I saw exhibited in the cases I worked on. In those cases I was working with lawyers who had learned their craft, and how to practice it, from Mr. Pantzer.

As a tactic in closed politics, Henry Knox's claim (coupled with his personality) had been successful, and he had continued to use it to maintain control of the firm for some twenty years before Timothy Colt came from law school. It was a claim Knox appeared to take seriously. After all, it had been successful for him in firm politics, and therefore—because he took it seriously—it gave him something to use when he became the mentor of younger lawyers. His use of it gave these younger lawyers a sense of purpose in their practice of law, and it also enlisted them among those who supported Knox's continued leadership.

As Auchincloss described it, and as he and I both experienced it, this was (and perhaps is) the way a law firm *is* the profession and, as such, the way it carries out the profession's office as moral teacher. Similar dynamics take place in medical residencies of the sort Bosk and Wendy Carlton describe; they are evident among the doctors, young and old, on "St. Elsewhere." And, I suggest, the medical profession as moral teacher tends to be personified in attending physi-

cians in residency programs, and then, beyond personification, their style tends to become the ethos of a place, of a group of professionals, of a collectivity that uses monastic or familial or military metaphors. Mr. Pantzer called us "the collegium." We chuckled over that—when he wasn't looking—but we liked it, too, and I think we all remember it.

### Failure to Teach

Professions fail as moral teachers. They fail at least as often as other moral teachers, and probably more often. This was part of the story in *Middlemarch*, and part of the fate of the professional moral instruction that came to the doctors of Manchester from Sir Thomas Percival. It was certainly true of the legal profession in late-nineteenth-century America. By Durkheim's (and Michael Schudson's) account, what had happened was that morals in big business, and by that I mean the broad political and economic enterprise that set out to exploit the resources of the North American continent, had come to separate the making of profit from the making of character. Durkheim described this as the development of a "market morality." Nancy Woloch, a feminist historian, suggests it came about because the advertent and focused part of moral formation was assigned to the "woman's sphere," turned over almost exclusively to women (mothers), with the result that those who *manned* the machinery of exploiting North America were able to ignore moral education, as no longer part of *their* sphere.

However this happened in business, it happened in the legal profession derivatively. As those who were exploiting North America found they needed legal help, both because they got into trouble and because the legal forms for transactions, for raising money, and for insulating commercial behavior from the influence of government, were not adequate to what the business barons wanted to do. And this, of course, produced a professional moral agenda: On what terms would lawyers be enlisted in the business enterprise?

This way of describing the chain of events is, of course, wrong: Lawyers were naturally involved in the behavior that raised the issue for lawyers. But my inaccuracy makes it possible to state the issue the way, I think, it arose. That is, complicity with the robber barons became an issue for the *organized* legal profession in such a way as to account not only for the moral issue and the answer to the moral issue, but also for the existence of the organizations that considered

the issue and formulated principles to deal with it. Until this issue about complicity became prominent, there was not an organized legal profession in anything like the sense in which lawyers talk about the organized bar today. Bar associations were formed around the issue of what bar associations should say about the lawyers who both formed the bar associations and served the robber barons.

Until the issue of complicity with rapacious business surfaced, two things were true about the legal profession in America: (a) it was almost *unorganized*, more like the medical profession in Middlemarch than like the bar associations I met when I became a Hoosier lawyer in 1961; and (b) the general position among vocal American lawyers (who, in such a professional world, *were* the profession as moral teacher) was "republican"—that is, a lawyer felt himself responsible for what his clients did with his advice and assistance. After the change I am describing, those who referred to the legal profession in America usually meant one, some, or all of the bar associations, and lawyers in America proclaimed the adversary ethic, our version of market morality, which said that probity in business was not the responsibility of the lawyers who were employed to advise and represent business.

"The Bar" in America did not have a clear corporate existence until it defined itself as not responsible for what clients do. Until then it was more like a neighborhood than a company or a fraternal organization. The legal profession as Judge Sharswood knew it was like the medical profession in Middlemarch. Lawyers did not claim or exercise the power of a fictional person. The moment in which the profession began to exercise the power of a fictional person was also the moment in which it formulated moral answers based more in the market than in the professional tradition. Such moral answers were, from the first creation of modern bar associations, inadequate. The corporate profession was, from the first, a compromised moral teacher. The persistence or appearance of less corporate, more organic professional moral teachers was to be expected because lawyers, or most lawyers, were better people than their associations assumed them to be. Bar associations and medical societies do not have virtuous lives; they do not rest in unvisited tombs—they do not rest in tombs at all—they do not rest at all. But neighborhoods and families have hidden lives; they have forebears who rest in unvisited tombs. The profession in its modern manifestation separates code and character. The profession in its old, organic sense, which did not separate code from character,

showed its moral self more in associations like neighborhoods than in corporate associations that commissioned rules of professional conduct.

Speaking, then, for the rest of this article, as if the term "profession" refers more to the association that is like a neighborhood than like a bar association or a medical society—more like Middlemarch than the A.B.A.: The failure of a profession to be a moral teacher seems to show up in one of two ways—as a failure to aspire or as self-deception. James Stewart's description of large law firms in America is the description of moral teachers who fail to aspire, as is Edward Tivnan's melancholy story of the demise of the large New York City law firm of Marshall, Bratter, Greene, Allison, and Tucker. These are stories of organizations of people who work together intensely but who suffer under the moral dispensations that the market morality gave them. Their coming together is a set of trade negotiations. And sometimes considerations of trade and political power so dominate the lives of those in the profession that their common enterprise literally falls apart, as the law firm did in this story Mr. Tivnan told, and as the medical profession sometimes seemed about to do in William Carlos Williams's account of his life as a young doctor. But that disintegration is not the ordinary result of the collective failure to aspire; the ordinary result is survival, as Stewart's book describes it and as in Auchincloss novel about Mr. Knox's law firm. The stories that Stewart tells are banal stories; they don't have even the whimpering apothecosis that Tivnan's story has. And they don't have the remembered story of decline and moral rescue that Mr. Knox's story had.

In any event, the first sort of failure one finds in professional stories is the story in which the profession fails to aspire; my point about it is that usually the profession survives in such stories, and, if you are hopeful, it waits for a moral renewal—as Israel waited for the prophets—and, meanwhile, still manages to be able to be a moral teacher. Its failure to aspire is continuous. It fails every day. I suspect that is about the situation many law firms in the United States today are in.

The other way the profession fails to be a moral teacher is in self-deception. These professionals do not fail to aspire; they make grand, collective, moral claims; but they deceive themselves. George B. Shaw described the medical profession in such a state in his play "The Doctor's Dilemma." You hear a profession preening itself in this way annually, on Law Day, in the United States. It is not that lawyers

don't mean it when they talk at luncheons and citizenship ceremonies about the rule of law and principles of equality. It is not even that they choose to be unfaithful to these grand moral claims. It is not that they are hypocrites. It is that they deceive themselves.

### Williams and Arrowsmith

Both failure to aspire and self-deception are losses of the moral connection between code and character. The difference between them is the difference between the hospital staff that William Carlos Williams described from his internship at Nursery and Child's Hospital in Hell's Kitchen and the medical elders Sinclair Lewis described, from about the same time and in the same country, in his novel *Arrowsmith*.

Williams describes the failure to aspire. He did his internship in a hospital for poor children and poor, pregnant women. That hospital, in the 1930s in New York, and the hospital Lydgate presided over in Middlemarch, were mostly alike; the difference between them was the discovery of sanitation. Because of asepsis, there was a chance that William's patients could stay in the hospital for a while and survive. But Williams's hospital was otherwise a miserable and professionally neglected place, the sort of place in which an intern could, as Williams did, become the resident surgeon while he was an intern.

Williams found that one of the jobs of the resident surgeon was to certify to the public authorities how many patients the hospital had and how long each of them stayed: "The hospital . . . was in part state supported, though it had its separate Board of Governors, headed by one of the most distinguished figures in Wall Street banking circles. Each month we received funds from Albany commensurate with the admissions and discharges for that month." His job was to take treatment statistics from the hospital administrator, copy them on to Albany's form, and sign the form. With a stubborn and youthful integrity reminiscent of Lydgate's, Williams refused to accept the administrator's figures; he wanted to see the admission and discharge records, which were on blue and salmon cards. The administrator wouldn't let Williams see the cards; Williams wouldn't sign the form without them. "So the report went to Albany without my signature. Then all hell broke out. . . . But my back was up and there it was to stay. . . . [T]he doctors took their turn. They were some of the leading men in the East. . . . Kerley was one of the worst, all this at a bad time for me because Kerley had asked me what I intended to do after

I had finished Nursery and Child's. When I told him that I had no plans, he asked me if I would not come into his office for the first year. What an opportunity! A New York specialist. I was practically made, I thought."

Kerley said to Williams, "Look . . . why don't you sign that report? This is just a routine matter. It's been going on for years. . . . Sign the damned thing and forget it."

"Williams, we all like you in this place," another doctor said. "Your work has been excellent, outstanding. You have a brilliant future before you either in pediatrics or obstetrics. I know you're young and a stickler for your principles. But look, we doctors can't go against the business of an institution like this. Our business is to cure patients, not to worry over where the money comes from. You're actually doing everyone an injury by this eccentric conduct." He knew, as Kerley knew, and as Williams found out, how the administrator had the power to bring the enterprise to this sort of standoff: The administrator was blackmailing the chairman of the hospital board, not because of fraud but because of an illicit sexual affair. It was a miserable situation, but not one that is unusual in stories about institutions. The point for present purposes is that the profession, as young Dr. Williams met it in Hell's Kitchen, did not aspire to the regularity that makes it possible to develop and support integrity in one of its young members:

"How can we afford to fight it? And with some of the leading specialists of New York too cowardly to back me, afraid of big money and what their stinking little hides might have to take for it. . . . I resigned. I didn't tell anyone about it, but I wrote a letter to the board giving them a piece of my mind and started to close up shop. . . . I didn't give a damn. I felt better in fact than I had felt in two months, uphappy as I must have been internally. I couldn't work with that gang any longer. . . . I packed and said goodbye and went home. . . . Not a single doctor of the attending staff had stood by me. To hell with them all, I thought." Williams went into his own practice in New Jersey, a practice among poor immigrant families. There was no further discussion of being a specialist in New York City. He opened his first office in his parents' house. He lived there a hidden life, and, but for the fact that he also wrote poetry, he would today rest in an unvisited tomb.

The elder doctors in Hell's Kitchen did not aspire. That was not true of the elder doctors in *Arrowsmith*. It was their aspiration that

disgusted Sinclair Lewis, and that his doctor, Martin Arrowsmith, was repeatedly fooled by and then disgusted at. Arrowsmith's is a story of self-deception. He first went into practice in Wheatsylvania, his first wife's home town in the Midwest, in much the way Lydgate went to Middlemarch—full of scientific idealism, hopeful of caring for his patients and pursuing his science at the same time. He was driven from Wheatsylvania because he was as careless in what he said aloud as Lydgate was. Arrowsmith then went to work as a public health administrator; he was the understudy of a flamboyant, political doctor who made speeches about the elimination of disease through public leadership. This was Dr. Almus Pickerbaugh, who "had the personal touchiness of most propagandists; he believed that because he was sincere, therefore his opinions must always be correct." It turned out that Dr. Pickerbaugh was interested only in politically popular diseases and in being elected to Congress (which he was).

Arrowsmith then retreated to science and joined the staff of the Rouncefield Clinic in Chicago, there to work as a pathologist, relatively unconcerned about the principles of healing on which the clinic claimed to operate. There he found, for the first time, prosperous professionals: "[M]en with limousines and social positions and the offensive briskness of the man who has numerous engagements, or the yet more offensive quietness of the person who is amused by his inferiors; master technicians, readers of papers at medical congresses . . . unafraid to operate before a hundred peering doctors, or to give well-bred and exceedingly final orders . . . never doubting themselves . . . men mature and wise and careful and blandly cordial." Martin's scientific mentor, Dr. Max Gottlieb, called such physicians "men of measured merriment." Arrowsmith's classmate, Dr. Angus Duer, was in training for this kind of eminence; he "would not fail to arrive precisely on time, precisely well dressed, absolutely sober, very cool, and appallingly unpleasant to any nurse who made a mistake or looked for a smile."

Arrowsmith later found a job with the McGurk Institute in New York, a scientific laboratory at which his teacher, Dr. Gottlieb, worked—a place where each medical scientist was free to pursue, for good pay, whatever he thought important. There Arrowsmith hoped to find the moral security of science; he even prayed for it: "God give me unclouded eyes and freedom from haste. God give me a quiet and relentless anger against all pretense and all pretentious work and all work left slack and unfinished. God give me a restlessness whereby I

may neither sleep, nor accept praise till my observed results equal my calculated results or in pious glee I discover and assault my error. God give me strength not to trust to God!" He said of a colleague that his moral integrity rested in his failure to be charming: "Stokes is hard—thank God!—and probably he's rude. Why not? He's fighting a world that bellows for fake charm. No scientist can go through his grind and not come out more or less rude."

What finally tripped Arrowsmith up was that this distinction between honest science and pretentious healing did not work. For all of his contempt for the pretense of healers, he wanted to heal. He might even have ended up, as Williams did and as Lydgate did, in unpretentious healing. He might have been the sort of country doctor about which the dean of his medical school, "Dad" Silva, spoke to his students—"physician . . . dentist . . . priest, divorce lawyer, blacksmith, chauffeur, and road engineer . . . out of sight of trolley line and beauty parlor." Arrowsmith didn't end up that way because the pretense of medical practice drove him from the promise of medical practice, and because he was duped by the pretense that science was without pretense. He had learned the lesson his profession taught him, about healing, so well that he could neither own up to it as Williams did, or violate it as Lydgate did.

Working at McGurk, with the independence that had been promised to him, he came up with what he thought was a treatment for plague—a serum. And then plague broke out on a Caribbean island, St. Hubert's, and Martin went there to try out his serum. Before he left New York, science, and his scientific mentor and model, Dr. Gottlieb, demanded of him that he be a scientist and *not* a healer. If the serum was to be established scientifically, it had to be given to some patients and denied to others; both sets of patients had to be otherwise in the same situation; and those who did not receive the serum had to receive a placebo instead—and they had to be lied to. Martin could not deny treatment to sick people; he failed at scientific discipline and gave his serum to everyone who came to him. Then, because the institute demanded his support in making himself famous as both a heroic and a scientific doctor—in circumstances in which the moral choice was between being heroic and being scientific—he lied about his experimental procedures. (My friend Stanley Hauerwas would say that poor Arrowsmith never figured out the truth that both science and healing are tragic).

Arrowsmith's world was a world in which the profession aspired

but was not a moral teacher. Even the nearest moral hero in the story, Dr. Gottlieb, was duped into taking over the administration of the McGurk Institute, and was destroyed by the demands of that job and by his own abandonment of science; he ended up isolated, ill, and inactive. The reason the profession was not a moral teacher was that it was pretentious. Pretentious—that is, self-deceived—in both its healing and its science. Sinclair Lewis could not find a way for a profession not to be pretentious. He could not find a way for America not to be pretentious. He never found a neighborhood in America—and he was too clear sighted to believe or to show how a self-deceived, pretentious group of people could be a source of morals.

The practice of science is as close as Martin Arrowsmith came to an unpretentious life, and that life was finally pathetic: He deserted his second wife and their son, gave up all claim to being a healer, and went into the woods in Vermont to be alone with his scientific apparatus, an insular world that was “enchancing sometimes and tragic always.” The difference between the profession Williams found in Hell’s Kitchen and the profession Arrowsmith found in small town, public health clinic, and scientific institute, was that Williams’s profession failed to aspire when it could have, and Arrowsmith’s profession (in its science and in its healing) pretended to aspire and was not truthful.

I suspect that the difference between the failure to aspire and self-deception is one of tone and change and cycle more than a difference of category. What seems to happen to aggregations of professional people (clinics, law firms, and the relatively organic grouping that occurred in Middlemarch), where people are doing the same work in the same place at the same time, is that failure of aspiration (Williams’s slum hospital) becomes halting aspiration (Middlemarch and *Arrowsmith* when Martin first came to the McGurk Institute), becomes pretense and self-deception (Dr. Pickerbaugh’s public health office, and the modern American legal profession on Law Day), becomes something else, or starts all over again.

Auchincloss’s law firm stories show how this works, and how individual moral leaders make it work and fit into it. Henry Knox made a clear headed moral claim in his firm at a time when it lacked leadership and had become unable to aspire to anything more than income. The firm listened to Knox and began to aspire; it gathered around Knox’s claim, a claim about which Knox was serious and which he taught seriously to the young lawyers who come into the firm as his

novices. And then, gradually, because of the demands his partners made on him for continued prosperity, and the pressures and satisfactions of eminence, which let him hide from the facts of his life, he no longer talked to his clients; he began to assume that he knew what their interests were.

Professional people do this, not so much because they are parental and think they know what is best for their clients, as because they assume that their clients do not want to be good. Knox came to a place where he still made the claims of his youth about serving clients, but hid from the truth that he was serving their worst instincts, and even serving instincts he imagined were in his clients when they weren't: "Your client wants to do something grasping and selfish. But quite within the law." Or you imagine that he does; or he says he does and you don't talk to him about it, as my mentors in the practice talked to their clients about insurance claims, segregated factories, and turning their incriminating memoranda over to the authorities. "As a lawyer you're not his conscience, are you? You advise him that he can do it. So he does it and tells his victim: 'My lawyer made me!' You're satisfied and so is he."

### The Issue: Work

The more I have thought about this development, to and fro, in law firms, the more it has seemed to me that Auchincloss had it right when he made *work* the central moral issue in *The Great World and Timothy Colt*. The fact is that success in a profession requires lots of hard work. The moral issue between young and old—the central issue on the question of how (or how well) a law firm or a teaching hospital functions as a moral teacher—has to do with how it talks about work.

What does the profession (the teaching hospital or the law firm as profession) make of work? The religious tradition (which was alive in Knox's law firm and is alive in Dr. Mark Craig's "St. Elsewhere," because it was alive in Knox and is alive in Dr. Craig) teaches that work is a theatre for the glory of God. That is John Calvin's image, but I find it in the rabbis, too, especially the Hasidic rabbis, and in other Christian traditions. Work is service, or, better, servanthood. It is (as Milner S. Ball says law is, or should be) a medium, since the glory of God becomes clearer when you learn to love His creatures.

Often the religious tradition does not talk about work in metaphors at all; it uses the word servant, for example, advertently and literally.

The religious tradition and Martin Arrowsmith and Timothy Colt are alike in this; neither wants to locate a metaphor for work; both want to face work head on, on its own terms, seeing work for what it is: Arrowsmith wants to work as a scientist so literally that he rejects scientific metaphors for work as progress: Dr. Gottlieb tells him that the verb succeed "is a word that little schoolboys use at the University. . . . It means passing examinations." "[T]he ultimate lesson of science . . . is to wait and doubt." Timothy Colt said, "What makes a good lawyer is hard, digging work."

Arrowsmith and Colt thought there was a correlation between work and rudeness; in their lives, the only kind of human relationship that could be borne while a person worked was one of uncritical loyalty; Arrowsmith got uncritical loyalty from his first wife and he abandoned his second wife because she would not give it to him. Colt's experience with women was much the same; his wife Ann is the picture of a 1950s lawyer's wife. "Pure" work, work without pretense, was as close as Sinclair Lewis could come to defining professional honesty, and loyalty was as close as he could come to defining virtue: "[A]ngry, indignant . . . sick in his heart of the false standards of success, of the empty worship of pecuniary ambition and of the blatant, raucous monster which emerged from the pioneering efforts of his grandfathers on the various frontiers of American life," William Soskin says of Lewis, he "poured his wrath down upon the heads of his neighbors."

There is purity in such wrath; the purity probably explained Lewis' popularity in his own generation. Whether the wrath is pure or not, it will not sustain aspiration, and it fails, even in Arrowsmith's story, to sustain the idealism that makes it possible for a profession—however conceived of—to be a moral teacher. When you have swept away the pretense, Lewis leaves you nothing to teach with.

Auchincloss is, by comparison, a poet. Henry Knox developed *metaphors* for work. Timothy Colt was a tireless (and, as it turned out, compulsive) worker. Knox told himself that he admired this in Colt, and that Knox's support of Colt's tireless work was good for Colt and good for the law firm (*i.e.*, the profession). Those claims showed up in the metaphor of art. What Colt did, his colleagues told him, was painting or a symphony. The problem with that metaphor is that the work-as-art is justified with its own integrity. If the metaphor is a truthful one, something a good argument, a comprehensive trust agreement, or a creative charter for business stands on its own as

something to be admired—and that is rarely a truthful view of such things. There is a certain, sound craftsmanship in legal work, as there is in medical work, but integrity rests on the effect of such work *in lives* and particularly in what it causes or encourages people who are not lawyers or doctors to do to one another. Art, as a metaphor for work, let Colt excuse himself for ignoring his clients. To the extent that Knox deceived himself with art as a metaphor for work, he hid his responsibility both for what Colt was doing to himself and his family and what he was doing or failing to do in the lives of his and Knox's business clients and their communities.

Knox and Colt were friends in and around all of this work. They thought of that interpersonal dimension in metaphors for work that were like the ones other professional people use to justify their faithfulness to one another. Such intraprofessional metaphors justified such things as the ethical principles with which Sir Thomas Percival and the physicians and apothecaries of Middlemarch turn fee arrangements into a principled morality. The intraprofessional metaphors I am thinking about are those that describe the relationship among the members of a profession—things such as Mr. Pantzer's "collegium," or Percival's reference to the medical fraternity as a "corps," or almost any profession's tendency to define itself as a band of brothers and sisters.

Knox and Colt thought of their relationship with one another in words suggesting the keenest of these metaphors: They related to one another in *love*. The love of parent for child and child for parent. It is possible that love may not be a metaphor at all. Scriptural use of that word is not usually metaphorical. Theological use of it tends more to synonym and simile (love of God is like love of neighbor) and to analytical distinction than to metaphor: As, say, in C. S. Lewis' analysis of love in terms of the erotic, the friendly, the affectionate, and the charitable.

Knox and Colt worked together in such a way that, whatever they made of their care for one another, they had to come to terms with work. And so they also used the word love, or (in their masculine world) some word meaning love, as a metaphor for work: The work that Colt did (tiresome days, weeks without weekends, years without vacations) was love—love for Knox. And the support that Knox gave Colt was not exploitation (as in Stewart's account of the gain that elder lawyers have from young lawyers in law firms) but love: Because it was love, it was good for Colt, good for Colt's family, good

for clients, good for community. It had to be: Whatever we may think of work, who can be against love?

Love as a metaphor for work fails because, as Colt's story shows, it is self-deceptive on the issue of what professionals do to their clients and in the community: Work as love of one professional for another is finally as solipsistic as art is. Love of professional colleagues for one another does not deal with the claim on which Knox's law firm idealism rested—service to clients and responsibility in the community; in fact, work as love hid from Knox the waning of the honest idealism he had once used to sustain the law firm, that brought Colt to the firm, that brought Knox to power in the firm, and that made it possible for the law firm, as the profession, to be a moral teacher.

### Character Before Code

The medical profession as Tertius Lydgate came upon it in Middlemarch might not have been much of a moral teacher, but Lydgate did not find out whether it was or not. He rejected his profession as a moral teacher before he found out whether it was a moral teacher. He was, though, honest and virtuous and sharp enough to see that he needed moral teachers. He wanted them, as Arrowsmith and Colt did not. The second and more important half of Lydgate's story as a doctor is the story of his finding moral teachers—of his success at that, and of his moral success as a doctor because of it.

The story is an important one for people in the professions in modern America because—and to the extent that—our professions have failed as moral teachers. While we wait, as Israel waited for the prophets, for the professions to find their way back to a substantial claim to moral authority, we need stories such as Lydgate's. And that is because Lydgate found in other sources of character what he did not find in the profession. Because code depended on character, character sustained him where code did not.

In Lydgate's story the young professional found his teachers within the moral culture that sustained and empowered both him and the profession. The moral culture of the community was a broader thing than the professional moral culture, but it had the same substance. Code depended on character. Lydgate found his moral teachers beneath his profession; he and his teachers and his profession were in concord with the morals of the town and the church, the families in the town and the families in the church. Lydgate is a creature of his dominant moral culture, and he is faithful to it, as George Eliot, for

all of her irregularity, was a creature of the same culture, and was faithful to it. Lydgate might have found, within the dominant moral culture of Middlemarch, that his profession could be his teacher. He refused to do that—and perhaps that was a mistake—but finding his teachers elsewhere in Middlemarch was not so much a turning away as it was a resort to the moral lessons his profession might have taught him if he had been willing to listen. Lydgate changed teachers; he didn't change lessons. The lessons were the same because in that world—Jane Austen's world—code depends on character.

Lydgate's trouble was a woman—the beautiful Rosamond Vincy, sister of the Fred Vincy whom Lydgate saved from typhoid fever. Lydgate and Rosamond nursed Fred together, and they fell in love. They got married sooner than was prudent for a couple in Jane Austen's rural England. Neither of them had money. Lydgate should not have married until he was better established as a doctor—not unless he married a woman with money. And Rosamond, by the standards of the marriage market, should have used her beauty to land a squire. These economic facts brought Lydgate's practice down, finally, because Rosamond was empty-headed and reckless with what little money Lydgate earned. Lydgate fell back on his banker and political ally Mr. Bulstrode, who had seen to Lydgate's appointment to the hospital and had thereby obtained Lydgate's support for the appointment of an evangelical clergyman as hospital chaplain. Mr. Bulstrode loaned him money, but he did it in circumstances that were public and that created the impression that Lydgate was in complicity with Mr. Bulstrode in killing a blackmailer named Raffles.

Bulstrode was a hypocrite with fervent and intolerant religious opinions and a dark past. He was being persecuted by Raffles. Raffles finally showed up, in Bulstrode's country house, and Lydgate was called in to treat him. Lydgate left instructions for Raffle's care, which Bulstrode connived to neglect, and Raffles died. This went on at the time Lydgate was borrowing money from Bulstrode—and, of course, there are no secrets in a small town. Bulstrode was so thoroughly disgraced that he had to leave, although his role in the death of Raffles was never established. Lydgate was left without money, in debt, with an impossibly rebellious wife and a great (if, probably, surmountable) obstacle to prosperity in his medical practice. He gave up his practice and moved to a seaside town, where he spent the rest of a short life treating the wealthy and writing a treatise on gout. These events follow an important theme in George Eliot's stories—that, as

she put it, every limit is a beginning. The point of Lydgate's story turns, though, on the facts that Lydgate was a person of character who stayed with and supported his difficult wife, and that he was able to do so because his moral teachers in Middlemarch sustained his character and supported him in the difficulties of the virtuous life.

Lydgate's move from Middlemarch was necessary because Rosamond could not bear both the disgrace of Lydgate's association with Bulstrode and the continued poverty of his practice among the poor. He moved to a seaside practice to secure Rosamond's emotional and moral well being; he could, but for her, have worked out his professional life in Middlemarch. Marital endurance is conventional morality in nineteenth-century English stories. Scores of them show devoted wives surrendering all in order to stand by their caddish husbands. Lydgate's behavior was very much like that of the husband in Trollope's novels about Plantagenet and Glencora Palliser: Glencora was the victim of an arranged marriage; she was forced to turn away from her (in the Victorian sense) lover when she married Plantagenet. But she continued to be in love with Burgo Fitzgerald; and she came close to eloping with him to France. Plantagenet slowly understood all of this (Lydgate would have been quicker), and, when he did understand, he was heavily occupied in politics and about to become Chancellor of the Exchequer and to gain thereby the power he needed to carry out his dream of a decimal coinage for the United Kingdom. Despite such an important personal and professional agenda, when Plantagenet found out that Glencora's character was in peril, he dropped everything and took her to Europe to recover, which she did. Lydgate, when he found out about everything, took Rosamond to the seaside, got patients who could pay him enough to support her, and confined his scientific research to an ailment of well-to-do men. In both the moral limit is a moral beginning. Both stories are, in my view, stories of professional success.

In any case, in both stories, marital stability was conventional; divorce was conventionally unthinkable. Lydgate in fact never thought of it. Lydgate had to remain with Rosamond; the moral issue in the story is how he sustained his character in doing it: It is a case of virtue as living with the rules more than in obeying them. It is one of two issues I want to talk about. The other issue is how he continued to be a virtuous doctor.

W. J. Harvey, the editor of the modern edition of *Middlemarch*, says that Lydgate failed as a doctor: "[H]is story is in large part the

defeat of the man of the future by the stubborn conservatism of the present." That, I think, is wrong. Lydgate's moving to the seaside, treating the wealthy, and writing the treatise on gout is rather, in my view, an example of the limit as a beginning, and, since life is a thing of limits, his was a successful professional life. Lydgate was occasionally bitter about the way things turned out. He groaned under the burden. The moral lesson is that he bore all of this, not as a mandate but as a circumstance. It was a matter of leading a decent life. The inquiry is *how* he bore it.

It is important, I think, to read through the obvious political point that conventional marital faithfulness was, for an English gentleman such as Lydgate, the price men paid for their subjection of women in marriage. That, too, was a circumstance; there is some irony in Eliot's writing a story in which the husband is the victim of the circumstance, but, irony aside, the setting for the moral lesson in the story is that Lydgate accepted the price his generation of English husbands undertook to pay.

My inquiry is how he went about paying the price—living through it—as a doctor. Eliot's conviction on that score, a principle she insisted on in her literature and in her life, is that the best chance any of us has for happiness lies in making others happy. She knew about the subjection of women and about the price a virtuous husband had occasionally to pay for the benefits of that subjection. What she insisted on was that a married person could pay that price, and pay it virtuously, and lead a useful life—in this case a useful professional life; it is just there that I think Harvey misunderstands the story; Lydgate did not fail as a doctor.

Eliot's memorial stone in Poets' Corner in Westminster Abbey says, "The first condition of human goodness is something to love: the second something to reverence." Phyllis Rose says of her, "[S]he understood . . . thoroughly the failure of most people to see their lives as analogous to anyone else's . . . this was the greatest failure of the imagination." Lydgate was bound to stand by Rosamond; he would not otherwise have been Lydgate. That is almost a matter of course, although it is probably useful here to look at an American doctor story and notice that this sort of conventional faithfulness is exactly what the American doctor, Martin Arrowsmith, could *not* manage. He abandoned his wife.

The point of Eliot's story is not that conventional result, but is how Lydgate lives his limited life, both as a gentleman and as a doctor.

Harvey's observation is wrong in that it leaves out the doctor part of the inquiry; and that includes the question of how Lydgate worked out a professional morality for himself.

I argue that Lydgate lived well, and lived well as a doctor, within the conventional morality that required him to remain with and support Rosamond (in all sense of support), and that the way he lived well was that he was virtuous, *i.e.*, that he had the habits of dispositions or moral skills that make it possible for a person to live with conventional rules, *and* that his virtue rested on his ability to learn from and be supported by the moral teachers he found and listened to in the entirely, tiresomely conventional world of Middlemarch. And then, I want to argue, his virtuous life, so lived, was successful professionally—that his locating moral teachers worked out for him professionally. I think this educational result occurred because of *convention*, because of *friendship*, and because of *fraternity*.

*Convention.* Lydgate came to Middlemarch trained in the ethics of the English gentleman; and by that I mean that he had developed habits that were virtues, that he had habits that were just habits, and that he figured out the difference. He was well bred and was therefore accustomed to the sort of comfort many of his patients never experienced: "He would have behaved perfectly at a table where the sauce was served in a jug with the handle off. . . . But it never occurred to him that he should live in any other than what he would have called an ordinary way, with green glasses for hock, and excellent food waiting at table. . . . We may handle even extreme opinions with impunity while our furniture, our dinner-giving, and preference for armorial bearings in our own case, link us indissolubly with the established order. . . . [H]e walked by hereditary habit. . . ." He had habits that were just habits; he didn't think much about them; but, as he was willing to be served from a jug with a handle off, he was able to—and he did—sacrifice his comfort when there was a reason to do so.

On the other hand, Lydgate had an easy and even democratic approachability; he was not a haughty man: "[T]hat distinction of mind which belonged to his intellectual armor did not penetrate . . . the desirability of its being known (without his telling) that he was better born than other country surgeons." He did not flaunt his good taste; he tried to avoid community entanglements that would distract him from his work; he tried even to avoid being annoyed at the crudities of popular opinion on his skill as a physician, "where danger was extreme, and when the smallest hope was worth a guinea." He was

impetuous but he had the virtue of that tendency, a "chivalrous kindness which helped to make him morally lovable."

"I should never have been happy," he said to Rosamond, "in any profession that did not call forth the highest intellectual strain, and yet keep me in good warm contact with my neighbors. There is nothing like the medical profession for that: one can have the exclusive scientific life that touches the distance and befriend the old fogies in the parish too."

"He was an ardent fellow . . . [H]is ardor was absorbed in love of his work and in the ambition of making his life recognized as a factor in the better life of mankind—like other heroes of science who had nothing but an obscure country practice to begin with."

He was tolerant with the pretentious auctioneer, Mr. Turnbull, who wanted to appear before his neighbors as sophisticated about his own disease, "by learning many new words which seemed suited to the dignity of his secretions." He taught Mr. Turnbull some medical terms to use for ammunition. The ordinary and important human connections were important to Lydgate, important enough that he had little theory of professional distance. He was willing to be a friend to his patients. He told people what was wrong with them; he responded to a patient's interest in plain speech, even to the point of referring to and explaining the state of medical research on the matter at hand.

The importance of this approachability is not only bedside manner or Lydgate's consciousness that he needed to build a practice. The point is that maintaining conventional connections is how he learned to be truthful, and truthfulness is essential to virtue. The argument is, as another English novelist, Iris Murdoch, puts it, that *seeing* is a moral art; and seeing with our fellows is ordinarily how we see. Lydgate failed to do that with his professional elders, but he made up for the failure by *being with* his patients.

When the other principal character in this story, Dorothea Brooke, was widowed and wanted to live alone, the wonderfully ordinary Mrs. Cadwallader, wife of the vicar, gave her ordinary advice which incidentally says something about the spirit of Lydgate's practice of medicine in the seaside town: "We have all got to exert ourselves a little to keep sane, and call things by the same names as other people call them," Mrs. Cadwallader said. "[W]hat a bore you might become yourself to your fellow-creatures if you were always playing tragedy queen and taking things sublimely. Sitting alone in that li-

brary at Lowick you may fancy yourself ruling the weather; you must get a few people round who wouldn't believe you if you told them."

The backdrop for this conventional moral world was the ethos of the English country gentleman: It was a moral world probably better described in Jane Austen's *Emma* than in this story, but it is clearly present here and important to the moral growth of Lydgate as a country doctor. "I do wish people would behave like gentlemen," said Sir James Chettam, "feeling that this was a simple and comprehensive programme for social well-being." The alliances one makes in such a world are routine and human; they do not come about from political or even economic design.

The country gentleman, for all of his faults, had an uncanny ability to detect falseness; much of Dorothea Brooke's story involved the careful pretense and self-deception of her first husband, Edward Casaubon, who lived a life of such careful rectitude that he was not able to be fair even to the members of his own family: "He has got no red blood in his body," Sir James said. Casaubon saw himself as involved in a great scholarly work. Work for him, as for Timothy Colt, was art: "When a man has great studies and is writing a great work, he must of course give up seeing much of the world. How can he go about making acquaintances." But Sir James understood, as Eliot says, that "there is no general doctrine which is not capable of eating out our morality if unchecked by the deep-seated habit of direct fellow-feeling with individual fellow-men." Arrowsmith and Colt never learned that lesson. Lydgate learned it in a conventional way, from conventional country gentlemen. The following is an example from the conventional Sir James.

The complexities of English law and Casaubon's will had it turn out that when Dorothea married a second time it was possible for Sir James to gain Casaubon's property and to thereby disinherit Dorothea's children. All that was needed was for Dorothea's uncle, Mr. Brooke, to dock the entail on the property. That step by Mr. Brooke would have been flattering to Sir James, partly because Mr. Brooke's regard for him was important, and partly because Sir James disapproved of Dorothea's second marriage anyway. Further, it would have benefitted Sir James's son. Sir James felt these emotions most strongly when Dorothea's uncle mentioned the prospect to him: "[T]here was a stoppage in his throat; he even blushed," but his country gentleman's morals told him that this was an unacceptable emotion, and, when Mr. Brooke asked him for advice, Sir James said,

"[F]or my part, I would let that alone. I would let things remain as they are." His disapproval of Dorothea's marriage was snobbish and inexcusable—but he would not take personal advantage of the fact that Mr. Brooke also disapproved of the marriage.

Lydgate lived in this world and he learned from it. These people were his patients and Dorothea became his friend. It was the world of what Disraeli called "muscular Christians," like Rosamond's father, Walter Vincy, who said he was "a plain Churchman. . . . I take the world as I find it, in trade and everything else. I'm contented to be no worse than my neighbors." But, as Mrs. Cadwallader showed in her unsolicited advice to Dorothea, convention contains and communicates wisdom; it harbors a surprising modesty underneath its pretensions, a modesty that makes it possible to respond to individual people—and that response was a necessary part of Lydgate's character, a part that the conventional moral world in which he worked supported him, much better than, say, Martin Arrowsmith's world would have. Mr. Brooke, a country magistrate, for example, endured criticism from his neighbors because he was not more severe in sentencing poachers. "[Y]ou know, Chettam, when you are a magistrate," he replied, "you'll not find it so easy to commit. Severity is all very well, but it's a great deal easier when you've got somebody to do it for you. You have a soft place in your heart yourself, you know."

*Friendship.* The conventional moral teacher is not, though, the same thing as a friend. Friendship in this story is rarer and more precious than the easy amiability to which Lydgate has been brought and which he finds among country gentlefolk. Friendship is in this story an old-fashioned moral alliance: It is not an alliance toward autonomy, as it was for Colt and Arrowsmith, and as it was represented to be in the posters we used to see in the 1960s, that said a friend is someone who leaves you with your freedom. Friendship in George Eliot's moral world is, rather, an alliance toward goodness: A friend is someone who supports you in the difficulties of living a virtuous life.

The principal friendship in *Middlemarch* was between Lydgate and Dorothea Brooke. Dorothea was a fiercely idealistic and evangelical Christian who, like Lydgate, entered an unfortunate marriage. Lydgate was called in to treat Casaubon, Dorothea's husband, for what, as it turned out, was a terminal illness. Dorothea was left a wealthy widow, able to help support the hospital in Middlemarch and, therefore, to be a patron of Lydgate's professional practice. She was also

his patient and she became his friend. When the days were darkest for Lydgate—impoverished by Rosamond's extravagance, disgraced by the gossip about Raffles' strange death, disapproved of by his professional colleagues—he turned to Dorothea; she was the only person in Middlemarch who penetrated his pride enough to hear him describe his troubles. Dorothea stood by him in his decision to risk his professional dream in faithfulness to his wife—not so much in making the decision, which was a matter of course, but in having the character to live with the decision, and to live with it *as a doctor*.

Lydgate had thought, early in his difficulties with Rosamond, that his profession would sustain him. "He tossed his head and thrust his hands deep into his pockets with a sort of vengeance. There was still science—there were still good objects to work for. He must give a tug still—and the stronger because other satisfactions were going." He had thought, as Edward Casaubon did, that he could turn away from other people and find comfort in his work; and he did not talk to anybody, then, about his troubles. But Dorothea heard of his troubles and asked him to come to Lowick and talk to her. There was, of course, a polite "cover" for this visit; she asked him to come and talk to her about the financial situation at the hospital. This was conventional; convention and friendship are not the same, but they are, in a good story, not separate either.

It turned out, and Dorothea foresaw it would, that Lydgate came to Lowick to make a friend: "Lydgate turned, remembering where he was, and saw Dorothea's face looking up at him with a sweet trustful gravity. The presence of a noble nature, generous in its wishes, ardent in its charity, changes the lights for us: we begin to see things again in their larger, quieter masses, and to believe that we too can be seen and judged in the *wholeness of our character*. That influence was beginning to act on Lydgate, who had for many days been seeing all life as one who is dragged and struggling amid the throng. He sat down again, and felt that he was recovering *his old self* in the consciousness that he was with *one who believed in it*" (emphasis added). The friend here is not one who buttresses freedom—but one who buttresses goodness.

"[H]e gave himself up, for the first time in his life, to the exquisite sense of leaning entirely on a generous sympathy, without any check of proud reserve. And he told her everything. . . ." What Lydgate found at Lowick, Eliot said, was "an equivalent center of self." He got back a calm awareness of his own character, which, simply be-

cause of who he was, could not sustain the sort of lonely life Casaubon had imposed on himself, that Colt and Arrowsmith tried and failed. With the support of this friend, Lydgate could bear the limit that faithfulness put on his life as a doctor and could make of that limit a beginning. In that way, his practice of medicine at the seaside was a professional fulfillment, because profession cannot be fulfilled unless character is fulfilled.

Dorothea taught Lydgate how to live with conventional morals, partly by the empathic listener she was, but mostly by being the virtuous person she was. (Or, better, her empathy was a virtue, the virtue of friendship, rather than a technique.) "She seems to have what I never saw in any woman before—a fountain of friendship toward men—a man can make a friend of her." Not a lover; few novelists of Eliot's day could have described a relationship between a virile man and a beautiful woman as friendly love and not erotic love; but Eliot is insistent on the difference. It occurred to Lydgate that Dorothea would, when she married again, make her husband her friend. "[H]er love might help a man more than her money," he said. But even that point was part of her being a good moral teacher—a good moral teacher because she was a friend: Dorothea had lived well, within the conventional marital life her society gave her, with her unfortunate first husband, Casaubon; and she lived well again in a second conventional marriage, with Will Ladislav. She was a Victorian woman; marriage was the only profession available to her, but she lived faithfully in her hidden life, and she was therefore able to help Lydgate live faithfully in his hidden life. Because of such people things have not been so ill with us as they might have been.

The moral lessons from this friend as a moral teacher were the importance of holding on to one's self in a conventional professional world, and the consequent importance of maintaining a connection with the past, of putting one's life together, of being constant. Lydgate figures out at Lowick that he had to be who he was, to be faithful to his own character, and that that was a lot *more* than being free. Dorothea helped him to do it. It may be possible to state this in ethical propositions, as follows.

—Wit is subject to character. Dorothea was an intelligent woman and was attracted to Edward Casaubon because she thought of him as engaged in a great scholarly project, a project in which she could be helpful. "It would be a great mistake to suppose that Dorothea would have cared about any share in Mr. Casaubon's learning as mere ac-

complishment; for though opinion in the neighborhood pronounced her clever, that epithet would not have described her to circles in whose more precise vocabulary cleverness implies mere aptitude for knowing and doing, apart from character." Dorothea had all of the ability a professional career would have required, but the limits put on women in her conventional world denied to her any profession except marriage. The moral trick was to live in that world without being destroyed by it, as a merely clever woman might have been. She shows a modern and liberated generation how much it owes to its grandmothers.

—The virtues, including even love itself, are products of training. "In marriage," in Dorothea's marriage and therefore, by virtue of her being Lydgate's teacher, in Lydgate's marriage, "the certainty, 'She will never love me much,' is easier to bear than the fear, 'I shall love her no more.' " Love here is not a metaphor or a means, as it was for Henry Knox and Timothy Colt. Dorothea and Lydgate are people who have learned to be skillful at loving.

—Rectitude is self-deception. As long as Casaubon was alive, and more intensely as he grew more ill, Dorothea was devoted to his scholarly work, even though she had come to see it as a useless pretense; but she did not promise him that she would continue it after his death, and, despite his clear wish that she do so, she did not. By definition, faithfulness cannot require a loss of self; only a self can be faithful. Lydgate was Dorothea's doctor as she went through this refusal, and he learned from her. That is why he could not let himself stop loving Rosamond; if he did that, he could not be himself, and if he could not be himself he could not be faithful. Faithfulness is not a matter of being *right*; it is a matter of being *good*.

—Character is the product of effort among people. Character ebbed and flowed, of course, as success in training always does. "[T]he painful struggle to break free from the prison of egoism into a life of sympathy," the discovery of "an equivalent center of self whence the lights and shadows must always fall with a certain difference," that is, friendship, was the means, in this story, for training in character. "Character is not cut in marble," the parson, Camden Farebrother, told Lydgate. "It is something living and changing, and may become diseased as our bodies do." It needs other people, particularly those who are nearby. "People glorify all sorts of bravery," Dorothea said, "except the bravery that they might show on behalf of their nearest neighbors." Lydgate tried for the rest of his life to build

this sort of friendship with Rosamond. He failed to do it, but his trying was the necessary means for maintaining his own character, and the means as well, I think, for his maintaining his character as a doctor.

—Memory preserves and revives character. Memory as a way to maintain the self over time is shown most poignantly in this story in the sad fate of Lydgate's sometime political ally, the banker Mr. Bulstrode. Bulstrode had a dark and shameful past, the facts of which were the basis of Raffles' blackmail. Bulstrode conspired to defeat Raffles and to preserve his rectitude as an evangelical Christian, even to the point of (at best) allowing Raffles to die when Raffles was under his care. Bulstrode came to such disgrace that he had to leave Middlemarch, but his story (in a way like Lydgate's story) was at last an acceptance of who he was, by a recognition of the importance of remembering who he had been: "Even without memory, the life is bound into one by a zone of dependence in growth and decay: but intense memory forces a man to own his blameworthy past. With memory set smarting like a reopened wound, a man's past is not simply a dead history, an outworn preparation of the present: it is not a repented error shaken loose from the life: it is a still quivering part of himself, bringing shudders and bitter flavours and the tinglings of a merited shame." Connecting with the past in this way made it possible for Bulstrode to at last be just to those he had wronged, and even to be generous. He left Middlemarch with the possibility that his limit might be a beginning, too. His presence in Lydgate's story helps us students of Eliot understand how Lydgate's professional life at the seaside was fashioned out of the reality of his life with Rosamond, and the fact that his being true to himself meant being faithful to her. The importance of this for his life as a doctor is that the fulfillment of his professional life could not be broader than the fulfillment of his life at home. It seems an obvious lesson, but it is not one that Martin Arrowsmith could understand; it is a lesson Timothy Colt learned only through bitterness much greater than Lydgate's; and it is a lesson that even Henry Knox too often neglected as he got older.

*Fraternity.* The profession as moral teacher expects that a practitioner will make friends among his professional colleagues. (The traditional word, hidden in the Latin, is stronger than friends; it is *brothers*.) When this idea is advanced in professional ethics rhetoric usually connects professional fraternity with public good. No doubt that connection was present when Middlemarch's medical fraternity

offered to be Lydgate's moral teacher. (It was clear in Percival's medical ethic.) Lydgate rejected the offer, but, in my reading, he nonetheless learned the fraternal lesson he might have learned from the Middlemarch doctors. Again, the story is important to us; we, like Lydgate, labor with weakened professional teachers. Lydgate rejected his profession as moral teacher and located an alternative fraternity—a fraternity shown to him by Camden Farebrother, a parish priest.

Farebrother was a bachelor by circumstance—his small income and the need to support his mother, his aunt, and his sister. He was a professional man whose limit had been a beginning. He was so chronically short of money that he had taken to playing whist and billiards, and playing well, and gambling on his skills, in order to supplement his income. Lydgate learned many professional lessons from Farebrother, among which two seem to me illustrative—the importance of self-denial (a routine and almost definitional professional lesson) and the importance of integrity. The latter lesson is similar to the lesson Lydgate learned from Dorothea Brooke, but Lydgate's association with Camden Farebrother gave the lesson a professional (fraternal) focus.

Farebrother supported Lydgate in the appointment to be physician to the hospital. Farebrother then became a candidate, along with the evangelical clergyman Mr. Tyke, for the post of chaplain at the hospital. Farebrother could probably have given up whist and billiards if he had gained the income from the chaplain's post; he therefore wanted the job. But Lydgate owed a political debt to Bulstrode, and Mr. Tyke was Bulstrode's candidate to be chaplain. Lydgate paid his debt and voted for Mr. Tyke, who won. The fact that Farebrother forgave Lydgate that bit of ingratitude—even forgave in advance, which is the hardest way to forgive—was what first attracted Lydgate to Farebrother and made Farebrother his professional (fraternal) teacher.

The next lesson Lydgate got from Farebrother was to avoid any further alliance with Bulstrode. "Don't get tied," Farebrother said. In this, Farebrother showed how the best professional counsel is personal, but that the personal is trustworthy only if a person is truthful about what it is. Farebrother admitted that his only reason for giving the advice was intuitive, and might have been colored by his distrust of evangelicals: "Perhaps it seems like personal feeling in me to say so—and there's a good deal of that, I own—but personal feeling is not

always in the wrong if you boil it down to the impressions which make it simply an opinion."

In a similar and poignant way, Farebrother warned Lydgate of gambling. "Try and keep clear of wanting small sums that you haven't got," he said. "I am perhaps talking rather superficially, but a man likes to assume superiority over himself, by holding up his bad example and sermonizing on it." Lydgate lived to regret not taking these pieces of advice on alliances and gambling, of course; the deeper lesson in professional morals is that he learned a bit about being honest with himself. That lesson might have come differently if he had accepted his own professional elders as his fraternity—for example, Percival placed great weight on a physician's ability to assess the effects of his treatment after a case was concluded—but the moral lesson Lydgate learned from Farebrother was, in any case, the same lesson.

Part of Farebrother's lesson on self-denial is that the core of professional satisfaction is competence. Lydgate knew some of that lesson already—he had, after all, been trained in Paris—but he knew less well than he should have the importance of taking satisfaction from competence. Farebrother worked hard on his plain-spoken sermons. He disciplined himself in his regard for others, which is at the heart of pastoral counseling. He was aware of who he was (that is, he was integrated and constant), a skill Lydgate kept keen with the help of Dorothea Brooke, and so he knew when to be and not be concerned about the gossip of the town.

Lydgate had, late in the story, the opportunity to recommend Farebrother for the lucrative parish appointment at Lowick, which was in Dorothea's gift. He said to her, of Farebrother, "[H]e has at least achieved a reasonably honest compromise with the world and quietly makes the best of a bad job. A good shepherd, he contrasts with the doctrinal barrenness of Tyke and the pastoral indifference of Cadwallader." Farebrother got the new appointment, but did not give up the old one. He hired a curate for his old parish and kept the power in Middlemarch affairs which he had obtained by being vicar. He retained both incomes, and suffered the gossip and political censure that came from his petty participation in multiple partronage—just as he suffered gossip from making money at his card playing: "I shall be too busy for whist; I shall have two parishes. . . . It is protest enough against the pluralism they want to reform if I give somebody else most of the money. The stronger thing is not to give up power,

but to use it well." He trusted himself to use power well. "Looking at him as a whole," Lydgate said to Dorothea, "I think he is one of the most blameless men I ever knew. He has neither venom nor doubleness in him, and those often go with a more correct outside."

Farebrother had a large role in the romance and marriage of Fred Vincy (Rosamond's brother) and Mary Garth. Fred thought of himself as a gentleman, because he went to one of the universities at his father's expense; but he had no money. He therefore proposed to become a clergyman himself, that apparently being the only way an impecunious gentleman might make enough money to afford a wife without working with his hands. But Mary would not marry Fred as long as he wanted to be a clergyman, and in this she was gently supported by Farebrother (who was also in love with Mary but who managed to suppress his own interest when he was functioning professionally). This bit of the story tells a lot about how Farebrother regards his professional work, and it, too, is a lesson for Lydgate on professionalism.

Mary's objection to Fred's being a clergyman was that it would be a "caricature." This was not to deny Fred's character; it was not to demean clergymen such as Farebrother either. Mary was, after all, otherwise willing to marry Fred, and she was a faithful churchwoman. But, she said, "His being a clergyman would be only for gentility's sake, and I think there is nothing more contemptible than such imbecile gentility. . . . He would be a piece of professional affectation." When Farebrother relayed these sentiments from Mary to Fred, he added, "Men outlive their love, but they don't outlive the consequences of their recklessness."

Fred eventually went to work with his hands, for Mary's father, who managed farms. Fred learned as Timothy Colt did not, that there is a metaphor-free congruence between work and character. "You must be sure of two things," said Caleb Garth to Fred. "You must love your work, and not be always looking over the edge of it, wanting your play to begin. And the other is, you must not be ashamed of your work, and think it would be more honorable for you to be doing something else. . . . No matter what a man is—I wouldn't give two pence for him—whether he was the prime minister or the rickthatcher, if he didn't do well what he undertook to do."

Lydgate also learned from Farebrother the importance of truthfulness in professional life. Eliot has a little fun on this point, by contrasting Farebrother's professionalism with that of Mr. Bambridge,

the horse trader: "Some people who had lost by him called him a vicious man; but he regarded horse-dealing as the finest of the arts, and might have argued plausibly that it had nothing to do with morality. He was undeniably a prosperous man, bore his drinking better than others bore their moderation, and, on the whole, flourished like the green bay tree."

Farebrother taught, as all good professional teachers do, more by the exhibition of his character than by admonition: Farebrother had "unusual delicacy and generosity . . . [and] other points of conduct . . . which . . . made his character resemble those southern landscapes which seem divided between natural grandeur and social slovenliness. . . . [He was] filial and chivalrous . . . to the mother, aunt, and sister, whose dependence on him had in many ways shaped his life . . . few men who feel the pressure of small needs are so nobly resolute not to dress up their inevitably self-interested desires in a pretext of better motives. In these matters he was conscious that his life would bear the closest scrutiny; and perhaps the consciousness encouraged a little defiance toward the critical strictness of persons whose celestial intimacies seemed not to improve their domestic manners, and whose lofty aims were not needed to account for their actions."

There is an affinity between this observation about Farebrother and Percival's justification of the practice among apothecaries of selling drugs, at a profit, to their patients. There is a useful professional lesson, about "the pressure of small needs." Lydgate, who was later able to support Rosamond from his seaside practice, learned the lesson from Farebrother that he might have learned from Percival and the apothecaries of Middlemarch.

The final and greatest lesson in integrity that Lydgate learned from Farebrother was the difference between honor and virtue, between shame and vice. It was an important lesson in a professional gentleman's culture, because the surest corruption of that ethic comes when it is turned into an ethic of honor and shame: Honor is not a virtue because it depends on the opinions of others, on the gossip of the town and the judgment of circumstantial elites, rather than on character and fidelity to self. Shame is not a vice, as Farebrother showed in his own choices with regard to whist, billiards, and the retention of two clerical livings, because it turns on the disapproval of others, and particularly of influential others, rather than on the truly vicious failure to be truthful, courageous, and loving. This lesson about honor was important to Lydgate as a gentleman, but even more

important to him as a professional person. Professions tend to proclaim honor as a professional credential; this was evident to Lydgate's generation of British doctors in the ethics of Sir Thomas Percival. Professions glorify themselves; we lawyers and doctors torture virtue into congruence with dominant fraternal opinion; we insist that professional honor is equivalent to public good. Our pretenses drive poets such as Shaw and Sinclair Lewis into acetic anger, and cause poets such as Auchincloss and David Hilfiker to write tragedies about us.

Lydgate showed that he had learned the lesson about honor, late in the story, when Bulstrode, exposed as a scoundrel, was drummed off the hospital board. Bulstrode stood to leave the board room; he tottered in his agony; Lydgate stood with him, and helped Bulstrode to remain on his feet, and left the room with him: "[T]his act, which might have been one of gentle duty and pure compassion, was at this moment unspeakably bitter to [Lydgate]. It seemed as if he were putting his sign manual to that association of himself with Bulstrode, of which he now saw the full meaning as it must have presented itself to other minds. He now felt the conviction that this man, who was leaning tremblingly on his arm, had given him the thousand pounds as a bribe. . . . [T]he town knew of the loan, believed it to be a bribe, and believed that he took it as a bribe." An honorable doctor would have kept his seat.

In these ways, Lydgate, the doctor, learned his professional lessons from a parson, as he learned from a pious widow that a doctor needs a friend, and from conventional country gentlefolk that seeing is a moral art. The substantive morality, the moral and religious tradition that carried the lessons to Lydgate, were the same substance, morality, and religion that carried professional lessons to and through codifiers such as Sir Thomas Percival. Code depended on character. It could be that Lydgate learned his moral lessons better and more clearly from Dorothea and Camden Farebrother and the country gentlefolk of his community than he would have learned them from his spurned medical colleagues. But they were, in any case, the same moral lessons. The story shows how character helps us survive the corruption of our codes.

