Howard Gardner

Compromised work

One would like to find an abundance of good workers across the professions: teachers who have mastered their subject matter, present it well, and behave in a civil manner toward students and peers; physicians who are knowledgeable about the latest techniques and medications and who cater to the ill no matter where they are encountered and whether they have resources; lawyers who can argue a case persuasively and who make their services available to those in need, irrespective of their ability to pay. Occasionally the impressive achievements of such individuals are publicly honored; and those concerned about the long-term welfare of the society hope that aspiring teachers, physicians, and lawyers will have ample exposure to such exemplars of good work.

Not surprisingly, the absence of good work commands the attention of scholars, journalists, dramatists, politicians, and ordinary folk. We are, perhaps naturally, perhaps understandably, fascinated to learn about the teacher who fails an exam or seduces a student; the physician who fakes her credentials or operates on the wrong patient; the lawyer who skirts the law or only defends the wealthy. As a friend quipped, Time Warner might sell more copies if it renamed its venerable business publication *Misfortune*.

In the GoodWork Project in which my colleagues and I are involved, we are focusing on those individuals and institutions that aspire toward, and in the happiest case, exemplify, good work. There is much to be learned from careful study of a journalist like Edward R. Murrow, a physician like Albert Schweitzer, a publisher like Katharine Graham, a public servant like John Gardner (no relation). Yet it is important to recognize that many individuals fail to achieve good work, that some do not even strive to be good workers, and that in the absence of compelling role models, future workers stand little chance of becoming good workers themselves. Hence, it is justifiable at times to suspend our focus on good work to see what can be learned from frankly deviant cases.

In what follows, I focus on what we have come to speak of as 'compromised

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work.'[1] We conceptualize this variant as work that is not, strictly speaking, illegal, but whose quality compromises the ethical core of a profession. We do not concern ourselves with individuals who merit the descriptor 'bad workers' – the journalist who steals, the physician who commits assault and battery, the lawyer who murders. Presumably these individuals would engage in such illegal acts irrespective of their professional status, and it is the job of law enforcement officials, and not of professional gatekeepers, to call these miscreants to account. Rather, our concern is with the journalist who makes up stories, the politician whose word has no warrant, the physician who fails to heed the latest medical innovations and thus provides substandard treatment. Each of these individuals may at one time have embraced core values – journalistic integrity, political veracity, medical acumen – but at some point turned his back on the profession. If we can better understand how once good workers begin to compromise their work, we may be able to enhance the ranks of good workers.

It is easiest to spot compromised work in professions that have existed for some time and whose principal values are widely shared. In such domains there should be consensual processes of training, recognized mentors, and established procedures in place for censuring or ostracizing those whose work violates norms of the domain, with disbarment or loss of license as the ultimate sanction. Of the three professions I will treat in this essay, law is closest to the prototype, journalism is furthest (many journalists lack formal training), and accounting is somewhere in between.

1 I thank Jeffrey Epstein for his support of these investigations.

Compromised work

Since our project began (and no doubt long before), the pages of the newspapers have been filled with examples of compromised work; indeed, in preparing this essay I have sometimes been tempted to clip half the stories in the daily newspaper. Here I focus on three cases from recent years that caught both my attention and that of the broader public. The first case involves Jayson Blair, an ambitious reporter for *The New York Times* who was fired after it was discovered he had plagiarized and fabricated stories. The second case centers on Hill and Barlow, a venerable Boston law firm that closed abruptly when its profitable real estate department announced it was leaving the firm. The third case centers on the flagship accounting firm Arthur Andersen that went bankrupt after the Enron scandal of 2001.

In my initial study of compromised work,[2] I chose these cases because they apparently represented three levels of analysis: Jayson Blair as an instance of compromised work by a single, flawed *individual*; Hill and Barlow as an instance of compromised work within a single *institution*; and the Arthur Andersen–Enron debacle as an instance of compromised work throughout a *profession*. My study revealed, however, surprising continuities across these three apparently distinct levels of analysis. In each case, I found I was studying individuals as well as institutions, and, indeed, an entire industry. Also to my surprise, I discovered that institutions held in high regard might be especially vulnerable to the insidious virus of compromised work; I had expected that such institutions harbored righting mechanisms that for some reason had failed to detect the of-

2 I thank Ryan Modri, Paula Marshall, and Deborah Freier for their invaluable research efforts.

fending party. Finally, I expected that at least some instances of compromised work would be isolated and of relatively short duration. A far more complex and, to my mind, more troubling picture emerged – a picture that, moreover, reflects ominous trends in American society.

In 1999, Jayson Blair, a young African American with a flair for writing, became a regular reporter for *The New York Times*. Even before his stint at the *Times*, Blair had been regarded by peers and supervisors with a combination of admiration and suspicion. There was no question that Blair wrote well, had a nose for important stories, was a gifted schmoozer, and had impressed the governing powers at the college and community newspapers where he had worked. At the same time, observers wondered whether he in fact had exercised the due diligence that is expected of a reporter; and indeed, supervisors had detected a highly unusual number of errors in his stories. While he had occasionally been admonished for carelessness, there had been few consequences. In fact, at the *Times*, Executive Editor Howell Raines and Managing Editor Gerald Boyd gave increasingly important assignments to Blair.

When Blair was discovered to have plagiarized a story from the *San Antonio Express-News*, he was immediately forced to resign. Then on May 11, 2003, in an unprecedented bout of self-examination, *The New York Times* devoted over four full pages to documentation of numerous cases of invention, plagiarism, and fraudulent expense and travel reports. Nor did the brouhaha over the Blair affair die down. Six weeks later, editors Raines and Boyd were forced to resign their posts, and the new editorial regime at the *Times* explicitly dissociated itself from the policies and practices of its predecessors.

At first blush, Jayson Blair seemed to be an isolated case – a reporter who refused to play by the rules and who may well have been emotionally disturbed. And in fact, there is ample evidence that Blair was a troubled young man who should have been carefully scrutinized for years. He was so unpopular at his college newspaper that he was relieved of his editorial position. When he was an intern at *The Boston Globe* in 1996 – 1997 and a freelancer there in 1998 – 1999, the sloppiness of his coverage was discussed. Shortly after he began to work full-time at the *Times*, Metropolitan Editor Jonathan Landman sent around a note that said, "We have got to stop Jayson from writing for the *Times*. Right now." Blair soon accumulated a record number of corrections and complaints about his coverage. His behavior aroused dislike and suspicion among many of his contemporaries. But despite ample warning signs, Raines and Boyd took him under their wings; he was praised and offered ever-more important assignments. And, to the shame of the *Times*, the decisive discovery of plagiarism was made not by its own staff but by a reporter for a regional paper.

To be sure, Blair had been a bad egg whose misbehaviors were more flagrant than those of his contemporaries. But at least since publisher Arthur Sulzberger had appointed Raines as managing editor in 2001, a strong set of explicit and implicit signals had been sent to the *Times* staff. Reporters were told they had to increase the "competitive metabolism" of the news coverage. Those who wrote flashy, trendy stories were rewarded with promotions, special privileges, and ample front-page coverage. In contrast, reporters who took a more thoughtful, less sensational approach,

who emphasized the journalistic precept of carefulness, found themselves increasingly marginalized. Nor was this new culture a secret: in a much-discussed portrait of Raines that appeared in *The New Yorker* in June of 2002, the changing milieu at the *Times* was detailed and critiqued.

Had Jayson Blair been a truly isolated case, it is highly likely that the Sulzberger-Raines-Boyd managerial team would have survived intact and perhaps continued its questionably hectic pace and excessively dramatic bent. Once the Blair case broke, however, other heroes and casualties soon emerged. The most flagrant consequence was the abrupt resignation of star reporter Rick Bragg, who was accused of using unacknowledged stringers and of embellishing his lengthy and highly evocative stories. While Raines and Boyd fought to keep their positions, it was probably inevitable that sooner or later they would be squeezed out. The replacement appointment of Bill Keller, an individual widely considered a contrast in temperament and journalistic values, served as a sign that the *Times* was rejecting the go-go atmosphere of the previous few years.

Under Raines and Boyd, the *Times* had been engaged in an example of what I will call 'superficial alignment.' The editors were looking for young reporters who exemplified the pace and coverage they sought; the fact that Blair was African American was a bonus and, by the editors' own admission, caused them to cut him slack. For his part, Blair was keen at discerning what his editors desired; and, as befits an accomplished con man, he knew how to give the impression of good work and to cover his tracks. What both sides avoided in this *pas de deux* was a genuine alignment that honored the tried-and-true mission of journalism. Had Blair been subjected to a mentoring regime of tough love, he might have turned into a genuinely good reporter. And had he somehow slipped through an otherwise well-regulated training and supervision system, it is unlikely that the discovery of his misdeeds would have caused such turmoil in his company and, indeed, in the wider journalistic profession.

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During the second week of December of 2002, residents of Boston were astonished to learn that the prestigious law firm Hill and Barlow had closed down the previous weekend. The firm had been in existence for over a century, was esteemed in the community, and comprised in its legal ranks many prominent citizens, including at various times three governors of the Commonwealth. With their deep involvement in the community – exemplified by their defense in the famous Sacco-Vanzetti case of the 1920s – Hill and Barlow partners epitomized what legal scholar Anthony Kronman has called "lawyer statesmen." For outsiders, there was little reason to suspect any significant problems at Hill and Barlow – and none whatsoever to prepare them for its sudden dissolution.

A word about partnerships is in order here. Examination of about twelve hundred interviews in the eight domains considered in the GoodWork Project reveals that only lawyers speak regularly about partnerships. In part a financial arrangement, in part a social network, the partnership serves as the locus for daily activity, the attraction and sharing of clients, and the mechanism for services and payment. The transition from associate to partner is the legal equivalent of the attainment of tenure in the academy; and in many ways, partners behave like members of a faculty. Young lawyers serve as associates until, assuming a good record and available slots, they are

welcomed into the partnership, which is likely to be their home for the remainder of their professional lives. It goes without saying that the health and stability of the partnership is crucial for its constituent members, staff, and clients.

Each partnership has an institutional culture, passed on both explicitly and implicitly from the older partners to the new members of the association. By all reports, the institutional culture of the Hill and Barlow of old stressed intellectual and legal excellence; community service, including the holding of elected or appointed office; and a willingness to earn somewhat less money than competitors, in return for a lifestyle that was more balanced and that went beyond the sheer number and rate of billable hours.[3]

Outsiders' initial reaction to the sudden closure of Hill and Barlow was shock. After all, this was a partnership that had been highly esteemed for decades. To observers and the media, it appeared that overly avaricious lawyers from the real estate division had issued a *fait accompli* to their bewildered colleagues, thereby in one act destroying a distinguished New England law firm. The shock was compounded by the fact that the remaining partners did not even try to reconstitute the firm, but instead interpreted this mass exodus as a sign that the firm could no longer survive.

Closer examination reveals that the problems went back many years, perhaps several decades. Through the middle of the twentieth century, Hill and Barlow did indeed have a deserved reputation as a firm of outstanding lawyer statesmen who not only were leaders in litigation and trusts, but who also stood out for their service to the community. Yet, on my analysis, this sterling reputation turns out to have been a mixed blessing. By the 1970s and 1980s, the situation in law had changed dramatically throughout the land. Whether lamented or not, the era of the lawyer statesman was over. Law firms were becoming much larger and more internationalized; corporate law divisions and the high-metabolism specialty of mergers and acquisitions were growing more rapidly than other spheres; many large corporations built up their own in-house legal teams; and individual lawyers were becoming far more mobile, as opportunities to make very large salaries materialized for those who were willing to jump ship.

None of these trends in itself necessitated a de-professionalization of the law. And indeed, many moderately sized law firms in New England and elsewhere took steps to modulate these trends: they increased in size or developed distinctive niches; they actively sought large corporate clients; and they reconfigured salary schedules to reward those lawyers who brought in the most business. Perhaps most importantly, the more reflective firms realized that law was becoming more of a business: they recruited or trained professional managers; they were sensitive to the clout of specific partners and divisions; they paid close attention to changing patterns of income and expenses; they established governance vehicles whereby the most important members consulted regularly about trends and how best to meet them; they favored frequent, open, frank communications about all matters that materially affected the firm; and they were prepared, when necessary and with regret, to retire or marginalize partners who could not in any demonstrable way contribute to the well-being of the firm.

According to our interviews with former members of Hill and Barlow, the

3 Technically, Hill and Barlow became a corporation in 1992.

firm did not seriously undertake any of these measures. Members continued to take pride in the history of the firm, and many continued to serve the community in various ways. But they did not work any longer as a firm of dedicated partners (epithets such as 'a hotel for lawyers' and 'university-style governance' were used by informants). Costs spiraled, but steps were not taken to increase income commensurately (or to lower costs, for example, by reducing the number of associates or moving to less luxurious quarters). Most damaging, the law firm never was able to create a governance structure that was widely respected by its members and that could meet these various challenges. On my analysis, it was the combination of the inordinately successful real estate group, on the one hand, and the ensemble of dysfunctional governance structures, on the other, that made the firm's closure inevitable.

I do not conclude that the Hill and Barlow partners necessarily compromised their practice of law *per se*. I do believe that both the real estate division, and the remaining partners who failed to deal decisively with the shifting terrain, undermined law as a profession. In acting in their own self-interest, they contributed to the destruction of the accumulated wisdom, public service emphasis, and pluralistic view of legal practice that had once characterized Hill and Barlow. To the extent that law simply becomes a collection of free-agent practitioners, for sale to the highest bidder, or a set of employees of multinational corporations, it will indeed be a diminished profession.

Accounting became a technical rather than back-of-the-envelope practice in the seventeenth and eighteenth centuries with the widespread use of double-entry bookkeeping and other financial and business innovations. With the rise of corporations a century ago, and the advent of increasingly complex taxation and investment policies, the role of the independent certified auditor gained steadily in importance. Particularly at times of crisis, such as the stock market collapses during the first two-thirds of the twentieth century, the public was reminded of the importance of the accounting professions. Perhaps to his advantage, the auditor was seen as a rather colorless individual who followed technical rules in the manner of the archetypical Dickensian clerk or Weberian bureaucrat.

Within the profession and amongst those with close ties to the profession, there was keen awareness of crucial shifts that began in the 1970s. The wall that had once separated auditors from the firms they were monitoring had begun to crumble. Increasingly, personnel circulated between accounting firms and well-heeled client firms. Accounting firms set up consulting branches that worked with client firms; over time the amount of consulting business often equaled or even surpassed that dedicated to the monitoring of the books. In the go-go financial milieu of the 1980s and 1990s, as documented in our GoodWork Project and many other sources, markets became increasingly dominant in many spheres of life. Indeed, at the end of the 1990s, I made a quip that turned out to be uncannily prophetic: "If markets come to control everything, in the end there will be only one profession – accounting. And that is because only the auditors will be able to tell us whether the books are on the level or have been cooked."

But like most of the public, I was unprepared for the huge accounting scandals that captured the headlines at the

start of the twenty-first century. Led by the renowned firm Arthur Andersen, all the major firms were shown to have abandoned their professional disinterestedness (or 'independence,' as it is referred to in the profession) in flagrant ways. It was no longer unusual for accountants to hold stock in, work for, or consult for the firms they were allegedly monitoring; and for their part, firms went out of their way to provide lucrative work and extra perks for the supposedly independent auditors.

The smoking gun was the relationship between energy giant Enron and the flagship professional services firm of Arthur Andersen. These firms met powerful sanctions: bankruptcy with possible jail terms for those high-level managers whose involvement crossed the line from compromised to frankly bad work. At the time of this writing, other major accounting firms like Ernst and Young and PricewaterhouseCoopers have also had to pay significant penalties; punitive new regulations and legislation have been put into place; and many other business firms – established ones like General Electric and Xerox, newer ones like Tyco, WorldCom, and Global Crossing – have undergone probes or have even dissolved. Meanwhile, the tacit or demonstrable complicity of members of boards of directors has been amply documented, and the domain of accounting as a whole lies very much under suspicion, its standing as a profession open to strong challenge.

The core value of the profession of public accounting is captured in the descriptor 'public.' Accountants receive training, licenses, and status commensurate thereto on the assumption that they will represent the public's interest in their review of the financial practices of individuals or corporations. Should the books appear questionable in any way, it is the duty of the public accountant to raise questions to the responsible individual or corporation, and, if necessary, to refuse to certify that the accounts conform to generally accepted accounting principles.

Whether one thinks of journalism, law, or accounting, it is tempting to posit a golden age – a time when professionals *were* professionals, and the vast majority exemplified the highest values of the domain. But the mixed reputation of lawyers and journalists over the decades reveals the superficiality of such an analysis. And when one examines the history of accounting in the United States in the twentieth century, one also discovers an oscillation between periods when auditors were under suspicion for questionable practices, and periods when corrective measures were installed and the prestige of the profession was restored. Indeed, such a swing of the pendulum can be seen in the history of Arthur Andersen.

At the start of the twentieth century, like other accounting firms, Andersen carried out non-audit services. By the 1960s, it was possible to become an Andersen consultant without having worked as an auditor for the two prior years; and in 1973, a separate consulting arm of the firm had been set up. In the late 1970s, CEO Harvey Kapnick tried unsuccessfully to split the firm into two separate entities and was pressured to resign thereafter. During the 1980s, the consulting arm of the firm became increasingly powerful, and the lines between consulting and auditing blurred. By the late 1980s, the tension between the accounting and consulting arms was so acute that the two parts of the firm were in constant argument and occasionally in court. By 1999, Arthur Andersen had become the slowest growing of the Big Five accounting firms, and in

2000, the consulting arm, Accenture, finally became a wholly independent entity.

As is now well known, Andersen had become the auditor for Enron. Widely touted as a model for a new kind of company for a new millennium, Enron trafficked in the selling of energy (especially gas) and energy futures. In 2000, it was, on paper, the seventh largest firm in the United States, with a book value of 100 billion dollars. In 2001, the Enron bubble burst when it became clear that much of the corporation's alleged size, activity, and profitability was in fact fraudulent, the result of imaginative advertising and improper accounting. And when Arthur Andersen began to shred its Enron documents, the fate of the firm was sealed in the eyes of the media, the general public, and, eventually, the legal system.

Studies of the Andersen-Enron connection reveal that it had been deeply compromised for years. Enron was one of Andersen's largest clients; it paid a total of over fifty million dollars a year to Andersen's auditing, consulting, and tax divisions. Employees shuttled back and forth between the two companies with such ease and frequency that it was sometimes difficult to tell for which they were working; at least eighty former Andersen auditors were working for Enron. The supposed line between the company being audited and the auditors evaluating the books of that company had become so blurred that, in effect, it no longer existed. And yet it has proved difficult to demonstrate sheer illegality. This is both because the nature of Enron's business was so new and so convoluted, and because so much of the role of the auditor/accountant remains an issue of professional judgment rather than of sheer legality or illegality.

In my view, the chief embodiment of compromised work in the accounting profession is the condition of wearing two hats – hats that inevitably pit key interests against one another. On the one hand, as representatives of the public, auditors and their umbrella organizations are supposed to remain at arm's length from the companies they monitor. On the other hand, the excitement and the monetary gains available for consulting prove irresistibly seductive for many auditors and their umbrella organizations. One cannot at the same time offer advice and feedback to companies while standing disinterestedly apart from their practices; in effect, one has become judge and litigant at the same time.

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In each of the cases discussed, the background history covered a much longer period than I had anticipated. Jayson Blair's case reflected larger-scale trends at the *Times*, dating back to the 1980s and exacerbated by the appointment of a new managerial regime in 2001; Hill and Barlow failed to recognize, let alone adapt to, forces that middle-sized law firms had been confronting for decades; and Arthur Andersen encountered long-standing tensions in the accounting profession regarding appropriate relations with clients. Nor are the cases restricted to the particular examples on which I happened to focus: Within journalism, similar scandals had occurred in recent years at *The Boston Globe*, *The Washington Post*, *USA Today*, and *The New Republic*. Several dozen major law firms in Boston and elsewhere had either closed down or were absorbed into larger and more profitable firms. In recent years, each of the Big Five accounting firms saw significant scandals; comparable 'multiple hats' problems arose in Europe and Asia; and compensatory legislation like the Sarbanes-Oxley Act caused turbulence in a great many American corporations.

Whatever their usefulness for conceptualization and exposition, the three levels of analysis that I had selected turned out to be more closely related than I had expected.

If the study of good work is in its early adolescence, then the examination of compromised work is in its infancy. Firm conclusions would be decidedly premature. And yet, given the importance of the problem, and its indissoluble links to issues of good work, a few summary comments are in order.

Because persons and institutions can go bad for any number of reasons, isolated cases of compromised work cannot be prevented. What is susceptible to treatment is the soil in which compromised work is likely to arise and thrive. Our three cases and others that could have been treated suggest that superficial signs of alignment can in fact be the enemies of good work. Respected institutions like *The New York Times*, Hill and Barlow, and Arthur Andersen create in their members – and in the general public – the belief that these institutions are inherently good and above suspicion. Those assigned the job of surveillance internally or externally may become lax, and, accordingly, those who are tempted to practice compromised work may find an unexpectedly promising breeding ground. (In writing about the Jayson Blair case in *The New Yorker* of June 30, 2003, Elizabeth Kolbert said that this "paper of record" cannot afford to "check up" on its employees; it has to assume they are trustworthy.)

Indeed, these circumstances obtained in each of our three examples: Jayson Blair was on the make; Raines and Boyd wanted to remake the culture of the *Times* even at the cost of violating its most important values. And while various alarm bells tolled, none sounded loudly enough or insistently enough to be heard. Despite the enviable reputation of Hill and Barlow, many lawyers left the partnership starting in the 1980s; the particular requests of the real estate group were not taken seriously enough; and attempts to address the issue of financial survival and partnership communication were undertaken too late and with too little sense of urgency. Arthur Andersen had actually resisted temptations to enter the consulting world. But when it finally succumbed, it entered with a vengeance – and despite warnings about conflicts of interest. Spokespersons for the firm continued to enunciate the fundamentals of accounting, but too many partners and workers were trying to wear two incompatible hats. When the ambivalent Andersen encountered the swashbuckling Enron, a disaster was in the making.

In each case, superficial features and blandishments obscured the central values of the domain. During the Blair-Raines period at the *Times*, scrupulous and fair reporting was sacrificed to the immediately accessible and sexy. At Hill and Barlow, the norms of an effective partnership were undermined, as lawyers and entire departments went their own selfish way. And sometime in the last few decades, those responsible for the atmosphere of an accounting company forgot that it was supposed to be a public trust. Those on the inside should have seen these problems and made loud noises, but efforts to right the culture were too weak and ineffective. And so in each case it took a dramatic event – Blair's plagiarism, the real estate department's exodus, the Enron meltdown – to reveal what should have been clearer to those on the outside and clearest to those entrusted with preserving and embodying the values of the domain.

What happens when such a critical point is reached? It is possible, of

course, that the domain will continue to deteriorate, and may come to be replaced altogether. Newspaper editor Harold Evans has quipped, "The problem many organizations face is not to stay in business but to stay in journalism." The lawyer statesman no longer exists; it remains unclear whether he is being replaced by a viable option, or whether lawyers have just become high-priced free agents or cogs in a corporate legal machine. And if there are too many Enrons and Global Crossings, the Big Five will dwindle to Little Zero – and it is not clear whether the books will be monitored in the future by independent accountants, government officials, or private investigators.

It is also possible that these professions will continue to survive but attract a different type of person with different kinds of values. With few exceptions, for example, broadcast television journalism exists as entertainment rather than as news. Totalitarian countries have bookkeepers, but, as the old joke goes, they produce "whatever numbers you would like us to produce." And it is certainly possible to have lawyer whores who sell their services to the highest bidder. In such cases, those who want to know what is really happening in the world, whether the books are really accurate, or whether they can get a fair trial, will no longer look to the members of the ascribed profession.

One goal of the GoodWork Project is to help bring about a happier scenario. Professions will always feel pressures of one type or another, and, at the time of powerful market forces, these pressures can be decisive. The forces cannot be ignored; they must be dealt with – but they must not be succumbed to. Those individuals, institutions, and professions that actively cope with these forces while adhering to the central and irreplaceable values of the domain are most likely to survive and to thrive.

How to do this? In our project, we speak of the four Ms that help to propagate good work (these were initially designed to address individuals, but they can be applied as well to institutions and even whole professions). The Ms seek answers to the following questions: What is the *mission* of our domain? What are the positive and negative *models* that we must keep in mind? When we look into the *mirror* as individual professionals, are we proud or embarrassed by what we see? And: When we hold up the *mirror* to our profession – or, indeed, our society – as a whole, are we proud or embarrassed by what we see? And, if the latter, what are we prepared to do about it?

I suggest that if the individuals and institutions described here had perennially posed these questions and tried to answer them in a serious, transparent way, they would not have become targets for our study.