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STEVENS'S PROFESSIONALISM AND OURS

DAVID LUBAN*

My favorite philosopher, Hannah Arendt, once observed that "[n]o philosophy [and] no analysis . . . can compare . . . with a properly narrated story."¹ At this conference we have heard professionalism addressed through both philosophy and analysis. This evening I want to address it through a story—the finest story about professionalism I know. This story is Kazuo Ishiguro's moving, funny, beautiful, and in the end very sad novel, *The Remains of the Day*,² which some of you may know through the movie with Anthony Hopkins and Emma Thompson.³

I don't claim any originality in using Ishiguro's novel about butlers to talk about lawyers. In the past two years a number of ethics teachers at American law schools have added *The Remains of the Day* to their curriculum, and the first law review articles about it have appeared in the *Yale Law Journal*⁴ and the *Georgetown Journal of Legal Ethics*.⁵ My own syllabus last

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1. HANNAH ARENDT, *MEN IN DARK TIMES* 22 (1968).

2. KAZUO ISHIGURO, *THE REMAINS OF THE DAY* (1989).

3. *THE REMAINS OF THE DAY* (Columbia Pictures 1993).

4. See Rob Atkinson, *How the Butler Was Made To Do It: The Perverted Professionalism of The Remains of the Day*, 105 *YALE L.J.* 177 (1995).

5. See W. Bradley Wendel, *Lawyers and Butlers: The Remains of Amoral Ethics*, 9 *GEO. J. LEGAL ETHICS* 161 (1995).

semester featured a class entitled "Lawyers and Butlers," with *The Remains of the Day* as the required reading.

The parallels between lawyers and butlers should be obvious. Both offer service to clients. Both are entrusted with large responsibilities, and both are privy to confidential information. As *The Remains of the Day* makes clear, the head butler of a large household very much resembles a transactional lawyer, inconspicuously coordinating the messy institutional details that form the essential background to the client's business. Those details, in both law and household management, are always more complicated than you might suspect—but much of the reason you do not suspect it is that the professionals who take care of the details perform their jobs so well. Butlers, like transactional lawyers, do their job most successfully when you scarcely notice that they are doing it at all.

Moreover, both lawyers and butlers have their own sense of professional ethics. We sometimes use the word "professionalism" as a catch-all term for the distinctive ethos of lawyers. Stevens, the butler who narrates *The Remains of the Day*, uses the word "dignity" to describe greatness in butlers.⁶ Throughout the novel, Stevens's reflections continually return to the question of what constitutes dignity in butlering: he discusses the question with other butlers⁷ and criticizes the conception of dignity employed by the Hayes Society,⁸ a professional society of elite butlers—butlering's equivalent of the bar association.⁹ At one point he insists that "[i]t is surely a professional responsibility for all of us to think deeply about these things so that each of us may better strive towards attaining 'dignity' for ourselves."¹⁰ Today I would like to accept Stevens's invitation, at least in part.

The Remains of the Day is a reminiscence by Stevens, who has served for thirty-five years as the head butler of Darlington Hall.¹¹ The novel's setting is 1956, shortly after a wealthy

6. See, e.g., ISHIGURO, *supra* note 2, at 42-43.

7. *Id.* at 43.

8. *Id.* at 42.

9. *Id.* at 31.

10. *Id.* at 44.

11. See *id.* at 5.

American has purchased Darlington Hall¹² and when Stevens is in the evening of his career, his powers fading. Through most of his career, Stevens was employed by Lord Darlington, for whose family Darlington Hall was the ancestral home.¹³ To understand the moral dilemmas of Stevens's professionalism, we must first understand Lord Darlington's own career, which frames the entire story.

Lord Darlington, a quintessentially well-meaning British gentleman, had the misfortune to dabble in politics.¹⁴ Shortly after World War I, Lord Darlington struck up a friendship with a German nobleman and former military officer, who persuaded him that the Treaty of Versailles was morally wrong: ungenerous, ungentelemanly, unsporting, un-British—downright French. When the post-Versailles turmoil drove his German friend to suicide, Lord Darlington resolved to devote himself to the cause of decent treatment for Germany. As the story picks up in 1923, Lord Darlington has organized an international conference at Darlington Hall, creating the first great crisis-point in the novel.

A few years later, Lord Darlington has drawn even closer to Germany. He flirts briefly with the British fascist movement and orders Stevens to fire two Jewish serving-women. Though Stevens disapproves, he sacks them without protest.¹⁵ At this second crisis-point, the story most obviously makes us think about lawyers carrying out lawful but morally obnoxious instructions from clients. However, Stevens hastens to assure us that Lord Darlington very quickly broke with fascism and heartily repented his firing of the two women.

Darlington nevertheless remains an active supporter of rapprochement with Germany. In 1936 and 1937, he hosts a series of clandestine meetings between British officials, including the Prime Minister himself, and the German Ambassador Ribbentrop. One of the novel's characters bitterly describes Darlington as "the single most useful pawn Herr Hitler has had in this country for his propaganda tricks. All the better because

12. *Id.* at 6.

13. *Id.*

14. *Id.* at 70.

15. Although his "every instinct opposed the idea of their dismissal," Stevens felt that his duty was "quite clear" in dismissing the two maids. *Id.* at 148.

he's sincere and honourable and doesn't recognize the true nature of what he's doing."¹⁶ After the War, Darlington, by now a broken man, dies in seclusion and disgrace.

Darlington's was a pathetic career, devoted in large part to the service of evil, but it is important for us to realize that it was not an evil career, nor an unambiguous one. Stevens observes "that Herr Ribbentrop was, throughout the thirties, a well-regarded figure, even a glamorous one, in the very best houses"¹⁷ and, in this, Ishiguro's history is absolutely accurate.¹⁸ As late as 1935, no less a figure than Winston Churchill considered it possible that Hitler himself might still turn out to be one of those "great figures whose lives have enriched the story of mankind."¹⁹ Churchill wrote that "[t]he story of . . . [Hitler's] struggle cannot be read without admiration[.]"²⁰ adding, "[t]hose who have met Herr Hitler face to face in public business or on social terms have found a highly competent, cool, well-informed functionary with an agreeable manner [and] a disarming smile."²¹ Lord Darlington's pro-German sentiments did not differ widely from the views of many British conservatives; his views were not in the least bit out of the mainstream.²²

With this background in mind, let us go to one of the great scenes in the novel, Lord Darlington's 1923 conference. From Darlington's point of view, the key to the entire conference lies in winning over the French representative, Monsieur Dupont. Stevens recalls hearing one of the gentlemen remark: "The fate of Europe could actually hang on our ability to bring Dupont round on this point"²³ about the Versailles Treaty. To compli-

16. *Id.* at 224.

17. *Id.* at 136.

18. See generally MICHAEL BLOCH, *RIBBENTROP* 20 (1992) (describing Ribbentrop's social reputation).

19. WINSTON S. CHURCHILL, *GREAT CONTEMPORARIES* 225 (1937).

20. *Id.* at 228.

21. *Id.* at 232.

22. See MARGARET GEORGE, *THE WARPED VISION* 29-34 (1965). George wrote that Britain's Conservative majority was decidedly pro-German because it believed Germany was "the key to the problem of European stability," *id.* at 30, and the pre-World War II era was marked by increased "sympathy for Germany." *Id.* at 33.

23. ISHIGURO, *supra* note 2, at 81.

cate the plot, Ishiguro includes among the company a villainous American, one Senator Lewis, whose folksy charm conceals a ruthless Machiavellianism. For reasons that later become clear, Lewis is really there to undermine the conference. Throughout the conference, Lewis courts Dupont like the serpent courting Eve in the Garden, and at one point Stevens overhears him warning Dupont that the other conferees have all conspired to manipulate him.²⁴

From Stevens's point of view, the conference poses a series of intricate logistical challenges as he formulates his plans and deploys his staff to ensure that everything runs smoothly. Complicating it all is the fact that Stevens's father, a former head butler who is now in failing health, has come to work at Darlington Hall as an under-butler. Stevens reveres his father as the exemplar of the professional virtue of dignity, but his father's powers are waning, and Stevens has the painful task of reducing his father's responsibilities. Then, just as the conference gets under way, Stevens's father suffers a series of strokes and retires to his death-bed. At the very climax of the conference, when Stevens's responsibilities reach their peak and he cannot leave the proceedings even for a moment, he learns that his father has just died.

[Miss Kenton:] Will you come up and see him?

[Stevens:] I'm very busy just now, Miss Kenton. In a little while perhaps.

[Miss Kenton:] In that case, Mr. Stevens, will you permit me to close his eyes?

[Stevens:] I would be most grateful if you would, Miss Kenton.²⁵

Do we think that Stevens is inhuman? A few moments earlier, Lord Darlington had said to him: "You look as though you're crying."²⁶ Stevens merely laughed and "taking out a handkerchief, quickly wiped [his] face. 'I'm very sorry, sir. The

24. *Id.* at 95.

25. *Id.*

26. *Id.* at 105.

strains of a hard day'.²⁷ This is our sole indication that Stevens feels any grief over his father's death. Typically in *The Remains of the Day*, we must infer Stevens's feelings from other characters' reactions to him, for he seldom sees fit to mention his feelings himself. So the question recurs: Do we think that Stevens is inhuman?

To answer it, we must consider that Stevens's father had once been confronted with a similar trial, when his employer was entertaining a retired General—the same General who had ordered a stupid and fruitless attack in the Boer War that had led to the unnecessary death of Stevens's brother Leonard. Now, the hated General whom the elder Stevens loathed above all others was coming to the house and, to top it off, announced that his own valet was ill, so that Stevens's father had to serve the man who had killed his son. He did so uncomplainingly and flawlessly. Stevens retells this story to illustrate what he means by the concept of "dignity."²⁸

To understand why Stevens remained at his post in 1923 while his father expired upstairs requires no great leap. Stevens could pay his father no greater tribute than to prove that he had learned the lesson of dignity; there was no greater testament that his father could leave him. Small wonder that Stevens remarks: "For all its sad associations, whenever I recall that evening today, I find I do so with a large sense of triumph."²⁹ This statement exemplifies the quiet but nevertheless heroic triumph of professionalism.

What has been happening in the meantime at the conference? As Stevens's father lies dying upstairs, the final toasts are underway downstairs with Stevens serving drinks. At last, Dupont rises to deliver what Lord Darlington regards as the verdict on the fate of Europe. Amazingly, he declares that Lord Darlington has won him over and then stuns the company by denouncing Senator Lewis point-blank for his devious machinations to undermine the conference. In the uncomfortable silence that follows, Senator Lewis rises slowly to respond:

27. *Id.*

28. *Id.* at 110.

29. *Id.*

You gentlemen here, forgive me, but you are just a bunch of naïve dreamers. And if you didn't insist on meddling in large affairs that affect the globe, you would actually be charming. Let's take our good host here. What is he? He is a gentleman. . . . Decent, honest, well-meaning. But his lordship here is *an amateur*. . . . He is an amateur and international affairs today are no longer for gentlemen amateurs. . . . All you decent, well-meaning gentlemen, let me ask you, have you any idea what sort of place the world is becoming all around you? The days when you could act out of your noble instincts are over. . . . Gentlemen like our good host still believe it's their business to meddle in matters they don't understand. So much hog-wash has been spoken here these past two days. Well-meaning, naïve hog-wash. You here in Europe need professionals to run your affairs. If you don't realize that soon you're headed for disaster. A toast, gentlemen. Let me make a toast. To professionalism.³⁰

What are we to make of Senator Lewis's toast? First, it is a point of incredible irony for Stevens—unfortunately, one that is lost on him. Senator Lewis's duplicity has outraged Stevens on behalf of Lord Darlington. No doubt exists that Stevens's sympathies lie entirely with Lord Darlington against Senator Lewis, the enemy. And yet Stevens is the only man in the room entitled, and indeed required, to accept the Senator's toast. For Stevens and Lewis are the only professionals there, and Stevens's own professionalism, at that very moment, is tested as few people's professionalism will ever be tested.

Second, however, Senator Lewis offers a radically different concept of professionalism from Stevens's, a concept that calls all that Stevens stands for into question. Recall that Senator Lewis states that "international affairs today are *no longer* for gentlemen amateurs,"³¹ suggesting that at one time gentlemen amateurs could in fact have conducted international affairs. When Lewis adds that "[t]he days when you could act out of your noble

30. *Id.* at 102.

31. *Id.* (emphasis added).

instincts are over,"³² he confirms this diagnosis and explains why he has adopted Machiavelli's view of political professionalism—the view that political professionals must instruct princes in how *not* to be good.³³ Quite simply, the world has changed. Stevens, on the other hand, maintains precisely the view of professionalism that Lewis criticizes. At one point, Stevens explains that butlers of his generation "were ambitious, in a way that would have been unusual a generation before, to serve gentlemen who were, so to speak, furthering the progress of humanity. . . . [F]or our generation, I think it fair to say, professional prestige lay most significantly in the moral worth of one's employer."³⁴

How can a butler contribute to the progress of humanity? Stevens explains:

Our generation was the first to recognize . . . that the great decisions of the world are not, in fact, arrived at simply in the public chambers Rather, debates are conducted, and crucial decisions arrived at, in the privacy and calm of the great houses of this country. . . . It was the aspiration of all those of us with professional ambition to work our way as close to this hub as we were each of us capable.³⁵

Senator Lewis, of course, is announcing that the great decisions of the world will no longer be arrived at in private, calm country houses.

Stevens adheres to what I will call the "professionalism of deference." As we have seen, it begins with a moral choice among employers, but, from then on, the employee offers loyal and efficient service while deferring to the employer in all further moral decisions. When Miss Kenton challenges Stevens about firing the two Jewish servants, and, later when someone challenges him about Lord Darlington's support for Ribbentrop and the Nazis, Stevens's reply is the same: Lord Darlington, not Stevens, is the sole competent judge of such questions. In an

32. *Id.*

33. See NICCOLÒ MACHIAVELLI, *THE PRINCE* 83 (W.K. Marriott trans., 1958).

34. ISHIGURO, *supra* note 2, at 114.

35. *Id.* at 115.

aside to the reader, Stevens takes strong exception to the idea that a butler "should make it his business to be forever reappraising his employer."³⁶ Instead, Stevens staunchly defends the professionalism of deference, which he calls "loyalty *intelligently* bestowed."³⁷

Senator Lewis adheres to what might be called the "professionalism of expertise." This consists, roughly, in reducing every practical question to a technical question having no moral dimension. Technical questions are for experts, and experts regard moral qualms as quaint intrusions of sentimental irrationality into the domain of reason. In his toast, Senator Lewis intimates that the modern world is no place for old-fashioned virtue. He echoes the ideas of Max Weber, who spoke of the "disenchantment" and "rationalization" of the modern world—a world in which moralism, even loyalty intelligently bestowed, are archaic holdovers from an age of superstition.³⁸

Unlike the professionalism of expertise, Stevens's professionalism of deference is a moral vision. As Stevens puts it, "the question was not simply one of how well one practised one's skills, but *to what end* one did so."³⁹ This has obvious parallels in the law, where one view is that lawyers may and perhaps should use moral criteria in deciding which clients to accept, but, having chosen to represent a client, the lawyer must go all out for him. Unfortunately, by declining to reappraise the client or employer as his ends change over time, the deferential professional makes it impossible for himself to know if he really has bestowed his loyalty intelligently.⁴⁰ As Arendt remarked acidly

36. *Id.* at 200.

37. *Id.* at 201.

38. Max Weber wrote that "[t]he fate of our times is characterized by rationalization and intellectualization and, above all, by the 'disenchantment of the world.'" MAX WEBER, *SCIENCE AS A VOCATION* (1919), reprinted in *FROM MAX WEBER: ESSAYS IN SOCIOLOGY* 155 (H.H. Gerth et al. eds., 1946).

39. ISHIGURO, *supra* note 2, at 116.

40. The issue here can be framed in the formal language of decision theory. Given the high cost of reappraising one's position, is it rational to precommit to an initially-reasonable decision, knowing that some risk exists that the reappraisal will show the decision no longer to be reasonable? Or is it more rational to reappraise when one suspects that circumstances have changed? I defend the rationality of reappraisal over the rationality of precommitment in David Luban, *The Paradox of Deterrence Revived*, 50 *PHIL. STUD.* 129 (1986).

about Adolf Eichmann, "he was neither the first nor the last to be ruined by modesty."⁴¹ Of course, Stevens is no Eichmann, but his attempt to realize a moral vision without exercising moral judgment proves fatal, in its own small way.

Senator Lewis's professionalism of expertise, by contrast, assumes that moral visions are for simpletons. A real professional prefers a tough mind to a tender heart. As for Stevens's question to what end the professional practices his skills—well, the expert has no answer, because it is not a technical question, and technical questions are the only ones with which the expert is comfortable.

By the way, Machiavelli was closer to Stevens than to Lewis. He once joked that, because of his trans-Alpine diplomatic missions on behalf of Florence, his epitaph should read: "Niccolò Machiavegli [sic] For love of country 'pissed in many a snow'."⁴² Does Senator Lewis act out of love of country? Do we know? Does he care? We have all met lawyers like him, and my own experience is that to ask them such questions is to make them nervous, angry, or defensive—sure signs that the question itself hasn't been thought about and isn't welcome.

I prefer the professionalism of deference because I prefer idealism to nihilism. But make no mistake: both the deferential and the expert professional arrive, by their very different routes, at the same unfortunate end—the anesthesia of conscience, the suppression of innocent moral impulse. To both of them I prefer a third vision: the *professionalism of presumption*, in which the professional assumes the responsibility of counseling and even correcting an employer's bad moral judgment.⁴³ The professionalism of presumption is a rarer version of professionalism, exemplified in the law by Louis Brandeis and in (fictional) butlering, as Atkinson has pointed out,⁴⁴ by P.G. Wodehouse's Jeeves.⁴⁵

41. HANNAH ARENDT, EICHMANN IN JERUSALEM 114 (rev. ed. 1964).

42. SEBASTIAN DE GRAZIA, MACHIAVELLI IN HELL 385 (1989).

43. See, e.g., ANTHONY T. KRONMAN, THE LOST LAWYER: FAILED IDEALS OF THE LEGAL PROFESSION (1993); Robert W. Gordon, *The Independence of Lawyers*, 68 B.U. L. REV. 1 (1988); David Luban, *The Noblesse Oblige Tradition in the Practice of Law*, 41 VAND. L. REV. 717 (1988).

44. Atkinson, *supra* note 4, at 198.

45. See, e.g., P.G. WODEHOUSE, THE INIMITABLE JEEVES (Barrie & Jenkins Ltd.

It is rarer because, almost by definition, the professionalism of presumption is out of order. It crosses the boundaries of established role-relationships and will always be denounced (sometimes rightly) as arrogance, disloyalty, or paternalism.⁴⁶ Significantly, it makes no appearance in *The Remains of the Day*, and, unfortunately, I suspect that Ishiguro more accurately mirrors the world than Wodehouse does.

Let's return to the morning of the peace conference when Stevens visited his father, who began what was clearly meant to be his final benediction.

[Father:] I hope I've been a good father to you.

[Stevens laughs a little and says:] I'm so glad you're feeling better now.

[Father:] I'm proud of you. A good son. I hope I've been a good father to you. I suppose I haven't.

[Stevens:] I'm afraid we're extremely busy now, but we can talk again in the morning.⁴⁷

Stevens leaves abruptly—and, of course, he never hears another word from his father in this life.

It takes no great imagination on our part to understand why Stevens behaves so brutally. To do otherwise would risk abandoning the self-control, the professionalism—the dignity—that he clings to with what must be something close to desperation. As Stevens explains much later in the novel:

[A]ny butler who aspires at all to a "dignity in keeping with his position" . . . should never allow himself to be "off duty" in the presence of others. . . . A butler of any quality must be seen to *inhabit* his role, utterly and fully; he cannot be seen casting it aside one moment simply to don it again the next as though it were nothing more than a pantomime costume.⁴⁸

1973) (1923) (portraying Jeeves's presumption as his most prized quality, because it regularly saves his dim-witted master, Bertie Wooster, from a series of disasters).

46. For recent criticisms of Brandeis's "presumptuous" legal ethics see Clyde Spillenger, *Elusive Advocate: Reconsidering Brandeis As People's Lawyer*, 105 YALE L.J. 1445 (1996); Monroe Freedman, *Playing God: Brandeis' [sic] Lawyer for the Situation*, LEGAL TIMES, Apr. 1, 1996, at 21.

47. ISHIGURO, *supra* note 2, at 97.

48. *Id.* at 169.

If that means that he must abandon his dying father; if, as later becomes clear, it means abandoning hope of marrying Miss Kenton, whom he loves; if it means leading a life so stunted that it hardly resembles a life, well, perhaps those are the sacrifices that professionalism requires—in a lawyer as much as in a butler. For what Stevens says of butlers seems true of lawyers as well: “A [lawyer] of any quality must be seen to *inhabit* his role, utterly and fully; he cannot be seen casting it aside one moment simply to don it again the next as though it were nothing more than a pantomime costume.”⁴⁹

We may wish to resist the idea that lawyers must identify so thoroughly with their role. Gerald Postema has argued that the lawyer's role contains a tacit but nonetheless real discretion to break with the role when morality so requires;⁵⁰ William Simon also has defended a conception of the lawyer's role that incorporates wide-ranging ethical discretion.⁵¹ I find both these views persuasive. They are, nevertheless, minority views of legal ethics. Moreover, although viewing the lawyer's role in this way may go far toward relieving the tension between professional ethics and everyday virtue, it is hard to believe that the tension will wholly disappear. Neither Postema nor Simon suggests that it will.⁵² Finally, it seems clear that one of Postema's and Simon's principal motivations in reformulating the lawyer's role is precisely to make it easier for a lawyer of quality to “inhabit his role, utterly and fully.”⁵³ It is not difficult to imagine that a lawyer who treats his or her role in the flexible way that Postema and Simon recommend might become as engrossed in work as Stevens, and might make the same sacrifice of a multidimensional personality that Stevens does. So Stevens's ideas about professionalism, his revulsion at those who would regard their vocation as a mere pantomime costume, seem largely applicable to the profession of lawyering as well as to the profession of butlering. Yet Ishiguro's

49. *Id.*

50. Gerald J. Postema, *Moral Responsibility in Professional Ethics*, 55 N.Y.U. L. REV. 63, 81-89 (1980).

51. See William H. Simon, *Ethical Discretion in Lawyering*, 101 HARV. L. REV. 1083 (1988).

52. See *id.* at 1119; Postema, *supra* note 50, at 81-89.

53. ISHIGURO, *supra* note 2, at 169.

striking parallel between the rigid professionalism of Stevens and the reptilian professionalism of Senator Lewis seems to cast doubt on professionalism as such.

Read in this way, *The Remains of the Day* seems like a soft-spoken but overwhelming diatribe against professionalism. That judgment is too hasty, however, for Ishiguro also takes elaborate pains to state the case for professionalism.

In 1937, Lord Darlington's godson, Mr. Cardinal, tells Stevens that the Nazis are using Darlington "for their own foul ends."⁵⁴ Cardinal recalls Senator Lewis's toast fourteen years earlier and says:

[The American chap] pointed at his lordship and called him an amateur. Called him a bungling amateur and said he was out of his depth. Well, I have to say, Stevens, that American chap was quite right. It's a fact of life. Today's world is too foul a place for fine and noble instincts.⁵⁵

Remember, of course, that Lord Darlington dies in disgrace—a disgrace so profound that Stevens, his staunchest defender, finds himself at the end of the story reluctant to admit to strangers that Lord Darlington had ever been his employer.⁵⁶ Can it be that Senator Lewis was right—that the twisted virtues of professionalism *are* the sole reliable guides to public life in the modern world, that the morality of innocence has no place? The distinguished philosopher Stuart Hampshire reluctantly reaches this conclusion in his marvelous book *Innocence and Experience*.⁵⁷ Is it Ishiguro's ultimate and devastating judgment as well?

I don't think anything so simple quite captures the moral depth, complexity, and ambiguity of Ishiguro's story. Ishiguro clearly knows the history of the period between the world wars very well, but the history he so skillfully uses to frame the story seldom appears explicitly in the text. I will fill it in.

When Lord Darlington convened his conference in 1923, Germany was in the midst of unspeakable trauma. In 1921, led by

54. *Id.* at 223.

55. *Id.* at 223-24.

56. *See id.* at 123-26, 201.

57. STUART HAMPSHIRE, *INNOCENCE AND EXPERIENCE* 161-89 (1989).

the vengeful French, the Allies set war reparations for an already ruined Germany at a staggering 132 billion marks—about \$33 billion at a time when national economies were far smaller than they are today.⁵⁸ When Germany defaulted on her payments, France occupied the Ruhr industrial heartland, elevating German rage and despair to a fever pitch.⁵⁹ These events occurred in January, 1923, just two months before Ishiguro sets Lord Darlington's conference. The conference, in other words, takes place in the midst of an international crisis. The German government was printing money as fast as it could to pay the reparations demanded by the Treaty of Versailles.⁶⁰ Not surprisingly, hyperinflation set in, and German industrialists were all too happy to ruin their country by letting the mark crash, since that meant that they could retire their own debts in worthless money,⁶¹ worthless it certainly was. Three months after the conference at Darlington Hall the exchange rate plummeted to 160 thousand marks to the dollar; four months later, a single dollar could buy more than 4 *trillion* marks.⁶² In Bavaria, Adolf Hitler's National Socialist Party had grown to 55,000 members and in November 1923 he attempted his infamous Beer Hall Putsch.⁶³ Though it failed, the German people were, for the first time, turning a willing ear to Hitler's message of hate and vengeance.

In short, it truly was a fateful moment for Europe. One can only speculate, of course—but if the Allies had revised the Treaty of Versailles and relieved the German agony, it is possible that Hitler would have remained a fringe politician forever.⁶⁴ My own conjecture is that Ishiguro set his imaginary peace conference in 1923 precisely because he wanted to choose a time when Lord Darlington's "amateurism" may have been right.

58. CHARLES P. KINDLEBERGER, *A FINANCIAL HISTORY OF WESTERN EUROPE* 290 (1993).

59. *Id.* at 293.

60. *Id.*

61. THE NEW CAMBRIDGE MODERN HISTORY, *THE SHIFTING BALANCE OF WORLD FORCES 1898-1945* at 487 (C.L. Mauat ed., 1968).

62. Gerd Hardach, *Banking in Germany, 1918-1939*, in *BANKING, CURRENCY, AND FINANCE IN EUROPE BETWEEN THE WARS* 274 (Charles H. Feinstein ed., 1995).

63. LOUIS L. SNYDER, *THE WEIMAR REPUBLIC* 57-60 (1966).

64. A.J. RYDER, *TWENTIETH-CENTURY GERMANY: FROM BISMARCK TO BRANDT* 277 (1973).

Continuing with a bit more history, the French refused to consider revising the Treaty in part because France owed the United States a substantial wartime debt and needed the German reparations to repay America.⁶⁵ Ironically, just as Germany destroyed the mark to pay the French, by 1928 France had to devalue the franc to pay the Americans.⁶⁶ As Dupont observed at Lord Darlington's conference, it was entirely in America's financial interest to leave the Versailles arrangements intact.⁶⁷ Moreover, those arrangements would guarantee a divided, rather than a united Europe competing with America for dominance of the Atlantic. Small surprise, then, that Senator Lewis, representing American realpolitik and real-finanz, wanted Lord Darlington's conference to fail. Like other professional leaders,⁶⁸ Senator Lewis foolishly dismissed German popular sentiments that were already nearing the boiling point.⁶⁹ The Germans would soon enough surprise the professionals by bringing them face-to-face with the ultimate amateur, Adolf Hitler. The professionalism of expertise is always surprised when its best-planned social engineering shipwrecks on the reef of "unenlightened" popular sentiment.

In the late 1930s, conservative German leaders like Schacht and Papen made the same mistake.⁷⁰ They connived to bring Hitler to power because they falsely thought that they could control him.⁷¹ It was precisely their professionalism that made them unable to see the world in any terms beyond those of politics-as-usual. Politics, however, was no longer as usual. In other words, professionalism caused a wholly predictable failure of moral imagination on the part of the professionals: the Senator Lewises, the Schachts, the Papens, the Chamberlains, perhaps even the Churchills. Their professionalism had to be redeemed by 35 million innocent lives. In words of Oliver Wendell Holmes,

65. KINDLEBERGER, *supra* note 58, at 295-99.

66. *Id.* at 346-48.

67. ISHIGURO, *supra* note 2, at 101.

68. *See generally* GEORGE, *supra* note 22 (describing at length the "warped vision" of Britain's leaders regarding Germany).

69. *See* ISHIGURO, *supra* note 2, at 102.

70. RYDER, *supra* note 64, at 312, 346-47.

71. *Id.* at 278-80.

the butcher's bill was high.⁷²

In short, in 1923 Lord Darlington, the amateur, was precisely right and the professionals were fatally wrong. Lord Darlington's generous instincts exactly mirrored the growing despair and outrage of the German people who would soon acclaim Hitler as their savior. If the professionals had reacted as Darlington did, the course of history might have changed.

Ishiguro, I think, wants us to appreciate this. But he also wants us to remember that Lord Darlington *did* fire the two serving-women solely because they were Jews, that he *did* eventually become an unwitting pawn of Hitler, and that his amateurism *did* eventually betray him. Indeed, by 1937 he had become just as contemptuous of "amateur" popular sentiment as Senator Lewis had been.⁷³ At the same time, Stevens, the professional who served Lord Darlington as a loyal lawyer might serve an unworthy client, comes to find that his professionalism has betrayed *him*. It costs him a large part of his humanity, as well as the love and marriage that might have comforted the bleakness of his declining years.

Stevens's grief near the end of the story is all the more poignant because he has failed on his own terms. As he explains the ambitions of his generation of butlers, their idea of dignity was not just to serve old and propertied families. It was, in his words, "to serve gentlemen who were, so to speak, furthering the progress of humanity. . . . [F]or our generation, I think it fair to say, professional prestige lay most significantly in the moral worth of one's employer."⁷⁴ Sadly for Stevens, in the end, his employer is revealed as, quite literally, a moral fool. Consider Stevens's bitter reflection on what this fact means for his own career, serving Darlington as a loyal lawyer serves a disappointing client:

Lord Darlington wasn't a bad man. He wasn't a bad man at all. And at least he had the privilege of being able to say

72. OLIVER W. HOLMES, JR., *TOUCHED WITH FIRE: CIVIL WAR LETTERS AND DIARY OF OLIVER WENDELL HOLMES, JR.* 121 (Mark DeWolfe Howe ed., 1946) ("you will know how immense the butchers [sic] bill has been").

73. ISHIGURO, *supra* note 2, at 194-97.

74. *Id.* at 114.

at the end of his life that he made his own mistakes. His lordship was a courageous man. He chose a certain path in life, it proved to be a misguided one, but there, he chose it, he can say that at least. As for myself, I cannot even claim that. You see, I *trusted*. . . . All those years I served him, I trusted I was doing something worthwhile. I can't even say I made my own mistakes. Really—one has to ask oneself—what dignity is there in that?⁷⁵

Stevens torments himself with the ultimate self-criticism: not just that he has sacrificed his happiness to no good end, but that his has been a career without dignity. Remember that all along Stevens sacrificed his happiness for just one reason: to attain the professional ideal of dignity.

But Ishiguro's genius is not content to let this be the final judgment either. In the novel's last two pages, a stranger comforts Stevens, telling him that he should not castigate himself in the evening of his life, for the evening is the best part of the day.⁷⁶ Here are Stevens's thoughts:

Perhaps, then . . . I should . . . try to make the best of what remains of my day. After all, what can we ever gain in forever looking back and blaming ourselves if our lives have not turned out quite as we might have wished? . . . Surely it is enough that the likes of you and I at least *try* to make our small contribution count for something true and worthy. And if some of us are prepared to sacrifice much in life in order to pursue such aspirations, surely that is in itself, whatever the outcome, cause for pride and contentment.⁷⁷

Stevens then returns to the butler's role and resumes the absurd project that has occupied him for the preceding few weeks—training himself, an old man utterly without a sense of humor, to banter pleasantly because his new American employer seems to expect it. We laugh at Stevens through our tears because we know that he is absurd, but we also know that he has

75. *Id.* at 243.

76. *Id.* at 243-44.

77. *Id.* at 244.

somehow found the courage to go on living with nothing left to live for. We know that in the remains of the day we will all need that courage, and we hope that we can find it with as much dignity as Stevens.

So far, I have contrasted professionalism with amateurism, and one-dimensional professional morality with full-hearted moral sentiment. This differs from the familiar contrast of professionalism with commercialism that agitates the bar today. Yet the latter contrast also creeps in at the edges of Ishiguro's novel.

Stevens's father belonged to a generation of butlers who served traditional landed property; Stevens tells us that his generation served humanitarians.⁷⁸ By 1956, however, Darlington Hall has been sold to Mr. Farraday, a wealthy, perhaps nouveau riche, American who prides himself on having "bought" an authentic English butler as well as an authentic English estate.⁷⁹ By this time, most of the rooms of Darlington Hall have fallen into disuse; sheets cover the furniture, and Stevens's staff has dwindled. Stevens understands that his own powers are failing under the weight of years. Furthermore, unlike his father, he has left no children to carry on because his professional commitment to Lord Darlington, as he understood it, kept him a bachelor. His loyalty to his new employer is just as whole-hearted and thorough as was his loyalty to Darlington; Farraday has gotten the most value that money can buy. He has gotten the remains of Stevens's day. Yet in this novel commercialism is a late-comer on the scene and money can buy only the shadow of past eras. Very little remains of the day; after the evening comes the night.

As I have been reading *The Remains of the Day*, Ishiguro presents the moral dilemmas of professionalism with a gentle but entirely merciless hand. He presents them, but he does not resolve them. If his book has a moral, it is that none of us should presume to think that we *can* resolve them. Lord Darlington's initial amateurism, his uncalculated moral sentiment that proceeds from an innocent heart, turns out to be both absolutely right *and* absolutely misguided. Senator Lewis's sense

78. *Id.* at 114.

79. *Id.* at 124.

that the world is too complex and sordid for amateur moralists turns out to be both damnable folly and literal truth. Stevens's own professionalism costs him his soul, and yet he owes his soul to it. Ishiguro does, however, leave us with a few solid conclusions beyond these paradoxes.

First, if we think back to the 1923 peace conference, we must appreciate that Lord Darlington's unprofessional conscience got it right. As lawyers, we must appreciate that when professional morality commands us to do something revolting to the nonprofessional conscience, the default assumption should be that the nonprofessional conscience has it right and that professional morality is too clever for its own good. As public disgust with lawyers mounts, this is a lesson that those of us concerned with legal ethics must not ignore. Else we will make the same mistake as the complacent Senator Lewis.

Second, however, we should recall that Lord Darlington's amateurism depends wholly on the professionalism of Stevens and his staff. Darlington's momentary triumph at the conference comes off well only because Stevens's sense of professionalism keeps him at his post while his father dies upstairs. The nonprofessional conscience is a luxury that we can indulge only because of the millions of professionals who do the world's work without similarly indulging.

Third, professionalism consists in performing the duties of one's station. As the nineteenth-century moralist Francis Bradley observed, the ethics of "my station and its duties" is *by definition* conservative, since it presupposes that the existing system of stations and duties is fundamentally decent.⁸⁰ Professionalism takes the system of stations and duties as a given; its relation to history is, at bottom, uncritical and anti-utopian. It is not a morality for dreamers. It bends its knee to the normative force of the actual; it curbs conscience and imagination in the name of the reality principle. When human affairs reach a crisis-point in which the past proves itself an unreliable guide, such as in 1923, the moral system of professionalism both betrays us and condemns us. As Georg Lichtenberg wrote, "[w]e have the often thoughtless respect accorded ancient laws, ancient usages

80. FRANCIS H. BRADLEY, *ETHICAL STUDIES* 160-206 (2d ed. 1927).

and ancient religion to thank for all the evil in the world."⁸¹ Today, when we look around us and see injustice, unhappiness, and hatred everywhere, we cannot in decency accept the constraints of history as a given. We cannot abandon dreams, imagination, or conscience. And so we cannot exult in the moral system of professionalism. Perhaps we can't even defend it.

There is nevertheless a hidden heroism in bowing to the constraints of professionalism. That is the fourth point that comes out of Ishiguro's novel. Oliver Wendell Holmes once said:

I do not know the meaning of the universe. But in the midst of doubt, in the collapse of creeds, there is one thing I do not doubt, that no man who lives in the same world with most of us can doubt, and that is that the faith is true and adorable which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a plan of campaign of which he has no notion, under tactics of which he does not see the use.⁸²

This faith is the faith of Stevens.

Now at times I think that Holmes's idea is more than a little bit crazy. It also seems to me, at other times, to be absolutely right. History does constrain us, and we are creatures of limits. If we are to live decent lives, we have to make commitments. If we are to live honorable lives, we have to keep them. None of us is farsighted enough to be sure that our commitments will make us happy, and none of us should be so arrogant as to know that our commitments are good. I am talking about family commitments, religious commitments, social, political, and moral commitments; above all, I am talking today about professional commitments. A pre-Socratic philosopher once said that there are three human virtues: intelligence, strength, and luck.⁸³ If professional lives lived in the law turn out morally well, we owe

81. GEORG CRISTOPH LICHTENBERG, *APHORISMS* 59 (R.J. Hollingdale trans., 1990).

82. OLIVER W. HOLMES, *The Soldier's Faith*, in *THE ESSENTIAL HOLMES* 89 (Richard A. Posner ed., 1992).

83. ANCILLA TO THE PRE-SOCRATIC PHILOSOPHERS: A COMPLETE TRANSLATION OF THE FRAGMENTS IN DIELS, *FRAGMENTE DER VORSOKRATIKER* 70 (Kathleen Freeman trans., 1952) (quoting Ion of Chios, a philosopher who was active between 452 and 421 B.C.).

this in large measure to luck.

After all, if Lord Darlington had been lucky enough to succeed in his political efforts in 1923, he might have died in honor as the statesman who kept the peace, and Stevens might have faced his loneliness with pride or even found the heart to ask Miss Kenton for her hand. As it is, if Stevens's professional project failed, he could at least know that he kept faith and kept his dignity. That is not nothing.