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# Jean Monnet Chair Papers

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## **International Authority and Professions**

### **The State Beyond the Nation-State**

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Orzack, *International Authority and Professions*  
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1992

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# **International Authority and Professions The State Beyond the Nation-State**

Louis H. Orzack\*

## **I**

The analyses that follow explore ways in which the growth of international authority and the expansion of links among economies affect the structures of professions at national levels. Systems for sustaining patterns of professional practice, for regulation of professions by public bodies, for defining activities of groups representing practitioners and for establishing and maintaining educational arrangements required for access to practice, are commonly assumed to develop and remain in national isolation.

Along with growth in market participation by multi-national corporations, the growth in orbits of action of international authorities constrains and impinges upon the insularity of professions. The expanding presence of supranational and international public authorities will without doubt increasingly change contemporary structures of professions. The European Community, the Organisation for Economic Co-Operation and Development (OECD), and the multinational GATT negotiating structure exemplify this trend. Regional trade agreements such as the Canada-US Trade Treaty and the current Canada-US-Mexico negotiations intended to create a North American regional counterpart to the European Community also presage changes in the national isolation of professions. United Nations agencies such as the World Health Organization, the Food and Agriculture Organization, the Center on Transnational Corporations, and the Conference on Trade and Development must also be mentioned, as should the World Bank.

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The significance for professions of the internationalizing of economies and of authority has commonly been overlooked. These presentations seek to fill that gap and to entice further study of this phenomenon so strikingly characteristic in this era.

## II

While professions and bodies representing them respond to the internationalizing of the world economy, professions are not equally engaged in the international locking together of the world's societies. Some organizations that represent professions have been well aware of international public authorities, the intertwining of world economies, and the further expansion of industrial links. Others continue with more parochial concerns and with predominantly local issues. Much more study will have to occur to identify the structural characteristics, impelling circumstances, and consequent courses of action that distinguish between these categories.

This interim analysis concentrates on the spans and intensities of relationships of professions with public authority. It exploits the following data sources: first, a wide range of professions, second, diverse structures of these professions, third, distinctive systems of public authority, fourth, different modes of contact between professional bodies and organizations possessing public authority, and, fifth, varieties of activities and ideas exchanged between these professions and international organizations. Such a comparative approach permits a multi-dimensional analysis of interest group efforts by various kinds of professional associations as they intersect and interact with supra-national, multi-national, and national systems invested with public authority.

The comparative approach utilized in this project examines the patterns of activities among (a) various national governments, supra-national, and multi-national public bodies, and (b) diverse professions, different components of professions, multi-national networks among professions, and national structures linking professions. A scope of such breadth extends over different structures of both government and professions. This respects but amplifies Rueschemeyer's stricture that "...comparison is indispensable for understanding the professions' position in [a] ... country precisely because nationally specific institutions shape the conditions of their role" (Rueschemeyer, 1987, p. 463).



Inclusion of supra-national and multi-national public bodies and professional groups introduces even newer dimensions necessary for understanding how professions and public authority intersect. An orienting assumption is that various forms of government and of other organizations wielding public authority link with professions in distinctive fashions. Only comparative study can specify when and how this occurs. Otherwise, little can become known about professional structures and their relations with governmental as well as non-governmental systems of public authority, and with supra-national and multi-national public bodies, whether possessed of sovereignty or not (Averyt, 1975).

The comparative endeavor advocated here calls for analysis, first, of ways in which professions and government intersect within different kinds of national domains. Professions or government or both can initiate and focus attention upon such key substantive topics as scope of work activities, control of entry, elements of education, licensing requirements, client access, and modes of payment. Some professions do not desire government sanction of claims to authority and may resist approval of mandates. Market factors may dominate and government play only a limited role. Elsewhere, government action may be preconditions for professional undertakings. Such diverse patterns include co-existence, sanction, restriction, subordination, or dominance, patterns that can not be assumed as universal on any *a priori* basis.

A second objective concerns whether and why professions act separately, jointly, in parallel, or collectively in their approaches and responses to government and to public authority. This goes beyond matters of substance and of links between professions and government. It extends to analysis of conditions prior to isolation, to concerted action by professions, or to corporatism. It allows comparison with industries and unions for which similar action routes exist. Extrapolation from single domains is at least foolhardy.

A third objective is cross-national examination of interactions in diverse authority systems, auspices for work, educational systems, and professional structures. Generalizations derived otherwise, from studies of single societies and a restricted number of specialties, will yield erroneous results.

Fourth, the extent of diffusion of systems through movement or migration of specialists, practitioners, educators, or clients, the movement of information allowing transfers of technology, of concepts and norms of practice, and of patterns of ethics, and the initiatives of practitioner bodies and of government should be examined.

A fifth objective concerns the consequences for professions that follow from the development of international and regional organizations with varying kinds of authority. The European Community, the General Agreement on Tariffs and Trade (GATT), Organization for Economic Co-operation and Development, World Bank, World Health Organization, and UNESCO come quickly to mind as bodies likely to include professions and their services within their mandates.

### III

At the November 1991 UK/EEC conference in London on mutual recognition of professional qualifications, diversity in affiliations, structures, and actions that characterize associations of practitioners of professions across the array of the 12 member states of the European Community (EC) were identified as major problems (UK Department of Trade and Industry, Proceedings, 1991). All professions, it was stated, are practiced differently and have varying domestic regulations. Various representatives of national regulatory bodies, of professional associations, and of national co-ordinators reported difficulties in finding equivalent groups in any other member state. The paucity of links among equivalent bodies in the different countries was also noted.

This ignorance and uncertainty about possible differentials in features of professions in the Community's member states includes the capabilities of qualified specialists coming from other member states; their rights to practice; the expectations of others about competencies and skills of specialists; the educational processes through which abilities are acquired and appraised; the rigor, nature, and duration of supervision during preparatory practice; and the existence as well as nature of assessment procedures that evaluate mastery of skills (Neave, 1984).

Professions and political processes in relation to international authority have generally been overlooked in recent scholarly literature. Dominik Lasok's analysis of the Treaty framework for the professions (1991) and Julia Laslett's review of Community actions concerning the mutual recognition of diplomas (1990/1) both refer to political processes that affect these matters. Neither authoritative account reviews the interactions of professional bodies with various European Community institutions during the many years of their concern. Each author avoids all but cursory references to such issues. Lasok and Laslett unfortunately overlook important sources vital for analyses of political processes that affect relations between professions and international institutions. Multi-national linkages among professional bodies of



various nations are the institutional component generally considered by these and other authors.

Review of bibliographical entries and of the texts created by them demonstrates that the following sources are not exploited in their work: (1) national professional bodies: (a) direct contact through interviews and observations at conferences; (b) association newsletters and journals; (c) data bases utilized and created by associations; (d) press releases and documentation furnished to the public; and (e) conference proceedings and presentations; (2) international liaison committees linking: (a) national associations of practitioners; (b) educational groups both faculty and students; and (c) educational bodies such as university rectors; (3) national governments: (a) annual reports; (b) monographic documents and reports; (c) legislative debates and committee reports; and (4) EC institutional documents issuing from the largely undercited European Parliament and Economic and Social Committee in addition to frequently cited materials from the Commission and the European Court of Justice.

Key actors outside EC institutions constitute likely sources of significant information concerning professions and their services. They come from various sectors. Foremost among them are producer and service suppliers, both national and multinational, industrial federations, and the international federations of national associations. Consumer organizations frequently seek to play a vital part in policy influencing. Further, government regulatory and licensing boards comprise another involved sector. To this must be added government ministries and departments for health, social services, finance, insurance, education, trade, transport, energy, and environment. Finally, coverage within the trade press and within professional, scientific, and industrial journals often reports developments, identifies issues, trends and problems, and contains speculations about future patterns directly tied to professions, to their services, and to practitioners.

Lasok for example refers (p. 67) to the "vested interests" of the professions themselves and states that these had to be "overcome". He goes so far as to describe implementation of Article 57 as a "continuing process, slow and cumbersome". He attributes this to inertia by governments of member states, concerned as they are with domestic structures already in place, and to the vested interests of professions themselves (Lasok 59, 67). In no way does he otherwise explicate this. He does not specify how, in what ways and through which methods, can inertia of governments and vested interests of professional bodies combine to produce static situations. He does not suggest or imply that professional bodies might make positive contributions to the develop-



ment of policy. He does not refer in citations to frequent and continuing interventions and actions undertaken by individual professional bodies with Community institutions during consideration of draft sectoral Directives. Nor does Lasok refer to efforts by professional bodies in connection with enactment or implementation of the recently approved General Systems Directive.

Lasok leaves open the question of whether more progress is likely to occur with the new approach built into the General Systems Directive (EC 89/48, 21.12.1988, OJ 1989, L19 24.1.89). This covers all remaining fields of work by professionals where no sectoral Directives exist, provided the practitioners achieve extensive specialized qualifications. It rests on the principle of mutual recognition of qualifications. Preparation of the draft text for this Directive occurred without the kind of overt consultation with interested bodies, either national, multinational, or international, that marked consideration of sectoral Directives.

Implementation and enforcement of provisions of this Directive may set new records for compliance and speed but that remains visionary and quite uncertain. The Directive's terms enlist participation by professional bodies from private sectors of member states as well as public regulatory and licensing boards. Enforcement of provisions of national implementing legislation becomes their obligation. Considered initially as vested interests, they are now to be coopted into a system that promises to open access to professional roles across the board. This will be well worth continuing study.

Julia Laslett in her review of the Community's efforts with the mutual recognition of diplomas states that progress has been slow "largely due to the huge complexity involved in harmonizing occupational qualifications" (p.1). In specifying what she identifies as "characteristics of the professions", Laslett lists training, ethical standards, and a direct client-practitioner relationship. With but one exception, she avoids mention of the elaborate system of professional associations and educational groups that maintain close contact with Community efforts to deal with professions. Laslett refers in a single sentence to the Standing Committee of Doctors in EEC (p. 10) and then to the "various bodies which represent the interests of the professions". She mentions "... a large number of European liaison committees for separate professions, composed of the associations representing the profession at European level" but states without clarifying detail that "these committees participate at a fairly early stage in the proposals,..." She adds only that "...those representatives of the profession sitting on the Economic and Social Committee are consulted only after the draft proposal is

complete" (p. 12). Her short reference to the October 1973 "hearing" known elsewhere as the Doctors Hearing indicates that representatives of all interested parties participated (p.13). This was an unprecedented conference, organized by Ralf Dahrendorf, then a Commission member, which a large number of representatives from various professions and educational groups drawn from all EC member states attended.

Laslett briefly mentions the European Secretariat of the Liberal, Independent and Social Professions (SEPLIS) but does not describe it or its activities. An international network of professional bodies, dating to the 1970's and still in existence, SEPLIS receives support from a number of the international specialty liaison committees mentioned above and from various federations of practitioner associations that have developed in some nations. EC proposals for sectoral Directives have been its particular concern. While not universally supported within professions in Europe, SEPLIS has been recognized by the EC Economic and Social Committee as a non-governmental body. It organized an assembly of professional bodies to protest OECD efforts to encourage governments to reduce or eliminate anti-competitive barriers to professionals' services. This will be discussed below.

A difficult question for those interested in analysis of professions and international public authority concerns distinctions between those professions for which draft Directives were finally approved by the Council and those for which draft Directives died somewhere in its enactment processes. If the Community's Architects Directive was the worst case, requiring more than a decade and a half of discussions and negotiations before final approval, it did nonetheless move along (EC85/384, 10.16.85, OJ 1985, L223/15).

So did a half dozen other sectoral Directives applicable individually to medical doctors, nurses, dentists, veterinary surgeons, midwives, and pharmacists (EC75/363, 16.6.75, OJ 1975, L167/14; EC77/453, 27.6.77, OJ 1977, L176/8; EC78/687, 25.7.78, OJ 1978, L233/10; EC78/1027, 18.12.78, OJ 1978, L362/7; EC 80/155, 21.1.80, OJ 1980, L 33/8; EC85/432, 16.9.85, OJ 1985, L253/37). These pertain to the rights of establishment and of provision of services as well as the mutual recognition of diplomas for qualified practitioners wishing to migrate or offer services, providing they are nationals of an EC member state and qualified in a member state. A sectoral Directive limited to the right of lawyers to provide services was approved by the Council of Ministers (EC 77/249, 22.3.77, OJ 1977, L78/17).

A good deal of effort by the Commission, by other EC institutions, and by governments was devoted to preparation and examination of Draft Directives for many specialties. International liaison committees



formed by national practitioner groups provided venues for extensive discussions among national associations and between the committees representing them and the Commission. National groups sought *entrée* to policy making by governments of member states through direct contact and communication with ministers and lower level administrators.

These bodies realized that potential Community actions could best be dealt with through cross-national communication with counterpart organizations. They could then exchange views during evaluation of Community proposals, seek consensus, and perhaps undertake collective action. They hoped jointly to develop more effective strategies to influence Commission policy and later Council action. These might include similar and simultaneous actions within member states or interventions with the several Community institutions. The Commission certainly continued as a prime point of contact for such liaison committees complemented by efforts directed at the Parliament and the Economic and Social Committee. Their development was also encouraged by the Commission itself, seeking a single point of contact in each field.

How can the failure of proposals for engineers, opticians, physiotherapists, accountants, psychologists, librarians, surveyors, and a host of others be explained? Draft Directives for some of these came close to enactment. For some professions — engineers and physiotherapists in particular — expectations that sectoral Directives would be enacted were widely held but were never fulfilled. Why the Community found it possible to reach closure for particular professions and not for others remains an intriguing question, one for which ready appraisals are not conclusive. Why some professions and not others? Why did some fields initially prove intractable or, alternatively, why did Community decision makers not give them priority attention? Further study is required for definitive answers (Crayencour, 1982).

Analysis of professions and international authority within the framework of the Community must start with the drafting and deliberative processes that ended either with enactment of various sectoral Directives or with the non-enactment of Directives drafted for such fields as opticians, engineers, and physiotherapists. After approval of sectoral Directives, the stage was set for enactment of implementing legislation in each member state. These would designate national bodies with appropriate enforcement powers. At the level of the Community, Advisory Committees on Training and, for certain fields, the Senior Committees on Public Health were created. These lengthy legislative and implementing processes attracted the very close attention of

professional groups at national and multi-national levels (Royal College of Nursing, 1977; EUROVET 1975).

The third stage, the General Systems Directive, was enacted largely without input from or participation by professional bodies. The Directive was drafted without input from liaison committees of professions. Such contacts were purposely avoided despite objections from professions. The Commission followed this exclusionary policy on the basis of its experience with protracted discussions and lengthy negotiations prior to enactment of sectoral Directives.

The White Paper and Single Act called for preparation of a directive creating a general system and mutual recognition of diplomas followed by implementation through member state legislation as well as enforcement mechanisms. For each specialty in each member state, a particular professional body, whether a private sector practitioner group or a public regulatory/licensing board, will be designated by the member state's government as the authority with competence in its field of practice. Within a government ministry deemed appropriate in each member state, a designated national coordinator will seek to ensure progress by the various competent authorities toward implementation of the General Systems Directive. These coordinators monitor implementing efforts and actions of associations or boards identified as competent authorities. The effectiveness of this broad approach will be tested within the next few years.

The drafting of the General Systems Directive occurred behind the shield of closed doors, *in camera*. Liaison committees that provide the vehicle for professions jointly to maintain contact with the Commission and other EC institutions were basically excluded from the process of its preparation. A number of professional associations wanted an exception in their own case and have clamored for drafting of a sectoral Directive for their individual profession. Accountancy and engineering bodies are examples. The tables at least now appear turned and the earlier suggestion that professions generally resist coverage of their affairs by Community legislation appears over-simple.

Remaining questions implied in the recent analyses by Lasok and Laslett are the following: When and how is government inertia overcome? What will change the level and effectiveness of so-called vested interests of professional groups? How much effectiveness can realistically be expected from the Community's new approach embodied in the General Systems Directive which relies on the mutual recognition of higher education diplomas awarded upon completion of specialized courses of at least three years duration (Orzack, 1990; Zilioli, 1989).



Each member state is directed to appoint national co-ordinators, within whatever government ministry it deems appropriate, to deal with those designated as competent authorities in the various professions in its domain. Will this approach realistically open national markets to entry of specialists from other EC member states? The emphasis upon mutual recognition by member states is, according to a recent appraisal,

...opposed to the traditional right of individual States to control the education of citizens and residents and to regulate the professions...; it limits the power of the State to check and evaluate all the qualifications of the other Member States. (Zilioli, 61-62).

How much change in educational qualifications, regulatory processes, and peer structures will result from the General Systems Directive is uncertain. Professional groups, government regulators, and educational bodies will have to become more amenable, more flexible, in adjusting as host country receivers charged with screening applicants from other countries. The overall thrust toward internal market liberalization during 1992 and beyond will indisputedly induce changes in professions. What is unclear however is the pace of change in different specialties and the extent of change in their diverse structural components.

As one examines professions, acknowledgement of diversity in governmental regulatory arrangements concerned with access to professional activities and in the organization of professional bodies becomes ever more pressing. In the Netherlands, for example, *advocaten* have no monopoly in the offering of legal advice and experience competition from many other groups. The engineering profession is not regulated in Denmark: anyone can become established and work as an engineer. Danish professional organizations are strictly private. No one must join an association to qualify to practice a profession. Accordingly, such groups are likely to have limited influence and to have restricted sanctions. Then, how can they evaluate experience and qualifications of applicants from other EC member states where other organizational patterns prevail. In those other countries, a regulatory component of government or a recognized association of practitioners, once identified as the competent authority, will decide upon entry to practice of persons with qualifications that have no *imprimatur* from a public body in countries of origin. Regulation found in one country may not exist elsewhere.

Further, what is regulated is not uniform, given diverse histories of relationships between professions and government in different countries. The UK Law Society representative at the November 1991 conference in London pointed out that the Law Society is "...a self-regulating, self-governing body that does not want to lose its autonomy. ...It would not

look to the EC for advice on complying with legislation any more than it would from the UK government. If it needed advice it would take independent legal advice" (Department of Trade and Industry, Mutual Recognition, 34). This must be contrasted with continental arrangements where regulatory bodies such as *ordres* are subordinate units in government ministries.

Other variants to public regulation exist, some examples of which are; title restrictions in offering services to the public, control of competition among practitioners, requirements for membership in practitioner associations, limitations on numbers of entrants either to educational programs or to practice itself, as well as fee schedules and arrangements for reimbursements, subsidies, or insurance payments. Implementation of free movement for qualified professionals will require reconciliation of such disparate arrangements, whether through harmonization or mutual recognition by member states.

A provocative and controversial speculation expressed at the 1991 London conference was that "eventually" European professional institutions will be established to replace national structures (UK Department of Trade and Industry, Mutual Recognition, 36). A somewhat similar proposal was also put forth a few months ago in a draft text of the Annex on Professional Services for use in GATT negotiations on a Framework Agreement. This called for Contracting Parties or governments to create what was identified as a Professional Services Body (PSB) to oversee implementation of the terms of the Annex (Coalition 4). This entity would presumably deal with all professions in all countries with regard to national barriers to trade in services and national restrictions to entry or access to professions. Its interest would include national and sub-national legislation and regulations that could restrict trade in services. If established, the PSB would be advisory to the GATS Council, hence presumably created by it rather than by members of professions or by groups representing them. The potential for substantial resistance by professions, either at national or international levels, to the creation, mandate, and operations of such a PSB is manifest.

PSB would be expected somehow to reach definitive, consensual conclusions applicable cross-nationally on such key matters as definitions of the scope of services; the range and substance of national government authority; distinctions between licensed and unlicensed activities; use of professional titles; research necessary to determine spheres for didactic education, practical experience, and ethical norms; recognition of international groups promulgating standards; recognition of governmental bodies and self-regulatory bodies — both at national



levels; linkages of national regulators and ombudsmen; and appeal procedures. It seems certain that any evaluations and analyses expressed on these critical matters by a PSB would elicit controversy and disparate views from the cohorts of professionals.

#### IV

Professional services constitute an increasingly large component of resource exchange within the world economy. Services offered or furnished by individual practitioners and by formalized groups of practitioners exist within such sectors as health, legal and judicial processes, education, science, technology, artistic and design efforts, military activities, tele-communications, insurance, and finance. These sectors include economic transactions where specialized services, trust, highly qualified personnel, and focussed skills link dependent consumers, either individuals or groups, with practitioners, either individuals or groups (Bressand and Nicoliadis, 1990).

The spread of international authority and the development of the global economy will without question affect the stature and stability of professions. With growth in global interdependency through penetration of markets by multinational firms, rising numbers of mergers and acquisitions, relocations of qualified personnel, and widening and accelerating reliance on electronic data storage and processing systems, transfer of knowledge across national borders becomes more prevalent. Policy making by national governments and actions of practitioner groups within national jurisdictions are exposed to events and processes associated with international and multinational institutions (Lehmbruch and Schmitter, 1982). Such exposure implies vulnerability as well as response and both will be discussed.

International structures of authority and international economies have developed in the modern world and affect the structures of professions. Multi-national corporations organize and coordinate services of professional specialties in entering and exploiting markets. Whether in response to that, or to the strengthening and more frequent presence of international and multi-national public authorities, or to the spreading and sharing of markets in different political jurisdictions, the growth of new structures that link together national professional bodies is increasingly evident (Berger, 1981). As interest groups on the international scene, these linking structures acquire information and share it among member associations, provide venues for the shaping of collective policy toward policy proposals emanating from international



bodies, and seek support for proposals within domestic or national settings (Miranti, 1986).

Agreements reached among governments and actions by international organizations exercising public authority often stimulate efforts of international liaison committees and networks of national groups of practitioners. Other origins exist as well. Linkages in professions occur as professions seek to provide services across national borders. Entry into world markets requires interconnections across national boundaries among groups of professionals marketing services cooperatively in various host countries. Networks that link professions across national borders are noteworthy features of this dynamic era.

Governments, regulatory and licensing organizations, professional bodies, manufacturing and service-providing enterprises, educators, and consumers now confront the provision of professional services across national borders. Linkage networks among traditionally separate national bodies of professions have mushroomed. Within the European Community, international liaison committees have developed for virtually every specialty affected by the prospect of draft Directives. Further, international networks that cut across professions and link parties such as governments and others interested in international flows or impediments to flows of services by professionals now exist.

This appraisal of international authority and professions raises questions of the following sort: First, how extensive and significant are contacts between these structures? Second, are they pervasive and do they concentrate in certain sectors of professional services already prominent in more than one nation? Third, are they restricted to certain regions of the world or to particular kinds of economies? Fourth, when do they arise, that is, what are the conditions that contribute to their emergence? Fifth, what processes of accommodation, harmonization, or mutual recognition occur given existing differences in standards and work norms for practice, educational qualifications, and public regulatory arrangements, and how can these be explained? Sixth, what consequences follow in particular with regard to social, political, and economic integration of national societies and with regard to the services and structure of professions in this modern era? And, seventh, do international networks of professions represent new and possibly stable forms, appropriate to the tumultuous ending of the twentieth century and likely to continue into if not through the twenty first century?

The tides created by various late twentieth century phenomena have for some been seen as contributing to a possible breakdown of professions. This is routinely attributed variously to technologically, financially, or administratively induced diffusion of responsibility for

client and patient services, increases in litigation, the rise of consumerism, and the spread in orbits of control of large organizations. Growth in international markets and in bonds among governments must now be added to this standard list.

As venues where services are rendered move further afield from venues where decisions are made concerning what services can be provided and by whom, bonds between consumers, whether clients or patients, and providers become even more attenuated than at present. While modern electronic communication modes permit ready transfer across vast distances of knowledge considered necessary for application to service needs, these technologies simultaneously allow exercise of administrative and fiscal controls. These forces impair the autonomy of practitioners and of national professional bodies. Knowledge and skills derived from scientific study and practical experience will continue to grow at accelerating rates in the next century. Demands for their application to human and organizational problems will also accelerate. A reasonably likely forecast is that accumulations of knowledge, skills, and information will be transmitted ever more readily from practitioners to newcomers and across national and continental boundaries while their application to human and organizational needs throughout the global society will rapidly become more problematic.

At international levels, Arkell identified a double set of concerns as a core issue for such professions. First is the difficulty of assurance of competence through maintenance of standards. Second is the removal of discriminatory barriers to entry of competing offerers of services. How can consumers be protected in the face of broader and more open entry of persons and groups providing professional services who come from other places, with other kinds of qualifications, and with diverse experience?

These trends confront existing domestic or national restrictions that limit competition by practitioners. They are common but variable in substance across the spectrum of EC member states. The extent of marginalization of alternative medicine, for example, differs among them. So do rules that in certain places inhibit accountants who perform audits from offering tax advice and prevent opticians from examining eyes for vision defects.

A mounting variety of pressures affects professions. Cultural diffusion and technological advances beyond the control of insular professions or of national governments may influence professions. Among these are multi-societal trends toward consumerism and a broadening of liability; higher expectations for health, safety, and personal security; reductions in personal autonomy; rapid innovation; national preference policies;



introduction of new materials, technologies, products, and services; increasing trade within global markets; deregulation and moves against restraint of trade; cultural sensitivities; security concerns; and shifts in levels of public subsidies. A common charge directed at professions is that associations of practitioners seeking to develop standards for the qualifications of practitioners and for scope of practice may also establish procedures to control fees, punish alternatively qualified providers, and restrict consumer choice. Actions by professional groups to limit provision of services by alternative providers, ban advertising, and eliminate price competition reduce the quality of services provided to the public at large. They limit public awareness of alternative services and protect providers rather than the public (Perkin, 1989).

Originally worthy aims of professional groups in securing support or sanction from government become subverted to protection of living standards of practitioners, restrictions on entry, mandatory minimum fee scales, and bans on advertising. Interchanges between associations and government that result in barriers to trade derive in part from efforts of associations to enlist the aid of government in efforts to deal with such pressures. Arkell argues that "professionals, perhaps especially lawyers, can be amongst the most devious in obtaining state backing for the creation of barriers, ostensibly for the protection of the client, but perhaps also to make their own life easier,..." (Arkell, 7).

Efforts at international levels to break such connections have recently occurred. The recent Canada-US trade treaty established distinctions between requirements that restrict trade and others related to education, examination procedures, experience evaluations, and ethics, in particular for the profession of architecture. In reviewing this, Bradford (1988) separated regulations and controls applied to (1) products issuing from professionals including arrangements concerned with prices, forms, effectiveness, and appropriateness and (2) regulations and controls applied to producers and providers of services themselves. The latter comprise qualifications, quality of work, nature of experience, and adherence to ethics.

During recent GATT negotiations, EC representatives emphasized that the proposed Services Agreement should apply at sub-national levels. For professions, harmonization by all nations of the details and main features of educational curricula that could inhibit trade and access to professions and of all arrangements with deleterious market effects, would be difficult to realize. As an approach alternative to harmonization, mutual recognition could require only a minimal level of harmonization and recognition of standards for qualifying in various countries. Interestingly, current and future agreements on mutual recog-

dition would fall outside the Framework Agreement, negotiable among all nations meeting objective criteria. EC representatives noted that international standards, if approached through harmonization, would be very difficult, given the wide disparity in national arrangements.

## V

This summation reviews recent instances of engagement of international and multinational public bodies with professions. It concentrates on professions and their services within arenas where international authorities, national governments, professional bodies in various countries, and liaison groups of professions react to changes in global markets. The emergence and implementation of new kinds of public policy is at issue. Successes and failures will be outlined.

First, it covers the fields of vision services, accountancy, and pharmacists in relation to distribution of pharmaceutical medicines within Europe. How has the development of the European Community affected these areas of professional services?

Second, another international body, OECD, has concerned itself with professional services in its participating countries. What is that concern? How did professional groups in the far flung nations that participate in OECD deal with that effort?

Third, the Uruguay Round of GATT negotiations directly includes services in its effort to alter barriers to trade. What is occurring? How do professions react to these efforts?

## *Vision*

The failure of the European Community to approve draft Directives for the right of establishment, the right to provide services, and mutual recognition of diplomas for opticians is an interesting negative case (Orzack, 1992).

In 1969, the Commission proposed four Directives for "*opticien lunetier*" covering their rights of establishment and offering of services, the mutual recognition of diplomas, procedures for acquiring rights of access, and coordination. Seven years after the original issuance of these draft Directives, the President of one consortium, Groupement des Opticiens du Marché Commun Européen (GOMAC) writing for "the liaison committee of opticians of the EC, which comprises the national organizations of all nine member states", and acting in liaison with the



Joint Optical Consultative Committee on the Common Market (JOCCCM), informed the Commission in Summer 1976 that it

...recently met and arrived at the conclusion that the proposals submitted to the Council of Ministers ought to be reconsidered. ...Therefore, I would be grateful if the Commission would request that the Ministerial Council return the present proposals for further consideration.

The draft was returned to the Commission and no subsequent proposals were ever issued. The proposals died.

Throughout efforts by the EC to allow movement across national borders of persons qualified as opticians, liaison committees representing specialties that provide overlapping vision care services continued long standing rivalries for dominance and legitimacy. Disagreement among the liaison committees of ophthalmologists and of opticians heightened. Representatives of national governments voiced disparate views and Community institutions reached diverse conclusions.

Subsequent to the 1969 issuance of draft Directives, the EC Parliament noted that ophthalmologists were convinced that examination of eyes was medical in nature. The disagreement rested in part on whether an examination by a person using instruments could properly be undertaken by someone not qualified in medicine. French law at the time forbade opticians from use of such instruments and in any event did not allow them to treat children under 16 years of age. In lieu of use of "objective" instruments such as ophthalmoscopes, *opticiens* relied exclusively on "subjective" methods by rendering judgements based on patients' verbal responses. This restriction did not exist in certain other countries, such as Great Britain.

To clarify the bases of the dispute further, several additional observations are required. First, the terms "optician" and "ophthalmologist" refer to differently educated persons whose acts concern eyes and vision. Ophthalmology is a specialty of medicine; medical doctors who are not ophthalmologists are usually also allowed to examine eyes and provide treatment. Opticians become educated either at universities, or in advanced level technical schools, or in apprentice programs. Second, the competencies of opticians and ophthalmologists in part overlap but also entail behaviors that can be quite disparate. Across EC member states, surgery is almost always reserved for medical doctors, while national variations exist in the rights of practitioners to administer drugs, examine vision capabilities, supply prosthetic devices (eye glasses and contact lenses), and provide corrective exercises.

Across the range of EC member states, the combinations of public expectations, statutory requirements, association supported patterns, and

educationally qualified competencies, can differ substantially and significantly. A telling example was the dichotomy among opticians in Great Britain — dispensing opticians who can neither examine eyes nor prescribe and ophthalmic opticians who can do both — Opticians in some continental countries could only dispense eye glasses or examine eyes in a restricted fashion. Disagreements between groups representing ophthalmologists and opticians about their respective mandates and the inclusion of consumer costs for opticians' services under mechanisms for reimbursement, subsidy, or insurance became quite common.

National associations of practitioners developed in each member state. For opticians, examples included the Association of Optical Practitioners — later known as the Association of Optometrists — and the Association of Dispensing Opticians, both in Great Britain; the Associazione Italiana Ottici of Italy; the Belgian Association Professionnelle des Opticiens and the Union Nationale des Opticiens; and The German Zentral Verband der Augenoptiker. On the medical side were the Italian Associazione Professionale Italiana Medici Oculisti (Inc.), the German Berufsverband der Augenärzte, and the French Syndicat National des Ophthalmologistes Français, as well as others. Four major international bodies existed in this field. These were: (1) Groupement des Opticiens du Marché Commun Européen, (2) Section Monospécialisée d'Ophthalmologie, Union Européenne des Médecins Spécialistes, (3) Joint Optical Consultative Committee on the Common Market, and (4) Société d'Optométrie d'Europe.

Their activities included many efforts to shape or influence consideration of the draft Directives through contact with the Commission in particular and with other EC institutions. The Parliament's Juridical Committee reported that it received "severely critical" documents from ophthalmological organizations during its consideration of the Commission's draft Directives. A political debate ensued in the Parliament, where representatives of Christian Democrats and Socialists argued about the merits of requiring a medical prescription prior to an optician's intervention. However, the Parliament concluded that opticians should be authorized to use both subjective and objective methods in examining eyes for the purposes of determining the kind and intensity of any vision defect and pathological condition that might exist.

A 1970 monograph entitled, *Livre Blanc: Le meilleur opticien pour le meilleur service dans l'Europe de l'avenir*, a 123 page compendium of materials and statements dealing with eye care services and the importance of the EC proposals, expressed the views of opticians and was widely circulated by them. It ended with the assertion that "...the opticians of the Europe of the Common Market do not doubt that the



Council of Ministers of the Community and the Members of the Economic and Social Committee and of the Parliament will know how to reach decisions which impose equity as good sense." A later press release stated that "In the ...battle of the European opticians for the defense of the integrity of their professional activity and for the satisfaction of the visual needs of the public, nothing must be neglected which can aid in the manifestation of the truth."

The negative views of associations of ophthalmologists toward opticians and disagreements among opticians' organizations about the merits of the EC draft proposals persisted for many years. In the end, failure of the professions providing eye care and vision services to reach any consensus concerning whether harmonization of such widely different national patterns could occur and their failure to accept the principle of free movement for qualified persons led to a breakdown of the dialogue. Governments of the member states for their part could not resolve the areas in dispute and acting through Community institutions turned to other professions and other issues.

### *Accountancy*

Accountancy also provides a negative example. Given the great functional importance of accountancy in the modern global economy, the failure of the Community to enact Directives specifically focussed on that profession is well worth examining and explaining. One of the more internationally oriented professions, accountancy appears as well as one where vocal if partial representatives are neither few in number nor reluctant to express views. The trade press is thereby a rich source for exploitation.

The field of accountancy has been described in Great Britain as one of the youngest professions (Edward Stamp, "Called to Account", *The Times Higher Education Supplement*, 24.4.81). Legal controls of accountancy services differ from country to country. Services might be free in one country but might be defined in law in another as part of the exclusive mandate of the accountancy profession. Accountants are described as "not regulated in the same way in the various countries" and therefore liberalization "... will be more difficult" (Fédération of Experts Comptables Européens (FEE), 21 September 1990, p. 24). In EC countries, the minimum number of years of practical experience required for qualification ranges from two in Greece and Italy to ten years' practice with an auditing firm for Germany where persons without a university title or diploma can thereby qualify for the examination for *Wirtschaftsprüfer*. Further complications derive from



diversity in the span of work mandated for accountants in EC countries. Thus, British and Irish accountants carry out insolvency work, an activity restricted in France to lawyers. German *Wirtschaftsprüfer* are forbidden to advertise while Dutch registered accountants are authorized to do so. A French *commissaire aux comptes* undertaking an audit may not furnish the client with non-audit services although a Danish *statsautoriserede revisor* is fully able to do so (Hegerty, 1990; Trollet, 1991).

In 1970, the EC Commission issued draft Directives for freedom of establishment and freedom to supply services for self-employed activities in the financial, economic and accounting sector and for interim measures (COM (70) 721 final, 1.7.1970). Significantly, tax representation, tax advisory services, and auditing activities were excluded from the Directive's scope. The draft proposed elimination of the following restrictions found in existing national laws: Germany's refusal to allow foreigners to take examinations for *Wirtschaftsprüfer*, Belgium's stipulation that only Belgian nationals could practice as *réviseurs d'entreprises*, France's and Italy's requirement of nationality, and Luxembourg's imposition of a time limit for authorization for foreigners. Registration bodies such as *ordres* would equalize registration procedures for domestic nationals and applicants from other EC member states as would private professional organizations.

The draft listed a large variety of national qualifications to be recognized in permitting the right to practice. Among these were success in the German examinations for *Wirtschaftsprüfer* or *Buchprüfer*; registration in Belgium in the Institute of Réviseurs d'Entreprises or in the Collège National des Experts Comptables de Belgique; and the diploma in Italy either for *dottore commercialista*, *ragioniere industriale* or *perito industriale*.

A leading European accountancy journal observed that when the EC Parliament and Economic and Social Committee considered these proposals in 1970 and 1971, "...the wish was expressed that the Commission immediately prepare a draft...on...freedom to establish a practice ...in...tax advice, and ... on the reciprocal recognition of professional qualifications ... in the field of legally prescribed audits..." The journal added that "...preparation of appropriate proposals will however, in view of the complexity of the subject material, presumably take some time to complete" ("Summary of the Directives ...Regarding the Professions...", *Journal UEC*, I, 1, 1 January 1972).

Before Great Britain joined the Community, its accountancy profession "...worked itself into a lather about the horrors of joining the Community" (*The Economist*, July 21, 1973, p. 57). Describing "professions at risk in EEC", a prominent Scottish accountant observed that

...it is the professional qualification in itself by which one's professional status stands or falls. On the Continent generally, ..., the State plays a much greater role...and tends to regard a university education as being essential before anybody could be considered professional (*The Accountant*, October 19, 1972, p. 475).

Contending that accountancy standards and procedures in the different countries are "uneven", a former president of the UK Institute of Chartered Accountants urged that the EC proposals permit foreigners to use earned titles rather than those awarded or granted in their host country. He highlighted differences between government registration boards on the continent and the private bodies separate from government in Britain (Henry Benson, "How to Harmonize?", *Accountancy*, January 1973, p. 5). Blunt counter criticism of what was considered the British claim of superiority in accounting practice compared with practice in continental countries was voiced by a leading Dutch accountant (A.F. Tempelaar, "Harmonization of Accounting Practice", *The Accountant*, 168, 5121, February 8th, 1973).

As early as June 1972, a leading British accountant reported that the three UK institutes of chartered accountants and the Association of Certified Accountants were "represented" in the Groupe d'Etudes des Experts Comptables de la CEE and its working party, the Bureau Elargi. The Groupe d'Etudes previously represented only the professional accountancy bodies of the original six EC member states. A new working party to coordinate the positions of the English, Scottish, and Irish Institutes and the Association was also created (John P. Grenside, "Freedom of Practice in EEC", *Accountancy*, June 1972, pp. 13-15). The UK group representing the key accountancy bodies thereby came to participate with the continental associations in forming and taking concerted positions on EC proposals. At the same time, by itself it kept in direct contact with the Commission in Brussels.

After the Reyners and Van Binbergen judgements of the Court of Justice in 1974 and 1975, the Commission withdrew the still pending proposals from the Council. The Commission contended that the proposal needed "...to be completely recast on the basis of the directives on medical practitioners..." but observed that obstacles to the formulation of proposals to improve mobility for accountants were far less serious than those for doctors. It added that obstacles that still confronted the Council in pending proposals for dental practitioners or veterinary surgeons were also more serious.

About this time, the Groupe d'Etudes sent a "complete new text allowing freedom of establishment for accountants..." The Commission stated it would take this draft into account along with developments



since 1970 (Commission, Spokesman's Group, Question 415/77, 4.X.1977). Sectoral Directives specifically focussed on the free movement of accountants have however never been approved by the EC Council; the sweep of the General Systems Directive extends to these specialists; the efforts of European accountancy bodies to persuade the Commission and the Council to approve a separate Directive proved unsuccessful.

Other cross-boundary events have nonetheless drawn accountancy bodies from various countries into intensive dialogues concerning their work. One noteworthy example of inter-governmental sponsorship of this occurred in April 1985 when the OECD Working Group on Accountancy Standards organized a Forum on the Harmonisation of Accounting Standards. This stressed the need for harmonisation along international lines. Representatives of national practitioner associations and of the EEC Accountancy Group were invited to participate.

The Federation des Experts Comptables Européens (FEE) currently represents the profession of accountancy in Europe. It brings together 34 professional organizations from 22 countries, including the 12 member states of EC, and claims to represent some 300,000 members of the individual organizations. One of its major objectives is "to be the sole consultative organisation of the European accountancy professions in relation to the EC authorities" (FEE, Panorama, Nordemann, 1). In February 1990 and again in September 1990, the FEE organized round tables where participants, drawn from national bodies, national governments, EC institutions, and various other interested organizations, provided a panoramic view of the accountancy profession in Europe, reviewed regulatory patterns, and discussed problems confronting their profession.

As an international organization, the FEE has prepared texts that it asserts support liberalization of the European accountancy profession and the statutory audit of accounts. The FEE takes credit for authorship of texts of EC draft Directives for accountants since the mid 1970's. It called for the introduction in the EC of a functional title for statutory auditing only; and urged an obligatory test for migrants wishing to practice statutory auditing.

Discussion within the FEE has brought to the surface debates concerning qualifications mandated in different countries for acquisition of "diploma" through such disparate routes as direct work experience, university or other higher education studies, practice, or combinations of these, and whether a professional title could be considered equivalent to a university-earned title. A summary of a recent FEE round table reported general support for a functional or professional title rather

than an educational title except, as it noted, for "Germany, Denmark, the Netherlands, and maybe some other countries".

In 1991, in a joint Prehearing Brief to the US International Trade Commission during its investigation of the economic effects of US import restraints, the three UK Institutes of Chartered Accountants observed that the mutual recognition or General Systems Directive allows EC nationals with accountancy qualifications in an EC member state to practise in the UK. The Directive also entitles them to access to membership in any equivalent UK professional accountancy body and to identify themselves as chartered accountants. No further re-qualification requirements are allowed, except for deficiencies in the length or content of their education and training.

A senior figure in accountancy has strikingly criticized the mutual recognition principle embodied in the General System Directive. Rutteman (15 September 1991) refers to the "retrograde step" of the requirement that accountants confront an examination in host country company and taxation law. He argues for recognition of experience. Examinations he claims will serve as barriers in themselves and he observes a second important barrier will result from host countries' reliance on their dominant language during examination procedures.

### *Pharmacists and Pharmaceutical Medicines*

Community policy concerned with pharmaceutical regulation began to take form as far back as September 1963. A detailed study of EC policy regarding regulation of pharmaceutical medicines has been undertaken by Louis H. Orzack, Kenneth I. Kaitin, and Louis Lasagna, under auspices of the Tufts University Center for the Study of Drug Development. An initial manuscript on the Community's policy evolution in this area is in press (Orzack, Kaitin, and Lasagna, 1992). A second manuscript in preparation concerns consensus and conflict in formation of that policy (Orzack, Kaitin, and Lasagna, in draft 1992).

How have various implicated professions participated in the development of Community policy? The outcome of EC efforts regarding pharmaceutical medicines will have significant effects for many professional specialties. Which medicines they can prescribe, which will be available without a physician's order, and which they can administer to patients will ultimately be determined at EC levels.

Distribution of medicines is a major segment of the composite of services provided by many health care specialists: medical doctors, nurses, midwives, dentists, veterinarians, and pharmacists come quickly to mind. As a consequence, one might expect active engagement in the



process of policy formation by associations representing practitioners in these fields. This would include associations in various EC member states as well as the international liaison committees of national bodies.

The EC's moves to bring about a single market have generated intensive examinations of national arrangements for drug approval and of many Community efforts in this area (Cartwright and Matthews, 1991; Hancher, 1991; Kaufer, 1989). Production of pharmaceuticals in Europe and elsewhere reflects globalization of markets and international ownership. The Community constitutes one-third of the world market for medicines; in 1988, EC expenditures for these products amounted to \$38 billion, 10.5% of overall health care spending. The Cecchini report highlighted the special character of medicines, arguing that the sensitive issue of human health demanded strict controls on safety and quality, and noted further that lengthy and diverse drug registration procedures confront pharmaceutical companies.

Development of such controls is fairly recent; indeed, Germany alone among the original six member states did not have any registration process for pre-market approval of pharmaceuticals until after the thalidomide tragedy. The intermixing of public and private interests throughout the development, approval, production, and marketing of medicines is extensive. Public bodies determine which medicines offered to them for approval can be marketed within each country; mainly private industrial organizations dominate production of medicines. Multinational firms as well as national manufacturers co-exist and compete. Many firms benefit from protectionist arrangements instituted by national governments, such as provision of subsidies or remission of taxation for domestic placement of manufacturing plants. Individual corporations, industrial federations, and the international body representing national pharmaceutical manufacturers' federations have routinely reacted to EC accomplishments and proposals, as have consumer organizations. The Bureau Européen des Unions Consommateurs (BEUC) has criticised the safety of procedures for evaluation of medicines, arguing quite openly that manufacturers "...may use the least stringent national procedures to gain market authorization throughout the EEC".

Interviews with key persons at associations of medical and veterinary practitioners, nurses, pharmacists, engineers specializing in pharmaceuticals, as well as with advocates of alternative medicines yield rather uneven descriptions of their roles in regard to pharmaceutical medicines. The EC's proposals concerning pharmaceutical medicines have attracted some attention from professional associations on some occasions and at certain times. Concerted actions and response in this area are limited.

As early as 1963, the Commission organized a meeting of consumer organizations, an industrial pharmacy association, representatives of a European wide committee of the medical profession, an industrial federation, the secretariat of the International Confederation of Free Trade Unions, and a federation of Christian trade unions to discuss the texts of draft directives. Consideration of the 1975 draft Directive regarding the manufacture of medicinal products entailed considerable controversy (Orzack, 1977; Appelbe, 1981). This created the Committee for Proprietary Medicinal Products (CPMP) and initiated a multi-state procedure for approval of medicines for marketing and their free movement within the Community. It included an attempt to specify who could be the responsible person to supervise quality control of medicines in production at industrial plants.

A storm of protest from international liaison committees of practitioners with diverse qualifications resulted when the initial EC drafts restricted this role to "*pharmaciens d'industrie*" who had completed a six year university course in France and Belgium. The Council's Working Party and Committee of Permanent Representatives considered the issue and the texts finally approved allowed medical doctors, veterinarians, chemists, and biologists in the position, provided their university studies included a specified list of subjects. An interim proposal listing a required course in "pharmacognosis" drew the ire of the UK negotiators who contended this was merely a transparent disguise for continuance of the proposal for a pharmacists' monopoly (Confidential interview).

Arrayed against this proposal that rested on the claim of a unique competence for pharmacists were many other practitioner associations at both national and international levels. These included bodies representative of medical doctors, veterinarians, scientific chemists, biologists, and chemical engineers. Despite the strenuous opposition of pharmacists, the final resolution was to sanction access to the position of "responsible person" in pharmaceutical manufacturing by persons from any of these fields with a broad range of educational qualifications (Orzack, 1977).

As noted earlier, a set of Directives concerned with the liberalization of movement of pharmacists was subsequently approved by the Council in 1985 (85/432/CEE; 85/433/CEE; 85/434/CEE). A great deal of debate among national associations preceded their enactment. In particular, these concerned such issues as national differences in the scope of practice, the presence of access quotas that if left unchanged would handicap foreign qualified pharmacists wishing to establish themselves in another country and own a pharmacy there, and the existence of



barriers in certain countries to ownership of pharmacies by non-pharmacists. Differentials continuing to pose problems have recently been detailed in a publication in France jointly sponsored by representatives of the national *ordre* in France, the conference of deans of pharmacy faculties in France, the European Liaison Committee of Pharmacists' Associations, the French Federation of Pharmaceutical Syndicates, and the French Association of Laboratory Pharmacists.

Variations in a number of institutional patterns were identified in that review. One example is the duration of academic studies and practical experience — a combined total of 4 years is required in the United Kingdom compared with 6 years in the Netherlands. A further illustration is tolerance or intolerance of corporate ownership of pharmacies — France, Germany, Italy and Spain require exclusive pharmacist control while Belgium, Ireland and the United Kingdom allow corporate ownership (INTERFIMO, 1991).

The EC's continuing efforts to formulate and install policies concerned with regulation of marketing of pharmaceuticals have attracted renewed attention from national practitioner associations and international liaison committees. A noteworthy example was the conference on "Le médicament en Europe après 1992", held in January 1992 and instigated by Le Groupement Pharmaceutique de la C. E. Associated sponsors comprised the leading consumers' federation in Europe — le Bureau Européen des Unions des Consommateurs (BEUC) — and l'Alliance Internationale de la Mutualité (A.I.M.). The program's speakers included the Vice-President of the EC Economic and Social Committee, the European Regional Director of the World Health Organization, a member of the European Parliament, and the head of the EC Commission unit concerned with pharmaceutical medicines. In subsequent interviews, key participants observed that industrial interests were simply not invited either to sponsor or to participate in the program. The rationale was that the interests of consumers and of practitioners should prevail in the formulation of public policies concerning regulation of pharmaceutical medicines.

### *OECD, Competition Policy, and Professions*

The Organisation for Economic Co-operation and Development (OECD) is essentially an advisory body, charged with conducting research about economic developments and national economic policies. An international organization of governments of industrialized market economy countries, it provides advisory recommendations regarding



policies relating to major economic issues. The OECD does not exercise sovereignty over territory or over persons and institutions.

In 1985, the OECD published a report entitled, *Competition Policy and the Professions*, issued by its Committee of Experts on Restrictive Business Practices. The Committee's Working Party on Competition Policy and the Professions previously was asked to carry out a study of the following: to identify special characteristics of liberal professions; to make a comparative study of the legal provisions on competition applicable to them in OECD member countries in selected professions, including doctors, lawyers and architects; to study, in the light of competition policies, the mechanisms of self-regulation by the liberal professions; and to examine to what extent certain practices of these professions "... are compatible with the ... competition policies of Member countries" (OECD, 1985, p. 3.).

The published report recommended that member countries reconsider any existing exemptions of professions from competition law embodied in government and association statutes and actions. It urged a market framework for professions and strengthening competition in markets for professionals' services. It urged governments to consider how best to institute greater objectivity in entry processes for candidates, to assure broader access for foreign professionals, and to increase competition among alternative providers including paraprofessionals. Governments were encouraged to enhance price competition among professionals, to seek the shift of activities away from the public sector by extending responsibilities of independent professionals, to aid competitive bidding practices, to reduce reliance on mandatory fee schedules, and to improve information available to consumers about professionals' services so as to encourage rational choice among professional services.

United States government agencies did not contact or consult with any professional organizations, either while the study was in process or upon its completion; the explanation, as expressed in personal interviews, was that US policy was well known and that no need for consultation existed (Confidential interviews). As a US State Department official later noted;

Generally speaking, the Report and its recommendations encourage increased reliance on competition in markets for professional services. They are reflections of existing US policy. These conclusions did not raise controversial issues from the United States' perspective, since we have been far ahead of most OECD countries in applying our antitrust laws and in removing excessive regulatory constraints in the professions.

While the Report received no noticeable attention from professional groups in the United States, their European counterparts reacted extensively. In Great Britain, the government furnished copies of the draft report to professional associations and requested their views. Elsewhere in Europe, the report "leaked" from the OECD itself, from the governments receiving it, and from groups in contact with them. Copies quickly moved through association networks, both national and multi-national, and detailed summaries appeared in various media.

Intense opposition to the Report's conclusions developed in Europe. A consortium group of professional associations known as SEPLIS quickly instigated a Europe-wide effort to respond to the document. Its efforts alone assured widespread awareness of the OECD document and its conclusions by the heads of specialized associations throughout Europe. Comments in response by professional bodies were quite negative to OECD proposals. The European Union of Dentists replied that the "these texts are ... bearers of real dangers as much for the health of the population as for the ... conditions of exercise of dentistry" (Favre July 23, 1985); the Nederlandse Orde van Advocaten asserted that "it is clear from the report that it has been drawn up by delegates of the various countries without sufficient knowledge and understanding of the liberal professions", and that it reflected "...a basic attitude of suspicion and resentment against privileges that are deemed to be undeserved" (de Lange October 2, 1984). Another illustrative comment came from the Italian delegation to the Consultative Committee of Bars and Law Societies of the European Community. It observed that "the report denotes a hostile spirit toward the liberal professions. In effect, it puts the liberal professions on the same level as commercial activities without taking account of differences between specialized professional services and industrial products,..." (Undated statement). Finally, the architects' delegation to the Comité de Liaison des Architectes stated that the OECD report "...misses its target by far" and added that "...the price of architect's services [is] incalculable. They consequently cannot be subject to competition in a commercial sense of the word" (Draft comment, 19.6.84).

SEPLIS quickly arranged a multi-national seminar meeting of professional bodies on 14 December 1984, held at offices of the EC Economic and Social Committee, on "The Liberal Professions and the Policy of Competition". This led to a two day SEPLIS-organized conference on 24 - 25 January 1985 to deal with the OECD Report directly.

Seventy representatives of professional associations drawn both from SEPLIS' own organizational membership and from other professional



associations attended the initial seminar in December. A summary aide-memoire reported that

By professions, the total was composed of approximately 25% from the medical sector, 30% each from the legal and technical sectors, and 15% from business, finance, and communications. By country, the participants were from Belgium (28), France (18), Federal Republic of Germany (11), United Kingdom (5), Netherlands (3) and one each from Denmark, Ireland, Luxembourg and Spain (Fox, December 8, 1984).

Representatives of associations of medical doctors had never joined SEPLIS but apparently believed the issues raised by the OECD were critical to their future and attended the seminar.

Criticism of the report was blunt and comprehensive. Among the diverse viewpoints expressed at the seminar were the following: the authors were assumed to be economists and senior civil servants not members of liberal professions, the report mainly reflected influence of "Anglo-Saxon law and lawyers", competitive market policy would be incompatible with professionalism, professions already practise competition between those with equivalent qualifications, professional responsibilities differ from commercial responsibilities, professional codes protect consumers in technical matters beyond their knowledge, competition is implicit in professional practice, competition in professional practise by para-professionals and gifted amateurs would endanger clients, competition engendered by lack of restriction upon numbers entering professions puts the public at risk, and advertising by individual professionals can confuse the public. A member of the EC Economic and Social Committee reportedly stressed that the Report reflected "...the lack of consultation with the professions, the misinterpretation of their roles, and the danger of confusing professional practitioners with commercial traders."

Following this seminar, another and broader meeting was arranged. The "European Conference of the Liberal Professions" organized by SEPLIS in January 1985 in Brussels was attended by a wide array of "...representatives of the national organizations of the liberal professions of the various countries of the European Community, the European Liaison Committee of the Liberal Professions, and the Organizations of the Liberal Professions of the non-member countries of the European Community."

The Resolution issued at the meeting's conclusion contended that the methods to collect data about professions yielded invalid and unreliable results. Generalizing to all professions from data gathered about three professions — medicine, law, and architecture — was described in this



document as not acceptable. It argued that the OECD Committee of Experts on Restrictive Business Practices which drafted the Report did not consult with those most informed about the matters covered, that is, the professions and associations representing them. It went on to observe "...independence of practice, renowned and assured competence, personal responsibility, professional secrecy and free choice, require, at the statutory and deontological level, restrictions on free competition without which the fundamental interest of the client would be endangered." It noted that competition already exists within the liberal professions providing guarantees for consumers, that entry restrictions provide added guarantees to clients that would be vitiated if para-professionals receive access to activities of liberal professions, that practice exclusivity protects clients against services of low quality, and that group practice of professional services would depersonalize such services and thus "...bring about a serious prejudice to the social functions of the liberal professions in modern society" (Resolution; UNAPL Memorandum).

The Resolution was sent to OECD by SEPLIS and in a concerted effort, professional groups placed it before the appropriate ministries of governments in European countries.

"Competition and professionalism simply are not incompatible", asserted the Assistant Chief of the Special Litigation Section of the US Department of Justice Antitrust Division in a 1980 presentation, adding,

...the public has the right to expect that it will have the benefit of a competitive market for professional services, ... competition will increase the incentive of those in the market to improve the quality of their services and maintain their fees at a competitive price (Stark, 1980, p. 27).

A key Washington legal official expressed the view that, "although it's not all the same in each profession and in each state", the competition policy embodied in the OECD document is clearly US policy. The legal official quoted above reported further that a former staff member of the U. S. Federal Trade Commission who became a Deputy Legal Adviser at the OECD in Paris assumed a major role in drafting the questionnaire used by the OECD Committee of Experts on Restrictive Business Practices and later drafted the published report. As a consequence, he contended, no need existed for the US government to elicit reactions by professional groups to the OECD document (Interview, Stark, August 1986). It appears further that professional groups in the United States overlooked the report, were not alerted to it by European counterparts, or considered it unimportant. Reactions by professional groups in Europe and in the United States differed widely. Shelving of

the report apparently followed the intense opposition mounted in Europe. In response to the Resolution, OECD contended that the report was basically a discussion document, for implementation as its member countries saw fit. It stated that the report "...takes fully into account the importance of ... the liberal professions as well as the consumer's ... needs." Abolition of anticompetitive practices benefits the public interest and does not threaten quality of services. Its most blunt statement concerned the charge that the OECD had not consulted the professions during the Report's preparation. A key OECD official responded bluntly by stating: "it is incorrect" (Geiger, OECD, to Rousseaux, 27th February 1985).

The presence of an aggressive, central liaison body in Europe led many professions there to surmount pre-existing antagonisms and patterns of autonomy so as to confront what seemed to many as a broad challenge from an international body. A similar structure has not developed in the United States, at either federal or state levels. Why this OECD report led to an outraged reaction among professional bodies in Europe and at best a passive response among similar groups in the United States remains an intriguing question. The reasons for these differentials await further analysis.

### *GATT and Professional Services*

The Uruguay round of negotiations among governments of approximately 100 nations represents an attempt to negotiate agreement on rules that would reduce or eliminate barriers to trade. This effort includes an attempt to liberalize trade in services, to allow for more open access within nations of provision of services based in other nations and to permit more free establishment of qualified specialists.

Prime targets for change are discriminations applied at or within national boundaries especially by means of non-tariff barriers. Requirements for special quality standards, licensing criteria, language tests, or demands for 'best country education' as pre-conditions for practice are viewed in the context of these negotiations as discriminatory in their effects on service-providers based in or coming from other nations.

Generally, national arrangements and practices, often those resulting from intense and lengthy struggles intended to improve status, to monopolize areas of work, and to weaken competition, have come to be defined as barriers to trade in professional services. These include licensing regulations seen as masking discrimination against foreigners through requirements for in-country education, citizenship, and testing in host country languages. Dis-allowance of use of foreign titles and



credentials in offering services to the public, limitations on competition through advertising prohibitions, and restrictions against marketing of services by practitioners not located in the same jurisdictions as clients have been defined as protectionist restrictions. Immigration quotas based on certification that the numbers or skills of host country practitioners are insufficient or are adequate also appear discriminatory within the GATT framework.

GATT's mandate initially concerned international trade in goods and products. The Uruguay Round in September 1986 initiated the extension of negotiations to include services as vital segments of the international economic exchange system. Services by professionals have become a vital part of these continuing negotiations and the course of these negotiations have come to be a matter to which certain sectors of practitioners have paid close attention. A noteworthy example is the accountancy profession. In February 1990, the *Fédération des Experts Comptables Européens* sponsored a full examination of the Uruguay Round Services Negotiations on the accountancy profession (FEE, 1990).

The conference brought together representatives of the accountancy professions from a wide span of countries from both Western and Eastern Europe, Latin America and Asia as well as Canada and the United States plus administrators from the European Community Commission and OECD. The Director of the Group of Negotiations on Services (GNS) at the GATT Secretariat observed during discussion that the projected Services Agreement would cover over US \$1,000 billion in services trade. Multilateral trading arrangements for goods and services were identified as vital elements in the GATT negotiations while stress was also placed on recognition that global firms in this field are international networks of national practices.

## VI

### *Profession - Public Authority Interactions*

Examination of links of organized professional bodies and various modes of public authority requires a careful and systematic review and analysis along comparative lines. This applies both to professions and to public authority. For professions, the ranges of specialties constitute an obvious first basis for comparison. Fields for work as differentiated as legal, financial, technical, health, aesthetic, religious, military, and

management fall within professional service domains. Their diverse components include groups formed from established, specialized, and marginal practitioners, non-peers associated in work efforts, educators, members of other faculties, students, staff at locales for service and for training, staff and members of licensing, regulatory, or registration bodies, and consumers.

Structural characteristics associated with the work of specialists providing similar services can be quite diverse. Sanctions through public mandates and the derived strength of public support can also vary extensively. Culturally distinctive patterns, parallelisms and divergencies in contiguous societies, continuities and discontinuities in once-linked political systems, can further extend the required analysis.

Public authority itself necessitates intensive systematic consideration. The state and its powers developed differently through different eras and in disparate social and cultural milieus (Rueschemeyer and Evans, 1985). The creation, maintenance, and behavior of the nation-state rest upon composites of political traditions, natural resources, technological capabilities, public support, and the ability of leaders and elites to depend upon, command, control, influence, manipulate, or destroy all or parts of its public bases.

What nation-states thus become affects how they behave toward elements of the societies where they exist. Professions clearly are among these elements and, therefore, the structure of different nations should be covered in any attempt to comprehend how professions and public authority interact.

Highly diverse interactions of professions and public authority can be identified in multi-national, supra-national, and national contexts. In the instances covered above, professions have acted either independently of each other, or with some degree and kind of coordination, or through diversely formed organizations especially created to represent and voice shared interests. Complex structures of both professional and public authority come into mutual and intricate contact in the occurrences reviewed. Each represents a different form of intersection between profession and public authority. The structures of both profession and public authority involved, the problems foreseen, the actions contemplated, the efforts initiated, the counter-actions that resulted, and the results achieved or frustrated, require systematic review. Change, deflection, and defeat can all be seen in these complex events and necessitate further examination.

As public bodies, these organizations — EC, OECD, and GATT — exemplify different kinds of authority and actions. Multi-national and supra-national systems in the first instance undertake activities that rest



on participation and assents from autonomous governments, few or many in numbers, which may change through additions or withdrawals. National governments range from highly centralized systems of control to centers with restricted authority interacting with loosely federated and otherwise autonomous, perhaps co-equal, units.

Professions seek to effect change in decisions made by public bodies that are deemed vital to them. Their targets include actions of governments to create, ignore, tolerate, support, dominate, or destroy professions and their work (Johnson, 1972; Lifton, 1986; Orzack, 1981, 1983; Leibfried and Tennstedt, 1986; Light, Leibfried, and Tennstedt, 1986).

While work activities undertaken by professionals are commonly *foci* of concern and targets for action by public authority, they are not constant across societies. Every feature can vary, including scopes and natures of services provided, selection of and access by potential clients, levels of discretion available to practitioners or to their professional associations, selection of novices, control over educational requirements, rigor in licensing mechanisms, and overall positions of professions within society.

The balances between government and professions, balances that are themselves quite changeable and quite diverse, largely determine these elements of work. Unilateral decisions, government domination, government deference, and professional autonomy can all be found. Governments may create practitioner associations to ensure control of work performed or of behaviors of those engaged in it. Alternatively, associations of professionals can arise from actions by persons engaged in similar work activities who desire thereby to change policy of public bodies. Finally, employers often foster and support development of associations of members of their work force.

The aims of these groups includes mutual aid, economic benefits, job protection, recreation, political action, education, and public or private control. Spans of membership and levels of participation can vary immensely.

Awareness of such patterns compels an extensive review and examination of diverse professions in different societies. Comparisons of interactions by professions with different kinds of public authority, non-governmental as well as governmental, supra-national as well as multi-national, can yield substantial benefits.

### *Actions Toward Professions*

The character of actions by public authority regarding professions may fall within the following range of efforts: (1) to control, by broadening

or restricting, what professionals do and how they work; (2) to gain or maintain support and legitimation of key professions through contacts with or control of professional associations; (3) to increase or decrease the supplies and distributions of specialists, through changes in financial backing of educational programs as well as shifts in licensing standards; (4) to sanction or determine the scope, duration, standards, examination mechanisms, and significance for entry to practice of education and training provided in state and independent settings; (5) to modify the work performed by professionals for defined categories of their clientele; (6) to alter or control the terms of compensation and levels of remuneration; (7) to control and conceivably limit the numbers, locations, and working arrangements of practitioners; and (8) to control the immigration flows of practitioners qualified in and licensed in other countries.

Other possibilities include sanctioning of particular modes of research considered appropriate and useful, monitoring of or active participation in creation or maintenance of ethical codes, and handling of charges of mis-behavior as well as determination of appropriate punishments.

Of great interest and likely to provoke close attention, is the recent proposal by Martin Bangemann, Commission Vice President, for possible creation of a new and special form of association for liberal professions practicing across the range of the Single Market (Commission DGIII/F/2 Perissich letter, 5 November 1991). Bangemann suggests a new legal structure for joint cross-border professional practice and currently has requested comments from liaison committees. An "audition" or hearing with representatives of these groups was scheduled for late March 1992 and will be followed by another "audition" where views of national governments will be expressed. Bangemann has solicited comments on the merits of single specialty or multi-specialty professional practice, on inclusion or exclusion of legal persons along with natural persons, on the possible desirability of Community-wide rules applicable to practice, on the locus of authority for disciplinary supervision where different professions are involved, and on the treatment of liability. The idea of joint practice encounters the reality that a system of joint practice in the form of partnership is "...virtually unknown in continental Europe" while common in Great Britain. Nonetheless, the proposal was seen as part of the Commission's desire to create legislation for co-operative practice by specialists in professions (Hunter, 3 December 1991). Perhaps the most intriguing element is the suggested co-operative practice by different specialists.



### *Actions By Professions*

Groups in professions may represent practitioners, educators, students, service-providing bodies, educational institutions, certifying agencies, funding entities, licensing and certifying boards. With varying authority, such groups may put forth views and urge action on behalf of their sector of a profession or of the field as a whole. Only practitioner groups will be discussed here. Associations of practitioners in specialized fields frequently develop at national levels. Where autonomy of practitioners is prized, groups of specialty associations may nonetheless form within nations or their regions so as to permit communication and discuss possibilities for common policies. In some countries, many specialized associations support national coordinating mechanisms to aid review and discussion about such matters as government policies regarding fees, insurance, educational support, and licensing requirements.

International liaison committees drawing together specialized practitioner associations from various countries also exist (Orzack, 1992; Economic and Social Committee, 1980). These serve as communication and coordinating mechanisms for national associations of specialized professionals. One group in Western Europe claims professions across a multi-national range for its base. Its membership comprises numbers of international liaison committees and in addition several national consortia of specialized associations.

Professions in some national settings originate autonomously, stand apart from government and yet depend upon it for legitimation for their work. Competition by differently qualified service suppliers may provide the excuse for approaching government to provide public legitimation and thus the basis for a claim to market pre-eminence. Government creation of licensing or registration systems and support of educational facilities and programs are often backed by practitioner groups. Maintenance and enrichment of support for qualifying programs within publicly-controlled schools at intermediate or higher levels is frequently their objective in Italy, Germany, Denmark, France, and other European Community countries.

Market shelters built around credentials (Freidson, 1986, p. 109; Rueschemeyer, 1986; Larson, 1977) become significantly strengthened through government approval of claims of competence by practitioners and government opposition to market entry by others with different credentials. Where independence of professions from government does not exist and professions owe their existence to government, they remain largely subject to public authority. Practitioner bodies then mainly act as agencies of control with limited representational functions.

Governments with a strong tradition of centralized planning and control, whether democratic or totalitarian, allocate resources and award mandates to professions in accord with their conceptions of national objectives. Intolerance of, or at best indifference, to other specialties not considered vital, exists in such societies. This can occur through political revolutions that wipe out *ancien regimes* including independent professional associations. A new government may establish only specialty groups and educational programs deemed useful for, or non-threatening to, regime maintenance. Governments of developing countries support professions yielding work deemed directly beneficial to them or otherwise considered essential in nation-building.

### *Initiation of Profession-Public Authority Interactions*

In broad terms, interest in profession-public authority exchanges focusses on a dual set of questions. The first presume initiation by professions while the second presume that public authority initiates such occurrences.

The following concern initiation by professions:

- When do professional associations seek to influence the policies of public bodies?
- How do professions organize when they undertake such efforts?
- What resources and courses of actions do associations use in trying to assure change in public policies?
- Which elements of government institutions become targeted for intervention and what proportion become receptive to such efforts, or prove resistant to them?

Complementary questions concern initiation by public authority, as follows:

- When do public bodies exercise control over professions?
- How do public bodies seek to influence, to limit, or to shape the policies and actions of professional groups?
- What aspects of professions or of activities associated with them serve as targets for such undertakings?

The most useful and non-parochial approach to such questions demands systematic comparison of engagements by diverse kinds of structures of both professions and public authority. The economic, social, and historical contexts where they occur must also be reviewed. Comparisons with interactions between government and other institutions such as unions, employer bodies, industrial organizations, and farm groups should be undertaken. While much of this lies beyond this study's scope, comparisons such as the following derive from these



approaches: (a) initiation of interaction by profession vs. initiation by government; (b) actions undertaken by a single profession vs. cooperation and/or concerted actions by multiple professions; (c) professional body subordinate to government vs. autonomy of professional body; (d) national arena vs. supra-national arena; (e) national arena vs. international arena; (f) action by single component vs. multiple components of a profession or professions; and (g) equivalent professions in different national settings interacting with public bodies in these settings. Each represents differing combinations of institutional characteristics of professions, of government, and of their environments that can potentially affect the substance and pace of profession-public authority exchanges. Other possibilities, not presented above, can also condition these. They include alliances as well as cooperative engagements and planned simultaneous actions by professions acting jointly with organized non-professions, such as industrial or trade unions and industrial or commercial federations and associations.

### *Conclusion*

These analyses treat both professions and public authority as variables and assume that professions utilize substantial aggregates of human, economic, and material resources provided by other institutions within the enviroing society. Individual professions exist in the broadest sense on sufferance and claim respect and recognition from others for achievements of their practitioners. Their license and mandate (Hughes, 1973) differs across specializations and across national societies. The development of the work of professions, of educational requirements, of licensing arrangements, of compensation levels and sources, can only be explained through historical and comparative study and now by taking into account extra-national systems of public authority and the economy.

To assume that territorial boundaries circumscribed by national governments necessarily set the limits for analysis of government-profession interaction would be arbitrary at best (Philip, 1983). While national governments and domestic concerns specific to each nation have dominated the environments to which professional associations must be responsive, international authority and foreign systems have mounting significance in the global economy. Their importance and influence for professions and governments within nations have reached beyond marginal effects. Extra-national institutional bodies now constitute significant elements acting upon the environ-

ments within which professions exist, from which they sustain support or receive challenges, and toward which they act and react.

### References

Appelbe, Gordon E. *A Comparative Study of the Right to Practise Pharmacy in the Member States of the European Economic Community*. Master of Science Thesis, School of Pharmacy and Pharmacology, University of Bath, 1981.

Arkell, Julian. "The GATT Services Agreement and the Professions". Presentation at Seminar on the Service Economy, Paris, 13 May 1991, Services World Form/Promethee.

Averyt, William. "Eurogroups, Clientela, and the European Community". *International Organization*, 29, 4, Autumn 1975.

Berger, Suzanne D. (ed.). *Organizing Interests in Western Europe*. Cambridge: Cambridge University Press, 1981.

Bradford, Meriel. "Treatment of Trade in Services in a Bilateral Context: the Canada-US Agreement". Unpublished presentation 1988, quoted in Arkell.

Bressand, A. and K. Nicolaidis. "Regional Integration in a Networked World Economy". In *The Dynamics of European Integration*, ed. W. Wallace, pp. 237-249. London: Royal Institute of International Affairs, 1990.

Cartwright, A.C. and Brian R. Matthews. *Pharmaceutical Product Licensing: Requirements for Europe*. London: Horwood, 1991.

Crayencour, de, J.-P. *The Professions in the European Community*. Brussels: Commission of the European Communities, 1982.

Commission of EEC. *Proposal for a Council Directive on a General System for the Recognition of Higher Education Diplomas*. Brussels: EC Commission, COM(85)355 final, 1986.



Commission of EEC. *Amended Proposal for a Council Directive on a General System for the Recognition of Higher Education Diplomas*. Brussels: EC Commission, COM(86)257 final, 1986.

Economic and Social Committee of the European Communities. *European Interest Groups and Their Relationships With the Economic and Social Committee*. Westmead: Saxon House, 1980.

Eurovet. *EUROVET-2*. London: Henderson, 1975.

Fédération of Experts Comptables Européens (FEE). *The Impact of the Uruguay Round Services Negotiations on the Accountancy Profession 1-2 February 1990*. Brussels: 1990.

Freidson, Eliot. *Professional Powers*. Chicago: University of Chicago Press, 1986.

Hancher, Leigh. *Regulating for Competition*. Oxford: Clarendon Press, 1990.

Hegerty, John. "Mutual Recognition: Breaking Down the Barriers". *European Accounting Focus*, December 1990/January 1991.

House of Lords, Select Committee on the European Communities. *Recognition of Higher Education Diplomas*. London: HMSO, 1986.

Hughes, Everett C., et al. *Education for the Professions of Medicine, Law, Theology, and Social Welfare*. New York: McGraw-Hill, 1973.

INTER FIMO. *Dossier de la Croix Verte Européenne*. Third Edition. Paris: 1991.

Johnson, Terence J. *Professions and Power*. London: Macmillan, 1972.

Kaufer, Erich. *The Regulation of Drug Development: In Search of a Common European Approach*. Florence: EUI Working Papers, No. 89/411.

Larson, Magali S. *The Rise of Professionalism*. Berkeley: University of California, 1977.

Laslett, Julia M. "The Mutual Recognition of Diplomas, Certificates and Other Evidence of Formal Qualifications in the European Community". *Legal Issues of European Integration* 1990/1, 1-66. Amsterdam.

Lasok, Dominik. "The Professions in the European Community: The Treaty Framework". *Columbia Journal of Transnational Law*, 29, 1991, 41-68.

Lehmbruch, Gerhard and Philippe Schmitter. *Patterns of Corporatist Policy-Making*. Beverly Hills: Sage, 1982.

Leibfried, S. and Florian Tennstedt. "Health Insurance Policy and Berufsverbote in the Nazi Takeover". In *Political Values and Health Care: The German Experience*, eds. D.W. Light and A. Schuller, pp. 127-184. Cambridge: The MIT Press, 1986.

Lifton, Robert J. *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York: Basic Books, 1986.

Light, D.W., S. Leibfried, and F. Tennstedt. "Social Medicine Versus Professional Dominance: The German Experience". *American Journal of Public Health*, January 1986, 76, 1.

Miranti Jr., Paul J. "Associationalism, Statism, and Professional Regulation: Public Accountants and the Reform of Financial Markets, 1896-1940". *Business History Review*, vol. 60, 3, Autumn 1986, 438-468.

Neave, Guy. *The EEC and Education*. Trentham: Trentham Books, 1984.

Organisation for Economic Co-Operation and Development (OECD). *Competition Policy and the Professions*. Paris: 1985.

Orzack, Louis H. "Competing Professions and the Public Interest in the European Economic Community: Drugs and Their Quality Control". In *Perspectives in the Sociology of Science*, ed. S.S. Blume. London: Wiley, 1977.

Orzack, Louis H. "New Profession By Fiat: Italian Dentistry and the European Common Market". *Social Science and Medicine*, 15A, 1981.



Orzack, Louis H. "International Authority and National Regulation: Architects, Engineers, and the European Economic Community". *Law and Human Behavior*, 1983, 7, 2/3.

Orzack, Louis H. and Caroline Calogero. "Midwives, Societal Variation, and Diplomatic Discourse in the European Community". In *Current Research on Occupations and Professions*, Vol. 5, ed. H.Z. Lopata. Greenwich & London: Jai Press, 1990.

Orzack, Louis H. "The General Systems Directive: Education and the Liberal Professions". In *The State of the European Community: Politics, Institutions, and Debates in the Transition Years, 1989-1990*, eds. L. Hurwitz and C. Lequesnes. London: Longman, 1990.

Orzack, Louis H., Kenneth I. Kaitin, and Louis Lasagna. "Pharmaceutical Regulation in the European Community: Barriers to Single Market Integration". At press, 1992 (*Journal of Health Policy, Politics, and Law*).

Orzack, Louis H. "The Confrontation of Vision Care Professions and Public Policy in the European Community: I, II, III". At press, 1992/93 (*Journal of Medical Management*).

Perkin, Harold. *The Rise of Professional Society*. London: Routledge, 1989.

Philip, Alan B. "Pressure Groups and European Community Decision-Making". In *The European Community: Bibliographical Excursions*, ed. Juliet Lodge. London: Frances Pinter, 1983.

Royal College of Nursing. *A Background to Nursing in the EEC*. London: 1977.

Rueschemeyer, Dietrich. "Comparing Legal Professions Cross-Nationally: From a Professions-Centered to a State-Centered Approach". *American Bar Foundation Research Journal*, 1986, 3.

Rueschemeyer, Dietrich. "On the Power of Knowledge" [Review of Freidson, Professional Power]. *Contemporary Sociology*, 16, 4, July 1987.

Rueschemeyer, Dietrich and Peter B. Evans. "The State and Economic Transformation". In *Bringing the State In*, eds. Peter B. Evans, Dietrich

Rueschemeyer, and Theda Skocpol. Cambridge: Cambridge University Press, 1985.

Rutteman, Paul. "Mutual Recognition Directive Heavily Criticized". *European Accountant*, 15, September 1991.

Stark, Charles S. "Professionalism on Trial". *Bar Leader*, 5, 5, March - April 1980, 25-28.

Trollet, Claude. "Etude critique du processus de libéralisation de la profession comptable dans la CEE". Unpublished manuscript, 31 July 1991.

United Kingdom Department of Trade and Industry. *Proceedings of Conference on Mutual Recognition*. London: 1991.

Zilioli, Chiara. "The Recognition of Diplomas and its Impact on Educational Policies". In *European Community Law of Education*, ed. Bruno De Witte. Baden-Baden: Nomos Verlagsgesellschaft, 1989.







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