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THE EUROPEAN LEARNED PROFESSIONS AND THE EU HIGHER EDUCATION PROJECT

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ABSTRACT: One of the most serious problems for those who are concerned with the structure and function of the power-knowledge nexus in contemporary Europe is the lack of a systematic scientific account of the *rationale* of the EU policy about both learned professions and higher education. The problem does not only stem from the still-living legacies of the past. It stems also from the EU need to provide EU governance with EU-oriented learned professionals in order to come to terms with the rising multidisciplinary complexity of EU decision-making and manage the challenges of current social, political and economic mainstreams. The paper deals with the above issues by focusing on the recent EU quest for expertising EU governance and governing professional EU expertise in a number of evolutionary stages: EU professional and higher education law-policy making; EU reaction towards the so-called 'globalization wave' as regards EU epistemic communities; EU 'learning economy' and 'Bologna Convention' models; the impact of the Nice Treaty on the re-assessment of European professional realms. The need for a European sociology of European professions is stressed in conclusion.

Key words: EU higher education policy; EU expert governance; EU-oriented professionalism; EU cultural capital; EU science- and policy project

1. The EU quest for expertising governance and governing professional expertise

One of the most serious problems for those who are concerned with the structure and function of the power-knowledge nexus in contemporary Europe is the lack of a systematic scientific account of the *rationale* of the EU process and policy about European learned professions and higher education. In particular, what is lacking is an analytical framework able to enlighten the way in which the EU has pursued and continues to pursue

the symbolic and material 're-engineering' of a polycentric system of professional bodies, credentials, jurisdictions, competences, that for more than two centuries have been organically oriented, and to a large extent are still related to the economic wealth, legal shelters and civilization paths of a variety of national-styled State-forms. The problem does not stem only from the still-living legacies of the past. It stems also from a paradigmatic shift in current trends and prospective political scenarios.

The EU's need for EU-oriented learned professionals is connected to two issues: (i) to manage the challenges of epochal social, political and economic World-system mainstreams, in order to compete adequately with other civilizational models, and (ii) to assess EU governance as a fully legitimate normative system, in order to stabilize EU power elites and provide welfare opportunities to European citizens.

Along with the above reasons, however, an additional variable compels the EU to establish an organic link with European learned professionals: the need to come to terms with the problem of techno-scientific complexity of overall EU decision-making. This need is clearly apparent in current debates among EU analysts regarding the definition of the status of knowledge and know-how as a political resource (Cohen and Weisbein 2005). The core issue of this debate is about what sort of role, functions and values European learned professionals are required to embody in order to take part in, or to be eligible to join, the so-called 'expert committees' or 'epistemic communities' that act as 'authoritative actors' within the EU policy-making system (Functowicz *et al.* 2000). The political question at stake is whether the broadening entry of learned professionals into the EU policy-making system allows a process of 'democratization of expertise' which in turn enables an element of 'intelligence' and 'democracy' within EU governance; or whether, by contrast, it leads to self-interested groups, that is to an unaccountable clan-like community and a secretive socio-political lobbyist arena, able to impede, rather than favor, any chance for open critical public confrontations and democratic participation within the European civic sphere (Liberatore and Functowicz 2003).

This point is critical: the political pressure for 'expertising democratic decision-making' raises – for the first time – the problem of assessing the existence, or not, of a *genuine* commitment of European learned professionals to *full* personal accountability and a *fair* democratically inspired involvement into the broader process of 'organizational learning' of EU institutions, so as to promote a wider communitarian convergence among European citizens and a stronger strategic alliance among EU power elites, while reducing both the EU democratic deficit and EU constitutional instability (Liberatore 2005).

EU policy up to now as regards European professions seems to have reached a historical threshold: the necessity to implement a much more *explicit* and *systematic* structural-functional *coupling* between the systems of European higher education and the fields of European professionalism, i.e., to re-set the whole EU power-knowledge nexus.

This paper attempts to offer an *explorative* analytical account of the stepping-points that seem to have led the EU ruling elites towards this general necessity and show the reasons that lead towards a general *epistemological* and *hermeneutical* professional change. For obvious reasons of space and time, the paper will focus on higher education and intellectual learned professions only, even though it is clear that the topic includes a wider range of educational fields and professional groups. For the same reasons, the term 'EU' will be used to include other European institutions such as the EEC. As this matter concerns the constitutional dimension of the EU governance system, the analysis will be carried out using a socio-legal approach.

2. The contradictions of an EU-driven professional project: preliminary remarks

It seems that the problem of the strategic positioning of European learned professions as *accountable* EU governance agents *vis-à-vis* the uniqueness and plurality of European values and interests has not yet been systematically thematized. Up to now EU institutions have drafted and enacted directives or suggested guidelines on a variety of educational and professional issues. However, this sort of policy-making did not promote a proper EU professional system. Besides, European professions' involvement in the EU project had been set in motion not by European professionals for professional aims, but by social, political and economic EU agents acting outside professional arenas and far from any direct control of the professionals concerned.

The notion of 'professions' as *learned* agencies/institutions was not defined either in the Rome Treaty or in the Maastricht Treaty. Only in 2001 was the gap somehow filled by a decision of the European Court of Justice, which conceptually equated professions with 'regulated free-lance intellectual expertise' (Nascimbene and Sanna 2006). In any case, a proper, officially established, EU-centred professional model is still *non-existent*.

In turn, this had tended to undermine the quite different logic and functioning of age-old, but still active, socio-institutional and cultural variables, especially those embodied by nation-state arrangements and related to the core *rationale* of professional attributes. In particular, the market-oriented EU policy about professional activity as a service-product, tended to downgrade the whole institutionalized system of

professional credentials. It also clashed with the nature of the professional mission, because any professional change promoted for mere political reasons and 'from above' cannot but undermine the social foundations of learned professionalism. For *learned* professions (i) are rooted in a *monumental* socio-institutional experience stemming from (ii) a *variety* of *irrepressible* social needs, not mere occasional political or economic imperatives, as demonstrated by the fact that (iii) their existence not only pre-dates, but also by-passes the life-span of any politically constituted regime (Olgiati 1998a,b).

A general overview of the most significant evolutionary stages of the EU policy will provide an illustration of the issues at stake.

3. EU 'defensive modernization' and the role of European professions

The European *Strukturbildung* was promoted from the 1950s onwards as a precautionary measure to tackle domestic and exterior socio-economic change and to prevent undesirable socio-political upheavals in the post-war constitutional order. Since this was effectively a case of 'organizational learning' following the harsh experiences of two world conflicts, from the very start the integration/unification process has taken the form of a *defensive modernization* policy. In turn, the main task of this 'defensive modernization' policy had always been to avoid, as much as possible, any sort of traumatic 'transition', especially as regards vested interests and values derived from the constitutional architecture of political economic liberalism.

These priorities explain why the European project has been enhanced by rule (a) according to reformist arrangements (negotiated dislocation of sovereign national mechanisms at supranational level), (b) imposed by elitist pressure groups by means of unrepresentative agencies and procedures, and (c) with the instrumental interposition of local national structures (due to the lack of self-enforcing territorial devices). The enactment of such devices was due to a compelling political necessity: to minimize the clash between old and new arrangements, claims, expectations, etc.; that is to politically neutralize any serious resistance and conflict as regards both the *exhaustion* of the historical process of nation-building and the way in which the European project was actually carried out.

It comes as no surprise, therefore, that the involvement of European learned professions in EU policy implied a *selective* mobilization of certain symbolic and material items only, and a *generalized* containment of the problematic outcomes of such a selective involvement. Both issues have been handled by means of a *soft* ('step-by-step') process in which only

fractions of the professional elite were able to act at the one time as (a) *designers* of the new socio-institutional framework, (b) *defendants* of the already existing established order, and (c) *interpreters* of all sorts of claims stemming from the broader social dynamics.

Despite some positive achievements, European learned professionals have tended to experience a cultural crisis about their identity, as, not only were they *de facto* compelled to *technically* exploit their still existing and valid Nation-State professional prerogatives and jurisdictions, but they were *politically* engaged in the EU 'defensive modernization' as mere *technical instruments*, rather than as proper *social resources*, or – as Habermas would say – as a simple *medium* rather than a veritable *institution* (Habermas 1984). Examples of this instrumental use are countless. Especially from the Rome Treaty (1957) up to the Single European Act (1984) EU policy was technically and ideologically carried out by using 'economic freedom' imperatives almost exclusively. For this reason professional performances were conceived and treated as a mere product (*locatio operis*), thus repressing the thousand-year-old pivotal professional trait, still embodied in national models, according to which higher knowledge and know-how in action is, and cannot but be a service (*locatio operarum*), whether or not professionals are 'free' or 'regulated' agents.

From the 1980s onwards, such economicist policy turned out to be unfit to deal with interior and exterior challenges. A new agenda was therefore set up to provide more consistent protection to fundamental EU interests and values. To understand the *political* nature of this change, it can be asserted that the EU power elites had damaged – or at least undermined – the original *rationale* of European Unionism which had intended the peaceful treatment of any sort of interior or exterior problem. The armed intervention in Kosovo, the not unanimous enforcement of the Euro currency and the way in which the Eastern enlargement has been carried out, all exacerbated a variety of old and new contrapositions regarding EU governance (Olgiati 2006a).

Due to these, and other events, it seems that European learned professions are now increasingly called on to perform an additional *political* task: to provide EU constituencies not only with more efficient results, but also with a higher degree of political legitimacy and social appeal. That is why the EU now requires the special support of European professions, i.e., an *EU-oriented* technical-political *accountability* (Olgiati 2002).

4. The legacy of the past: EU 'professional conversion' law-policy making

The EU shift from an economic to a geo-political agenda occurred by virtue of the Maastricht Treaty had relevant consequences for European

learned professions. EU law-policy took on the 'form' and 'substance' of a *precautionary* professional *conversion* and this had to fit with a new *symbolic* political issue: the claim for legal recognition of the notion of 'EU citizenship'.

On the one hand, learned professions had to reset their traditional '*status activae civitatis*', i.e., their own century-old political and cultural oscillation between state institutions and civil society at national level. On the other hand, the move towards EU 'citizenship' had to guarantee country-specific socio-institutional diversity. The assessment of two different cleavages – the one *internal* to each professional group, and the other *internal* to the relationship between the EU and each EU member-state at continental level – was therefore implemented by EU policy-makers in order to prevent any serious reaction. That is why the province of European learned professions has been and still is involved not in one but in a plurality of intertwined EU-driven professional projects.

Firstly, the EU policy promoted and still promotes a *macro/trans*-'professional project' of continental dimensions, for it touches all types of European learned professions and includes all sorts of professional variables (services, credentials, values, structures, bodies, etc.) in order to establish a EU general framework based on *selective* degrees of socio-professional stratification and mobility. Secondly, within this macro/trans-professional project, a variety of *meso/inter*-'professional projects' also operate. These projects concern any field within a given service area and are oriented to strengthen mutual cooperation and togetherness among all professional groups involved in it. As they do not deal with a single profession or issue, but with the entire dynamics of a disciplinary discourse or field as a whole (e.g., law, health, architecture, economy, science, etc.) their integrative function for EU governance is also a way to internally undermine traditionally monopolistic jurisdictional boundaries and bodies. Consequently a further internal cleavage is created within each established organization-set, especially in relation to 'core' *vs* 'periphery' professional action systems. Thirdly, just like Pandora's Box, the above holds out the possibility of enhancing a number of *micro/intra*-'professional projects' on the part of local actors (pressure groups, associations, guilds, etc.) within and outside a given professional system, thereby creating a flexible playground in which not only context-based diversity, ability, speciality, etc., is valued rather than repressed, but opportunities are given to those active local elites who wish to secure additional EU-oriented 'secondary adjustments' (Olgiati 1996a, 1999).

To keep under control this multilayered framework the EU directive (n. 48) on Mutual Recognition of Higher Education Diplomas was legally enforced in 1989. This Directive set up a new, all-embracing, power-knowledge *jurisdictional boundary*. The mutual recognition of

formal-official certificates granted either by universities (degree) or professional orders (licence) not only mutually interlocked knowledge and know-how of both systems at *national* level according to their country-specific institutional criteria, but also mutually interlocked their present and future territorially rooted existence as pivotal *European* higher education credentialing systems (Olgiati 2001).

5. The globalization wave and the rise of a post-national '*questione degli Intellettuali*'

While this EU policy was in progress, much wider exterior conditions put the issue of an *organic* EU-orientation of European professions on the EU agenda: (i) the political impact of the USA-driven globalization wave and (ii) the rise of the so-called 'steady-state system', that is a stagnation equilibrium in economic growth (Soros 1999). It is not possible to discuss these variables in detail but it is worth stressing that the EU has been compelled to add to the macro/meso/micro professional projects, a further programme of action, specifically tailored to safeguard EU cultural capital as a whole. More precisely, it has been compelled to address directly the *new* contours of what might be called the 'post-national *questione degli intellettuali*', that is the problem of establishing a new structural/functional coupling between vested values and interests, social dynamics and professional competence and accountability in an era increasingly characterized by both the 'exhaustion' of nation-building and the erosion of welfare system entitlements.

A 'national' *questione degli intellettuali* arose as a political issue in Europe in the 1930s, due to the increasing growth of trans-national economic corporations as new political/economic actors as well as new knowledge and know-how entrepreneurial agents at World-system level (Gramsci 1971). Since then the *questione* has grown geometrically. The spread of corporations' in-house high-tech research and training centers (devoted to increase market-oriented knowledge production policy) and the rise of private profit-making multi-practice service infrastructures (devoted to reduce transaction costs and promoting networking operations) had tremendous effects on state-sponsored learning institutions and state-protected professional orders. In fact they established completely new epistemic conditions about knowledge and know-how reproduction (methods, performances, aims, values, etc.).

Given the worldwide impact of these conditions, it is not by chance that, while the USA-driven globalization wave was increasing, in 1988 in Bologna, on the ninth centenary of the *Alma Mater Studiorum*, Rectors of the most prestigious European universities formally recognized in a

(*Charta Universitatum*) that the State university system had lost its age-old monopoly over scientific research and higher education. In 1989 the EU Directive on the mutual recognition of higher education diplomas was devised also as a defensive tool. However, a decade later, in 1998 in Berlin, during the general assembly of the association of European universities, the same Rectors claimed that European universities were likely to lose their cultural leadership also, for the 'added value' of their formal credentials could hardly compete with the ideological appeal, amount of funds, organizational efficiency and scientific results of corporations' profit-making research units (CRE 1998).

As these records demonstrate, the new political dimension of the *questionne* was clear. What was lacking, however, was an *ad hoc* policy: a policy linking advancements in scientific study and research and broader socio-economic changes occurring everywhere through a much stronger EU-driven governance system. Accordingly, the EU power elites credited the expertise of a cluster of international institutions (e.g., Organization for Economic Cooperation and Development, Great 5,6,7, ... etc., Davos-World Economic Forum, World Bank, International Monetary Fund, etc.) acting as agents of globalization and specialized in analyzing and planning any sort of social trends.

Altogether such a political/cultural 'collateralism' has been warranted by EU power elites as a way to re-assess EU interests and values and promote the Western civilization model as such. Yet the way in which EU intentions have been exploited by those agencies did not coherently match the geo-political needs of both EU governance and the European society. In fact, they basically acted as 'constitutional substitutes' of democratically elected political bodies, and tried (even though lacking any official legitimacy) to authoritatively enforce strategic techno-political programmes otherwise requiring a generalized social consensus (Chalmers 2000). Moreover, it soon became apparent that they were oriented towards a *systematic disarticulation* of the basic institutional mechanisms of the European power-knowledge nexus. Given the seriousness of the matter for European cultural capital as a whole, the EU was compelled therefore to re-set once again its policy and enforce a *specific* defensive counter-strategy.

6. The European power-knowledge nexus under attack

The risky implications of the 'collateralism' about knowledge production that the EU established with the agents of the globalization wave can easily be appreciated by considering the ordering mission of both universities and professional institutions in Europe, and the market-oriented *computational* strategy that these agencies tried to enforce worldwide. These agents

officially claimed to up-to-date the structure and functions of European learned institutions in order to match them with the imperatives of the economic system. However, they actually used both their scientific expertise and political power to *deconstruct* and *erode* the constitutional asset and fundamental pillars of the *civilizational model* of the whole European society (Olgiati 2001). A few examples can demonstrate this.

In 1987 (the year before the Ninth Centenary of the first university in Europe) the OECD published a Report to assess in detail what it considered to be the *new* basic mission of European universities: to sustain global market imperatives. From 1994 to 1997, OECD-driven international General Agreement on Tariffs and Trade, General Agreement on Tariffs and Services and Multilateral Agreement on Investments officially claimed that the traditional principles and values of the European university system had been overturned. This reinforced the idea that higher education is not only an economic service/product, but also an international economic enterprise open to the needs of foreign investors (OECD 1987). As far as professional orders are concerned, the same OECD-driven GATT, GATS and MAI Agreements claimed a full liberalization of professional jurisdictions and complete deregulation of professional services, that is the dismantling and abolition of the same orders insofar as they were considered socio-institutionally useless *vis-à-vis* market logic (OECD 1988).

To emphasize the benefits of such globalization 'imperatives', large action-oriented campaigns were promoted. Computationally constructed grids (defined as 'best practices') and certification procedures (defined as 'total quality systems') were imposed in order to technically replace and legally subsume or by-pass rules and methods of European academic and professional institutions. A refined ideological discourse, specifically tailored to professional groups, was also set up to show the need to reset professional codes of conduct and research projects accordingly. The Organization for Economic Cooperation and Development and the World Bank, in particular, were extremely active in this respect: for example, a liberalizing 'innovation offensive' to enforce a 'post-academic science' was designed and sponsored according to a systematic programme of study and research supported by highly refined theoretical and methodological standards (OECD 1998).

All this has undoubtedly been a 'new broom' for European learned professions. To an extent it also positively shackled some of the cultural attitudes of the European academic and professional world (Gibbons *et al.* 1994). However, the EU did not intend to follow the policy of these agencies if they *endangered* the specificity of EU cultural, political and social capital. In this respect, the historical legacy of national professional orders/associations is highly symbolic. Even though these orders/associations are

dysfunctional in some respects, at present they have not been dismantled or abolished. This is due to a simple reason, namely that their social utility and necessity is grounded on, and 'certified' by, a thousand-year-old socio-institutional experience. In recent history, only revolutionary or pseudo-revolutionary political conditions resulted in their abolition, as was the case with lawyers' guilds in French ordonnances of 1789, Russian decrees of 1917 and Italian corporatist laws of 1934. As soon as such turmoil ended, professional orders/associations were immediately reconstituted (Olgiati 1996b). The EU does not have any interest in reawakening these historical upheavals just to comply with the social, cultural and political *irrationality* of the OECD's one-dimensional policy.

7. EU-styled convergence-through-cooperation

Evidence that pressures and claims on European cultural capital made by agencies of globalization did not fit with the socio-political needs of EU 'defensive modernization' were already apparent from the beginning of the 1980s, as the re-assessment of the Rome Treaty's unanimity principle for EU decisions concerning professional issues (art. 16, Single European Act, 1984) indicates. However, a substantial turning-point occurred with the drafting (1986) of the Maastricht Treaty and the signature of the *Magna Charta* of European Universities in Bologna (1988). A year later the signature of the *Charta* – along with a wide critical debate at scientific level about the European education system (Sousa Santos 1989) – the EU Directive (n. 48/1989) on Mutual Recognition of Higher Education Diplomas was enacted to confirm and strengthen the century-old structural/functional coupling between university (knowledge) and professional orders/associations (know-how). What matters within this framework is the fact that the Maastricht Treaty (operational since 1991), was the first official EU document that made explicit reference to education, in general, and professional education, in particular, as the 'engine' and 'fuel' of socio-economic development (art. 149): this in order to give explicit substance to the very notion of 'EU citizenship', that is to advance EU governance's *social* legitimacy and reduce the so-called 'democratic deficit'.

Following up this explicit socio-political aim, at a conference in Parma in 1992, the European Council discussed the criteria for general reform of the whole European higher education system. Strong emphasis was put on the need to *reduce* the 'obsession for specialization' and *promote*, by contrast, professional vocationalism (Consiglio d'Europa 1992). Both issues were again stressed in the 'Green Book' (1993) on the European dimensions of education and the 'White Book' (1996), on the occasion of

the European Year of Education and Permanent Training. In 1998 in Paris, the ministers of education of Italy, France, Germany and England, outlining the pivotal role of the university system in developing European cultural capital, signed the Sorbonne Declaration to create a 'European Area of Higher Education' as a key way of promoting both citizen's mobility and employability. This signing opened the way to the Bologna Declaration, in which concrete measures (comparable degrees, competitiveness, etc.) were defined in order to achieve tangible progress in consolidating the European area without reducing interior, country-specific, diversity (Cownie 2002).

In addition, a variety of other *ad hoc* operational devices were established (e.g., European Social Fund for Training and Development; Regional Operative Plans), or refined (e.g., European Centres for Development of Professional Training; European Foundation for Training; Programmes of Communitarian Initiative on Education, Training and Development) to further emphasize EU citizenship, democratic participation and economic development. On-going or new Programmes of Communitarian Initiatives were re-framed or established. Within the field of higher education, examples include the well-known Erasmus, Socrates, Tempus, Leonardo, mobility programmes. Interestingly, these mobility programmes were designed according to a totally innovative organizational rationale. By virtue of formal-official mutual agreements among European universities, they provide the EU with a continent specific, territorially based, closed/opened 'organizational texture' for education and research, led not by exterior forces, but by the self-conscious community of engaged learners (structural closure) reflexively re-acting to the changing issues of broader environmental conditions (cognitive openness). In other words, for the first time in the century-old history of European higher education, a trans-national *corporate* networking system of learning of continental dimensions is now able to autonomously activate a substantial co-design and co-management of scientific activities and socio-cultural exchanges at continental level. As this 'organizational texture' overlaps the structurally differentiated but functionally intertwined missions of all European universities and professional guilds – a fact confirmed by the EU directive n. 48/1989 – it is easy to realize what sort of *organic* theoretical-practical model all this implies: namely the establishment of a veritable *olonic* organizational system, i.e., an all-embracing, multi-directional, self-organizing model of convergence through cooperation.

In sum, in the last decades, the EU not only aimed at reducing inorganic, irrational, incoherent exterior pressures, but also tried to construct a *new* continent-specific *institutional* power-knowledge nexus. Yet the question remains: was this enough to safeguard and strengthen the whole realm of EU socio-cultural capital?

8. EU-styled development-through-knowledge: towards a 'learning' economy

While the EU was concerned with the above programmes, the technopolitical strategies of trans-national agencies to assess global market imperatives continued. In addition, the impact of the worst crisis ever to hit Western modern economies, namely the long-term stagnation of the 'steady state economy' (Ziman 1996a), took on major importance. Leading thinkers of these globalization agencies claimed that there was only one choice to deal with the matter: a high degree of *ideological hegemony* for the long-term survival of global neo-liberalism. Haggard and Kaufman (1992) identified a two-step strategy for the purpose: (i) to strengthen nation-state arrangements before reducing their role in economic affairs and (ii) to set up strong leadership supported by a generalized 'social learning'. Basically, a new social-scientific discourse about a firmer knowledge, politics and economy coupling was suggested to deal with both issues. The same 'global players' reinforced their activism by claiming the establishment of a politically/economically *negotiated* knowledge production, based on shared common values, projects and goals between learned professions, entrepreneurs and politicians. They suggested (i) the formation of a *hybrid* 'epistemic community' involved in market-oriented 'research and development' tasks, and working by means of (ii) a substantial 'epistemic drift' of scientific activity from traditional individual reputational control to inter-organizational managerial regulations (Kelsey 1998). Such a strategy has been defined either as a form of 'post-academic science', for scientific work is not any more centered on the autonomy of university research and training centres (Ziman 1996b) or as a 'triplex helix', for scientific, political and economic actors are all involved as partners in the same 'epistemic' action (Etzkowitz and Leyderdorff 1997). Given the 'push approach' of scientific work towards economic imperatives, all this is now commonly and officially known as the '*knowledge-based economy*'.

Significantly, the knowledge-based economy, in turn, cannot but assess such a convergence by strictly following convenient rules: basically, top-down programmed, standardized and certified procedural grids, as suggested by economic corporations. The problem with these criteria is that they go against the *rationale* either of any constructionist model-in-progress, or of the whole European cultural legacy. Consequently, it is not by chance that, by recognizing the value of the century-old European cultural and political experience, the EU reacted against the implementation of such criteria by claiming a different, more plausible and socially adequate, *alternative* strategy (Olgiati 2000).

In 1996, Jacques Delors, in a Report to UNESCO, officially marked the change by stressing the urgency for the EU to rescue and valorize the intangible *trésor caché* of European society, that is the inestimable

socio-cultural patrimony constituted by the variety and uniqueness of its *embodied knowledge* (Delors 1996). Delors' claim did not come as a surprise within the EU. There had been early indications before, as the Final Report of a large 'Targeted Socio-Economic Research' Project promoted by the EU Commission DG XII, demonstrates (EU Commission DG XII 1997). The importance of this Final Report lies in the fact that it establishes a strong relationship between (i) knowledge promotion, (ii) political governance of social change, and (iii) potential chances for economic growth. Above all, it also defines the principles of a general 'research and development' framework that explicitly goes against the logic of the 'knowledge-based economy' model. In fact, the Report outlines in a systematic way the new theoretical guidelines for an EU-specific knowledge production policy – the *European challenge* to the so-called global challenges – by emphasizing the potentials of the notion '*Learning Economy*'. In other words, it states that the core issue for European growth is not formal knowledge as such, but rather the nature of *learning*.

To illustrate the point, a few basic differences between the global 'knowledge-based' and EU 'learning' economy models can be outlined. The *knowledge-based economy* model is rooted in rationalistic and universalistic principles about the existence of a *best way*. This implies a *top down* enforcement of *best practices* as formally, technically, standardized, specialized and certified according to the one-dimensional logic of market imperatives. Consequently, the model stresses and rewards: (i) knowledge as textual information rather than a contextual cognitive praxis; (ii) computational modelling of social reality rather than social acknowledgement of its complexity and variability; (iii) procedural definition of contents rather than their substantial value-oriented dynamics; (iv) competitive (elitist and non-collegial) specialization rather than common lived human experience; and (v) authoritative assessments of formal proceedings rather than a general social recognition of the action in context.

In contrast, the EU *Learning Economy* model presupposes the necessity and utility *for society at large* of continuing learning, in order (i) learn how and why to develop new practical know-how and new intellectual visions and (ii) to congruently register, and react to, changing pressures or events stemming from broader social dynamics. Accordingly, a genuine *innovation policy*, does not require generalization-by-standardization uniformities. On the contrary, it presupposes, and leads towards, a full understanding of the phenomenology or the learning of learning, for '*crucial elements of knowledge remain specific and tacit and rooted in specific organizations and locations*' (EU Commission DG XII 1997: 13).

The importance of the TSER Report is noteworthy not only in itself, but also because it suggests a line of action towards a sustainable socio-economic growth that perfectly fits with European continent-specific

cultural traditions and human resources, while emphasizing the differences as regards any other civilization project. It is fair to say that since the publication of the TSER Report, certain factions within the EU continued their political and ideological support for global market-driven 'research and development' programmes (Jasanoff 2004). Yet it is clear that the Report made a substantial impact. The Report of the European Commission on 'Actual prospective tasks of educational systems' prepared for the Lisbon Conference in 2000 is an illustration which recalls the principle of 'adaptation/adjustment' between human needs, economic development and cultural capital. However, to have a better understanding of what this means, it is necessary to enlarge the viewpoint and focus directly on the broader project of EU constitutionalization (Olgiati 2002, 2005).

9. The constitution of EU professional governance after the Nice Treaty

In the EU constitutionalization project it is noticeable that worries about the 'steady state economy', and fears for a potential worsening of the EU 'democratic deficit', have led towards a stronger, fully *institutionalized*, coupling between European science production and EU governance policy, in order to establish a more visible and solid *EU-organic* power-knowledge nexus. In fact, this organic *institutionalization* – aiming at promoting an 'intelligent' (because 'expert') EU governance system (Marks *et al.* 2005) – is at the core of the *new concept of science* and the *new concept of governance* that in 2001 the Commission of the European Community officially outlined in its White Paper on European Governance: the concept of European science as a '*policy-related science*' and the concept of EU governance (CEC 2000) as the institutional outcome – a *political synthesis*, or a sort of '*social contract*' – between *European science* and *European society* (CEC 2000).

According to the Commission, European science has to be conceived not as a scientific realm in the traditional sense any more, but as a '*science devoted to public issues*', for its actions, as well as for its results. Also, its agents or 'carriers' (i.e., learned professions) have to be committed to, and have to be accountable for the performances, plans, activities, that European society – individuals and organizations – are entitled to conduct within the constitutional framework of EU governance (Cohen and Weisbein 2005). Significantly, such conceptual 'epistemic drift' – formally assessed in 2001 (i.e., the same year of the signature of the Nice Treaty) – is related to the new legal principles that have been assessed by the creative activism of the European Court of Justice (ECJ) and then codified in the Nice Charter.

With the Nice Charter, the EU power elites officially proclaimed the *ontological equalization* of all rights and freedoms that the ECJ recognized as a constitutive part of the so-called 'common European legal tradition'. This equalization, in turn, implied the *axiological indivisibility* of all the values and principles contained in the same tradition. Besides this, the same EU power elites proclaimed also that (i) techno-scientific achievements, (ii) economic activity, and (iii) social dynamics are basic *social sources* of the EU *legal order* as a whole, and therefore also official sources of *legal cognition* and *interpretation* for any sort of EU decision-making (Olgiati 2005).

As a result of such an extraordinary legal conceptualization, the Charter now includes a number of rights and freedoms that were previously assessed in other legal systems, in different space-time conditions, by different socio-political forces, according to different values and interests. Nevertheless, each and all of them are now recognized as having the *same binding value*, being indivisibly equal as fundamentals of the EU legal order. This means, for example, that a freedom such as 'economic competition' and a right such as 'human solidarity' are *not* legally detachable, both having the same fundamental importance for EU governance. Given the above technicalities, it follows that any actor, field, performance, structure, including professions, cannot but be directly concerned. This means, for example, that in the case of professional issues, a claim based *only* on the principle of market freedom cannot be pursued anymore because it clashes with the equal recognition of other EU principles.¹

A demonstration of this new legal frame of reference is the case of the Bolkestein's EU Directive of February 2006. The final draft of this

1. This example is not an abstract teaching case for law students. In March 2003, during a conference on European professional services, the EU Commissioner for competition stressed once again the necessity to enhance a deregulation policy for legal services in order to promote market competition. For the purpose he relied on data provided by research of the Organization for Economic Cooperation and Development. Two months later, in May 2003, the Consultative Committee of Forensic Orders, formally contested the method and merit of the OECD research as well as the whole argument of the EU Commissioner insofar as both did not consider that European professions and their services are *also* under the cover of the human and social rights of the Nice Charter (Alpa 2005). Diverging viewpoints about professional interests and values between EU Commissions and Professional Orders are not new. Totally new, by contrast, is the legal and political position of both parties as established by the Nice Charter. In fact, for the first time since the Rome Treaty professional issues cannot be thematized in formal-official legal terms only from a single one-dimensional perspective (i.e., market imperatives), but must be conceived and treated by taking into account the irrepressible *relational* entanglement between knowledge production, economic growth, institutional framework and social dynamics in any professional matter, including professional values and interests.

Directive aimed at assessing the principle of market freedom as regards both semi-professional and professional services in the whole of Europe. In the course of its approval, however, the Directive was widely revised not only because of strong socio-political pressures but also due to the indivisibility of the *overall* set of fundamental rights and freedoms established by the Nice Treaty.

This case shows that European learned professions and professionalism – and any other agents and agencies – are indeed at a turning point. On the one hand, European learned professions cannot anymore be instrumentally involved in EU process and policy only as a *medium*, but have to be recognized as an *institution* in order to *organically* substantiate the *new* theoretical and practical configuration of EU governance. On the other hand, serious *hermeneutical* and *epistemological* problems come to the fore. It is already apparent that, in cases of theoretical and practical disputes, the European Court of Justice will have the chance to ‘balance’ the issues at stake according to its autocratic and discretionary decision-making. This will certainly raise, in turn, severe *cultural* and *political* conflict about the ‘relative weight’ of *any* value and interest involved.

Given this, it is likely that any profession in general, but learned professions in particular, will have to face the challenge of how to assess within and outside the European Court their technical *specificity*, cultural *identity* and socio-institutional *loyalty* in a totally *new* (culturally plausible and politically adequate) manner. More precisely, given the text of the Nice Charter, the EU Commission’s conceptual drift about the notion of science and policy, and the power of the Court of Justice, it seems that traditional, self-referential professional values and interests are *not* any more socially and legally self-evident. This means that a *new* professional narrative – a new professional *Weltanschauung* – based on newly created self-evident assertions is required. This issue it is not merely a matter of semantics. What is needed is the ability to state nothing less than a new Foucauldian ‘authority of speech’ compatible with the new complexity of the whole EU socio-legal dynamics: that is to say, to be able to enforce a new *systematic* professional *doxa*.

10. Final remarks: towards a proper sociological theory of European professions

Both the European educational systems and European professions have reached a historical threshold. At least two related topics need to be emphasized, in conclusion, so that the issues explained above can be placed at the top of the European scientific and political agenda of the European sociology of professions.

The first topic concerns the need for a new professional *doxa*. In the paper this has been outlined as an outcome of the new *rationale* of the EU *geo-political* governance system. It has not been possible here to show how and why the same need stems also from other, different, socio-legal dynamics. For example, it is commonly acknowledged that current information and genetic techno-scientific revolutions raise serious epistemological and hermeneutical debates about the way in which traditional patterns of educational and professional values and interests have to be reconsidered. As such debates raise the problem of the *cultural* governance of the overall European *symbolic* domain (Tallachini and Doubleday 2001) it is likely that the EU quest for expertising governance and governing professional expertise will also result in EU-oriented *fundamental educational standards*.

The second and linked topic concerns the need to overcome the limits of dominant narratives of current theoretical and empirical sociology of professions. As I have argued elsewhere (Olgiati 2003, 2006b), and as this paper confirms, it seems that none of the most credited sociological theories of professions is able to provide a plausible and socially adequate account of what is happening in European society since the construction of the European Union. None of the theoretical models has been worked with reference to the historically determined, constructivistic specificity of the EU as a geo-political ‘defensive modernization’ self-fulfilling prophecy.

Equally misleading are the most credited sociological empirical studies and research about current professional changes. What is lacking is any realistic empirical approach to contemporary socio-institutional complexity and contingency, including that of professional dynamics. Geo-political legal constructivism is an additional type of complexity and contingency which concerns both EU governance and European professionalism. But empirical research in sociology is still unable to provide a significant scientific contribution to EU concerns.

This sketchy *tour d’horizon* on the ‘state of the art’ of European sociology of professions ends with a final statement. There is an urgent need to develop a proper European sociological theory of European professions in order to correctly deal with EU issues. In the absence of such a theory, it seems that European learned professionalism, EU governance and any EU-driven educational model could experience the challenge of disorder and disorientation.

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