THE LIBERAL PROFESSIONS, A LEVER FOR THE DEVELOPMENT OF EUROPE: TOWARDS A EUROPEAN MANIFESTO OF PROFESSIONALS

Specific professional and ethical rules and education

Prof. Dr. iur. Anne Schäfer, M.A.
Professor of Social Security & Health Law
University of Applied Sciences Fulda (Germany)
Overview

I. Trust in Crisis
II. Specific professional & ethical rules as solution
III. Regulatory approaches
IV. Ethics and education

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I. Trust in Crisis: Results of the Edelman Trust Barometer 2017 (European Union)
I. Trust in Crisis: Edelman Trust Barometer 2017 (European Union)

Each year, the barometer poses the same central question:

*How much do you trust these institutions to do the right thing?*
I. Trust in Crisis: Results of the Edelman Trust Barometer 2017 (European Union)

<table>
<thead>
<tr>
<th>United Nations Most Trusted Multinational Institution</th>
<th>Percent trust in the three new institutions of the European Union, United Nations and International Monetary Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informed Public</td>
<td>European Union: 51%</td>
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<tr>
<td></td>
<td>United Nations: 69%</td>
</tr>
<tr>
<td></td>
<td>International Monetary Fund: 60%</td>
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<tr>
<td>General Population</td>
<td>European Union: 39%</td>
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<tr>
<td></td>
<td>United Nations: 57%</td>
</tr>
<tr>
<td></td>
<td>International Monetary Fund: 46%</td>
</tr>
</tbody>
</table>

Source: 2017 Edelman Trust Barometer Q11-620. Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale, where one means that you "do not trust them at all" and nine means that you "trust them a great deal." (Top 4 Box, Trust) Informed Public and General Population, 28-country global total.

*The European Union is only asked of 11 European Countries.
I. Trust in Crisis: Results of the Edelman Trust Barometer 2017 (European Union)

Trust in Media and NGO’s Decline
Percent trust in the four institutions of government, business, media and NGOs, 2016 vs. 2017

Source: 2017 Edelman Trust Barometer. Q11-620. Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale, where one means that you “do not trust them at all” and nine means that you “trust them a great deal.” (Top 4 Box, Trust) General Population, European Union.
I. Trust in Crisis: Edelman Trust Barometer 2017 (European Union)

Business Plays a Role in Stoking Societal Fears

Global population worries about losing their jobs due to:

- Foreign competitors: 57%
- Immigrants who work for less: 55%
- Lack of training/skills: 53%
- Jobs moving to cheaper markets: 53%
- Automation: 50%

48% the pace of change in business and industry is too fast

53% globalization is taking us in the wrong direction

Source: 2017 Edelman Trust Barometer. Q693-762. Some people say they worry about many things while others say they have few concerns. We are interested in what you worry about. Specifically, how much do you worry about each of the following? Please indicate your answer using a nine point scale where one means "I do not worry about this at all" and nine means "I am extremely worried about this". (Top 4 Box, Worried) Q709-718. For each of the statements below, please indicate how much you agree or disagree. (Top 4 Box, Agree) General Population, European Union. Q348-671. For the statements below, please think about the pace of development and change and select the response that most accurately represents your opinion. (Top 4 Box, Too Fast) General Population, European Union, question asked of half the sample.
I. Trust in Crisis: Results of the Standard Eurobarometer 87

Q28a I would like to ask you a question about how much trust you have in certain institutions. For each of the following institutions, please tell me if you tend to trust it or tend not to trust it.

(% - EU - TEND TO TRUST)
I. Trust in Crisis: Liberal Professions in the public eye

Liberal professions are in the public eye and subjected to political pressure:

- financial and economic crisis
- discussion about professional behavior
- economic perspective: are liberal professions different from other occupations?
- efforts of deregulation of the European Commission

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I. Trust in Crisis & Liberal Professions: GfK „Trust in professions 2016“

Average level of trust in bankers and bank clerks significantly higher globally than in Europe

<table>
<thead>
<tr>
<th>Professions</th>
<th>Averages*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>all countries</td>
</tr>
<tr>
<td>Firefighters</td>
<td>90</td>
</tr>
<tr>
<td>Nurses</td>
<td>89</td>
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<tr>
<td>Teachers</td>
<td>89</td>
</tr>
<tr>
<td>Doctors</td>
<td>88</td>
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<tr>
<td>Pharmacists</td>
<td>86</td>
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<tr>
<td>Farmers</td>
<td>86</td>
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<tr>
<td>Paramedics</td>
<td>85</td>
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<tr>
<td>Pilots</td>
<td>85</td>
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<tr>
<td>Engineers, technicians</td>
<td>84</td>
</tr>
<tr>
<td>Soldiers</td>
<td>82</td>
</tr>
<tr>
<td>Craftsmen</td>
<td>79</td>
</tr>
<tr>
<td>Train, bus, metro drivers etc.</td>
<td>77</td>
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<tr>
<td>Architects</td>
<td>76</td>
</tr>
<tr>
<td>IT &amp; software specialists</td>
<td>75</td>
</tr>
<tr>
<td>Judges</td>
<td>70</td>
</tr>
<tr>
<td>Bankers, bank clerks</td>
<td>67</td>
</tr>
</tbody>
</table>

*Countries surveyed: Argentina, Australia, Austria, Belgium, Brazil, Canada, France, Germany, India, Indonesia, Italy, Iran, Japan, Kenya, Netherlands, Nigeria, Philippines, Poland, Russia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, USA

Source: Trust in Professions, GfK Verein (Autumn 2015, 29,777 respondents from across the world, of which 1,978 respondents in Germany)
II. Specific professional & ethic rules as solution

*Professional ethics as collective term*

- principles
- rules
- code of conduct
- formally enacted laws

➡ transparency and predictability as functions for trust
II. Specific professional & ethic rules as solution

- **trust & interdependencies**
  - authority/institution issuing the rules
  - wording & margin of interpretation

- **ethics and law**
  - binding character
  - Example: Solicitors‘ code of conduct (England/Wales) before 2007
III. Regulatory approaches

**Rules-Based Regulation**
- casuistically structures normative system,
- which establishes legal consequences for a wide range of individual circumstances
- on the basis of clearly established criteria

- mainly in continental European Member States

**Principle-Based Regulation (Outcomes-Based Regulation)**
- formulation of abstract legal principles of professional regulation
- which must then be applied on case-by-case basis

- common law and certain Nordic legal systems

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III. Regulatory approaches

- *Examples for principle-based regulation (Solicitors‘ code of conduct 2011):*
  - „You must act with integrity“ *(principle)*
  - „You must act in the best interests of each client.“ *(principle)*
  - „clients have the benefit of your compulsory professional indemnity insurance and you do not exclude or attempt to exclude liability below the minimum level of cover required by the SRA Indemnity Insurance Rules“ *(outcome)*
  - other traditional rules corresponding outcomes
III. Ethics and education

- *two ways:*
  - during undergraduate education
  - after undergraduate education: CPD?

- *for legal professions in the US, Canada, Australia: during undergraduate education*

- *lack of research for European Union: only selected results for some countries and some liberal professions (e.g. physicians)*

- *best practice?*