

Summary of Prof. Marco Saverio Spolidoro's

Lecture at the Kammerrechtstag 2012 in Trier

Free professions before the unification of Italy (1859-1860). Regional differences and similarities. Social meaning of free professions in traditional Italian life. The orders and the old municipal guilds. Free professions and nobility.

The organization of liberal professions in Italy was the result of a vast reform of this field at the beginning of the Twentieth Century, when the tremendous effort of unifying the different traditions of the very diverse regional systems of the Ancient Italian States was over. The pillars of the new system were: a sharp and neat separation of the liberal professions from each other and above all from the exercise of commercial activities; hence, the reserve of certain professional activities to the members of specific professions; hence, the idea that liberal professions were services of public utility and ought to be organized by the State, although part of the State functions could be carried out by self-government bodies, both at central and local level; hence, the creation of a centralized control of access to the professions and the introduction of several restrictions to free competition such as a tariff, through the cooperation of State and members of the professions; hence, the delegation of the power to overlook the exercise of the profession to the self-regulatory bodies of each profession.

This early model has been applied in its full force only for the profession of notaries. Consequences of the application of the model for the Italian notaries. Reasons why the model could not be applied in its full extension to other professions. World War 1 and 2. The farewell to programmed access and State admission exams. Consequences.

The inflation of the professions. The emergence of new social patterns and the criticisms to the "professional privilege". The abnormal growth of the members of the traditional professions. The tension between the "model professional" in the books and the "model professional" in the real life. The progressive retreat of the State and the new delegation of powers to the professional self-government bodies. The emergence of new forms of professional organizations based on the model of the Trade Unions, with explicit or implicit political goals.

Competition makes its way (four benchmarks: residence, professional partnerships, tariffs, and advertisement).

The decadence of the system. The rush of new professions. The new professions as specialized services in search of a privilege. The tremendous effects of the EU Competition Law. Partial reforms scattered in progressive confusion of conflicting goals.

Unsustainability of the old model. The new enthusiasm of political reformers and the struggle for life of the traditional (wealthy) professionals. The tale of the Poor and of the Wealthy. Capital and work in the exercise of the professions.

The end of the story? The new economic approach and the path to a new paradigm. The new Italian Legislation on liberal professions.

The Seven Pillars of the Reform (from A to Z):

- Abolition of the Tariff
- Advertisement
- Competition
- Continuous Formation
- Professional Liability and compulsory Insurance
- Professional Partnerships and Corporations. Capitalists and professionals.
- Training.

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