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APPROACHES FOR REGOGNITION OF A NEW OCCUPATION AS A LIBERAL PROFESSION IN ROMANIA

Abstract

The paper aims to present the current state and perspectives regarding the path of philosophical practice towards recognition as a liberal profession in Romania, starting from the existing concepts about liberal profession. The legal aspects of the legal regulation of a profession of this kind are the premises that fully highlight the characteristics of philosophical counseling, a new specialization promoted by Romanian universities. The context thus created led to concrete actions of the new practitioners of philosophy, which manifest themselves in society in the form of new specialists trained in philosophical counseling, being the first steps towards recognizing the new occupation thus defined, with perspectives of standardization and regulation as a distinct profession, as part of the liberal professions, already present on the labor market. Some conclusions are included regarding the need for a new profession, distinct from the occupation of philosopher, generated by the specialization tendency of the philosophical practice and defining a new profession, so necessary for persons and human communities.

Keywords: Liberal Profession, Philosophical Counseling, Philosophical Practice, Recognition Occupation

1. *A short approach about the European context of the liberal professions*

The current liberal professions have their origins in antiquity, through the liberal arts, viewed by the philosophers and leaders of the time as something valuable for the citizens of Rome (e.g. Cicero, Seneca). The liberal arts category from antiquity there are also included the current professions, such as: teacher, engineer or lawyer, and later, in the middle Ages, other occupations that required learning, being considered the basic for fields such as: religion, law or medicine. In the modern era, other fields have been added, such as: engineering, architecture, accounting, dentistry, veterinary medicine, pharmacy, psychology and pedagogy. A large part of those professions have endured throughout human history, being practically necessary for every form of organization, specific to those times. In the 19th century, the first professional associations appeared that removed the liberal profession from the authority of the state.

A study carried out by Romanian researchers, the work being edited by the Patronage of the Private Services from Romania, in November 2015¹ made an analysis of the common values of liberal professions in Romania, starting from a review of the first free professions that appeared in history, noting common features, still valid today, and which made them to be different from other occupations, referring to the intellectual

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1 The original title is *Profesiuniștii liberali în România de mâine*, posted at <http://www.piarom.ro/wp-content/uploads/2015/11/brosura-profesii-libere-a5-print.pdf>.

character of the profession, which can only be exercised on the basis of a professional qualification. Another highlighted feature is the independence of the profession, which ensures freedom of exercise, given and recognition of the profession by the state or society, through its public utility.

The same research also highlights other important features, such as the orientation of the service to the client, by ensuring professional secrecy; regulation of the activity with the help of codes of ethics and deontology of the profession. In the cited study, Romania is in last place in the share of liberal professionals in the total self-employed, being far below the existing figures at the level of the European Union (EUROSTAT). The absence of a middle class in Romania is highlighted, and the need for public policies that stimulate individual initiative, with the impetus for the development of liberal professions, with beneficial effects in the development of Romanian society as a whole. In the study, countries such as: Sweden, Denmark and Finland, hold leading positions in the indicator of liberal professions.

In the same trend of concerns expressed at the European level for market research in the field of occupations and liberal professions, a study was carried out at the level of the Consultative Committee of the European Union (EESC). The original title of the report *The state of liberal professions concerning their functions and relevance to European Civil Society*, presented on the EESC agenda on 24 June 2014, and which was taken over and studied by the representative national organizations of the liberal professions in all European Union countries. In Romania, through the national body called the Union of Liberal Professions, a document was issued to the member organizations, regarding *Directions of action for the liberal professions*, being the result of the initiative of the European Commission, to identify the factors driving the business of the liberal professions, and to issue action recommendations, within a wider action plan, called *Entrepreneurship 2020*.

There was identified characteristic features of the liberal professions, such as: independence and impartiality; free access to the profession; maintaining professional secrecy; continuous professional training; customer loyalty; professional integrity and dignity; professional responsibility; the existence of ethical codes; control by the professional body.

These features are considered cumulative conditions to be met, in order to achieve a public interest, through the services provided to their beneficiaries. The liberal professions are independent in the provision of services, rigorously comply with methodological norms and standards of good practice, and demonstrate a high level of professional training, usually requiring university-level studies.

The members of the liberal profession belong to the rule of a legally constituted professional organization, which watches over the quality of the professional performance of the members, identifies conflicts of interest or unfair competition, and pursues the observance of professional norms by developing its own body of control over the activity of the members.

For a good representation of the interests of professional associations, the national organization of Liberal Professions was established in Romania in 2001, which aims to

create a unitary legal framework, necessary for the development of the activity of liberal professions, based on free initiative and in the existing competition conditions, with the observance of some rules of professional ethics, regulated for each profession, being a member of the *European Council of the Liberal Professions – CEPLIS*. With Romania's accession to the mentioned European professional body, the national entity produced a framework document addressed to those who work as a liberal profession, as a recommendation on the common values of the liberal profession, to be included in the codes of conduct. The common values we refer to can be expressed through ideas, such as:

ensuring the confidentiality of the profession, continuous professional training, the independent and impartial nature of the activity, the manifestation of honesty and professional integrity, resolving incompatibility situations, attracting qualified auxiliary staff or specialists, permanent reporting to the rules of practice and conduct of the profession, drawing up a professional insurance policy, correctly presenting the services offered to the beneficiaries, without manifesting influences or beliefs of any kind in the professional relationship, avoiding any dispute and assuming responsibility for the professional activity carried out for the beneficiary².

In 2007, Romania hosted the 5th Congress of the World Union of Liberal Professions, the event having a topic regarding competition within the liberal professions, but also towards other unregulated professions, concluding that it is more than necessary, as a guarantee of the quality of services, along with the requirement to promote individual competition, also supporting the conclusion that the tendency towards abandoning the regulation of liberal professions leads to slippages regarding the competition rules on the services market.

At the European level, in 2006 the *European Day of Liberal Professions* was celebrated for the first time, by the decision of the EESC, but in Romania the first national celebration was on November 5th 2008, the tradition being resumed every year.

2. Some legal aspects of the regulation of a liberal profession in Romania

To clarify the situation, I studied the existing legislative regulations in Romania, in order to identify the representation of the liberal profession, starting from the definition of the profession given by the dictionary³, where the word comes from the French language, being assimilated to “profession”, which is considered archaic, being used the expression of profession, introduced as a neologism⁴, where it is assimilated with the notion of *occupation*, human endeavor or trade. Both forms define the profession as a human activity, with a permanent character performed by a person, based on practical knowledge and skills acquired in training or qualification programs.

2 V. Hategan, *Consilierea filosofica: de la practica la profesie*, Ars Docendi, Bucuresti 2018, p. 238.

3 <http://www.dex.ro/profesiune/25537>

4 F. Marcu, *Marele dicționar de neologisme*, ed. X., Editura Saeculum, București 2007.

Analyzing the history of Romania prior to 1989, a period in which liberal professions were excluded from national regulations, after this date the first regulations appeared, which favored the emergence of association and organization premiums, in which the state had no participation, and the general legal framework was established and regulated by the content of special laws⁵, which provided for the principles of operation and organization, being subject to the changes imposed by the evolution of Romanian society.

Since 1994, the first professions regulated by special laws appeared in Romania, in various fields of activity in the area of services intended for individuals and organizations, with specific provisions and principles, mentioned in the statute of the respective profession, and which currently have a professional organization established under the law, being the condition for exercising the profession in Romania, and exercising the profession becomes impossible without belonging to the national organizational structure.

The national bodies established in this way have developed codes of ethics and professional conduct specific to the profession, with an interest in the development of the *European Book of Liberal Professions*, following every way in which the activity is regulated and authorized in the states of the European Union, taking into account the European directives. In the same sense, the national trade authority presents a list of forty liberal professions for which it does not require express registration. In Romanian legal legislation, the name “regulated profession” also appears, reflected by another list of professional activities that require training levels certified by graduation documents of some programs, excluding liberal professions defined on the basis of special laws. We observe from this approach that there can be liberal professions that are not included in the concept of a regulated profession, and we exemplify the profession of legal advisor, which cannot be exercised in the format of a liberal profession, but only as an employee or official within an institution or organization. Currently in Romania the liberal professions are approved on the basis of special organic laws, or recognized by other normative acts, where we exemplify: evaluators, technical experts, journalists.

For the majority of existing liberal professions in Romania, access to the profession is made after obtaining authorization or licensing by following specific studies, which generate the acquisition of skills, through accumulated experience or passing an exam. The professional organization established under the law regulating the profession becomes responsible for complying with the conditions of access to the profession, a fact that indirectly influences the quality of the services offered to the beneficiaries, by the fact that the practitioner belongs to a professional association recognized by the state, can constitute a real guarantee, and a additional recommendation for the beneficiary, regarding the quality of a service provided under the conditions of a free market. We note that the role of the profession is to satisfy a social need, and the professional practice is confirmed by the beneficiary. At the European level, there have been some situations in which a profession was adopted by the rules of some representative bodies, based on the fact that they also had regulatory powers, established by the national legislation of the respective country.

5 Gh. Moroianu, *Statutul profesiilor liberale*, Vol. 5, Editura Universul Juridic, București 2008.

Some elaborated studies show that there are differences regarding the way of regulation between the member countries of the European Union, for various liberal professions. In the generically named report: *Report on competition in the liberal professions sector* (included in the Communication of the European Commission dated 9.02.2004) it shows that in countries where regulation had a low level, the activity of practitioners worked under the same conditions as in countries that had a higher level of regulation, observing even a better outcome on both participants, both the practitioners and the beneficiaries of that service, practiced in the form of a liberal profession, avoiding excessive regulation. Thus, taking into account the different tariffs applied and the diversification of services offered by each profession, they have generated at the level of European decision-makers a current in favor of a process of renouncing the regulation of some liberal professions, existing within the European Union, with the justification that liberal professions can be considered economic operators, subject to the same rules as the other participants in the economy.

Compared to these approaches, there were situations in which some well-organized professional organizations acted on the political decision-makers, in the form of pressure groups, in order to preserve the privileges of the members, with the specific effect of a strong guild, like the unions.

The Romanian fiscal code refers to “liberal professions” defining the incomes subject to taxation in this field and indicating the conditions of inclusion of a profession in the specific taxation rules. In order to identify the internal legal resources and the procedures to be followed for the registration and promotion of a liberal profession in Romania, we also considered the European regulations in the field, namely the *Directive on the recognition of professional qualifications*⁶, with a role in the liberalization of services, viewed in the context of reciprocity between member countries. Liberal professions are subject to this directive when access to and exercise of a profession is conditional upon obtaining a specific professional qualification required by national law. Transcription into Romanian legislation of the provisions of the *European Directive 2006/123/EC on services within the internal market* was made together with the definition of the regulated profession, and the European Directive 2013/55/EU introduced a new concept of the *European Professional Card* as an

the electronic certificate which certifies that the professional has fulfilled all the necessary conditions to temporarily and occasionally provide services in a host Member State or the recognition of professional qualifications for the establishment of the holder in another Member State⁷.

Offering interested professionals a faster possibility of recognition of their qualification in the EU. The operation of the professional card requires its registration in the

6 Directive no. 2005/36/EC of September 7, 2005 – issued by the European Parliament and the European Council.

7 IMI Regulation, art.1.

*Internal Market Information System – IMI*⁸. The directive provides common forms of professional training, by establishing a common package of skills and knowledge necessary for a liberal profession, which are unanimously recognized in the European Union.

Based on these provisions, one can observe a permanent concern at the level of the European Union regarding the harmonization of regulatory actions and the support of this field of liberal professions, which is why various studies and researches are carried out on the dynamics and requirements arising from the activity of national professional organizations, relevant for to have a clearer perspective on the direction of development of liberal professions in Europe.

3. Debates on the development of philosophical practice

Of course, there were approaches by some philosophers who claim that the place of philosophy is only at the academic level, and who had some opinions and reactions against the practice of philosophy in other forms, one of them being even the German philosopher Gerd Achenbach⁹, considered in Europe to be the father founder of philosophical counseling, and who believes that no specific regulation is necessary in this field. Through this positioning, it is supported that any philosopher can freely practice any form of philosophical practice, considering also the fact that the profession of philosopher is already regulated and unanimously recognized. By this support we believe that it protects the profession of philosopher, to allow access to philosophical practices only to philosophers, which has an indirect effect of encouraging some tendencies to practice philosophy within other specializations or fields of work in which they will take over and adapt in an unapproved way, techniques and methods specific to the applied philosophy, these being presented as part of the own therapy or counseling procedures.

This is how professional plagiarism is practiced by other specialists, in the field of therapies or in the field of counseling and training, being tacitly accepted by philosophers, perhaps not voluntarily, as a result of inaction towards the initiative to build and recognize a new specialization, of the type of applied philosophy.

In the research carried out on the training program in the field of philosophy, it contains few elements aimed at learning and developing some practical philosophical skills, of the type acquired by a practitioner in philosophical counseling, as are necessary for a new profession. I support the proposal that the specialization in the new profession be done through post-graduate or master's programs, a fact that will lead to a great specialization of the profession, and which has a major advantage, to apply to these programs both philosophy graduates, but also those from other specializations, starting from the premise that university programs are unanimously recognized in the world, and which can be assimilated to any training and specialization program, fully accepted in the new profession.

I thus assume the role of a mediator between the two positions presented, one being

8 EU Regulation, n. 1024/2012, issued by the European Parliament.

9 G. Achenbach, *La consulenza filosofica*, Feltrinelli, Milano 2009.

the one through which philosophers support a practice in this form of philosophical practices, these remaining strictly in the field of specialization of a philosopher, and the second direction is that of regulating a new profession with open access to other specializations in other fields, but only after completing some training and specialization programs. The proposed solution solves both positions, without harming any of them, the mediation being done to reach an agreement that will bring real benefits to philosophy but also to applied philosophical counseling, with the effect of supporting the process of regulating the new profession, of philosophical counselor, but and to avoid any interpretations or suspicions of plagiarism, which may appear in both camps.

Through this mediation approach, we will manage to add value to philosophical practices, which are currently practiced in various ways or personal interpretations, and to build a respected image of applied philosophy, through the new profession, which can be recognized unanimously by both specialists and philosophers. The construction of a unitary regulatory system can create the premises for a permanent supervision of these forms of practice, which can be recognized and regulated, and the recognized status of the profession will also change the public perception towards philosophical practice.

We believe that the regulatory proposal will lead to a natural selection of specialists interested in practicing philosophy under this new form of philosophical counseling, leaving the place dedicated to philosophy of the academic type, and without affecting in any way the respect it has earned over the centuries. The new profession that we support can become a liberal activity with a state-recognized character and regulated by norms, but which will keep a permanent connection with philosophy, as a permanent source of inspiration, and philosophy can in turn more actively support the development and recognition this new profession. It is time for each side to prove that it is truly concerned with seeking and preserving the wisdom of humanity, now in a form necessary and useful to the common people, just as philosophers did in ancient times.

Through this approach, which we consider constructive from many points of view, the role and importance of philosophy in human life will increase, that is, it will return among people and for people, thus facilitating a wider access to the treasury of wisdom held by philosophy.

4. A short case study: The professionalization of the practice of philosophy in Romania

In order to carry out the study, I analyzed the perspectives of the development of a liberal profession destined to the field of practicing philosophy, so necessary in the present times, in which man seeks a solution to problems by appealing to philosophy, which can be put into practice through a new specialization: Philosophical Counseling.

Practical philosophy is a recent movement, developed since the 1980s by philosophical practitioners who later became counseling professionals of this type. Peter Koestenbaum was a promoter of the movement¹⁰ by publishing some ideas that are the basis of today's

10 P. Koestenbaum, *The New Image of the Person: The Theory and Practice of Clinical Philosophy*,

profession, presenting the main contributions of philosophy to the development of a new concept of counseling with the help of philosophy.

Romania joined these efforts much later, by starting some research on the applied field of philosophy, with reference to philosophical counseling as a practical activity of philosophy, centered on the client, and which uses specific procedures for counseling the person, research looking for an answer to the question: How many philosophers are there today worldwide who practice philosophical counseling?¹¹

These Practitioners can only be counted as a number of graduates in the field of philosophy, and their highlighting can only be done if they register or affiliate with one of the existing professional associations in the world. There are also philosophers who practice individually as practicing philosophers, for them it is much more difficult to be monitored or represented, since they do not join a professional association, without their involvement in promoting new professions or in the permanent improvement necessary for a profession.

Initially, in Romania there was only a generic recognition of the work field of philosophy, by defining specific occupations, such as that of “Philosopher”, registered in the national register “Classification of Occupations in Romania” (in accordance with the International Standard Classification of Occupations – ISCO 08), followed by the occupation of “Researcher in philosophy”, both of which are used by practitioners as a way of working and researching in the field. This solution only supports those specialists who can meet the professional training characteristics specific to the qualification of philosopher, not being applicable to those who come from other fields of training, other than philosophy. In the steps to recognize a new profession that would respond to these situations, the procedures for regulating the occupation of philosophical advisor were started, which creates the prerequisites for the legalization of a well-defined liberal profession, in the applied field of philosophy, as a special place left unoccupied for a long time in the concerns of humanity. An important step has already been taken, in terms of the development of a specialization program in the field of philosophical practice, a master’s program organized by the West University of Timișoara, starting in 2015, called *Philosophical Counseling and Consultancy*, presented in English, and which brought the services market in Romania, the first specialists in this new field. From 2023 was started a second master program (in Romanian) by the University of Bucharest.

The analysis of the characteristics developed by the new specialization developed in Romania wears the characteristic elements specific to liberal professions, combining a public interest, defined by the importance and social necessity of the provision or counseling service offered, with the private interest of both parties participating in the counseling process, who pursue a certain interest in particular. The recipient of the service, also called the client, aims to solve a personal problem or dilemma that he is facing at a given moment, and the professional puts into practice all his professional, intellectual and practical skills, in order to offer him a correct consultation, which can lead to a satisfactory result,

Greenwood Press, Westport 1978.

11 V. Hategan, *Philosophical practice at the crossroads: the road to professionalism*, in «Interdisciplinary Research in Counseling, Ethics and Philosophy», 1 (2), 2021, pp. 22-27.

followed by a monetary reward for the work done for that purpose. All these features can be considered defining for the inclusion of philosophical counseling in the group of liberal professions, which is why we will present the paths to follow for the recognition of the new profession, thus defined and promoted on the services market in Romania.

5. The institutional recognition of the profession of philosophical counselor

The regulation of a profession imposes a need on the labor market, and the existence of a training program in the new profession, with the effect of offering a service that can be integrated into the market. The abilities acquired in the learning process are developed within the chosen educational or qualification program, which prepares the future specialist to face the demands of the new profession.

The standardization of educational requirements, practical training or the development of certain skills can be accumulated in the form of a study called “Occupational Standard”, becoming a stage of the process.

The result of the training is reflected by a diploma certifying professional training in the field, on the basis of which the holder becomes a member of a professional organization specific to the field, which will represent his interests on the market in which he operates, and in the relationship with other organizations, institutions or beneficiaries their performance.

The professional organization is the one that starts the regulatory process, by generating the rules of professional organization, at the same time developing codes of professional and ethical conduct, and norms for a uniform practice of the profession. The process can continue by promoting a ferenda bill, which can be submitted to public debate, following the legislative process to become a special law regulating the proposed profession.

In the following figure we present these work stages, in order to highlight the areas involved in the regulatory process, as follows:

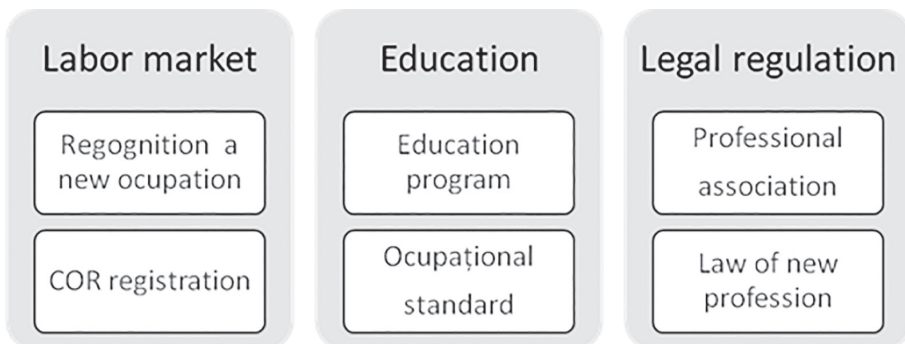


Fig. n. 1 – Institutions authorized to regulate the proposed profession

We observe from the representation that several central institutions are involved in regulation; thus the Ministry of Labor is involved in the specific field of the labor market, by approving the need to introduce a new occupation and its registration in the Romanian occupations. The Ministry of Education approves the training and training programs necessary for initial training in the profession and approves the professional standard proposed for the new profession. The professional association is validated by a magistrate and the last institution involved is the Parliament, as a body with legislative powers, which debates and approves the special law regulating the profession, and defining the national coordinating body for the new activity.

In 2022, the Romanian institutions have confirmed the application for the philosophical counseling, it was registered in the National Register of Occupations as a new occupation which can be practiced in Romania, and the identification no. is 263311 (with reference to COR registration section – fig. 1). This registration is a form of official recognition by the state, on the training methodology for the new specialization, and a natural premise for the legal development of this activity, according to specific characteristics of a liberal profession.

Next is also a presentation of the steps to be followed in the process for the recognition of the profession, placed schematically in the next figure:

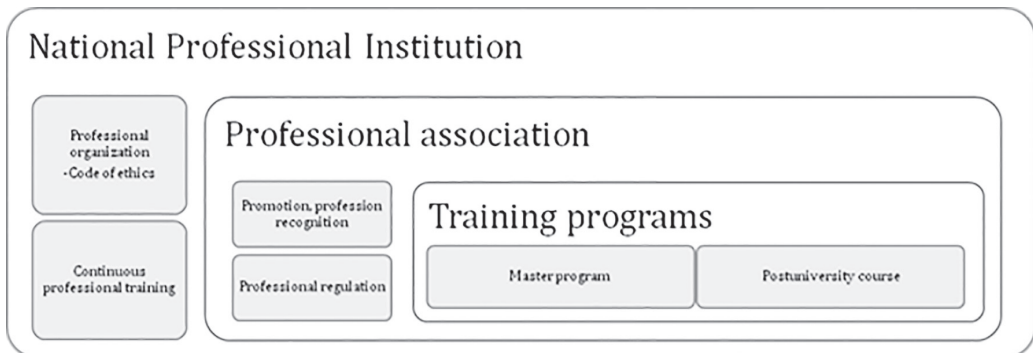


Figure n.2 – Stages in the formation and regulation of the profession of philosophical counselor

This representation of the professionalization process shows the proposed solution that includes both professional training and the need for professional association, with a specific regulatory process, supported by a national professional body, which will take over the role of coordination and supervision of the new profession, also having attributions of national and international representation.

The first stage of the process was achieved with the establishment of a training program organized at the university level. The next stage was taken in 2017 by starting the “Professional Association of Philosophical and Ethical Counselors – APCFE” based in Timișoara,

which promotes the recognition of the profession and the development of the necessary documentation for the registration and regulation of the new profession of philosophical counselor in Romania. The last stage is represented by the figure of the professional body that will be regulated by a special law elaborated by the legislature, an entity that will be responsible for the organization of the profession and the creation of a system of training and continuous professional training, having at the same time the main role of permanent coordination of the activity and increasing the prestige of the new profession.

6. *Conclusions regarding to implement a new profession*

Finally, I return to a old question, the answer to which can still be investigated, on the need for specific studies in philosophy in the new profession, starting from the requirement for access to the liberal professions, regarding the required level of training, as a rule the requirement is for higher studies specialist in the field¹².

For the proposed profession, we start with the same study conditions, as a basis for the preparation and training of the future specialist, followed by a cycle of specialization in the field of philosophical counseling, and which in Romania is organized in the form of a master's course, which develops the necessary professional skills to a practitioner in the new field of philosophical practice. In this case, the general access rule applies for this type of program, intended for graduates of higher education, regardless of the initial specialization acquired through undergraduate studies.

I believe that the study program and their two-year duration for obtaining a specialization, ensure the conditions for the preparation of the future professional, but as a liberal profession also means free access to it, compliance with minimum higher education requirements cannot be sufficient to train these necessary skills for the future specialist, a fact that requires the completion of a specialization program necessary for the new field.

In the evaluation of the occupation, alternative training routes and postgraduate programs were admitted, as a variant of specialization in the profession with a shorter training period, which can be accessed especially by graduates with a degree in philosophy, thus meeting all training requirements in the new profession. The regulation of initial or continuing professional training will be carried out through rules issued by the professional body, which will also have a supervisory and control role in this field of professional training, with the exception of university training programs that are subject to national educational rules, which was approved. We believe that this approach can have beneficial effects on the entire training activity within the new profession, which can be thus regulated, eliminating exclusivist tendencies in the field of training a specialist in the new profession.

We also believe that the entire process of regulating and recognizing the profession of philosophical counselor can only be beneficial to this new field of philosophical practice,

12 V. Hațegan, *Philosophical counseling: a new profession in Romania*, «Interdisciplinary Research in Counseling, Ethics and Philosophy», 2 (4), 2022, pp. 17-27.

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and which can have an important impact on the current graduates of Romanian philosophy faculties, who can thus acquire more a qualification, with real chances to practice and earn income, differently than they have done so far.

The final test of this professionalization solution is to be verified in fact, by applying the new concept of philosophical counseling in real life, with specialists trained and dedicated to this new field of philosophy, now put to the benefit of people.