American Society of Comparative Law 2007 Annual Meeting

Panel II:
Professional Cultures

Can legal professional subgroups – be they academic, judicial, professional/lawyerly, governmental, social, or other – be understood as cultures in their own right? What role do they play in defining or shaping the legal systems and/or legal cultures in which they work? How can or do these professional subcultures function as agents for or against legal change, either in particular substantive areas (e.g., criminal, administrative or constitutional law) or in a more generalized, conceptual and systemic sense? What role, if any, is currently being played by transnational networks of such professional subcultures?

Miriam Aziz
Associate Professor of Law, University of Siena, Italy and
Visiting Associate Professor, Cornell Law School (Fall Term 2007)

The Impact of Professional Networks on the Evolution of European Union (EU) Law

I shall be examining the extent to which professional networks have shaped the evolution of European Union Law by concentrating on the case-study of cross-border access to health care by EU citizens in the European Union. I shall address the impact of lawyers and of health care professionals who have been instrumental in developing this area of law as part of a rich tapestry of regional, national and trans-national methods of legal discourse and a melting pot of modes of governance. I draw from some of the conclusions that I reach in my book, "The Impact of European Rights on National Legal Cultures" (Oxford: Hart Publishing, 2004) and make several observations concerning what I see as the need to map the multi-faceted, multi-dimensional and multi-sectoral challenge provoked by a supranational legal order which both thrives on and suffers from split personality. I shall address questions such as; to what extent, if at all, does EU law challenge the statist legacy on legal education and practice (Rechspatriotismus)?; is there a conflict of loyalty posed by two administrative orders regarding the work of public authority officials (dédoublement fonctionnel) as a consequence of the implementation of EU law?