



## Why Mowbray was Right about Regulation: Or Mapping a Journey towards a 'Post-therapy Era'

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I dedicated my new book *In, Against and Beyond Therapy* (reviewed in this issue) to Richard Mowbray, author of the 1995 book *The Case Against Psychotherapy Registration: A Conservation Issue for the Human Potential Movement*, for (as I put it) producing a book which 'has done so much to seed the kinds of radical counter-cultural ideas about therapy practitionership and professionalisation that are at the heart of this book'. Anyone with a keen eye for history might well be interested in revisiting the many exchanges between Richard and our humanistic colleagues that appeared in *Self and Society* in the mid-1990s, as the arguments we engaged with then haven't really changed in principle over the intervening period.

The subtitle of Richard's book is very revealing, as it captures very succinctly just what is at stake as the Health Professions Council state-regulatory psychodrama continues to unfold. One of the aims in my book is to show how the modern institution of counselling and psychotherapy is just one of the sites in modern culture playing host to a veritable 'paradigm war' that is taking place between the conservative forces of a materialistic modernity, on the one hand, and a radical trans- or postmodernity, on the other; and also, how the professionalisation of the therapy world is a process full of tensions, contradictions – and, I would argue, multiple and compelling *contra*indications.

For me a number of key themes recur when considering the broad professionalisation and regulation question, including: the prevailing (yet increasingly threadbare) paradigm of 'modernity' and its manifestation in the control-fixated professionalisation process; the importance of closely examining the deep and subtle nature of relational therapeutic work and how we can understand (rather than 'explain') it; the question of professionalisation itself, and whether it is in any way appropriate in the psy field – and if so, how; the internal 'politics' of the psy field; and finally, engaging with the *realpolitik* of the (possibly pending) Health Professions Council regulation of Britain's psychological therapies, and the impact such regulation might well have

upon the configuration of the field as a whole.

The book's title, *In, Against and Beyond Therapy*, should not imply that this is yet another crude 'anti-therapy' book, for nothing could be further from the truth. On the contrary, it is precisely because I care so passionately for the cultural and individual importance of healing work (and I do see therapy as a form of healing) that I believe it is crucial to retrieve what is best in such work from what I see as the deadening forces of institutional professionalisation; credentialism and careerism; audit-culture obsessions with 'evidence-based practice'; and psychopathologising practices that are uncritically caught up in 'the ideology of modernity'.

In the rest of this article I first look at the history behind the notion of what has come to be known as *Principled Non-compliance* (or PNC), as it seems to me that there is a very considerable number of humanistic practitioners who are *on principle* going to 'conscientiously object' to HPC regulation; and PNC is just one evolving path that such practitioners will be able to pursue (and of course, *help to co-create* through their own active participation in what may well, in due course, become a broad PNC movement). I then end the article by showing why I have come to the conclusion that Richard Mowbray's 1995 vision for a 'human potential movement' that operates beyond the dead hand of state regulation and medical-model 'psychotherapy' has proven to be

pretty much spot on, with arguments that are as convincing now as when he first wrote his 'Case' back in the early 1990s. It might even be that many *Self and Society* readers and humanistic practitioners will soon have to make a fateful choice as to whether they fall in with HPC regulation, or whether they join and help to found this new 'post-therapy', post-professional' movement. I hope that what follows may help to inform such practitioners in their final decision as to what values and practices they wish to align themselves with.

### **PRINCIPLED NON-COMPLIANCE: BACKGROUND TO A NEW CULTURAL MOVEMENT**

Some actions may violate a law that itself may be invalid or unconstitutional, and those actions may be part of the effort to change that law.  
James Childress

*Principled Non-compliance* (or 'PNC' for short) is a comparatively new cultural initiative led by figures in the fields of psychotherapy and counselling, as a considered response to the ethically dissonant position into which professionals and citizens are increasingly being placed by increasing incursions of central government into realms of human life that have not previously be subject to the Foucauldian 'regulatory gaze' of what some call 'The New Surveillance State'. PNC sits comfortably alongside *Conscientious Objection*, with its long and distinguished cultural

history (see below), as the last refuge left available to those individuals upon whom demands are being made by state edict with which they fundamentally disagree, from an informed and rationally argued ethical standpoint. PNC, in the form of its alternative title *Alternative Professional Accountability*, is a term and a movement which is being thoughtfully embraced by the Alliance for Counselling and Psychotherapy and by many practitioners (not least humanistic ones) who are deeply concerned by the direction being taken by the mooted HPC regulation of the psychological therapies.

For me, then, PNC is the natural outcome of what are disturbing cultural conditions in which we are witnessing unprecedented curtailments of civil liberties and escalations in 'the audit culture' and society-wide 'surveillance', and a government which – seeing the world in the only way of which they are capable – is quite unable to comprehend, let alone respond appropriately, to the profound ethical challenges that are being made to their overweening behaviour. The jury is still out on whether the new coalition government will relent on some of its predecessor's excesses; but there are at least some encouraging signs that it just might – with the mooted HPC regulation of the psychological therapies perhaps turning out to be a key testing-ground for the new government's true intentions and predilections.

The term 'principled non-compliance' was first coined at a meeting of the Psychotherapy and Counselling Reference Group on 29 March 2007, looking at the

pending regulation of the psychological therapies, held at the British Psychological Society offices, and which I attended representing the Independent Practitioners Network. (For reports of that meeting, see: <http://ipnosis.postle.net/pages/RHouseRefGroupMarch2907.htm>.) At the meeting I spoke (revealingly, to a deafening silence!) in favour of what, at the time, I spontaneously termed 'Principled Non-Cooperation' (now known as PNC) with the government's White Paper regulation proposals. Informing my argued position was (and is) the view that it should be an ethical imperative for therapists, and their representative institutions, to preserve a space for the reflective critique of prevailing cultural values and practices – not least because it is precisely such values and ideologies that have so often damaged the clients looking for help and support. The mounting counter-cultural critique of the current cultural obsession with risk, and the manic but necessarily futile attempt to extinguish it, is also highly relevant to arguments around PNC and its philosophical rationale.

The terms 'compliance' and 'non-compliance' themselves deserve some closer consideration. Here are some prescient quotations from the great psychoanalyst and paediatrician Donald Winnicott, the great theorist of compliance, and the damage it can do to the development of what he termed 'the authentic self'. Winnicott variously wrote:

The mother who is not good enough... substitutes her own

gesture for that of the child, which is to be given sense by the compliance of the infant... This compliance is the earliest stage of the false self and belongs to the mother's inability to sense her infant's needs [for 'mother', you can read 'father', or any authority figure – even the HPC.]

And later, he continues:

Through this False Self, the infant builds up a false set of relationships, and even attains a show of being real, so that the child may grow up to be just like ... whoever dominates the scene... So *The False Self hides the True Self by its compliance with environmental demands.* (emphasis added)

Winnicott also makes the key point that non-compliance is bound up with the child's/person's integral drive for personal development – so here, too, is a rationale for the relevance of non-compliance to practitioner development. In his 1965 paper 'Morals and education', Winnicott explicitly values 'those who do not copy and comply, but who genuinely grow to a way of personal expression' – to which we might well add *professional* expression, too.

For Winnicott, then, a key consequence of forced compliance is the development of a 'false self' – and the parallels with the psychological therapies are crucial here, with the obvious danger that practitioners may all too easily (and without being aware of it) develop inauthentic,

*false professional selves* as a result of the proposals to HPC-regulate the psy field (Guy Gladstone has written very eloquently about this). And perhaps even more crucially, Winnicott shows how the true/false self system is intimately related to *creativity* – with, according to Winnicott, creativity being one of the very first casualties of the compliant 'false self configuration'. This is very bad news indeed for a state-regulated professional practice which, certainly for humanistic practitioners, holds creativity to be absolutely central to the effective work of psychological therapists/practitioners.

There is a whole host of convincing reasons as to why the pursuit or imposition of centralised regulation is highly problematic for psy practitioners, which have been developed at great length in the literature and in the pages of this journal since 1990; but one major factor to mention here is that if we can show that HPC regulation will have a net negative impact on the psy field as a whole, will practitioners not then be breaking the Codes of Ethics that they are sworn to uphold through their professional associations? In many if not most cases, the answer to this will most certainly be 'yes' – in which case we have an intolerable situation of *professional dissonance and inauthenticity*, in which the state is effectively making it legally compulsory that we break our own institutional ethical codes as therapists – the absurdity and 'couldn't-make-it-upness' of this situation is difficult to exaggerate. If we weave these

concerns into the arguments cogently made by Childress (1985), then we have a compelling rationale indeed for the development of a carefully articulated PNC response to the proposed HPC state-regulation of the psychological therapies.

There is also a fascinating and highly prescient literature on Conscientious Objection and Public Disobedience as cultural phenomena, which is of direct relevance to the issues surrounding PNC. Some random internet surfing soon reveals some very interesting parallels with the PNC movement. For example, at <http://hasbrouck.org/draft/choice.html>, 'Making a Choice: Conscientious Objection or Draft Resistance', we read: 'If you register, people in the government will interpret your registration as a sign that you acknowledge their "right" to draft you'. So the very act of registering is an active, explicit and unavoidable sanctioning of the right of the state to regulate the activity of the psychological therapies, and in a way that is substantially, if not fully, incompatible with how psy professionals conceive of and describe their own work. On this view, then, to sign up to (HPC) regulation is an *inherently and unavoidably political act*, and there is simply no gainsaying that. So on this view, to collude with registration and regulation is to take a very active political position.

On the same (American) website, under 'Why Refuse to Register?', we read the following:

The government started draft registration in 1980 to 'test

the water' and see whether young people would cooperate. Well over a million of us didn't: we resisted. Since 1980, many times more of us have refused to register than during the entire Vietnam War. *Unless the vast majority of us cooperate with the Selective Service System, the draft won't work.* And the high rate of non-registration has the government worried. Draft resistance is already preventing the draft!

(my emphasis)

But 'What If I'm Caught?...' The website continues:

Nobody has been indicted for non-registration since 1986. Even when the government indicted a token 20 non-registrants in 1982-1986, they were always given another chance to register before being prosecuted. ...You lose nothing by waiting; the government hasn't prosecuted anyone for late registration. *Your initial unwillingness to register may even be evidence you can use to show the sincerity of your Conscientious Objection claim.* ...Deciding whether to register or to resist isn't easy. This may be the most difficult and important decision you have faced, and it's not a choice anybody else can make for you. Talk to a draft counsellor [!], your friends and family, and other people whom you respect. Get as much information as you can *before* you decide. Don't be pressured into making a hasty decision. ...Whatever you do, you're not alone.

(my emphasis)

There is, then, a long and proud history of people making ethical, principled decisions that are very carefully thought through, and that challenge the overweening power and authority assumed by the central state, where the diktats of that state fundamentally contradict the ethically informed position of individual citizens, and when, at worst, *those citizens sincerely believe that their compliance with the demands of the state will perpetrate harm on the very people whose well-being and flourishing they have sworn in their ethical codes to uphold and facilitate*. PNC is a modern cultural phenomenon, being symptomatic of, and a telling commentary upon, recent, highly pernicious developments in the balance between overweening state power and the autonomy of individual citizens and professionals. The growing movement towards Principled Non-Compliance, both in the field of the psychological therapies and now more widely in modern culture, should very much be seen in this light.

### **CONCLUSION: PREPARING THE GROUND FOR CULTIVATING A NEW POST-THERAPY CULTURE**

The theme of therapy's cultural and historic task of *preserving a critical counter-cultural space* is one that will surely resonate with *Self and Society* readers and with humanistic practitioners more generally. Historically, psychotherapy and counselling have been conducted in a private, confidential space, free of externally defined institutional

agendas, in which clients can take matters of deep personal concern for discussion and reflection. This therapeutic space is one of society's last surviving bastions against, and refuges from, narrowly stultifying mechanistic thinking, and from the abusive compliance experiences that bring most clients to therapy in the first place. I maintain that state regulation constitutes a gross intrusion into this precious and subtlest of private spaces, and a governmental control-fixated compliance-and-control agenda (paradigmatically enmeshed, as it is, with IAPT, Skills for Health, the hegemony of CBT and the Layard-inspired social engineering 'happiness' agenda) can only compromise the quality of that space.

A growing number of therapists – now amounting to some thousands of practitioners – are now challenging and resisting these developments, and there is an urgent need to protect the consulting room from this unwarranted governmental colonisation. Indeed, current regulatory developments and pretensions can only fuel suspicions that regulation of the 'psy' field is merely the latest symptom of a wider cultural movement towards a 'surveillance society', in which therapy becomes inappropriately annexed to a governmental social-engineering agenda. So in the face of all this, just what is to be done, and how are concerned practitioners to position themselves in relation to these pernicious forces?

I wish to return, finally, to Richard Mowbray's book of 15 years ago, as he was arguing then for a clear distinction to be made between remedial 'medical-model' psychotherapy, on the one hand, and what he called 'human potential growth work' on the other. Here is what he wrote (I have put together this lengthy composite quotation from Mowbray's book):

...[A]ctivities of the human potential movement do not readily fit into the pre-existing social categories... and really deserve a category of their own.... I propose a terminological clarification to prevent human potential work becoming inappropriately subsumed, to reduce a source of client confusion, and also to attempt to distance clients involved in human potential work from the stigmatization of the 'patient' that so frequently accompanies remedial mental health treatments. (p. 159) [P]sychotherapy' is a nineteenth-century medical model word. (p. 168) ...that has also been used indiscriminately to describe approaches that do not assume a medical model. (p. 188) The term 'psychotherapy' illustrates the 'linear', cause-and-effect, Newtonian-Cartesian basis for the medical model that held sway at the time of its coining. (p. 189) ... [T]he choice of labels with which you ally yourself becomes a matter of crucial importance.... (p. 169) ...Human potential practitioners have not

fostered sufficient public awareness of an unambiguous distinguishing label for their work.... (p. 169) ...[S]elf-realization processes and processes concerned with 'adjustment' and remedial restoration to 'normality' should not be addressed by the same terminology. (p. 187)

[Quoting Juliana Brown and himself]: 'The key thing for us is that the Human Potential Movement is a manifestation of a different model, a holistic growth model.' (p. 172) [In contrast to the psychotherapeutic medical model approach] human potential work is... focused on self-actualization. ...the approach is non-clinical and the orientation is towards growth... rather than deficiency.... (p. 181) - fulfilling more of the potential of who you really are, rather than narrowly focusing on the cure of a 'disorder', the relief of symptoms or the resolving of a problem. It is concerned... with the emergence of authentic being..., [with] the meaning [of psychological and emotional phenomena] for the person [being] explored rather than efforts made to cure, suppress or eliminate them. (p. 182) ...[I]n human potential work the practitioner does not apply treatments to the client; instead the client is seen as the 'expert' - on himself. (p. 183) The practitioner's role is to facilitate, to 'be with', to sit alongside.... The basis for relationship is one of

'informed agreement to explore' rather than 'informed consent to treatment'... (p. 184)

[T]he movement that carries [this] process must stay on the margin and not be 'absorbed', not be tempted by the carrots of recognition, respectability and financial security into reverting to the mainstream, but rather remain – on the 'fringe' – as a source that stimulates, challenges convention and 'draws out' the unrealized potential for 'being' in the members of that society. (pp. 198–9) A society needs a healthy fringe... It is the seedbed from which much of what is novel will spring. It is where ideas that are ahead of their time will germinate and grow, later to be adopted by the mainstream. In order to remain a fertile seedbed, the fringe needs to be legitimate rather than driven underground or 'criminalized' – which would stifle it, but also it must not be absorbed into the mainstream – which would stultify it with 'establishment' thinking and respectability. (p. 199)

If – and, as I write, it still *is* a substantial 'if' – the HPC or other

state regulation of the psy therapies does ultimately go ahead in the near or middle term, then it seems to me that the fault-line that Mowbray so poignantly identified between 'psychotherapy' and 'Human Potential growth work' will become the most obvious and viable response, with a very considerable number of practitioners 'sloughing off' and joining the kind of post-therapy, post-professional movement that I advocate in *In, Against and Beyond Therapy*. In such a movement, and in true postmodern style, there would be no centralised institutional psycho-bureaucracy organising it, and so none of the brazen empire-building, trainings-driven vested commercial interests and associated power-infused shenanigans that could easily contaminate and compromise it would be allowed to take root. As a founder-member and ongoing participant in IPN, it goes without saying that I believe that the Independent Practitioners Network is well placed to play a significant role in any such new movement.

#### **Note**

The text of this article draws heavily on the closing chapters in House, 2010.

#### **Further Reading**

Mowbray, R. (1995) *The Case Against Psychotherapy Registration: A Conservation Issue for the Human Potential Movement*. London: Trans Marginal Press; downloadable as a pdf file free of charge at: [www.transmarginalpress.co.uk](http://www.transmarginalpress.co.uk)

Hogan, D.B. (1979) *The Regulation of Psychotherapists*, 4 volumes. Cambridge, Mass.: Ballinger

Hogan, D.B. (2003) Professional regulation as facilitation, not control: implications for an open system of registration versus restrictive



licensure. In Y. Bates and R. House (eds), *Ethically Challenged Professions: Enabling Innovation and Diversity in Psychotherapy and Counselling* (pp. 160–71). Ross-on-Wye: PCCS Books

Childress, J. (1985) Civil disobedience, conscientious objection, and evasive non-compliance: a framework for the analysis and assessment of illegal actions in health care. *Journal of Medicine and Philosophy* 10: 63–83.

House, R. and Totton, N. (eds) (1997) *Implausible Professions: Arguments for Pluralism and Autonomy in Psychotherapy and Counselling*. Ross-on-Wye: PCCS Books; 2<sup>nd</sup> edn, 2011 (in press)

Postle, D. (2007) *Regulating the Psychological Therapies – From Taxonomy to Taxidermy*. Ross-on-Wye: PCCS Books

Postle, D. and House, R. (eds) (2009) *Compliance? Ambivalence? Rejection? – Nine Papers Challenging HPC Regulation*. London: Wentworth Learning Resources

House, R. (2010) *In, Against and Beyond Therapy: Critical Essays Towards a 'Post-professional' Era*. Ross-on-Wye: PCCS Books

### Other Resources

See also the websites of the *Alliance for Counselling and Psychotherapy Against State Regulation*; Denis Postle's *e-ipnosis* website (<http://ipnosis.postle.net>), and the *Independent Practitioners Network* website.

For video presentations about PNC, see:

Richard House interviewed by Denis Postle on PNC – video at: <http://ipnosis.postle.net/pages/HPC01.htm>

Richard House's address to the 2nd Alliance for Counselling and Psychotherapy conference, 11 October 2009, at: <http://www.allianceforcandp.org/pages/AllianceConference2.htm>

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