



‘Principled Non-compliance’:

Some Background to a New Cultural Movement

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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.

Professor James Childress, *Journal of Medicine and Philosophy*, 1985

Preface (July 2018)

This paper was first written in 2009 (and should be read as such) as a presentation made to a London conference on PNC organized by the Alliance for Counselling and Psychotherapy – Against State Regulation in October 2009, and it has not previously been formally published in its original form. In today’s context of yet another push by the psy institutions to bring about the state regulation of the psychological therapies in Britain, it seems appropriate to publish this document, prepared as it was to assist those practitioners who, back in 2009–10, were preparing for a principled non-compliant stance towards the then-mooted state regulation of the psy therapies – before it was headed off by campaigning psy activists and a change of government in 2010.

I am aware that there may well be readers who disagree with the anti-regulation position argued for here; and if any AHPb members or readers would like to put forward a different view on state regulation, please make a submission to the editor, and we will be pleased to print it in the next issue. A full and open debate on these issues where all views can be fully articulated and heard is surely essential. ‘Without contraries is no progression!’ – William Blake.

Richard House, Newsletter Editor

Principled Non-compliance (or ‘PNC’ for short) is a comparatively new cultural initiative led by prominent figures in the fields of psychotherapy, counselling and education, as a considered and mature response to the ethically dissonant position into which professionals and citizens are increasingly

being placed by ever-more intrusive incursions by central government into realms of human life that have not previously been subject to the ‘regulatory and disciplinary gaze’ of what some call (often inspired by Michel Foucault) ‘The New Surveillance State’. As will be illustrated below, PNC sits comfortably alongside *Conscientious Objection*, with the latter’s long and distinguished cultural history, 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.

As well as being a term and a movement which is being thoughtfully yet enthusiastically embraced by the **Alliance for Counselling and Psychotherapy** and many psycho-practitioners deeply concerned by the direction being taken by the mooted Health Professions Council (HPC) regulation of the psychological therapies, it has also recently been embraced by Britain’s burgeoning **Home Education movement**, as a rallying point for those families who fundamentally object to the Government’s current bill to regulate home-educating families far more stringently.¹

For this writer, PNC is the natural ‘child’ of what are deeply 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 capable³ – is quite unable to comprehend, let alone respond appropriately, to the profound ethical challenges we are making to their overweening behaviour.

As far as I am aware, 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. At the meeting I spoke in favour of what, at the time, I spontaneously termed 'Principled Non-Cooperation' (now known as PNC) with the government White Paper's 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 'sacred' space for the reflective critique of prevailing cultural values and practices – not least because, as psychologist and writer David Smail and others have cogently argued over many years, it is precisely such values and ideologies that have so often damaged the clients who look for help and support for that damage and its sequelae when they seek out therapeutic help. Just how authentic is any help that therapists offer to such clients when those practitioners have themselves colluded with pernicious cultural forces which it should surely be the place of critically minded psycho-cultural commentators and therapists fearlessly to deconstruct and challenge?

It follows from these arguments that what I will term 'Authentic Therapy Practice' can only be conducted by practitioners who explicitly and self-reflexively undertake to strive for a deep congruence between their face-to-face work with clients, on the one hand, and on the other, the approach they take to, and the relationship they have with, the prevailing cultural *Zeitgeist* and all its psycho-social machinations and vicissitudes. The mounting counter-cultural critique of the current cultural obsession with risk,⁴ and the manic but fundamentally misguided 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 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, Winnicott 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 1963 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. And perhaps even more crucially, Winnicott shows how the true/false self system is intimately related to *creativity* – with, according to him, 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, for many if not most practitioners – and certainly humanistic ones – 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 centralized regulation is highly problematic for psy practitioners, which have been developed at great length in the literature. 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 of this situation is difficult to exaggerate.

If we weave these concerns into the arguments cogently made by Professor James Childress in his paper 'Civil disobedience, conscientious objection, and evasive non-compliance: a framework for the analysis and assessment of illegal actions in health care',⁵ then we have a compelling rationale indeed for the development of a carefully articulated PNC response to the proposed HPC state-regulation of Britain's 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. 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 what is implied here is that 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 (at the very least) substantially 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!'

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.' (emphasis added)

There is, then, a long and proud history of people making grave ethical, principled decisions that are very carefully thought-through, and that challenge the overweening power and authority assumed unto itself 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.

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Notes

- 1 See Richard House, 'English Home Educators under threat: time for a stand of Principled Non-compliance?', *The Mother* magazine, 36 (Sept/Oct), 2009, pp. 39-43.
- 2 For reports of that meeting, see: <http://ipnosis.postle.net/pages/RHouseRefGroupMarch2907.htm>
- 3 James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 2nd edn, Yale University Press, New Haven, 1999.
- 4 See, for example, Tim Gill, *No Fear: Growing Up in a Risk Averse Society*, Calouste Gulbenkian Foundation, London, 2007.
- 5 *Journal of Medicine and Philosophy*, 10, 1985, pp. 63-83.

Other Resources

Richard House, 'Towards post-professional practice: principled non-compliant practitioners in a post-regulation era', *Self and Society*, 36 (2), 2008, pp. 44-50

Richard House, "'Principled Non-compliance": an idea whose time has come?', *Nursery World*, 23 April 2014; www.nurseryworld.co.uk/nursery-world/opinion/1143635/principled-compliance-idea

Conference address by Professor Brian Thorne, Alliance conference, 5 April 2009: www.veoh.com/watch/v18209458AdMEYtgT

Richard House speaking on PNC, Alliance conference, 11 October 2009: www.veoh.com/watch/v19272311zPZqQDNb

Richard House interviewed by Denis Postle, *elpnosis* interview, July 2009: www.veoh.com/watch/v18741944pgb5j4AJ

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