

## WHO WILL REMEMBER FEBRUARY 11th?

In the spring of 2004, the British Journal of Psychotherapy (BJP Vol.20 No3) published a letter from Carola Thorpe, in which she raised a series of objections to the creation of The College. Since then articles about the so called 'psychoanalytic wars' have appeared in the international and national press (The New York Times, The International Herald Tribune and The Guardian). I would like now to widen the terms of the debate, in the light of recent worrying developments in Europe and I hope that we can continue to debate the relevant issues in 'Professional Forum' on the College web site.

A very brief letter from me, touching on some of the points in this article, will be published in the June 2004 edition of BJP. However, I hope to be able to offer here an amplified exposition of the situation, with more information about Europe and the UK.

I wonder how many psychotherapists are aware of the monumental relevance of February the 11th 2004. On that day, in Brussels, the European Commission (EC) decided to add psychotherapy to the list of professions for which it issues Directives.

A Directive of the Commission is a form of regulation, issued by Brussels, which has not been decided on by any democratic process. Such Directives are used, inter alia, to standardise certain aspects of different professions throughout the European Community (EU), a process also misleadingly known as harmonisation.

This means that, so far as psychotherapy is concerned, European training standards and ethical guidelines will be decided in Brussels and will be applied in all member-states. The purpose of this is to enable psychotherapists who have qualified in one member-state to practise in any other EU country. A body (known as the 'designated authority') will be appointed in the UK to recognise those trained in other EU countries and will permit them to practise in the UK.

The EU decision is in response to ongoing efforts by the European Association of Psychotherapy (EAP, of which UKCP is a member) and which is, for the time being, accepted by Brussels as the body speaking for psychotherapy in Europe. For many years EAP maintained a commitment to the principle of non-harmonisation of the profession of psychotherapy. It favoured mutual recognition, based on the principle of equivalence of qualifications between its member organisations. It now seems highly probable that EAP has made a U-turn and pushed for harmonisation, hoping that it could reverse what has been happening in those EU countries where the state has now intervened to regulate psychotherapy.

EAP and UKCP are pleased with the EC decision because, of all the countries in Europe where psychotherapy and psychoanalysis are state-regulated, Austria, the legal domicile of EAP, is the only country which does not define psychotherapy as a form of medical treatment to be practised only by psychiatrists and some psychologists but as an independent 'psycho-social activity'.

According to EAP, the EC agreed to issue the Directive to regulate the profession of psychotherapy throughout Europe, on the basis of the European Certificate for Psychotherapy (ECP) promoted by EAP.

In this country UKCP, on behalf of EAP, awards ECPs, based on the Austrian non-medical definition of psychotherapy. Entitlement to the ECP requires a first-degree related to a health-profession or their equivalent (for both the degree and health-profession).

However, earlier this year, French psychotherapists were taken by surprise when an un-announced amendment was passed in the French Parliament to an ancient law designed to protect the public from the 'magical doings of Gypsies and cults'. The amendment added psychotherapy to that ancient law, making psychotherapy henceforth a 'medical treatment' which may be practised only by physicians and those in possession of a qualification in clinical psychology.

The reaction was an unprecedented 'call to arms' by all psychoanalysts and psychotherapists in France, which resulted in a further amendment (passed on 8th April 2004).

The position in France, as soon as this law is fully brought into effect, will be that, if you are a psychotherapist, psychoanalytic or otherwise, and do not possess a qualification in medicine or in clinical psychology, you may only practise provided you go onto a national register. Access to that register will be granted only to "...trainings recognised by associations of psychoanalysts". Practising, without such state-registration or a qualification in

medicine or clinical psychology, will become a criminal offence. Psychoanalysts, however, like medical practitioners and clinical psychologists, are exempt!

A psychoanalyst, for the purpose of the above law, is defined as any practitioner who is "...regularly registered in the annuaries of their associations". No reference is made to what such an association might be.

By introducing the initial amendment, it was intended that up to one-third of the 30,000 practitioners of psychotherapy in France should be defined as working in 'cults'. As a result of the further amendment, they will not now be outlawed but special regulations will nevertheless now be put in place to protect the public from them but not from psychoanalysts.

At the recent AGM of UKCP (March 2004), Paul Boyesen, the current French President of EAP, who was doing all he could in France at the time to include all psychotherapists on 'recognised lists' within the exemption zone occupied by psychoanalysts (but nevertheless beyond the medical-model) told the assembled company: "You are so lucky in Britain and you don't know it!"

We have indeed been lucky for many years in Britain when, like many other free professions, we have enjoyed 'organised de-regulation' which fostered great innovations and creativity.

Only a few of us will know or remember that, here too, it was the fear of our own kind of 'cults and Gypsies', the alleged abuse of the vulnerable by Scientology, which prompted some professionals to seek intervention by the Department of Health (DOH). The latter suggested that the profession should first attempt to regulate itself. A meeting was convened in Rugby at the headquarters of BAC and, for the past 17 years, the profession, believing it will regulate itself with government blessing through a Psychotherapy Bill, created UKCP. The latter, having since given up all hope of a bill for psychotherapy, is now, like EAP, supporting in collaboration with BCP and BACP, a move for the profession to be regulated by the state.

Maybe we in this country are 'pushing our luck' by seeking our very own 'amendment': one which will bring us into the Health Professions Council (HPC). There is no doubt that HPC could make us 'legitimate' with all the financial backing which future institutions, willing and able to provide a 'state-registered training', might benefit from. But will such changes recognise us as a profession in our own right or will psychotherapy be considered as a form of 'medical treatment'? Would the new institutions protect us from a Euro-Directive which might have the effect of turning most of us into criminals? Should we not learn from what happened to other 'health professions' and indeed the legal profession in the UK, when they either have been or are about to be handed over to a government department, instead of being regulated by a strong and confident self-regulating independent professional body, backed by statutory powers?

Psychology and psychiatry form a strong lobby in the UK and are easily identified and accepted by the NHS. In contrast, an undermining 'Tower-of-Babel' effect is invariably produced by the psychotherapy profession; particularly that of the psychoanalytic variety. Will we be able to speak with a coherent voice about the transmission of psychoanalytic competencies within a body committed to generic state-regulation?

Health is one of the areas in which individual member-states of the EU may preserve a greater degree of independence from Brussels. If the EC continues to follow the principles of the ECP and our own DOH allows the profession of psychotherapy to define and regulate itself, we might survive as a non-medical 'psycho-social activity' but the odds are against us.

Sadly, European precedent points towards a consistent tendency: that when a Directive is issued in respect of a profession, the EC takes its lead from those EU countries in which state-regulation for that profession already exists. This would be disastrous in our case because, with the notable exception of Austria, all other regulated countries (including Germany, Italy, Spain and now most probably France) have opted to restrict the right to practise, to psychiatrists, physicians and clinical psychologists.

Another reason why our own DOH might take a similar line is the continuing discord within our profession which stems mostly from the psychoanalytic community: a community characterised by splits, petty hierarchies, a compulsion to differentiate by dissociation and a striking inability to articulate our alleged differences. So far, nobody has been able to come up with a publicly coherent explanation as to why we have some 50 psychoanalytic trainings, invariably distinguished by and founded upon internal 'splits'.

The reason French practitioners, although taken by surprise, were able to mount such an effective lobby in support of exempting psychoanalysis from being defined as a form of medical treatment, was largely due to the fact that the French have a widespread awareness and understanding of psychoanalysis. During the campaign, a

major daily newspaper there carried a cartoon depicting a psychoanalyst saying to a patient "I am afraid that according to the law I am not allowed to listen to you. However, you are welcome to speak to my dog..."

This relatively favourable situation for the psychoanalytic community came about because, unlike the situation in the UK, the French public is not presented with a plethora of labels, titles, subtitles and provisos. When a potential applicant for a psychoanalytic training in France visits a web site, they might see the words 'welcome to psychoanalysis' and not a warning about a 'similar organisation with a similar name that you ought to be aware of...' They know of one psychoanalysis only and understand that the word is a cultural term of reference; a form of practice and a body of theory.

French practitioners, who have just as many theoretical and clinical disagreements as we do, some more notorious than others, are not afraid to admit that they are all practitioners of psychoanalysis: something, it seems, we in Britain are too embarrassed to do. Could this also explain the alarming fall in people seeking psychoanalytic treatment and psychoanalytic training in the UK? And when someone has the foresight to move from our parochial concerns and to suggest that we should be intellectually honest with the public and speak about the field of psychoanalysis, the whole field, they are met with indignation and outrage.

Carola Thorpe's letter (BJP Vol 20 No 3) is a very good example of a typical reaction to some of the problems facing psychoanalytic practitioners in Britain and in Europe at the present time. Responding to the creation of The College of Psychoanalysts-UK, Carola follows a well-trodden and familiar route. First, she demands the expulsion of certain individuals, calling them 'names', as if the perfectly respectable disagreements within the field of psychoanalysis can be reduced to a petty personal 'naughtiness' of this or that practitioner. It was not so long ago that the French psychoanalyst, Jacques Lacan, was excommunicated from the IPA, an act responsible for the birth of the Lacanian movement, now far bigger internationally than the IPA; but 'get rid of them' is still, it appears, the preferred method of dealing with them.

Carola then engages in the serious misrepresentation of a vital issue, claiming that The College "has no stated criteria for what constitutes a 'psychoanalyst' ". This is a claim which any visitor to the College web site will be able confidently to dismiss. What she claims is simply not the case.

Finally and possibly most regrettably, Carola, like all those who have engaged in the 'label' debate before her, fails to articulate what she believes to be the differences in competencies required, in terms of training standards, ethical issues and clinical practice, between psychoanalysts and psychoanalytic psychotherapists.

Carola also repeats the common misunderstanding that UKCP "refused" the use of the "lable" [sic] psychoanalyst to the Psychoanalytic Section of UKCP. No such refusal ever took place and what UKCP is currently engaged with is an attempt, which has so far failed, to come up with some discernable differences between training-standards for psychoanalysts and psychoanalytic psychotherapists, so as to enable UKCP to register non-IPA psychoanalysts. As such differences do not actually exist, it will be interesting to see what politically acceptable solution UKCP comes up with.

Once again, the only argument advanced, in connection with the alleged 'wrong-doings' of The College, is based solely on the question of membership or non-membership of one private society which has no published training standards, as distinct from training requirements.

Should the question of exemption of psychoanalysts from an EU directive or an Order in Council ever arise in the UK, leaving aside the gross injustice to psychotherapists from other modalities, what moral, scientific, ethical or educational grounds could possibly justify the privileging of one school of psychoanalysis over any other?

Only time will tell if The College of Psychoanalysts is a brave, innovative venture and, possibly, a 'lifeline' for the psychoanalytic profession or just another chapter in the history of local splits. Anyone who makes the mistake of thinking that The College is about 'labels' is in danger of failing to understand the seriousness of our collective predicament in the face of recent European developments. The survival of psychoanalytic practice, as a pluralistic non-medical and creative discipline, is at stake. It seems that the foundation of The College has brought psychoanalysis back into open discourse, onto the pages of the newspapers and into everyday life. This is surely a good thing for both the world of psychoanalysis and the rest of society.

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