

Negotiating Regulation: The State, The Professions and the Dilemma of Autonomy

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Introduction

The subject of this chapter is the regulation of professional labour in the neo-liberal era, focusing on psychotherapy, an occupational field in the process of crystallising into a unified profession. In most developed countries, the regulation of professions is distinctive because of the range of regulatory agents involved, the negotiated relationship between state and non-state regulatory agents, the diversity of models in play and the objectives of regulation. Professional regulation, by its singularity and its links to a pre-modern model of control of labour, may offer strategic insights into the struggle to re-regulate the broader world of work in the contemporary environment.

The conventional definitions of “to regulate” are “[to] control or supervise by means of rules and regulations”¹ or “to bring under the rule of law”.² Students of labour relations in developed economies traditionally have assumed that the state is the regulator that controls and supervises employment relations, and that labour regulation takes place through the rule of law. However, the growth of underground employment as well as the spread of employment chains in welfare-state societies over the past two decades have led to contradictory pressures on the state’s role in regulating labour. On the one hand, some of the new employment statuses have been allowed to slip beyond the bounds of any regulation. On the other hand, the techniques and institutions of regulation have multiplied and spread beyond the state. Regulation now engages an expanding range of partners including the state, and includes both formal and informal processes. Further, third-party actors like public interest groups or private insurers, who may play no formal role in labour regulation, are able to exercise considerable influence both inside and

1 Weiner E, *The Compact Oxford English Dictionary* (Oxford University Press, Oxford, 1998).

2 *Merriam-Webster's Dictionary of Law* (Merriam-Webster, Springfield Mass, 1996).

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