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Combating the illegal exercise of the profession: documentary sources in two Portuguese nursing journals

Combate ao exercício ilegal da profissão: fontes documentais em duas revistas de Enfermagem portuguesas

Lucha contra el ejercicio ilegal de la profesión: fuentes documentales en dos revistas portuguesas de enfermería

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ABSTRACT

Objectives: contribute to the knowledge of combating the illegal exercise of the profession. Fit into the dynamics of professionalization of Portuguese nursing. **Methods:** historical methodology, with framing diachrony and synchrony, identifying the space and people involved. Study of two historical sources; "*Revista de Enfermagem. Fazer bem sem olhar a quem*" and "*Enfermagem Portuguesa. Revista Técnica e Cultural*". **Results:** in the fight we found trials and convictions, then appeals, warnings, ministerial presentations and communications at meetings, fighting for the obligation of the Professional Card, as a professionalization strategy. **Conclusions:** the fight against the illegal exercise of the profession is associated with the implementation of the Professional Card and is part of an intentional strategy, internal to the group, to accelerate professionalization. Complaints and publicity of convictions, public appeals, warnings to nurses, ministerial presentations, communications at meetings and the use of magazines as an instrument of action were strategies used to achieve the objective of making the Professional Card mandatory. **Descriptors:** Nursing; History; History of Nursing; Professionalism; Professional Autonomy.

RESUMO

Objetivos: contribuir para o conhecimento do combate ao exercício ilegal da profissão. Enquadrar na dinâmica de profissionalização da enfermagem portuguesa. **Métodos:** metodologia histórica, com diacronia e sincronia enquadradora, identificando o espaço e as pessoas envolvidas. Estudo de duas fontes históricas; "*Revista de Enfermagem. Fazer bem sem olhar a quem*" e "*Enfermagem Portuguesa. Revista Técnica e Cultural*". **Resultados:** no combate encontramos julgamentos e condenações, depois, apelos, avisos, exposições ministeriais e comunicações em reuniões, lutando pela obrigatoriedade da Carteira Profissional, como estratégia de profissionalização. **Conclusões:** o combate ao exercício ilegal da profissão associa-se ao da implementação da Carteira Profissional e insere-se numa estratégia intencional, interna ao grupo, de aceleração da profissionalização. As denúncias e publicitação das condenações, apelos públicos, avisos aos enfermeiros, exposições ministeriais, comunicações em reuniões e uso das revistas como instrumento de ação, foram estratégias usadas para alcançar o objetivo da obrigatoriedade da Carteira Profissional. **Descritores:** Enfermagem; História; História da Enfermagem; Profissionalismo; Autonomia Profissional.

RESUMEN

Objetivo: contribuir al conocimiento de la lucha contra el ejercicio ilegal de la profesión. Encajar en la dinámica de profesionalización de la enfermería portuguesa. **Métodos:** metodología histórica, enmarcando la diacronía y la sincronía, identificando el espacio y las personas involucradas. Estudio de dos fuentes históricas; "*Revista de Enfermagem. Fazer bem sem olhar a quem*" y "*Enfermagem Portuguesa. Revista Técnica e Cultural*". **Resultados:** en la lucha encontramos juicios y condenas, luego recursos, apercibimientos, presentaciones ministeriales y comunicaciones en reuniones, luchando por la obligatoriedad de la Tarjeta Profesional, como estrategia de profesionalización. **Conclusiones:** la lucha contra el ejercicio ilegal de la profesión está asociada a la implementación de la Tarjeta Profesional y es parte de una estrategia intencional, interna del grupo, para acelerar la profesionalización. Denuncias y publicidad de condenas, llamamientos públicos, advertencias a enfermeros, presentaciones ministeriales, comunicaciones en reuniones y el uso de revistas como instrumento de acción fueron estrategias utilizadas para lograr el objetivo de hacer obligatoria la Tarjeta Profesional. **Descriptorios:** Enfermería; Historia; Historia de la Enfermería; Profesionalismo; Autonomía Profesional.

INTRODUCTION

The path of Portuguese nursing, from its beginnings to the present day, is long, with constant development and periods of acceleration in the process of professionalization and disciplinary affirmation. And it has had slower development as a result of various circumstances internal to the group or inherent to contexts. If we are aware of the existence of nurses from the first centuries of the second millennium, they went through an initial period of differentiation until the end of the 19th century. Differentiation, standardization and professionalization are processes by which an occupation can, in a long-term process, project itself in time⁽¹⁾, for Portuguese nurses, over a period of around eight hundred years.

At the end of the 19th century, two significant milestones indicate the entry into another period of development that corresponds to a movement to accelerate the professionalization process. These milestones include the emergence of the first formal nursing school, the School of Nursing of the *Universidade de Coimbra* Hospitals, in 1881, which was soon followed by other schools throughout the country. In 1896, the word "*enfermagem*" (nursing) appeared, for the first time, in the Portuguese language, in Brazil and in Portugal. This word designates the group, and it is significant that it was only in this year that it became necessary to assign a name to the collective of nurses.

This second period of development of nursing in Portugal ran from the end of the 19th century to the end of the 20th century, a century of consolidation of knowledge. In fact, it was only in the 1990s that three basic

characteristics were present for an occupation to be identified as a profession: credentialism, autonomy and expertise⁽²⁾.

The period of professionalization in Portuguese nursing certainly had structural elements that date back to the late 19th century and the late 20th century, when we see its affirmation about a process of constructing identities “through integration and differentiation, with and against inclusion and exclusion, through practices of confirmation and practices of class and statutory distinction”^(3:219). In this understanding, it is not strange that, in the accelerated path of professionalization, movements of field closure arise as strategies of group affirmation and consolidation. It is in this reading that one can understand the fight against nursing illegal practice.

As mentioned, the fight against nursing illegal practice occupied the concerns of nurses, being a significant element in the process of professionalization of nursing. The unions gave voice to this concern until they managed, initially, to see the publication of Decree Law 32,612 of December 31, 1942⁽⁴⁾, which regulates nursing practice, reorganizes teaching and establishes the requirement of a diploma for professional practice from January 1944, aiming to prevent nursing illegal practice. The union’s concerns do not end there, as it was necessary to ensure that all professionals had the card, whether they worked in the liberal (private) sector or in the public sector, and that non-professionals were not allowed to hold it.

Subsequently, in 1947, a regulation for the professional nursing card emerged, although the holding of professional cards as a necessary requirement for professional practice dates back to 1939, the beginning of the corporate regime^(5,6). The possession of a professional card is a differentiating factor from others and a control factor for those who can have one, and is a significant element in the fight against nursing illegal practice. In other words, the obligation to have a professional card and the fight against nursing illegal practice go hand in hand in the strategies for professionalizing nursing in Portugal throughout the 20th century.

However, despite the legislative process regarding the issuing of professional nursing cards as a condition for professional practice, the reality was still different, as neither public servant nurses were required to do so, nor was the possession of the card by others in the private, social or liberal sectors fully assumed. In 1958, Alberto Mourão stated that “in either place, the presentation of a professional card is not considered indispensable”^(7:36).

It should be noted that, only in January 1960, by order of the then Minister of Health and Assistance Dr. Martins de Carvalho, the professional card also became mandatory for nurses in public institutions, and from that date onwards, from a legislative point of view, the entire universe of nursing professionals was covered⁽⁸⁾.

The Portuguese National Nursing Union was responsible for issuing professional nursing cards for nurses and midwives. In 1949, an amendment was made to regulations, creating a professional card for nursing assistants; this card had a different color to distinguish it. The issuance of professional cards by the union did not exempt them from being endorsed by the Portuguese National Institute of Labor and Social Security⁽⁶⁾, with signs of reduced autonomy. In 1982, the professional card for nursing professionals had a new wording⁽⁶⁾. Also in relation to professional cards, midwives had an advantage, in the professionalization process, in relation to nurses, since in 1875 they saw an official model published for the issuing of midwifery cards⁽⁹⁾.

Studying nursing illegal practice in Portugal contributes to understanding the difficulties, the non-linear paths, the role of stakeholders and the constant dialogue with the executive branch, which is time-consuming and costly, in order to gain ground, all of which are inherent steps in the professionalization process. This study contributes to a better understanding of the professionalization process of Portuguese nursing. At the same time, the study of this particular aspect enriches, with objectivity based on historical sources, the knowledge of nursing history in Portugal.

The following research question emerged: to what extent does the fight against nursing illegal practice, although temporally late, fit into the dynamics of professionalization of Portuguese nursing?

OBJECTIVES

To contribute to a better understanding of the fight by Portuguese nursing against nursing illegal practice and frame the fight against nursing illegal practice within the dynamics of professionalization of Portuguese nursing.

METHODS

This is a study using historical methodology, using temporal location, discerning diachrony and synchrony, identifying the geographic space under analysis and the people involved. A brief, timely review of historical summaries produced by various historians on the subject of nursing illegal practice is used, and

the information considered relevant is collected and organized. There was a description and critical analysis from two specific historical sources: “*Revista de Enfermagem. Fazer bem sem olhar a quem*” and “*Enfermagem Portuguesa. Revista Técnica e Cultural*”.

Specifying more technical aspects, data from secondary sources were used, considered here as the result of readings of historical summaries already produced, interweaving the data and ideas collected, either in introduction (framing) to this article or in results/discussion. The study of primary sources was used, duly and previously identified, described and framed. From these sources, data and information considered relevant were extracted, which was organized using summary tables constructed with the help of an Excel spreadsheet, with the following entries: journal number and date; page number(s); entity receiving the complaint; location; against whom; accusation; entities involved; convictions; convicted persons.

By crossing the previously mentioned readings and the data extracted from the primary sources used, an analytical, discursive, organized and sequenced web was created that allowed producing new historical inferences resulting from the researcher’s analytical capacity, author of this article. With the mental framework created by the work described, the key ideas resulting from the analytical process were summarized and written as final considerations or conclusions.

From an ethical point of view, we were guided by the concern for maximum scientific rigor, objectivity and respect for sources, which are in the public domain, accessible at the *Escola Superior de Enfermagem de Coimbra* Documentation Center. There was rigorous identification of the origin of primary and secondary sources with the appropriate citations, and use of interpretative creativity, necessary for historiographical discourse, but guided by evidence arising from the analysis of sources identified and characterized in the results chapter.

RESULTS

In this study, we used two Portuguese nursing journals, published in Portugal, starting in the 1950s, as primary sources. In a preliminary summary and preparatory study, it seemed to us that these journals contained relevant material for the present research, which is why we selected them so that we could extract specific contributions for this purpose, and no less importantly, sharing, opening up to the community and researchers of nursing history, the possibility of exploring other topics that these same sources may make possible.

Source characterization

“*Revista de Enfermagem. Fazer bem sem olhar a quem*” is a journal that appeared in October 1953, owned by the Portuguese National Union of Nursing Professionals, with editorial and administration in Lisbon and published bimonthly.

There were 81 issues published until 1974. In issue one, the technical details list Manuel [Leitão] Branco as director, who remained until the double issue 19-20, from February to April 1957, when he was replaced by Daniel Pinto. In issue 39, from July 1960, Pulquério Martins de Almeida appeared as director, having previously been the journal’s administrator from issue 23, from October 1957, to issue 27, from June 1958. While in the first issue, only the positions of director and editor-in-chief appear, other positions appear later, such as administrator, secretary, head editor, main editor, head of advertising, and artistic and literary advisor.

In addition to the names already mentioned in the various technical files and up to the double issue 46-47 from October to December 1961, the names of Júlio dos Santos Pimenta, Maria Fernanda Resende, Mário Ferreira da Silva, António Conceição Miranda, Jorge Lyra de Freitas, José Ferreira Pacheco dos Santos, Cunha Viana and Joaquim Dias Caratão appear. The series that will be the object of analysis in this article is the one existing in the *Escola Superior de Enfermagem de Coimbra* library, composed of full issues, from the origin, up to the publication of the double issue 46-47 from October to December 1961.

This nursing journal “marks a turning point in terms of the authorship of the articles, as the majority are Portuguese authors and the topics are more specific to the profession”^(10:324).

Since this is a trade union journal, the demands and corporate links are naturally present in the approaches produced. The idea of corporate is reinforced, not only in the strictly professional aspect, but due to the circumstance of being a body of a corporate union, in a corporate state, with a corporate social organization, namely with the existence of a corporate chamber, in what historically became known as the Portuguese New State (1933–1974).

"*Enfermagem Portuguesa. Revista Técnica e Cultural*" is briefly characterized as a journal "of an informative nature for health professionals of all specialties, and falls within the type of journals published by authors"^(10:473).

It is a bimonthly journal, the first edition of which appeared in January and February 1958. Published in Coimbra, it presents a technical file with Manuel Leitão Branco as director, José Pinto Teles as deputy director, Júlio Santos Pimenta as editor-in-chief and Alberto Mourão as editor and owner. It does not shy away from having the visible annotation "Approved by the Censorship Committee". We are aware of the edition of 12 issues, the last one from November to December 1959. This complete series, accessible in the *Escola Superior de Enfermagem de Coimbra* library, which we will use in this study.

As for this journal, it should be noted, and it will be interesting for future studies, that it had in its direction and technical file, in January and February 1958, figures such as Manuel Leitão Branco and Júlio Santos Pimenta, who were no longer included in the technical file of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", precisely in the double issue 19-20 from February to April 1957. The reasons for this will also be part of nursing history in Portugal. For now, the focus is on combating nursing illegal practice.

"*Revista de Enfermagem. Fazer bem sem olhar a quem*" informs us of a series of complaints filed by the union with judicial entities, for nursing illegal practice, throughout the country, against collective entities and individuals, and also gives us an account of the accusations, entities involved, convictions and convicts.

Complaints, convictions and convicts

Complaints were reported between October 1953 and May 1954, with concrete indications and identification of people and entities, with the news and objective identification fading away "so as not to harm the investigations"^(11:52).

We can identify 47 complaints, distributed as follows: 31 against individuals identified by name; six against pharmacies; four against pharmacists and technical directors of pharmacies; two against pharmacy assistants; two identified generically against various pharmacies; one against a Chairman of the Board; and one generic appeal "for general measures to repress acts of illegal practice"^(11:52).

As for the location of the illicit activities, the 47 situations occurred in a dispersed manner, 19 in Faro, eight in Lisbon, three in Coimbra, with two in Abrantes, Sines, Santo Tirso, one in Castelo Branco, Setúbal, Sobral de Monte Agraço, Horta, Cercal do Alentejo, Beja, Vila Praia da Vitória-Açores, Baião, Vila do Conde, Angra do Heroísmo and Figueira da Foz, i.e., from north to south, from the mainland to the Azores.

The following entities received the complaints: Civil Governors of the District of Lisbon, Coimbra and Setúbal; delegates of the Public Prosecutor's Office of Abrantes, Vila Praia da Vitória, Sines, Santo Tirso, Baião and Vila do Conde; delegates of the Portuguese National Institute of Labor and Social Security of Setúbal, Beja, Figueira da Foz; commander of the National Republican Guard of Sobral de Monte Agraço; Labor Inspectorate of Lisbon; deputy director of the Judicial Police of Lisbon.

The news of the accusations, which were processed in court, then present from issue 1 of "*Revista de Enfermagem: fazer bem sem olhar a quem*", in October 1953, until issue 34 in April 1959, gives us an account of ten situations. There were two charges for practicing without a professional license; four situations with a generic indication of nursing illegal practice; another for illegal practice specifying the office where this happened, yet another for illegal practice indicating that the clerk began to administer injections; another for having performed several treatments and administered injections; and one for practicing the nursing profession without sufficient qualifications.

Of the ten cases, six resulted in indictments (four by the Boa Hora Court, Correctional Courts, in Lisbon, two by the Correctional Court of Porto), and one acquittal in the District Court of Torres Novas due to lack of evidence. The other three situations are referred to as: "report filed by the Labor Inspectorate"; "handed over by the Public Security Police to the Judicial Police"; "sub-directorate of the Judicial Police sent to court".

The six convictions identified resulted in five cases with "6 months in prison", and in the case of the assistant clerk, 15 months in prison, plus fines, court fees, compensation to the injured party, suspended sentences or redeemable in the form of daily monetary payments. The convicted individuals were identified by name, others identified by name and profession "pharmacy assistant", "assistant clerk", and the particularity "defendant nurse without a professional license, on the date of trial with a regularized situation", therefore convicted but with a suspended sentence.

In addition to complaints and lawsuits, the surrounding

In addition to the reported cases of complaints, accusations and convictions that we are aware of, after analyzing "*Revista de Enfermagem. Fazer bem sem olhar a quem*", it is important to mention that we extracted twelve excerpts from this journal and one excerpt from "*Enfermagem Portuguesa. Revista Técnica e Cultural*", all related to the topic under analysis, generally: three presentations to ministers; an editorial; a communication to the III Portuguese National Meeting of Nurses; a management report; a union notice; a note on union activity; a news item on an initiative in Braga; a call for attention to the exercise in clinics; a call for attention to schools; an assessment in the "Critical Notes" section; a news item on the ministerial decision.

In chronological order, the journals provide us with material that we present in 13 points, corresponding to the 13 excerpts mentioned:

(1) Manuel Leitão Branco, in a section entitled "Nursing illegal practice", which will be repeated in several issues of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", writes in issue 1 of October 1953: "the news that reaches us almost daily from the most diverse parts of the country leaves us convinced that the illegal practice of such acts continues with impunity, with absolute disregard for the legislation in force"^(12:21). Manuel Branco acknowledges that the authorities have done something, but they are hampered by the "number of offenders who are spread all over the place, and it has not been possible for them to eliminate this plague"^(12:21). The author describes those who practice nursing illegally as "furtive nurses, or rather, adventurous amateurs"^(12:21). Considering that they commit "acts against humanity", they need "vigilance from the police authorities and greater and more severe sanctions from the competent courts"^(11:21). They hope that through the "repression that the competent entities will certainly give them [...]" that public health will be properly defended, at the same time as the interests of a class are defended"^(12:22).

From the beginning of the publication of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", the motto was set: the need to combat nursing illegal practice. This happened in successive issues, with lists of offenders (published from October 1953 to May 1954), calls for reporting situations and the publication of court rulings (in the journal from October 1953 until issue 34 in April 1959). Throughout the 1950s, with some regulatory legislation already issued and published by authorities, it was still important to strive for its effective application. As a result, it was expected that public health would be defended and "the interests of a class" and "prestige for the corporate organization" would be safeguarded"^(12:22).

(2) In the same issue of October 1, 1953 of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", in the section "Trade Union Activities", the previous idea of the article by Manuel Leitão Branco is reinforced: "repression of nursing illegal practice", "[...] is one of the most arduous campaigns in which the union has been engaged"^(13:39). Continuing, he states that, despite the commitment of the authorities and collaboration with the union, "not much has been achieved to date. Something has been achieved, however, and the campaign continues, convinced that our work will not be in vain"^(13:39). We are clearly facing a campaign on the part of the union, intentional and with a clear objective, demarcating the field.

(3) In "*Revista de Enfermagem. Fazer bem sem olhar a quem*", issue of February 7, 1955, it is noted that "the Braga delegation of SNPE [National Union of Nursing Professionals] is developing a campaign aimed at abolishing nursing illegal practice, drawing the public's attention through the press to refrain from using the services of false nurses, asking that a professional card be required of nurses whenever they require their services"^(14:42).

We note the extension to the entire territory, as is also evident in the lists of accusations and convictions, in addition to two other equally important aspects, such as the call to the public's attention and the appeal for them to ask for a professional card from the professionals they hire.

(4) In an editorial, issue 8 of April 1955 of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", a presentation to Minister of Corporations Dr. José Soares Fonseca is transcribed, highlighting, among several subjects, the issue of nursing illegal practice, but not without first raising important questions for professionalization and which ultimately relate to the issue of illegal practice:

[...] we dare to request from Your Excellency, as the most urgent and first step, the creation of a statute that governs professionals throughout the country and, subsequently, the creation of a professional body that will be responsible for the global study of the problem of nursing, that prepares the necessary measures to remedy the current shortage of staff, that systematizes nursing practice techniques, i.e., by right, heard in the standardization and supervision of teaching and specializations, that advises and technically disciplines the members of the class and its groups and that assists public authorities in the difficulties and

improvement measures that may be necessary. We are certain that the elaboration of a nursing statute and the creation of the Portuguese National Nursing Council are indispensable to give nursing the elevating characteristics that make it a sought-after profession^(15:2,3).

In other words, as early as 1955, attention was drawn to the need for a statute and a regulatory body, even before the Portuguese National Nursing Congresses of 1973 and 1981, where this issue became more explicit and gained further strength. It should be noted that the statute was only achieved in Portuguese nursing in 1996 (Regulation of Professional Practice of Nurses) and the regulatory body in 1998 (Order of Nurses).

The presentation to the minister continues by placing centrality on the illegal practice: “[...] the staff, dispersed throughout the country, acts according to individual criteria, [...], and also in humiliating competition with an infinity of amateurs from all professions and who, through their irresponsibility, hinder and degrade the standard of nursing”^(15:3). The absolute need was raised for “measures to be taken [...] that make an updated professional card mandatory for all individuals who practice the profession, regardless of the establishments in which they are employed”^(15:3).

As explained in the exposition, there are two situations in which the legislation requires revocation and/or clarification:

[...] nurses who are civil servants and employees of administrative corporations are not required to have a professional card, [...], which is an essential title for professional practice in private companies and under a free-lance employment regime^(15:3).

Furthermore, Decree Law 32,171 generally authorizes all physicians' assistants, including employees of health establishments, to provide patients with services indicated to them by those under whose effective direction they work and is not explicitly revoked by the wording of Decree Law 38,884 with regard to nursing^(15:3).

Two situations that seem particular in relation to the generic issue end up having a crucial expression even due to the number of employees involved.

(5) The president of SNEP addressed nurses at the 3rd Portuguese National Nursing Meeting. His speech is reported in issue 9 of June 1955 of “*Revista de Enfermagem. Fazer bem sem olhar a quem*”. In the excerpt that we transcribe, the exhortation to nurses to make their knowledge and ethical sense count is visible, in the following terms:

It is the responsibility of all regular nursing staff, and especially nurses who have graduated from an official school, to save the spirit of nursing from the chaos and to increasingly improve, with all possible effort, their technical and practical knowledge, their moral value and their prestige so that any entity in the presence of your diploma or professional card cannot feel any doubt or confusion about your competence^(16:7).

(6) In turn, in the February 13, 1956 issue of “*Revista de Enfermagem. Fazer bem sem olhar a quem*”, nurse José Gil Barreiros, in a section entitled “Illegal practice and nursing. The number one problem - illegality”, following on from what was previously mentioned in the presentation to the Minister of Corporations, categorically states:

Until we understand that the staff in consulting rooms and pharmacy assistants – the main causes of the evil that affects the profession – do not have the minimum knowledge to provide efficient assistance to patients, whether following the physician's orders or acting in an emergency, the evil will not be overcome^(17:29).

(7) The Union 1955 Management Report is presented in the June 15, 1956 issue of “*Revista de Enfermagem. Fazer bem sem olhar a quem*”, referring to:

It would be untrue to say that this problem has improved, but rather that it seems to be getting worse day by day, despite all the attempts, interventions and actions of this organization together with the various police, health and judicial authorities^(18:35).

We continue, however, to study the problem from all its aspects and to this end we count on the good will of all members who should bring to our attention all infractions of which they are aware and try, whenever possible, to testify to them, fully identifying the offenders, so that we can further intensify the fight against such a vexatious, depressing and dangerous state of affairs^(18:35).

We are faced with the realization that, despite many efforts, the problem persists, appealing to members to be vigilant and report appropriately reported infractions so that they can have legal consequences.

(8) In "*Revista de Enfermagem. Fazer bem sem olhar a quem*", issue 22 of August 1957, there was a call for attention from Schools of Nursing "to guide new professionals to obtain their professional card from the union, a necessary condition for the legal exercise of the profession"^(19:137). This is a warning for professionals who are not yet unionized, since, if they are not unionized, they cannot have a professional card; therefore, according to the union's interpretation, they can be "considered illegal nurses under the law"^(19:138). This is clearly a trade union strategy, although legislation on this issue remains ambiguous, of extending the professional card to everyone, public and non-public employees (from private institutions and in a liberal regime). If we look closely, in the cases tried and previously mentioned, a nurse appears to have been tried and convicted, although with a suspended sentence, for not having a professional card.

(9) Notice from the Portuguese National Union of Nursing Professionals, on March 30, 1958, published in "*Revista de Enfermagem. Fazer bem sem olhar a quem*", issue April 26, 1958, was:

National Unions of Nursing Professionals, in order to avoid any claim of ignorance, hereby make public that, by Decree Law 38,884 of August 28, 1952, Art. 32, it is established that only individuals legally qualified with the respective diploma and in possession of their professional card may provide professional nursing services, under the terms of the dispatch of October 18, 1947. Therefore, the practice of this profession – application of injections, dressings, etc. – is expressly prohibited to all individuals who do not meet these conditions. Hospital services, health centers, first aid stations, companies, sports clubs, etc. are hereby requested to comply with current legislation by hiring only suitable personnel by requiring the presentation of a professional card upon admission^(20:291).

In 1958, the campaign against nursing illegal practice continued vehemently, focusing on a broader interpretation of the obligation to present a professional card. The impression remains that, in the early days of the campaign, there was an insistence on public denunciation. Although this approach continued, a new approach was adopted in the reading of legislation, which made the use of a professional card mandatory, gaining numerical weight and making it easier to monitor illegal activities.

(10). Alberto Mourão, in 1958, in "*Enfermagem Portuguesa. Revista Técnica e Cultural*", in the "Critical Notes" section, noted:

[...] we know and have unfortunately observed that in health care facilities there continues to be a certain disorientation regarding the activity of nursing professionals. The law, which strictly requires compliance with several requirements related to the organization of the class, is forgotten, and in some places, the presentation of a professional card is not considered essential^(7:35-36).

The same strategy, focusing on the indispensability of presenting a professional card, a deterrent to illegal practice, is now reflected in another nursing journal that came to light in the late 1950s. The article was written by Alberto Mourão, a prestigious figure in Portuguese nursing at the time and later.

(11) New presentation to the Minister of Corporations and Social Security, a position now occupied by Dr. Veiga de Macedo, on August 18, 1958 and published in the August 28 issue of that year in "*Revista de Enfermagem. Fazer bem sem olhar a quem*", starts from the observation that "according to current law, nursing professionals are not required to join a union or have a professional card when performing public functions or administrative bodies"^(21:353). It is argued in the counter-argument that for the unions it is certain that, once their public or administrative service has ended, civil servants can freely exercise their profession, contrary to what is established in the Professional Card Regulation, namely in what states that "they cannot freely exercise their profession without being duly unionized and in possession of a professional card"^(21:353).

Strategically, it is made known that many (the percentages are clarified in the following point) combine public service with the freelance regime or with a second job in private institutions, making it logical that the mandatory professional card should be applied and extended to combat illegal practice.

(12) Presentation addressed to Minister of Health and Welfare Dr. Henrique Martins de Carvalho by Nursing Unions, published in the October 29, 1958 issue of "*Revista de Enfermagem. Fazer bem sem olhar a quem*", referring to nurses who are public servants, stating:

[...] as is known, while the vast majority of these professionals – perhaps 90% – actually practice the profession outside of their public employment, the truth is that, perhaps due to a lack of preparation and

understanding of social relations and the usefulness that results from the association of individuals with the same objectives, only 10% to 20% will be registered and have the respective card^(22:393).

And added:

[...] in addition to being very costly for unions, it is practically impossible to monitor professionals in those conditions in order to enforce the law. It is worth noting the delicate situation created by the unions being forced to take individuals with degrees and, therefore, technically qualified to practice the profession to court^(22:393).

In the end, it presents suggestions for urgent satisfaction, such as the "need to provide national unions with means of monitoring and repressing illegal nursing"^(22:397).

(13) The September 40, 1960 issue of "*Revista de Enfermagem. Fazer bem sem olhar a quem*" reports "The mandatory nature of the professional card recognized by the Minister of Health and Assistance" and publishes the dispatch of Minister Henrique Martins de Carvalho:

1.- Regarding the general problem of the obligation to have a professional card, although it is true that public servants cannot be unionized (except to the extent that, outside of their duties, they carry out independent professional activity), it is also true that, in order to enter public or similar positions, the presentation of a professional card – in practice – is the only way to demonstrate that a candidate is legally able to practice the profession.

In fact, academic qualification does not necessarily prove that the interested party can practice it (for instance, disciplinary suspension may be allowed), and there are nurses who do not have a degree and therefore only the professional card can identify them.

2. - I therefore agree with the union's wishes. Proceed accordingly.

2-1-1960 – (a) H. Martins de Carvalho^(8:52).

At the end of the 1950s, nursing unions saw the extension of professional cards to all those in practice recognized, having achieved a victory that indirectly allowed greater control and greater combat against nursing illegal practice. Even so, one aspect is legislation and another is its effective application.

DISCUSSION

The professionalization of an activity is a process of diverse dynamics that responds to societal challenges, group desires, confrontations for the conquest of field of action and knowledge, and power games between different professions. In this complexity, it is expected that the processes will be complex, develop in a tangled web and have their own time cycle.

Our analytical perspective starts from a long pre-professional process of differentiation⁽¹⁾ in relation to other activities, where we examine signs of professionalization that are initially tenuous, and then more evident. This was followed, after milestones of greater significance, such as those mentioned earlier in this article (formal schools and the word to designate the collective), by a process of accelerating professionalization leading to its consolidation. The process of professionalization of Portuguese nursing throughout the 20th century was based on the intentionality assumed and expressed by nursing elites and representative bodies, such as unions. From this assumed intentionality, we fought to achieve what was considered essential for disciplinary consolidation, forcing the release of legislation and regulations that would meet what was desired as necessary for professionalization, i.e., for accreditation, autonomy and recognition of expertise⁽²⁾.

The identification of the need to close one's own field, which "constitutes a stage [...] that consists of a professional group's capacity to guarantee both the monopoly on the market of services it provides and the monopoly on the selection and training of practitioners"^(23:29), led, from the very beginning, in the period under consideration, to the fight against illegal practice. This aspect becomes quite visible when two nursing journals, already in the 1950s, took the pains of the entire class and reported, encouraged and appealed, assuming themselves an actively transforming role in social reality.

Social closure as a sociological concept originating in Max Weber⁽²³⁾ and developed in Freidson^(2,25,26) can be defined as:

[...] a set of processes by which social groups or collectives tend to regulate market conditions in their favor in the face of current or potential competition from candidates and laypeople, restricting access to resources and opportunities to a small number of chosen ones^(27:144).

The 1950s began with the immediate precedent of the publication in 1949 of a Decree Law that guaranteed the "protection of the use of the title of nurse"^(28:46): "The designation of nurses and nursing assistants can only be attributed to qualified professionals"^(29:351).

In that same decade, in 1952, we saw legislation that ensured the "technical and administrative autonomy of schools"^(28:47), and, in 1958, the creation of the Ministry of Health and Assistance, which had "as a consequence that the supervision of public health services and public assistance services ceased to belong to the Ministry of the Interior"^(28:49).

The strategies to combat illegal practice in the 1950s went through two phases: a first of denunciation and hope in legal mechanisms; and a more thoughtful one, focusing on the indirect route of ensuring that everyone had a professional card. However, we cannot fail to note that unions, as early as the "early 1930s, defended the profession legitimacy, disseminated the need for basic training and warned about illegal professional practice"^(6:127). It should be said that, from a legislative point of view, it was only at the end of the 1950s that the professional card was made mandatory for all nurses, with the order of Minister Herminio Martins de Carvalho.

The fight against illegal practice and the mandatory nature of a professional card, aspects of accreditation and other expressed needs, in which profession leaders, trade unions and other professional organizations are committed, such as the existence of a regulation of practice or of an autonomous body that strives for its compliance and that cumulatively can guarantee the technical, professional and scientific quality of practicing nurses, should not be separated.

This proactivity within the group (nursing professionals) naturally clashes with established interests and with misunderstandings due to lack of knowledge and fear of the new, but it counts favorably, with the passing of time, in the sense of the inevitability of the existence of professional groups, specifically in nursing, that respond to new challenges arising from new social needs. The development of knowledge, sciences, and health sciences also creates challenges, to which new and old professional configurations must respond. The social dynamics external to the professional group are also an element of the tangle of webs that force professional development, adding to the very important group proactivity.

The "case" of the fight against nursing illegal practice is paradigmatic for understanding that one of the elements involved in the process of professionalization is the internal dynamics of groups in the conquest of the field and collective affirmation.

This study has as a limitation its focus on data from two sources. Nevertheless, we believe we have contributed to the understanding of the dynamics of professionalization of Portuguese nursing throughout the 20th century and, since then, to the enrichment of Portuguese nursing history.

CONCLUSION

A critical reading of the two nursing journals from the 1950s allowed us to understand the contours of the Portuguese nursing struggle against nursing illegal practice.

Complaints, publication of convictions, public appeals, notices to nurses, ministerial presentations, communications at national meetings and the use of journals as an instrument of action were strategies used to achieve the objective of mandatory use of a professional card. Possession of a professional card was identified as an essential element for the professionalization of Portuguese nursing.

The fight against nursing illegal practice is linked to the implementation of the professional card, and is part of an intentional strategy, internal to the group, to accelerate professionalization.

Trade unions were able to adapt and redirect their actions, from complaints to the demand for the use of professional cards. The struggles for the dignity of nursing and its professionalization were a dynamic process, based on assessments that were produced by participants, considering the successes and failures of their actions.

This research is limited by the study of only two primary sources. However, with this knowledge, we hope to have contributed to a better understanding of the process of professionalization of nursing and Portuguese nursing history.

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