

A QUALITATIVE COMPARISON OF THE PERCEPTIONS AND BEHAVIORS OF LAWYERS AND DOCTORS IN MARKETING

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Abstract

Marketing, which is in the process of evolving into being people-oriented, has started to take place in two basic human fields (sectors) that the state carries on such as law and health. However, in these sectors, marketing is relatively weak compared to other fields (sectors). The aim of this research is to reveal the level of perception and application of marketing in these two sectors. For this purpose, one-on-one interviews were conducted with lawyers and doctors. The obtained opinions were evaluated qualitatively, supported by quantitative data. According to this, lawyers and doctors perceive marketing to be limited to promotional activities such as presentations, advertising, and personal selling. Additionally, it has been revealed that lawyers have a more positive perception of marketing and possess more knowledge about it compared to doctors. Lawyers believe that marketers create more needs, while doctors believe they fulfill more needs. Doctors are expressing concerns about the ethics of marketing. In order for the understanding of service marketing or human-centricity to evolve in these two areas, it has been emphasized that the existing perceptions need to change first.

Keywords: marketing ethics, service marketing, marketing perception, strategic marketing, qualitative research.

DOKTORLAR VE AVUKATLARIN PAZARLAMA HAKKINDAKİ ALGI VE DAVRANIŐLARI ÜZERİNE NİTEL BİR KARŐILAŐTIRMA

Özet

İnsan odaklılığa evrilmeye çalışan pazarlama, hukuk ve sađlık gibi rekabetin ve serbest girişimin tartışılmaya devam ettiği iki temel insani alanda yer almaya başlasa da bu sektörlerde diđer alanlara (sektörlere) göre nispeten zayıf durumdadır. Bu araştırmanın amacı, bu iki sektörde pazarlama algısı ve uygulamasının seviyesini ortaya çıkarmaktır. Bu amaçla, avukatlar ve doktorlarla bire bir görüşmeler yapılmıştır. Elde edilen görüşler nicel verilerle desteklenerek nitel olarak değerlendirilmiştir. Buna göre avukat ve doktorlar pazarlamayı sadece sunum, reklam ve kişisel satış gibi tutundurma aktiviteleriyle sınırlı görmektedirler. Ayrıca avukatların pazarlama konusunda doktorlardan daha olumlu ve daha fazla bilgiye sahip oldukları ortaya konulmuştur. Avukatlara göre pazarlamacılar daha fazla ihtiyaç oluştururken doktorlara göre ise daha çok ihtiyaç gidermektedirler. Doktorların pazarlamanın etik olmadığına dair endişeleri bulunmaktadır. Bu iki alanda hizmet pazarlaması anlayışının ya da insan odaklılığın gelişebilmesi için öncelikle mevcut algıların değişmesi gerektiđi ortaya konulmuştur.

Anahtar Kelimeler: pazarlama etiđi, hizmet pazarlaması, pazarlama algısı, stratejik pazarlama, nitel araştırma.

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1. Introduction

Since justice and health are among the most vital human rights, states have not withdrawn from these two areas. Therefore, it cannot be said that there is 100% free competition in these two sectors. Accordingly, marketing in these two areas has not developed compared to other sectors with private sector players. Moreover, marketing is partially hindered in these two sectors due to legal regulations. In this research, the situation of the sectors in terms of marketing has been evaluated through the opinions and thoughts of lawyers and doctors, who are the most important actors of the law and health sectors.

According to some authors, there is confusion about what marketing is because there are too many interpretations and definitions about it (Contreras & Ramos, 2016). According to Hunt (1983), marketing is a social science, and its main subject is relations of exchange, or more simply, bartering. When looking at the definition and history of marketing in literature, it is possible to talk about a development. The literature on the definition, scope, and historical development of marketing, which has such a broad meaning, has been handled in a very simple and comprehensive way. Marketing content has evolved from tactical and physical activities to a more sociable and strategic understanding. The situation that best illustrates this is the change over the years in the marketing definitions of the American Association of Marketers (AMA). According to the AMA's most recent definition, marketing is the set of activities, institutions, and processes that create, communicate, deliver, and exchange offers that have value for customers, clients, partners, and society at large (marketing-dictionary.org, 2021). On the other hand, this is a different definition than the definition first made by the AMA in 1935. While the definition of AMA in 1985 offered a managerial focus on some specific tasks, including the concept of the 4Ps, the aforementioned definition in 2007 turned into a definition with both a strategic and tactical approach that includes many sides. As a matter of fact, it is assumed that marketing has passed through four different phases and is currently in the 4.0 period.

On the other hand, it is not possible to argue that marketing is understood and applied in the same way in all sectors within the economy. The situation of marketing should be expected to be different in sectors that have not yet been opened to competition or where the state is an important player. No similar research in the literature have been found in sectors

where marketing is relatively less developed. The studies encountered are mostly in the form of determining the opinions of marketers or managers about marketing. These examples have been included in the literature section. This research presents the understanding of marketing in two important sectors in a way to fill this gap in the literature. This situation reveals the significance of the research because it is anticipated that this research will both close a gap in the literature and set the foundation for developing a marketing approach that will enable a customer-oriented development.

Within the framework of the concepts and questions put forward after the literature section, the qualitative studies and results of the two sectors are mentioned. Thus, an effort has been put forward to understand the current state of marketing.

2. Literature

2.1. Definition of Marketing

If a general framework is to be determined for today, marketing refers to activities that facilitate shopping activities in business life, the activities that benefit society and the processes that create value. In this definition, especially the emphasis on value creation and social benefit is important (Liu, 2017). However, when we look at the older definitions, it is understood that marketing is a concept that is more geared towards the interests and operations of companies. For example, among the many definitions made at that time, one of the leading ones is the Bartel's definition (1951). The author defined marketing as a field of study that investigates the terms and rules in the distribution of goods and services. After 17 years, the author developed his definition as follows: Marketing is the development of solutions and systems that generate shopping and expenditure between parts that interact with each other under economic and social constraints in order to meet the consumption-related needs of society (Bartel, 1968). As can be seen, the definition focuses more on society and the process, emphasizing the importance of marketing in exchange (Liu, 2017).

Kotler is one of the important names in marketing. According to Kotler, Armstrong, & Opresnik (2019), marketing is the science and art of discovering and creating to deliver value to meet the needs of a market. Thus, marketing tries to identify and satisfy unfulfilled needs and desires. By defining the size of the market and market segments, it designs and offers the

most appropriate segment and products and services suitable for that segment. According to the authors, marketing is a very basic function and is an entire business from the customers' point of view.

On the other hand, Webster, Malter, & Ganesan (2005) in their research with many CEOs and CMOs revealed that marketing can have a different definition for each company depending on the vision of the CEO, and the boundaries of marketing managers are unclear. Nevertheless, it is certain that marketing is an understanding that is not just about physical transactions. Marketing, which starts with research before the products are introduced, continues with the strategic segmentation of the market, the selection of suitable customers and obtaining a position in their minds. Then comes the marketing mix called tactical marketing, namely the 4Ps (product, price, distribution, promotion) or 7C in its modern form. After the implementation of all these, it requires checking and reviewing all transactions and making necessary corrections. On the other hand, while sales or traditional marketing is focused on short-term and profit, contemporary marketing focuses on long-term customer relations and meeting their expectations (Kotler et al., 2019).

2.2. Phases of Marketing

1900-1920 is the first period during which the marketing discipline emerged. Although there are courses in which the name of marketing is held in some private institutions, the first article that can be accepted as the beginning of the marketing discipline academically is Shaw (1912). In this article, distribution channels, the function of marketing and the use of advertising are discussed. Butler, DeBower, & Jones (1918) started to replace the word sales with marketing and defined marketing methods as any activity that supports sales (Hunt, 2017). Thus, marketing, which started to separate from sales, entered a second period.

There are 3 important emphases on marketing in the second phase/period. The first of these is that marketing is focused on products (product features, varieties), the second is that distribution channels (wholesalers, retailers) are important, and the third is that marketing has three important functions. These functions are the following:

- Exchange function (buy-sell)

- Physical supply function (transport, storage)
- Auxiliary functions (financial, risk management, market information, standardization)

The most important feature of the second period is that the customer focus and the 4Ps (product, price, place, promotion) expressed as the marketing mix, that is, product, price, distribution and promotion, become quite evident. McCarthy (1964) was the first to define the concept of 4Ps that put marketing plans into practice (Bennet, 1997). Although the concept of 4Ps has been criticized by many authors (Lauterborn 1990; Möller 2006; Popovic 2006), despite all its shortcomings, it continues to be the main element of marketing (Goi, 2009). Instead of 4P, Lauterborn (1990) introduced the concepts of 4C (consumer, cost, convenient, communication), that is, consumer (customer), cost, convenience and communication. This is the proof that customer orientation in marketing has become more evident. Subsequently, Kotler, Kartajaya, & Setiawa (2010) revealed that companies should touch the mind, heart and soul of their customers. Then, with the effect of digitalization, a fourth phase emerged. Table 1 summarizes the stages of marketing and its specific features.

Table 1. The Marketing Evolution Up to the Concept of Marketing 4.0

	Marketing 1.0 (Product oriented)	Marketing 2.0 (Customer oriented)	Marketing 3.0 (Value oriented)	Marketing 4.0 (Virtual Marketing Oriented)
Aim	To sell products	To satisfy the customer	To make the world a better place	To create the future from today
Facility that enables	Industrial Revolution	Information Technology	New Wave Technology	Cybernetic Revolution and Web 4.0
Key Marketing Concept	Product development	Differentiation	Values	Customer-based and just-in-time production
Value Propositions	Functional	Functional and Emotional	Functional, Emotional and Spiritual	Functional, Emotional, Spiritual and Self-Creativity
Interaction with Customers	One-to-Many operation	One-on-One relationship	Many-to-Many collaboration	Many-to-Many co-creation and collaboration

Source: Tarabasız, (2013) & Ertuğrul and Deniz, (2018)

2.3. Scope of Marketing

According to McDonald (2009), although there are many admirable and correct definitions of marketing, these definitions cannot provide a complete guide on what is included in the marketing practice and what is not. Hunt (2017) states that marketing has problems in creating an academic discipline. While supporting this view, he also benefits from the views of other authors. Piercy (2002) argues, for example, that marketing lags in creating the impact of other business disciplines and is more apt to "get off track." There is no definition and meaning unity, especially in strategic marketing (Varadarajan, 2010; Shaw, 2012). However, this situation is quite normal and acceptable for a social field based on human and human relations. For example, according to Anderson (1982), one of the most important functions of marketing is to provide a strategic planning opportunity from the perspective of the customer to the company's managers, especially the top management. Although it is claimed that marketing has become more strategic as explained above 30 years after this definition made in the 1980s, Verhoef and Leeflang (2009) argue that marketing has lost its strategic importance. Because, according to the authors, marketing managers in companies are more interested in a tactical point of view than a strategic point of view.

The most basic function of marketing is to act as a link between the customer and the various processes of the company (Day, 1994). In another approach, marketing develops ties between customers and the company's product, service delivery, distribution, and financial assets. Accordingly, marketing contributes to the company's financial performance, customer relations performance, and (new) product/service development performance (Moorman and Rust, 1999). Another debate has been whether marketing is an art or a science. Some authors have claimed it to be art (e.g. Hutchinson, 1952) while others have claimed it to be science (e.g. Bartels, 1951).

According to Liu (2017), there are many different topics within the scope of marketing such as consumer behavior, product management, communication and brand equity. On the other hand, in the early period, contradictory approaches emerged regarding the concept of marketing, which has been completely forgotten today. For example, according to Liu (2017), Bell and Emory (1971) did not find it right that marketing should be profit-oriented and stated

that it was unethical, while Bennett and Cooper (1979) claimed that for success, marketing should focus on technological developments, not on the customer.

In the literature review, not many studies were found to set an example for this research. The research findings are generally intended to reveal marketing perceptions only among marketing managers. In one of these studies, Webster et al. (2005) attempted to understand managers' marketing perceptions by conducting in-depth interviews with senior marketing managers from different sectors. The results obtained show that the marketing understanding of the company differs according to the understanding of the senior managers. In another study, Contreras and Ramos (2016) discussed the marketing perception of marketing managers by dividing them into two as strategic and tactical using content analysis method. According to the results they obtained, while 16% of the managers defined marketing as a concept related to strategic functions, 50% defined it through tactical functions and 28% over both.

3. Material and Method

In this research, the descriptive phenomenology design was used to reveal the interpretations that people attributed to a conceptualized subject without having a deep awareness (Yıldırım & Şimşek, 2018).

In qualitative research, data are collected or created; then, these data are coded, processed and information is reached through induction. Phenomenological studies have some difficulties, such as the difficulty of inductive generalization, the difficulty of identifying and finding the most appropriate participants, and the influence of the researcher's judgments on the subject (Giorgi, 1997). Therefore, in order to overcome these difficulties and drawbacks, it is necessary to pay maximum attention to the sample selection of the research and the validity/reliability of the research.

In accordance with qualitative research ethics, Ethics Approval (File No: 22-04, Date: 17.01.2022) was obtained from the SBU Hamidiye Ethics Committee before the interviews. Consent was obtained from the participants, the content of the research was explained, it was stated that they were free to participate or not, that they could withdraw from the research at any time, and that the interviews would be recorded. According to Creswell (2007), doing so increases the validity and reliability of qualitative research. Interviews were completed during

the period of February 2022-September 2022, either in the participants' own working areas (office or examination) or over the remote meeting applications (Microsoft Teams or Zoom) or over the phone, depending on the participant's preference due to the pandemic difficulties. The average interview duration was 17 minutes.

3.1. Statistical Methods

Sample Selection:

The sample selected by criterion-based method in phenomenological studies is very useful in terms of representing individuals who have experience with the phenomenon under investigation (Tashakkori & Teddlie, 2010; Çepni, Aydın, & Kılınç, 2019). In the study, criterion sampling was used in accordance with purposeful sampling, one of the non-random sampling methods. In criterion sampling, all cases that meet some criteria are included in the sample. In phenomenology research, data sources are selected from individuals or groups who personally experience the phenomenon that the research focuses on and who can reflect it to the outside (Yıldırım & Şimşek, 2013). For this reason, two basic criteria were considered when determining the participants to be included in the sample as doctors or lawyers. These criteria are professional experience (at least 3 years of experience) and the nature of the sector (working in a private company or in his/her own examination/office). Since the participants are expected to be open to competition and the concept of marketing, it is required that they work in the private sector, not the government. In addition, attention was paid to the different demographic characteristics, experience and expertise of the participants. Thus, it was possible to represent the occupational average.

The Setting and Sample Size of the Research:

The setting of the research is in Istanbul and the participants were doctors and lawyers. In qualitative research, the sampling frame and number are very important for the validity and reliability of the research. On the other hand, the number of samples that can lead to very wrong results for quantitative research can give extremely reliable and valid results for qualitative research (Baltacı, 2018). What is important in qualitative research is the quality and value of the information rather than the size or number of the sample. The breadth and depth of the

information obtained in this type of research affects the determination of the sample size. If the information is quite dense, then fewer samples are more accurate, while more samples are determined to reveal the limits and prevalence of superficial information in a case (Bryman, 2007). Another important point is when the information to be revealed starts to repeat. This means that the number of samples is sufficient (Shenton, 2004 as cited in Baltacı, 2018). In fact, this situation is a derivative of the researcher's mastery and competence on the subject.

According to Baltacı (2018), it is stated that the number of participants who form the example can vary between 5 and 25 items in the literature (Creswell, 2013; Neuman, 2014; Patton, 2005; Rubin & Babbie, 2016). In addition, as the number of participants increases, it becomes difficult to carefully examine and understand the data. In line with this information, 10 samples (20 in total) were determined for each group in the study.

Data Collection Tool:

Face-to-face and semi-structured interview techniques were used as data collection tools. Participants were asked about their profession and the concept of marketing with the help of 10 general and open-ended questions. The questions were followed by probing questions so that all open and secret thoughts of the participants were tried to be revealed. All interviews were recorded with the consent of the participants.

The stage of determining the questions is very critical to overcome the difficulty of generalization of phenomenological research. For this reason, the questions to be asked to the participants were determined in a semi-structured way in accordance with the expertise of the researcher and the literature review. In addition to the basic question used by Contreras and Ramos (2016), an effort was made to select questions suitable for the personification technique to reveal tacit knowledge. These questions are for the participants to consider an inanimate concept as a living thing (Celep, 2020). The other questions are general questions that the researcher determined for the general processes of marketing.

Then, these questions were presented to the opinions of two experts on marketing research (Assoc. Dr. Ramazan Nacar and Associate. Dr. Esen Şahin). After expert opinions, the questionnaire was tested on two participants, changes were made in the questionnaire according to the feedback received from them and it was sent to the Turkish Language and Literature

expert (Dr. Yasemin Ulutürk Sakarya) for its final form. The questions that arose after the corrections received from him are given in Table 2.

Table 2. Research Questions

1	What qualities do you think a doctor/lawyer should have?
2	Can you define marketing? What is marketing to you?
3	What activities does the marketing field include in your opinion?
4	If you were to compare marketing to an animal (or tree), what would it be? Why?
5	Do you think marketing is a science or an art? Why?
6	Do you think marketing changes people's perceptions, or does it adapt to them? Why?
7	Do you think marketing creates a need or does it satisfy a need? Why?
8	What do you think are the qualities that a marketer (someone who works in marketing) should have?
9	What do you think are the differences between marketing and sales or between marketer and salesman?
10	Do you think a doctor/lawyer should also be a marketer? Why?

Data Analysis Method:

In many qualitative studies conducted in Turkey, such as Koşar (2019), "descriptive phenomenological research design", which includes the steps of bracketing, phenomenological reduction, imaginative variation, and synthesizing meanings and essences, was used as an analysis method (Yılmaz & Şahin, 2016). On the other hand, an important data analysis method used in qualitative research is Content Analysis. There are four different methods in the content analysis method. These are frequency analysis, categorical analysis, evaluative analysis and relationship analysis (Bilgin, 2014).

Frequency analysis, as the name suggests, is to reveal the statistical number and proportions of the expressions in the content. In this respect, it is a method close to quantitative research. In categorical analysis, the texts are first divided into units, and then these units are categorized and grouped according to their similarities. Then, the themes in the texts are tried to be revealed. Computers and different programs are also used for this process. Thus, the meanings in the text are revealed (Bilgin, 2014).

In this research, automatic software was not preferred because the text examined in this study was not very long and the emotions and thoughts in the content were implicit. Computer software was not used in the analysis phase, as the researcher followed all the details, including the design, implementation, recording, transcription, and interpretation of the questions. The analysis and interpretation of the statements were carried out by the researcher. Counting the words and determining the themes were done by manual valuation. Excel software was only used for calculations.

In the research, categorical analysis method was used by making use of frequency analysis. This method is a systematic method for qualitative research (Ceswell, 2007). First, all the interviews were transcribed, confirmed by the participants, and the records were read and coded twice at different times by the researcher and another expert. Based on the codes, themes were determined, especially with positive and negative approaches. Thus, an induction process was performed.

3.2. Validity and Reliability of the Research

The validity and reliability used in quantitative research can be defined as internal validity (credibility), external validity (transferability/transferability), internal reliability (consistency) and external reliability (confirmability) in qualitative research, and various methods are used to ensure these (Koşar, 2019; Yıldırım et al., 2011; Çepni et al., 2018). In this direction, the research carried out is as follows:

For the internal validity (credibility) of the study:

- The questions were prepared with expert opinion. The questions prepared by the researcher in draft form were examined and interpreted by the market research expert. Then, it was applied to a subject group of two, and the questionnaire was decided after the comments and feedback from them.
- The participants were given preliminary information about the purpose, content and method of the interview. Then, a long-term interaction with the participant was ensured, that is, the interview was kept long enough. Thus, the data were collected in a deeply focused manner.

- For the analysis, coding and interpretation of the answers given, not only the opinion of the researcher, but also the opinions of another expert were consulted, and a common conclusion was reached.

For external validity, that is, transferability, detailed description and purposive sampling method were used. In this sense, the research process has been described in detail and as a whole, how the participants were determined, and the path followed in data collection were presented in detail (Çepni et al., 2019). In addition, one-to-one examples from the views of the participants were also expressed in the research text.

Expert review method was used for internal reliability, ie consistency. The details of the research were transferred to a researcher specialized in market research, he was asked to examine the research in terms of integrity and harmony, and his approval was obtained.

Expert review was also applied in terms of external reliability, that is, confirmability. The results and comments obtained in the research were also shared with the market research expert mentioned above, their opinions were taken, and the results of the research were confirmed.

4. Results and Discussions

The average professional experience of the lawyers participating in the research is 14.7 years, while the doctors' experience is 22.8 years. 70% of lawyers and 50% of doctors are women.

In the analysis of the data, questions and profession-based valuations were made. Each question was first subjected to frequency and then to category analysis. After the answers were divided into categories, categories with close meanings were combined. In the frequency analysis, the concepts that were expressed on a person-based basis were counted as singular, and then the percentage of the related concept was found among the number of concepts of all participants. Percentages are indicated in parentheses. These percentages show the weight of that concept within its category.

QUESTION 1. What qualities do you think a doctor/lawyer should have?

The most important factors for lawyers are the ability of expression and persuasion (16%), professional knowledge (14%) and reasoning ability (14%). Professional knowledge (19%) is the most important factor for doctors, secondary and tertiary factors are physical skills (14%), having good relationships (14%). These are quite expected results. Again, as an expected result, lawyers and doctors think that attitudes are more important than abilities and knowledge for success in their profession. Because when looking at the categories, the rate of factors related to attitude such as being reliable, empathy, being organized is higher than factors that can be defined as knowledge and ability such as professional knowledge and reasoning ability. Lawyers weighed 70% and doctors 59% of factors related to attitude. Therefore, from a marketing perspective, factors such as expression and persuasion should be considered among attitudes. Therefore, it is understood that professional knowledge and abilities are in the second plan for success in both occupational groups.

The statements of the participant with the code AV1 constitute a comprehensive example in this regard:

“Legal reasoning skills must be developed. The so-called notion of law needs to be developed. The second is the ability to express, that is, a beautiful Turkish. In order to be able to use it in petitions or defense, the third is how to explain the issue to the other party, that is, it must be able to empathize with what the other party will think.”

The views of the DR1 coded participant are as follows:

“They need to have good human relations, they need to be patient, they need to love their profession. Physically, it should be vigorous because it is something we are physically tired of. Their hands need to work well because it's something we shape. On the other hand, they need to have a business-oriented mind.... They have to be patient and keep their empathy high.”

QUESTION 2. Can you define marketing? What is marketing to you?

The definition of marketing question is a similar question to the next question, “What are the activities that marketing includes?” Therefore, it is discussed in more detail below. On the other hand, the definitions made by the participants with AV3, and DR 6 codes are in the form of a consolidation of the definitions made by the 20 participants.

“I think the most important thing in marketing is advertising. In other words, you will do your advertisement well so that it first arouses curiosity in people. If your goods are good or the service you offer, it comes after that. Some people also recommend it (AV3).”

“When I say marketing, the first thing that comes to my mind is, you know, there is a job done and I think it's like announcing it to people. Something like explaining the content of the work to people come to life in my head (DR6).”

QUESTION 3. What activities does the marketing field include in your opinion?

While advertising, promotion, presenting, persuading, exaggerating and selling were prominent in the definitions of lawyers, similar concepts were used in the definitions of doctors. Filler such as giving confidence and proving to support these concepts have also been added to marketing. It is understood that both occupational groups associate marketing with advertising, promotion and presentation. In other words, according to the participants, marketing was defined only in terms of promotion.

Looking at the frequency analysis, all 20 participants used one of the expressions of presentation, promotion or advertisement. Therefore, while the most dominant concepts for lawyers are presentation, promotion and advertising (26%), it is followed by social media use (8%), perception management (8%), brochure distribution (5%), stand setup (5%). is doing. Presentation, promotion and advertisement (38%) and use of social media (19%) are at the forefront in important activities for doctors.

Another important issue is that lawyers expressed 38 concepts and doctors expressed 26 concepts in this question. This situation can be interpreted as a statement that lawyers are more interested in marketing than doctors.

“...we can say that such booth setup is e-mail commercial electronic message, of course, it is done within the scope of authorized marketing within the legislation, here is written media, audio-visual media, I can say these, radio ads, here are spot ads... Or in busy places, on busy streets, where people are happy to be or where there is a lot of density. promotional activities at the work done, maybe exhibiting a vehicle, maybe an outdoor, which you can see on the exterior of a building where everyone can draw attention...(AV9)”

“...advertising presentation is a good presentation, being able to explain this to the other person and using the advertising tools of the age. Most people are using Instagram right now. (DR4)”

QUESTION 4. If you were to compare marketing to an animal (or tree), what would it be? Why?

Lawyers compared marketing to the following animals: Monkey (2), peacock (2), fox, chicken, octopus, bird, tiger, fish. 8 (80%) of these simulations were used in a positive sense and 2 of them (20%) were used in a neutral sense. No negative simulation was made. When the content of these simulations is examined, it is seen that concepts such as marketing and intelligence (cunning, versatile), attractiveness (visibility, proactiveness) are thematized.

The animals that doctors compared to marketing to are: peacocks, parrots, cats, sheep, rabbits, monkeys, lions, chameleons, cows and snakes. 60% of them are used in a positive sense, 20% in a negative sense (snake and monkey), and 20% in a neutral sense (peacock and sheep). Positive themes focused on intelligence (ability to imitate, adapting to the environment) and attractiveness (visibility), while negative themes focused on insecurity (being dishonest, deceiving).

When we consider the evaluations of lawyers and doctors conjunctively, it is seen that intelligence and attractiveness are identified with marketing. On the other hand, it is understood that doctors have a slightly more negative view of marketing than lawyers, expressing marketing by being deceived or being persuaded in an undesirable way.

“.... for example, I heard that monkeys are intelligent animals. In that respect, I think it requires something related to intelligence, in that respect, I can compare it to a monkey (AV5).”

“As you know, in marketing, it is essential to highlight the best aspects of everything, at least there is a perception like that. And it just made me think of how a peacock opens its colorful feathers and fascinates everyone. The peacock is the center of attention when it spreads its wings, but it does not attract much attention when it is more stable. This reminded me of the aspect of attracting people’s attention in marketing activity (AV10).”

QUESTION 5. Do you think marketing is a science or an art? Why?

According to lawyers, marketing is both a science and an art. Both were preferred equally (50%). The biggest reason why marketing is seen as a science is the necessity of reasoning, cause and effect relationship. This preference is similar to the concept of "intelligence" in the previous question.

According to doctors, marketing is seen more as an art (64%). The reason for this is that, according to doctors, marketing includes the necessity of making the product or service attractive and an effective presentation. This is in agreement with the previous question.

"Marketing; It is the art of presenting the product to the consumer by blending scientific data. Marketing is an art (DR3)."

"It actually benefits from statistics, marketing also benefits from observation, I definitely think that marketing should base its data on it, but I also think that it has an artistic side because it also requires creativity, so I think different people can be reached as long as we are creative (AV8)."

QUESTION 6. Do you think marketing changes people's perceptions, or does it adapt to them? Why?

70% of lawyers and 40% of doctors think that marketers change people's perception. The remaining lawyers and doctors are of the opinion that marketing does both. Therefore, both occupational groups believe that marketing changes perception. Therefore, it can be said that the difference between the two groups does not matter, as a result all participants agree when perceptions of marketing change. It can be argued that the reason why doctors think that marketing fits people more than lawyers is because of their professional status. As a matter of fact, the following sample doctor statements support this.

"To change something in the singular does not mean anything. You can't break that thing on her doctor's head. After all, a medical representative is selling something to a doctor. No matter how much it interferes with me, I see it, I use it, can I explain that its lens cannot break that perception? (DR3)."

“It can be both, but in order to change their perception, they need to find something more effective than the old method, I think they need to find newer and different methods. Because people wonder what they don't know. I think we can activate more marketing with such interesting things. A new system has come, for example, in health, for example, we did not know about the implant in the past, but people have adapted to the new diagnosis, by promoting it at work. Although it was difficult at first, I think that the adaptation process was achieved by making informative videos later on. Trying to change it can have the opposite effect, I think it is more effective to move their attention away from that part and to move forward by putting new things on top of the existing one (DR6).”

“Then the success of the marketing and the marketer is realized, that is, then it will be successful, so we cannot talk about a successful marketing where it does not make a difference when it appeals to the current perception (AV7).”

QUESTION 7. Do you think marketing creates a need or does it satisfy a need? Why?

30% of lawyers and 70% of doctors think that marketing both creates and fulfills needs. 60% of lawyers think that marketing creates a need that does not exist. In doctors, this rate is 40%. This situation is similar to the result in the previous question. In other words, doctors have less belief in the power of marketing to change people than lawyers.

“Advertisements usually have him. Everyone buys things they don't need. Everything is full of clothes and shoes. Then, after a year, the man says, "Let's throw them away.”

“I think they can remind things that are actually needed. I think there is a reminder. I think they will appeal to people more in this way by bringing the ignored things into consideration more. In other words, they may actually be emphasizing what is actually needed more by highlighting the things that are always covered up (DR6).”

“I think this is because of this question, it comes to me, introduces a product, meets the need. It offers me something for the work I do. It fills a need but does not create a need. Why create a need? (DR3).”

QUESTION 8. What do you think are the qualities that a marketer (someone who works in marketing) should have?

According to lawyers, the most important characteristics that a marketing person should have been knowing their customers (12%), persuasion/expression skills (10%), and being reliable and honest (10%). Reliability and honesty of a marketer (13%), product/service knowledge (11%), analytical ability (8%) and extroversion are the most important characteristics for physicians. The common expectation in both professions is reliability and honesty. Thus, it can be argued that there is a trust concern towards marketers. Another difference between the two groups is that lawyers expressed 49 concepts related to marketer characteristics, while doctors expressed 38 concepts. This situation emphasizes a similar result with the third question.

“So, it has to be absolutely honest, I mean absolutely because you are selling a product, there are so many nowadays, but unfortunately it is defective or something different comes out, you have much more serious problems with it, so you need to explain the features of what you are marketing about the product properly (DR8).”

“First of all, I think that honesty and persuasion shouldn't play a role in something that one doesn't believe in, it should be moral because they can easily reverse the event (AV7).”

QUESTION 9. What do you think are the differences between marketing and sales or between marketer and salesman?

Except for only one participant, all participants showed the difference between sales and marketing in a similar way. According to the participants, marketing is the premise of sales and sales are the transactional stage of marketing. Thus, it can be argued that both occupational groups are generally aware of the difference between marketing and sales.

“Marketing is general, includes selling (AV4).”

“Marketing is the path to sales (AV5). “

“To sell something, you have to market it. First, marketing. Then, selling (DR3).

QUESTION 10. Do you think a doctor/lawyer should also be a marketer? Why?

While 90% of lawyers think that a lawyer should also be a marketer, this rate is 50% for doctors. Considering the evaluations of the previous questions, this situation will not be

surprising. Because the perceptions of the doctors participating in the research about marketing are slightly more negative than the lawyers. Sample answers to this question are as follows:

“The doctor who does his job well does not need marketing. Also, patients cannot decide on treatment (DR1).”

“The doctor should focus on his work. It should not be separated from honesty (DR2).”

“It is unethical to sell something that is not needed (DR7).”

“Honesty is required. Profit and gain should not be considered (DR10).”

5. Conclusion and Implications

Both lawyers and doctors define marketing only in terms of promotion (presentation, promotion, personal selling, etc.). This definition is similar to that of Bartel (1951) in the literature in the early stages of marketing. Although the research area of the marketing management process has been partially expressed, what is understood from this area is mostly one-to-one customer (patient or client) acquaintance and knowledge. Subjects such as product/service, image, market, perception research, which are included in marketing research, are not mentioned at all. The concepts of segmentation, targeting or positioning in strategic marketing are not mentioned at all (only one participant mentioned appropriate customer selection). The concept of brand, which is one of the most important elements of marketing, has not been mentioned. While the participants accept marketing as broader and more inclusive than sales, they see it more as promotion efforts that support sales. Thus, it is possible to state that both groups are still living in the early stages of marketing and are not interested in or aware of the strategic or social aspects of marketing.

It is estimated that lawyers are more interested in marketing than doctors. Because, as stated above, they viewed marketing more positively and were able to express more concepts related to it. Doctors see marketing as more unethical than lawyers and define it as intelligently influencing human behavior.

In summary, according to the explanations in the literature section and Table 1., it has been revealed that lawyers and doctors are still in the early stages of marketing (lawyers are closer to the second stage and doctors are closer to the first stage). As a matter of fact, the fact

that lawyers think that the most important factor for their profession is the ability of expression and persuasion (16%), showing that they are close to customer focus, which is the second phase of marketing; The fact that the most important factor for doctors (19%) is professional knowledge indicates that they are still product/service oriented, that is, they are still in the first phase of marketing.

The development of marketing understanding and practices in the fields of law and health will be possible with a transition to a more “customer” (client or patient) oriented approach in these sectors. However, the fact that doctors perceive marketing in a more negative way instead of seeing it as a patient-oriented, deep and broad business understanding creates an obstacle to the development of marketing. On the other hand, historically marketing; It is also necessary to admit that it is in applications that deserve the bad reputation it has. For this reason, first of all, it will make marketers forget this bad reputation; It is important for them to switch to a truly people-oriented marketing approach that is people-oriented and does not only pursue the maximization of their own interests. On the other hand, it should be conveyed to lawyers and doctors that the modern marketing approach is human-centered, that it should have strategies based on research-based human knowledge, and that it is not just a function that includes promotional activities. However, this paradigm shift cannot happen from today to tomorrow; The sectors need to spend a little more time with competition. For this reason, competition should be supported by legislators and practitioners in a way that will lead human rights and law and pave the way for good-willed efforts in this regard.

The importance and usefulness of this research will increase as it raises awareness for both academics and practitioners (doctors and lawyers). This research essentially makes due diligence. While how this situation might be improved could be the subject of different studies, some suggestions for the development of these sectors are as follows:

- Trainings should be organized for the development of well-intentioned marketing by the state and professional organizations.

- The legal regulations of the state regarding marketing in the fields of health and law should be reviewed. Especially the practices that enlighten the public, inform the people, and promote competition should be allowed and even encouraged.

-Competition and award systems that encourage customer focus in both sectors should be established by professional organizations.

-Marketing courses should be added to the curriculum of law and medicine faculties.

5.1. Limitations of Research and Future Research

Conducting this research in other sectors and comparing the results of this research with the results of this research will help to determine the areas of development of customer (patient) focus in both law and health. The origins of the knowledge and thoughts revealed in the research have not been explored. For example, the reason why some doctors find marketing unethical and manipulative should be addressed in a separate study. Among the possible reasons, the importance of health, the lack of competition and the prohibition of advertising can be envisaged. No comparison was made in the study according to age and gender characteristics. A study like this could produce important information.

Conflicts of Interest

The author declare that they have no conflict of interest.

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