New Dimensions of Professional Responsibility

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I. The Overview

"Professional responsibility" is a catch-phrase that implies obligations and standards in the performance of services. Characteristically, there are three elements in the concept "professional responsibility" as it is defined by the professions. One element concerns the effective use of that body of knowledge or technology the profession has developed. A second concerns the suitability of the professional's attitudes and actions in dealing with the client when viewed in terms of some vague regard for public standards and ethics in behavior. The third element focuses on the propriety of the professional's conduct in view of the profession's self-image and defined interests. Typically, all three perspectives are commingled and may be presented as a "code of ethics" or "code of professional responsibility." Embedded in these codes are implications about the subject matter development of the profession, skills competency, ethical systems in conduct, and identity/loyalty considerations. For the experiencing professional, at least, there are issues of intelligence, personal psychology and morality.

Typically, professional responsibility is defined by the profession, presumably on behalf of its client population and the public interest. There are cogent reasons for this unilateral development. It is the professional who knows best, and may be the only one who knows, the profession's body of knowledge, technical applications, and related argot. It would appear that he/she can best judge issues, possibilities, and limitations relating to the substantive field. The profession is organized to develop its concept of service and has evolved its own procedures. Client and public interests, on the other hand, may be narrow or ill-defined. These interests have not been organized to reflect consensus and a point of view concerning the integral character of the profession and its modes of functioning. Professional interests and power, especially for the established professions, have solidified over a period of generations while public and client interests are only beginning to be organized in political terms. The result for the professions has been considerable auton-

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omy to function according to its preferences and power and authority to control and dominate its relationships with its clients. There tends to be little or limited appeal from its decisions.

The predictable excesses of such high degrees of freedom and authority with limited accountability have occurred. Professional interests, notwithstanding pious statements to the contrary, are secured at the expense of client or public interests. Competitive or innovative practices in public are stifled by the profession. There are ominous references to dire consequences for the quality of services if this were otherwise. Pricing assumes the character of taking what the traffic will bear and there is little or no relation to the quality or value of service. Services at considerable expense may be advocated and proliferated by the profession or its practitioners with little reference to real or substantial client need. Shoddy professional practices go undetected or are lightly sanctioned, as the profession is reluctant to prosecute its own or publicize its delicts.

The countermeasure of the profession for these excesses is an insistence upon self-regulation and control of the machinery for this purpose, limited pro bonum service commitments, and celebrations of past professional heroics and services. The insufficiency of this response may be measured by the increase in litigation (in a litigation-conscious society) directed at the professions by disaffected or injured clients and by trends toward increasing regulation of the professions by the higher courts. It would appear that the professions have outrun their colonial heyday.

There are numerous questions about the professions to be raised, some perhaps for the first time. To what degree and in what areas does the profession truly possess “hard” and “soft” knowledge? How developed and how effective is the technology that the profession uses to apply and disseminate its knowledge? What policies and concepts of servicing are most appropriate for the profession? What degree of decision-making autonomy is essential and desirable for the profession, and in what areas? What are minimal and optimal practices, and what and whose standards should govern? What value attaches to discrete professional services, and what standards and methods of compensation are appropriate? What kind of pedagogical programming is suitable and appropriate to the professionalization process? What kind of regulation is desirable for the profession and by whom? What possibilities and incentives for the growth and improvement of the profession should be developed and how? Who shall be responsible for policy decisions governing the profession?
One may need to recognize, in dealing with these questions, that different professions are at different stages of evolution and that different professions may have discrete characteristics. The view is different for well-entrenched professions such as law and medicine, for recently solidified professions such as clinical psychology or osteopathy, and for emergent professions such as marriage counseling. Recognition as a profession may also be at issue. Teaching may not be regarded as a profession by some since it lacks a sufficiently discrete technology or the structural characteristics of a profession such as a code of ethics. Some professions may appear to shade into crafts or may be perceived as mere technical off-shoots of a more highly developed profession. In relation to the profession of medicine, for example, therapeutic specialties such as occupational or physical therapy may be perceived as subspecialties or technical applications. It would be the opinion of some that the practitioners in these areas do not merit regard as autonomous professionals. Some professions are franchised to serve a public or institutional interest, and in this they may be differentiated from the professions that principally serve “private” clients. The professions of public accounting, architecture, and engineering are examples in some of their work, and practitioners of law are frequently officially regarded as “officers of the court” as well as ministers to their clients. Then, too, professionals may fuse into or be encapsulated by some larger enterprise not indigenous to the profession. There then may arise the question as to whether these practicing professionals, who may constitute some or most of the profession, are to be identified and regarded as salaried employees governed by the requirements and expectations of the employer or are semi-autonomous experts who provide consultation to the enterprise.

II. Defining Responsibility in Terms of Service to Human Beings

Professional responsibility from the perspective of the human and personal client affords a different basis for determining the obligations and standards to govern professional services. Implicit is a more equitable distribution of power in determining the character of the professional-client consultation. There is also a redirection of emphasis away from the professional’s technology and toward the client’s needs. The outcome is likely to be development of a helping and ministering relationship between professional and client. The development of professionalism as distinguished from the application of science or other forms of knowledge becomes a sharper objective.
A. The Professional-Client Relationship

The typical professional-client relationship is a one-to-one relationship between two human beings. It is characterized by one person seeking and the other person endeavouring to render. Typical instances are the relationships between doctor and patient, lawyer and client, minister and parishioner, accountant and client and, perhaps, teacher and student. An inherent disproportion of power typically exists because of the maldistribution of needs (client’s) and skills (professional’s). For the client’s well-being the professional should be obligated, as a matter of policy, to protect the client’s autonomy and decision-making authority.

Another characteristic of the professional-client relationship is that personal interest and involvement, as well as power, may be disproportionate. The client may need or want too much and the professional may give or offer too little. Sometimes it is the other way around. Professional consciousness of this problem should stress the primacy of client needs with appropriate boundaries of personal and mutual involvement for the client and for the professional.

There are identifiable signposts to monitor the relationship between professional and client.

1. Overdependency of the Client and Excessive Control by the Professional. These are characteristics that do not necessarily operate in a reciprocal relationship. The client may not be sufficiently disposed or able to exercise judgments or make decisions in his or her own interest. The professional may feel disposed and better able to decide what is best for the client, at least within a narrow frame of technological consideration and perhaps more broadly. Though this may seem to be an efficient and/or agreeable arrangement, it should be the obligation of the professional to support and reinforce the competences of the client so that ultimate client responsibility for his/her well-being and state of affairs becomes clear. Often, this involves the development by the professional of neglected communications skills regarding his/her area of specialized knowledge and technology and of broader perspectives regarding the client’s needs and problems.

2. Exploitation by the Professional. Since it is the professional who is thought to control the kinds of answers that are most appropriate to the client’s needs and questions it is the professional who may decide for himself what he prefers to do for or with the client. This affords rife opportunities and temptations for exploitation. The
professional may exploit the professional-client relationship to gain personal gratification from the client. There can be exploitation in terms of power, sex, or other dimensions that are explicit or implicit in a one-to-one relationship between persons. The professional may exploit the client’s resources and take undue advantage of the client. This is typically a matter of exploiting the client’s wealth and material resources. The professional may exploit the situation by doing less than or other than what is in the best interests of the client. This is usually a matter of insufficient or excessive professional applications to the client’s problems. It is the professional who should be obliged to know and practice within defined boundaries of possibility, competence, propriety, and limitation in ministering to the client.

3. Lack of Sufficient Relationship. Either the professional or the client may prevent contact with the other. This may negate the supposition of a meaningful professional-client relationship. The professional may merely apply technical procedures to resolve the client’s problems, without consulting the client. The client may define the narrow technical service he seeks and obviate the need and possibility for the professional to exercise and express a fuller judgment as to what would be most appropriate and helpful to the client. The insufficiency of contact vitiates the concept of professional function. It should be the obligation of the professional to generate the ministering relationship implicit in the professional-client contact. This means consulting adequately with the client during the course of defining problems and affording solutions. It may also mean determining whether the client’s choice to narrow the relationship and professional function is appropriate or at least not harmful to the client’s interests.

4. Styles of Communication and Patterns of Service. These may give evidence of excessive authority and control, manipulation, or sparsity of contact. Often this is by design or unconscious conduct of the professional, though it may be fostered by the client. Typically, the professional controls the logistics, direction, and substance of conversation with and service to the client whether or not this is in the client’s interest. The feelings and concepts of concern for the client need to be developed by the professional and should be one of the terms of competent and sensitive ministration to the client.

The client-centered perspective in the development of concepts and guidelines in professional responsibility for the professional-client relationship has practical limitations. The client may not
wish or feel able to be bound by normal requirements for the professional-client relationship. Overdependency upon the professional may be a comfortable state of affairs. So, too, may be authoritarian control, minimal contact, or even certain kinds of exploitation by the professional. Emergency situations, too, as in the instance of urgent surgery, uncontrollable anxiety and self-concern, or precipitous litigation, may not lend themselves to a substantial or full development of the professional-client consultative relationship. The professional's accedence to client's needs and dispositions may create too chaotic a working condition. These exceptions and qualifications to any rules regarding professional responsibility are bound to occur. This, however, should not obscure the general outlines and requirements of professional responsibility seen in terms of reasonable client needs and dispositions. The professional exists in large part only because of client necessity.

B. The Definition of Client Needs and Problems

Some needs and problems are self-evident. They may be dictated by circumstances beyond the control of a client (a flaming appendix), and technological development may preempt much professional judgment as to solution (immediate surgery). There are other client needs and problems that are not, or should not be, refined so easily. These occur where the perception of needs and problems is a matter of choice and emphasis or of ambiguity and obscurity. The professional may enter the breach of an uncertain definition by offering a formulation that best suits his technological skills and ability to deal with the situation. An attorney may infer from a client's statements a readiness for a divorce. The attorney may confidently proceed upon action in this direction though the client may yet be hesitant and inarticulate about his/her true intention. The resulting action may not necessarily be in the client's best interests. The definition of client needs and problems is even more complicated when the client exclaims out of exasperation, "I want a divorce" but more sustained feelings and real intentions may not have been carefully considered and crystallized. These are but examples of matters of problem definition. They suggest the need for principles of professional responsibility that tend toward consensual formulation and the adequate exercise of insight, perspective, and judgment in the defining of client problems.

1. Knowing the Client's Intention. The professional-client relationship may help to clarify, crystallize, and interpret the client's needs and problems. Simple statements of intention by the profes-
sional or the client may be inadequate, inappropriate, or misleading. The responsibility of the professional is to help probe the client's intention and add dimensions of understanding and possibility and so that the client may be clear, intelligent, and confident in assessment. The professional needs to be concerned not to minimize, inflate, or distort the definition of client problems with the consequence that it is the convenience of the professional that is best served.

2. **The Range of Analysis.** A problem may be enlarged or limited to fit someone's frame of interest. This subjectivity may not do justice to the problem. There may be multiple objective references to the problem radiating from a central core and stopping only at some arbitrary limit. Thus, for example, the issue of a client's divorce may be viewed principally from the perspective of the client's feelings, but may be (needs to be) seen also in terms of concern for children, money and property considerations, and more. The divorce issue may not only affect the client's relation with his/her spouse and immediate family but may also be viewed in terms of its impact on the client's business relations, and it may radiate further into legal issues about estate implications and tax obligations. The scope of consideration may include the well-being of the client, spouse, children, and numerous other affected parties.

Professional responsibility accords recognition to the complexity of many client problems. There is an obligation of the professional to search problems sufficiently with the client so that affected interests, including the client's own, are adequately considered. This characteristically involves a degree of objective fact and attitude search so that a full range of interest and possibility is represented.

3. **The Role of Professional Technology.** The more advanced a profession's technology the more likely it is to preempt consideration and judgment about client problems. This is likely to occur for at least two reasons. The professional finds it more convenient, efficient, and profitable to employ a ready-made technology that can be made to fit the client's problem. Thus, procuring a divorce may be an easy solution to the client's problem. The technology offers characteristics of tangibility, simplicity, certainty and/or finiteness that may be appealing to the client as well as to the professional. Given such suasion, it is easy to lean, in terms of problem definition, to what the technology provides as answers. One should not overlook the possibility that even a poor or outdated technology
will be pressed into service if it is the best or only means of problem definition and solution known to the professional. The client here typically relies on the professional’s actions or judgments without knowing the real basis of judgment.

Professional responsibility requires that technology not dominate the will of either the client or the professional when there is a choice of problem definition to be made. The professional must know the profession’s technology well but must utilize that technology without prejudice to the sensitive and complex character of human (client) problems.

4. Intrusive Events and Abrupt Experience. These often accord little time for reflective consideration. The result is precipitous decision and problem definition based on the most glaring or insistent characteristics of the client’s experience. There may be such insistent intrusion or so little time that deference to the professional’s judgment of the problem and choice of action is nearly inevitable. An arrest for negligent homicide leaves little choice but to employ an attorney and allow the latter to exercise nearly full discretion to litigate and if possible bargain one’s legal position. Professional responsibility here is to weigh and if possible minimize the impact of emergency conditions so that the client may have as much opportunity as possible to consider the fuller ramifications of his/her situation. It is important that the professional not take advantage of the emotional duress of the client and the latter’s disadvantage in order to press a convenient problem definition and solution.

C. The Scope of Problem Solution

Problem solving in the context of professional service is something more than the intellectual exercise of fitting facts with theories to provide answers. It is surely more than seeking the available and appropriate technical method that will solve a knotty puzzle. Problem solving derives its character from the goals one seeks to achieve. In ministering to human needs in a professional context the ultimate goals are the well-being and satisfaction of the clients being served. The only constraint is that, within moral and legal limits, the interests of clients and others affected not be slighted or sacrificed. Within this definitional framework certain issues and procedures bear consideration as a matter of professional responsibility.

1. The Calculation of Risk. Client resources and consequences are the subject of professional ministrations. Conservation of re-
sources, protection of the client, and advancement of the latter’s interests, again within moral and legal bounds, are key objectives for the professional and the client. Implicit in this is the calculation of risks. The professional must share with the client the definition of risks by clarifying possibilities. The spectrum of likely and potential consequences for the client needs to be unfolded in the context of those considerations that are important to the client. Thus, for example, the risks and effects of a contemplated divorce need to be viewed in terms of likely psychological impact on client, spouse and children, economic effects on client and other affected parties because of income and wealth splitting, moral consequences upon the client and related parties given the moral climate in which they function, and more.

Professional responsibility requires the adequate exploration of risks by the professional with the client. It also involves a recognition of the inherent right of the client to make a choice of risks, within legal and moral bounds. If the client exceeds the available legal and moral choices, the professional may choose not to minister to the client. Clearly, however, it is the client’s adequately informed choice of risk that governs. To have it otherwise is to suffer professional preemption or paternalistic preference for professional helping and client choice.

2. **Regard for the Outcome.** Professional servicing does not end with the application of technical procedures and is not governed by that outcome alone. The effects of technical intervention, such as surgery to correct a physical incapacity or litigation to acquire a divorce, need to be viewed in terms of total impact on the functioning and well-being of the client. A risk of professional intervention is that it may leave the client well off in one regard but worse off when other vital considerations of his well-being are taken into account. One is reminded of the classic medical dictum that “the operation was a success but the patient died.” This is not only a matter of prior contemplation of all of the relevant risks. It is also a matter of attending to consequences and outcomes so that the client may be more adequately and fully served. After surgery there is rehabilitation and after a divorce there is readjustment. The professional responsibility here is to provide the perspectives and procedures needed in order to minimize the trauma and negative effects that may follow from choice of risks and professional intervention. Client well-being is not synonymous with successful technical intervention and requires more. The more that is required is attention
to the client’s condition in terms that are generally ameliorative to the client, so far as possible, and reassuring as well.

3. The Continuity of Experience. Problems are seen in the context of continuing living. Some disappear or reoccur, others merge into new problems, and, in any event, the press of life is likely to create new or unforeseen problems that are likely to impinge on the client. The matter of finiteness in problem definition and resolution may be mostly relative, though for reasons of tactics and convenience, at least, one may define a beginning and an end. Professional consultation and intervention may be designed, by the professional or the client, as a one-time or short-term involvement. This would tend to reduce or limit professional responsibility as a matter of individual or mutual choice.

Notwithstanding, there is a professional responsibility to follow the effects of professional intervention and client well-being during the course of time. This is clearly so where a regular and continuing consultation between professional and client is intended or may be reasonably contemplated even though concrete evidences of renewal occur only from time to time. It is also the case even in more time-limited consultation. The effects of professional intervention in client affairs are not experienced all at once; after-consequences, not necessarily noticeable at first, may be reasonably contemplated.

The concept of follow-up by the professional reflects an important responsibility. Inquiry into the client’s well-being, within reasonable limits, is appropriate. Where an extended professional-client relationship and servicing is reasonably contemplated, periodic reexamination of the client’s condition by the professional and the client is warranted. It is the obligation of the professional and the client to inform one another of events and developments that have important bearing for the client. The professional may be expected to take an initiative in looking into and safeguarding the client’s interests though the latter, for various reasons, may not. This should be done within limits of propriety and ethics that recognize the client’s right not to suffer intrusion and the professional’s obligation not to exaggerate the need for his/her services and receive undue benefits.

III. Implications for the Professionalization Process

A person-centered, morally-conscious view of professional responsibility is also a challenge to new ways of thinking about the professionalization process.
A. The Cultivation of Moral and Emotional Sensibilities in the Professional

The barometer of competence, at least to the professional, has been the skill and knowledge he is able to display in the subject matter of his profession. Scientific and technical development, especially in the last one hundred years, have proliferated and made the dissemination and application of knowledge a focus of special interest and concern. Simultaneously, there has been a need to distill out, especially in the learning process, attitudes and beliefs that are the products of ignorance, superstition, and rank bias. In the professions, personal bias toward the client, whether on a moral, social, emotional, or some other basis, becomes inappropriate and irrelevant to problem solving in terms of the body of knowledge the profession affords. The result is a largely amoral, emotionally detached, socially isolated conception of proper relations between professionals and clients. Even in the mental health professions, where the relation between professional and client is a matter of special focus and concern, a facilitative and proper interpersonal relationship is one in which the professional maintains a discrete distance from the client and the client's problems.

The stress on objectivity and calculated disinterest, which increases naturally with the greater numbers and anonymity of clients, is intended to safeguard the integrity of the technical product the professional is offering. It does so effectively, but at the expense of the moral and emotional sensibilities that are fundamental in a cultivated human relationship. Not only the professions themselves but professional training centers have lost sight of the fundamental human values and human interest that attach to professional service. They accelerate the moral and emotional desuetude that increasingly characterizes the state of human relationships in society by stressing the intellectual content and skill of services and ignoring or exorcising natural emotional and moral proclivities.

Personal and social cataclysms jolt consciousness about such matters as emotional indifference and moral decay, especially where professionals have been derelict. A recent example is the moral turpitude of a national presidential administration in which lawyers played too large a role. Scientific development, too, especially when it touches on the mainsprings of life, as in genetic inquiry, raises urgent issues about human values. A climate is created for concern about the moral and social qualities of life. In the life of the profes-
sions this has been translated into concerns with professional ethics, with the ways in which professionals administer to clients, and with the objects of professional service. The professional education response, where it occurs, may be an added course or seminar in professional ethics. Or it may be a matter of ethical consciousness-raising by spicing some regular course work with this added dimension of thought and regard.

Though the approach is salutary it is likely to be short-lived or short-weighted unless the profession addresses itself to the scope of the educational problem. That problem is how to sustain, build upon, and integrate moral and emotional sensitivities of the professional ministry along with the intellectual content and technological application of the profession’s special body of knowledge. It is the private experience of moral dispositions, emotional leanings, factual information, and intellectual understandings impinging upon one another that is the source of feeling and understanding. The personal experience of the professional, serving as a specie of common human experience and given sufficient elaboration and understanding, becomes the springboard for establishing protocols of professional conduct. Professional conduct is personal conduct elaborated in terms of understanding related moral, emotional, and intellectual processes and connected to the experiences (needs, dispositions and problems) of another, client human being. Inner experiences are the core of inquiry into professional conduct.

B. The Development of Humanistic Perspectives in the Profession

The inner experience of the professional interacts with the needs and stresses of clients viewed within the focus of humanistic values. The impetus for this is feeling and caring in terms of self and also in terms of another human being. Professional service that is client-centered and humanistically oriented will ask such questions as what is the client experiencing and what will happen to the client. The references to the client are to that person’s private experience as well as to his or her more public well-being. The matter is seen in relation to a special problem brought by the client to the professional for solution.

The pedagogical framework for inquiry may be initiated in terms of awareness and understanding of moral and psychological experience. The needs and stresses of clients further catalyze humanistic awareness and concerns. The human and humane issues are seen in relation to the special area of knowledge and application
that is the technical subject matter of the profession. The client outcome and the technical outcome converge in terms of discrete human consequences. The ultimate perspectives may be seen in terms of some ethico-legal, historical, social scientific, and perhaps philosophical, religious, and natural science frames of experience. The experiential and integrative values of education combine to produce, hopefully, both a sensitive and knowledgeable professional. The distribution of pedagogical assignment as between college, professional, and post-professional education may be a matter for experiment and negotiation but the human dimensions of experience need to be kept in view throughout.

C. The Role of Special Knowledge and Technical Applications

Specific professions do not exist without technical areas of expertise. The problem is how to integrate this expertise into a pattern and perspective of personal service to other human beings. There are some specific considerations.

As earlier noted, a highly developed technical field tends to preempt human consideration. For example, the choice of treatment to prevent measles is inoculation, and there are few if any options to consider. Even where the character of technical intervention and technical outcome is clear, however, one may choose not to employ the technical means or have the technical results. This is particularly true if the outcome has questionable benefit when seen in the broad perspective of human and personal considerations. The occasions may be numerous when one may not choose surgery, divorce, or an atomic bomb even though crisp technical deployment and a clear, narrowly-defined outcome may be assured.

Where an underlying technical field is less developed the tendency of the dependent profession is to exaggerate its claims of technical clarity and certainty. The effect, again, is to preempt personal choice notwithstanding that technical knowledge is more uncertain and has less predictive value. Theories abound and zealots appear to capture a market by implying a hard and firm knowledge base that does not exist. The profession in these instances becomesadvocative and sales-oriented rather than ministerial.

There is also a tendency toward "overprofessionalization" toward excessive preoccupation with the rights, entitlements, protocols, and ceremonies of the profession. This tends to rigidify professional procedure and limit client choice. The trappings and mystique may seem to stand for special knowledge when it is really
control and hegemony that are sought. This is likely to be exaggerated in the aspiring professions, but it may be characteristic of most professions and particularly of those that have a high stake in social control.

The element of choice, of personal choice by the professional and by the client, ought to be controlling in matters of technical knowledge and skill and professional utilization. The choice is governed not so much by efficacy as by considerations of client well-being. Properly and desirably this is shared choice. Professional sensitivity and skill is the primary means but client experience is the significant determinant and outcome. Forbearance by the professional and education of the client may become essential. The professional function is, therefore, both to inform and to help. The professional as educator is a neglected dimension in the preparation and concern of most professionals.

D. Common Professional Elements but Discrete Professions

A common sense of professionalism applies in relating to and dealing with clients when the objective is a client-centered, humanistically-oriented service. The professional ministry, then, (and the professionalization process) ought to share common elements no matter what the areas of special technical competence of individual professions. There may be discrete problems associated with the technology or social role of particular professions but this does not obscure the obligation to minister with sensitivity and skill to human clients. Distinctions may be less important than similarities in professional service but the similarities need to be identified and better understood.

A few words need to be said about the social or public responsibilities of professions. Clearly there are complex responsibilities here in terms of the sharing or delegation of power, the proper advancement and uses of knowledge, and the adequate concern for human welfare. Important choices in terms of human conservation and progress, and figuratively or literally in terms of life or death, lie in the hands of professionals. These perspectives and related issues are mostly beyond the scope of the present paper. Here, there is a narrower intention to recognize an important but neglected professional purpose and responsibility in the helping or ministering function. It is to protect and advance, so far as is realistically possible, client choice and humane values.