

Consultation Corner

I am extremely pleased to have been asked by Patricia to be part of "Consultation Corner." I hope that the rest of you approved supervisors will participate so that we can all continue to learn from each other's conversations.

Therapy and social control: Operating out of different theoretical frames.

After reading the current practice question I realized "the more things change the more they stay the same." We as therapists and supervisors have struggled with the process of therapy versus social control for a very long time and the issue continues to get muddled. Perhaps my participation in this conversation will add to the muddle. I believe one answer to this question about ethics and making a distinction regarding when to act, involves looking at the frames out of which some family therapists operate. Recursive frame analysis is a notational system used for understanding and organizing therapeutic discourse (Keeney, 1991). By using the notation of frames, indicating a context or reality, one can analyze the different ways in which professionals organize this discourse and in turn, act. I believe we can use these frames to make clear the different realities of professionals working with clients like the one mentioned in this current dilemma. The three frames which seem to be employed consistently in cases where legal, ethical or therapeutic practices are in question have been labeled: the legalistic frame, the side-by-side frame, and the therapeutic frame (Stulberg, 1988).

The Legalistic Frame. The basic premise of this frame is that legalistic principles supersede therapeutic principles (Woody & Woody, 1988). These professionals hold that psychotherapy was established for the benefit of society, and thus, must always be accountable to society (through its laws) (Kitchner, 1984). Therefore, any therapeutic intervention must be weighed against the greater need to protect others and prevent harm (Bograd, 1987). In other words, this frame contextualizes all therapeutic maneuvers as subject to legal scrutiny. In our current situation, the advise would be centered around protection of the client even to the extent that the therapist becomes an agent of social control (Weeks & L'Abate, 1982). By acting as a social control agent, the therapist might indeed view the client's concerns as ethical violations by the previous professional, take a position that this professional should be forced to take responsibility for their behavior and encourage the client to take legal action (write to the professional's state board or hire an attorney), thus empowering the client. From this frame, the duty to protect clients from harm can be viewed as a therapeutic option that could further the therapeutic alliance and client progress rather than simply a legal requirement.

The Side-By-Side Frame. The basic premise of the side-by-side frame is that legal problems demand legal solutions whereas, therapeutic problems demand therapeutic solutions; and the two roles cannot be enacted simultaneously without serious detrimental effects to each role (Boscolo et al., 1987). When therapists are forced to act as social control agents, their roles as therapists are jeopardized, as clients lose trust in the therapeutic relationship. In other words, "Lawyers don't do therapy, and therapists don't do law" (Bobele, 1988, p.1). Often maintaining this integrity involves utilizing ecosystemic interventions that are in contrast to social control interventions (Haley, 1977). In our current situation ecosystemic therapists may work with the client's language and reality around the problem for which they entered therapy from the start and work on problem maintenance and resolution (Watzlawick, P, Weakland, J., & Fisch, R. (1974) without entering the role of social control. The client can be validated by the therapist acknowledging the client's concern but bailing out of the role of "advising" them legally about practice standards. Remember, if this client was empowered enough to seek out another therapist to help work through clinical issues they can seek out a legal advocate to help them successfully work out social control issues, if the client believes that they do indeed exist. Clearly these side-by-side systems exemplify the successful outcome of therapeutic intervention using clinicians and social control agents in the roles that they are most effective.

The Therapeutic Frame. The basic premise of the therapeutic frame is that all legal discourse is filtered through therapeutic understandings. Therefore, any legal maneuver is interpreted as another communicative action that can be managed within the therapeutic context (Boscolo et al., 1987; Keeney & Bobele, 1989). When legal discourse gets filtered through the therapeutic context, therapy contextualizes law rather than law contextualizing therapy. In this frame, legal actions are subject to therapeutic interpretations. In our current situation, the therapist may suggest that the other professional be invited to a session to work as a team on these therapeutic concerns. In this way, the therapist is managing any ethical concerns within a therapeutic context as well as validating the client's language and reality. The client is then free to work on the issues for which the client first came to therapy without staying stuck in this possibly ethical muddle. In other words, the therapist will use the language of social control in the service of therapy. Indeed, there are many situations where different therapists and members of the legal community work together as a team to solve therapeutic and legal issues. These types of interventions are used quite often in situations of abuse and neglect (Keeney and Bobele, 1989; Stulberg, 1989). In these circumstances, the legal arena attempts to intervene into the therapeutic arena. When these situations occur, therapists are often pushed toward this therapeutic frame. And in this context, some clinicians will regard all legal maneu-

vers (including hearing possible ethical concerns) as interactional data to be allotted the same amount of importance as any other communicative sequence. By interacting with the system's wholeness in this way, therapists may come to recognize that the "total self-corrective unit which processes information, or, as one may say, thinks and acts and decides, is a system whose boundaries do not at all coincide with the boundaries either of the body or what is popularly called the self or consciousness (Bateson, 1972, p.319). The unit of therapeutic treatment may be more properly viewed as the ecosystem, rather than a single individual or couple in the system.

Alright, have I engaged in second-order muddling? I hope not. Unfortunately, there is no one correct way to answer this practice question because fortunately there are a multitude of

ways to work successfully (and ethically) with clients and the systems in which they are embedded. These frames provide the reader with an understanding of different distinctions believed to underlie these multitude of ways to practice therapeutically. Therefore, it becomes challenging and confusing for therapists (and attorneys) to enter into discussions about when it becomes "ethically advisable to take a position" when they subscribe to different treatment frames (Stulberg, 1988). Each of these treatment frames can be perceived as ethical, therapeutically effective, and legal within a particular theoretical frame. As Gutenschwager (1970) states, "I anticipate of necessity that I will perceive, experience, or discover. By anticipation I assign to that which I expect a place within the framework of my conceptual systems" (p. 53).

Tracey L. Stulberg, Ph.D.

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