Professional Distance: Defining it, Maintaining it
Managing it

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This paper will look at three issues: firstly, the nature of professional distance, including what it is to breach professional distance plus the sorts of relationships that raise issues of professional distance. Secondly, the importance of maintaining professional distance in terms of the relevant sorts of relationships. And thirdly, what is involved in managing professional distance, including the question of whether some relationships should simply not be formed or continued by a professional. For the purposes of this paper, I am going to be concerned only with relationships between adults. I think it is clear enough that issues concerning professional distance and relationships with children raise different, and often more complex, issues that deserve separate treatment.

**Defining professional distance**

Questions of professional distance occur when two or more people involved in a professional relationship also have an additional relationship (eg. one based on love, sexual attraction, friendship, family). Since professional relationships usually involve imbalances of power, the professional relationship can inappropriately affect the additional relationship and/or the additional relationship can inappropriately affect the professional relationship. The ‘inappropriate effects’ I have in mind are those consequences which flow from partial or exploitative treatment in one of the relevant relationships.

Conversely, professional distance is not an issue in terms of professional situations where there are rules stipulating who can do what to whom. For example, professional distance is not used to describe appropriate touching during medical examinations or PE classes at school.

So, then, professional distance is the space a professional must keep between their professional relationship with another and any other relationship they have with that person. By keeping this space, a professional can fulfil their professional and personal obligations, and be seen to do so, in a way that is impartial and/or non-exploitative in regard to the other in the relationship. Another way to put the same point is that professional distance refers to the metaphorical space that you must keep out of or that you must not invade if you are to fulfil your professional and personal obligations, and be seen to do so, in a way that is impartial and/or non-exploitative in regard to the other in the relationship.
In terms of examples, then, professional distance refers to the metaphorical space that ought not to be invaded between a lecturer’s professional relationship with her nephew qua student and her familial relationship with him qua her sister’s son. If this space is not invaded, her professional and personal relationships with her nephew will be, and will be seen to be, impartial and non-exploitative.

So, that’s what I take professional distance to be, which means the next definitional question is: **What exactly are breaches of Professional Distance?**

Breaches of professional distance involve a professional invading that metaphorical space between their professional relationship with another and any other relationship they have with that person – thereby creating a situation where their actions in either relationship fail to be, or fail to appear to be, impartial and non-exploitative. To use more colloquial terms, the professional invades what they should consider to be a ‘no go zone’ and this affects the quality, or perceived quality, of either their professional actions or their personal actions or both. For example: your nephew is in your class. If he has been actively resisting attending a family function and you use your position as his teacher to make him attend, you have breached professional distance. Similarly, if your sister puts pressure on you to give him extra tuition to ensure he will pass your subject, tuition that is not available to others in the class, you will be breaching professional distance if you give in to your sister’s demands. (Of course, it would also be wrong to disadvantage him by not giving him the extra tuition available to others – but wrong for reasons other than that it constitutes a breach of professional distance.)

Moreover, it is also true that breaches of professional distance occur if they appear to occur or if the potential for their occurrence is not negated. Just as a conflict of interest need only be potential or perceived to be properly labelled a conflict of interest, so too with breaches of professional distance. The possibility that it might be breached and the perception that it has been breached are extensionally equivalent to an actual breach – all are wrong in themselves and have just the same consequences as an actual breach of professional distance.

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Before concluding this first part of the paper on definitional issues, I want to look at an important way of distinguishing between the various sorts of relationships that might exist in addition to a professional relationship and which, therefore, might raise issues of professional distance. This distinction will be important later in terms of determining what would constitute reasonable impositions on relevant relationships for the management of professional distance issues. The distinction is between what I shall call Category I relationships and Category II relationships:
Category I: Those relationships that we do not have a choice about forming or ending; and

Category II: Those relationships that we do have a choice about forming and about ending.

The clearest instances of **Category I** type relationships are those involving family – we cannot choose who our parents, siblings, aunts, uncles, etc. are, nor can we choose not to be related to all these people (I’m leaving aside the possibility of children divorcing their parents and variations thereof). Clearly, this is also true for estranged relatives – these people will remain relatives however deep and entrenched the estrangement. In-laws ‘acquired’ by one’s own marriage also fit Category I (admittedly, we have a choice whether to marry a particular person or not – but once we make that choice, we cannot choose which people will or won’t be our in-laws). In addition, I think Category I also includes at least some relationships that we have because of the relationships of our family members, eg. relationships with the friends of our children and in-laws ‘acquired’ by the marriage of our siblings. Generally speaking, at least some of these relationships are also ones over which we exercise no choice (although there are some exceptions which I’ll look at shortly in Category II).

I think though that Category I can appear more extensive than it really is. For, while we might choose which ‘groups’ or ‘types’ of people we will associate with, it does not seem to be a straightforward matter of choice which **individuals** we form relationships with within a particular group or type. To put the point in terms of an example: we might choose not to associate with members of outlaw motorcycle gangs (which implies a choice not to form relationships with such members), but we don’t fully choose which non-members-of-outlaw-motorcycle-gangs we will then have relationships with. This is because, to a significant extent, the forming of relationships isn’t a matter of **will** alone. That is, falling in love with someone is not simply a matter of choosing to be in love with them, of willing it to be the case that you **are** in love with them. Similarly, being friends with someone is not simply a matter of choosing to be friends with them, of **willing** it to be the case that you are friends with them. It would take me too far from the topic of this paper to think about what the ‘secret ingredient’ is that makes two people fall in love or that means we form friendships with some people but not with others. For my purposes here, the important point about this ‘secret ingredient’ that makes some people ‘click’ and ensures that others don’t ‘click’ at all is simply that it seems to mitigate against a person fully having a choice about which relationships they will form.

On the other hand, though, we shouldn’t overstate the extent to which this ‘secret ingredient’ mitigates against choice in the **forming** of relationships. For it is also true that people may ‘click’ with another but decide not to form a friendship with them, or that a person may fall in love with another but decide not to get involved in a relationship with them. Examples include situations where a person doesn’t admit to another that they have fallen in love with them.
because of an imminent move overseas that would make the relationship difficult. Or where a person chooses not to let a budding friendship develop once they find out that the other person is their ex-husband’s new girlfriend – because such a friendship might prove ‘difficult’ in a number of ways.

So, while there’s a level at which our choices about friends, lovers, etc. are not entirely a matter of our own will (and, to that extent, not entirely ‘free’ choices), it is also true that there’s another level at which we can will it to be the case whether or not a certain relationship proceeds and develops. And I think this other level gives us sufficient reason not to include relationships with our friends and those we’re otherwise attracted to in Category I. That is, I think it would be wrong to say that these relationships are ones which we do not have a choice about forming or ending – they properly belong in Category II, which I will look at in a minute.

In sum, then, when we look carefully at the nature of the various relationships we might have, what becomes clear is that the number of relationships that fall outside the sphere of the professional’s choice or will is relatively small. In general, Category I includes only family and family-derived relationships: these are the only ones of which we can say relatively unambiguously that we do not exercise a choice in terms of forming or ending them.

**Category II**

So, what about category II relationships, those relationships that we do have a choice about forming? We’ve just argued that relationships with friends and those we love should be included in this category, since there is a considerable element of choice in the forming of them. So too, therefore, should relationships based on sexual attraction and possibly of a ‘transient nature’ (the proverbial one night stand). As well, these are also relationships that we can make decisions about ending (unlike most family relationships): though we cannot will it to be the case that we are in a relationship with someone, we can will it to be the case that we are not in such a relationship, ie. we can choose to take steps to end a relationship. And indeed, this is even the case when we ‘really want’ the relationship to proceed, but think it shouldn’t despite our feelings for that person.

Also included in Category II, and referring back to a point I made earlier, are those relationships that we could form based on our relationships with others. Eg. relationships with people our daughter studies with, relationships with colleagues of our partner. These too are relationships over which we can exercise significant choice – to the extent of deciding not to form the relationship at all. Of course, this doesn’t mean that we shouldn’t be civil or polite to
these people; it just means that we have the opportunity to decide whether or not to have a 'fully-fledged' relationship with them.

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So, where’s this discussion of choice as the distinguishing feature between Category I and II relationships been leading? The distinction is important because the element of choice significantly constrains the ways in which professional distance issues can reasonably be managed. Strategies for managing Category I relationships of the relevant sort need to be mindful of the fact that the relationships’ existence is non-negotiable – management strategies must be premised on the relationships’ existence. This is not the case with Category II relationships that can cease to exist or be avoided in the first place – which opens up management possibilities not available in relation to Category I relationships. This will be clearer as we go on; I just wanted to flag the relevance here.

**Maintaining professional distance**

What about maintaining professional distance: (1) what is it to maintain professional distance, and (2) why should professionals want to maintain such distance?

(1) To maintain professional distance, the professional must ensure that the metaphorical space outside of which they can act, and be seen to act, in ways that are impartial and non-exploitative is maintained in terms of the relevant sorts of relationships. They need to ensure that this critical space is not breached or invaded. They also need to ensure that this critical space is seen to be free of breaches or invasions. For professional distance to be maintained it must be maintained and it must be seen to be maintained. The ‘and’ is important: both the actual maintenance of the appropriate distance as well as the ready perception of that maintenance need to occur if the claim that professional distance is being maintained is to be justified.

The simplest way to create and maintain this distance is by declaring the relationship (to a supervisor, employer or other relevant person), and then distancing oneself from the sorts of decisions, actions, etc. that might breach the space. Again, the ‘and’ is important – neither on its own will be sufficient to ensure that professional distance is not breached. Both declaring but not distancing and distancing but not declaring will be inadequate for maintaining the required professional distance. So, for instance, it is not enough that you remove yourself from the committee hearing your nephew’s appeal of his ‘show cause’ notice; you must also declare that your nephew is fronting the committee and that this is the reason for absenting
yourself from the relevant deliberations. By doing both, the maintenance of professional
distance is not only done, it is seen to be done.

So, then, this is how professional distance can be maintained; which still leaves the question
of why it should be maintained in the first place.

(2) I think it’s clear enough that a professional should be aware of the ways in which certain
relationships, or other peoples’ perceptions about those relationships, could affect their ability
to properly carry out their professional and personal roles. Professionals have a number of
specific obligations, obligations that ought to be discharged if they are to show themselves
worthy of the title ‘professional’. I do not want to get too involved in defining what it is to be a
professional, but there are some key characteristics relevant to the idea of professional
distance. These are: being independent and objective in their decision-making, making
judgements that can be trusted by clients and others, and satisfying their obligations to clients
in ways that take due account of the well-being of those clients.

If professionals behave in ways contrary to these ideals, then their behaviour as professionals
can properly be characterised as wrong.

Clearly, breaches of professional distance involve situations which call into question all these
things. They undermine the perception that a professional’s judgements are independent,
objective, and have due regard for the well-being of specific clients. In short, they
compromise a professional’s ability to act as a professional. Breaches of professional
distance are, therefore, in terms of the role morality particular to professionals, simply wrong.
This, then, is the main reason why professional distance ought to be maintained.

To use police officers as an example, their oath of office constitutes what it is that they
solemnly promise to do in terms of their professional role. Police officers should not do
anything that would compromise or undermine their ability to do what they solemnly promised
to do when they took their oath. Breaches of professional distance compromise their promise
to act ‘without favour or affection’, to make independent judgements based on the relevant
merits of a situation, and are therefore wrong.

So, breaches of professional distance are wrong in themselves. They also produce a number
of bad consequences, which constitute additional reasons for ensuring that the appropriate
professional distance is maintained. These consequences include:

(a) Clearly such breaches will call the professional’s integrity into question, undermining their
credibility with colleagues, clients and others – in turn, this may have a direct bearing on
the extent to which they can fulfil their professional duties (eg. a lawyer whose credibility
in relation to client confidentiality was undermined would have trouble attracting clients and, thus, being able to practise at all; 

(b) the profession itself may suffer as a result of an individual professional's diminished credibility (this is particularly the case in professions such as policing where the public are more likely to see police as representative members of the Service itself rather than as autonomous individuals); 

(c) the other party to the relationship may have their own credibility and integrity questioned if professional distance is not maintained (eg. a person may be presumed to be passing a subject, or to have earned a job, only because of the patronage of the professional with whom they are in an additional relationship rather than on their own merits – which, in turn, could ill affect their future study and employment opportunities); 

(d) the professional may more easily resort to wrongdoing of some sort due to the pressures caused by not maintaining the relevant professional distance (eg. marking your nephew's work against a higher standard than others in the class to avoid any perception that he may have been marked ‘softly’ - clearly unfair to your nephew and a form of wrongdoing). 

These, then, are some of the reasons why a professional should maintain professional distance, why they should ensure that they do not breach that metaphorical space between a professional and additional relationship with a person and so can act and be seen to act in a way which is impartial and/or non-exploitative. There may well be other reasons, but I think these are sufficient to establish the importance of ensuring that professional distance is maintained.
Managing professional distance

Clearly, there are a number of issues that could be considered under the head of managing professional distance. I want to narrow my focus here to Category II relationships only – ie. those relationships that we do have a choice about forming and about ending. This is not because Category I relationships do not pose management problems in terms of professional distance issues. It is simply because the management of Category II relationships raises specific, and difficult, ethical issues which do not occur in relation to Category I relationships. Unless stated otherwise, then, the discussion in this section will be restricted to Category II relationships only.

Here, the broad question I want to look at is this: What is required for the successful management of professional distance in relation to Category II type relationships?

To successfully manage professional distance, two things need to be achieved: the relevant distance must indeed be kept and, moreover, it must be seen to be kept. The perception that professional distance is being breached is wrong in itself for all the same reasons that actual breaches are wrong in themselves; and perceived breaches also produce just the same harmful consequences as do actual breaches of that distance. For example, both an act which lacks impartiality and an act which appears to lack impartiality will point to a lack of independence and objectivity on the part of the professional.

As we mentioned earlier, maintaining professional distance does not seem terribly difficult (eg. going off committees, not marking certain papers, declaring the relationship so that any other relevant situations can be avoided). Ensuring that such distance is seen to be kept – in effect, dealing with the perceptions of others – seems more fraught with difficulty. This is not because those others won’t ‘see’ things like a person’s decision not to sit on certain committees, etc. Rather, it is because of what I think is a relatively subtle perception that is at work when professionals form or continue with the relevant sorts of additional relationships. The perception is this: I think the fact that the relevant sorts of relationships (Category II relationships) need not exist can create in a third party the reasonable suspicion that the professional is engaging in some kind of recklessness – that they are putting themselves into a position which they need not be in and which may call into question their professional integrity.

The point is difficult to explain, but I think it’s important. Category II relationships are ones which can be avoided and which have the potential to raise issues of professional distance. My concern is that the decision not to avoid them creates the perception in others that the professional is prepared to risk the actualisation of that potential – they are prepared to risk the sorts of harms which breaches of professional distance can cause. More strongly, I think
the preparedness to take this risk is characteristic of what it is for a professional to decide to be party to a relevant sort of Category II relationship. Put another way, if the professional was sufficiently mindful of the problems that professional distance raises, why risk them occurring? That they risk the occurrence of those problems suggests that they are simply not sufficiently mindful of their professional obligations in terms of maintaining professional distance.

But how much weight should we put on this perception; is it really grounds for a reasonable suspicion that the professional is not paying serious enough attention to the problems that breaches of professional distance may cause? I don’t think it matters whether or not the perception is reasonable. If I am right that such a perception is likely to exist, then whether or not it’s reasonable is beside the point – because the mere fact of its existence (reasonable or not) will be sufficient to create the sorts of problems that occur when professional distance is not seen to be kept.

So what does all this mean? Well, it means that however well we actually maintain professional distance, managing the perception that such distance is being kept will be significantly more difficult (perhaps, even inherently impossible if my ‘recklessness argument’ is right). And since the problems caused by the perception that professional distance isn’t being maintained are just the same as (and, therefore, just as harmful as) those caused when it actually isn’t being maintained, what we’ve just identified is a significant problem for any strategies aimed at managing professional distance issues.

Given this problem, should we, as it were, ‘bite the bullet’, and ask the more difficult question: should professionals be required to discontinue or not form in the first place the relevant sorts of additional relationships? For example, should employers or professional bodies make rules precluding those relationships? This would certainly avoid the ‘perceptions problem’. Indeed, it would avoid all problems – if there are no relevant relationships there’s no question of having to maintain professional distance in the first place!!

Morally, such a restriction would constitute a serious interference with a person’s liberty and autonomy – what we’re wont to these days call their ‘private space’. And I think we could only justify such a restriction if it were the case that the harms associated with breaches and perceived breaches of professional distance are so significantly harmful that avoidance of them altogether (avoidance of even the possibility of them) outweighs the harm caused by the restriction of the professional’s liberty and autonomy. Actually, if I’ve been right in terms of my ‘recklessness argument’, then it’s not just breaches and perceived breaches that might cause significant harms; it’s the mere existence of the relationship itself.

I think it’s clearly true that we could be talking about very significant harms –
• for the professional themselves – loss of credibility, possibly inability to practice in their profession, which in turn, might lead to financial or personal difficulties, and then to further harms consequent upon these ones;

• for the other party to the relationship – harms such as having to leave a course, having to find another doctor – which may be quite problematic (for instance, what if the doctor they have to change from is the specialist in their field, so that the management of the professional distance issue requires that person to settle for something less than the best medical attention available for their critical medical condition? – I won’t get too diverted by it here, but I think this doctor example is particularly instructive, for it cuts at the heart of what we think a professional is that they might let a personal relationship interfere with providing the best professional service to a client);

• There might be harms caused for the profession itself – though here it is hard to generalise. Breaches of professional distance by a doctor in Perth may not cause much impact at all, if any, on the medical profession in Tasmania; but for an organisation like the NSWPS, where people often see a police officer as being, as it were, interchangeable with any other police officer, the impact of one officer’s breach of professional distance may significantly impact on all other officers, eg. by undermining credibility, making officers appear less trustworthy, or creating the suggestion that officers’ actions stem from inappropriate motives.

Are these harms so significantly harmful that avoidance of them altogether (avoidance of even the possibility of them) outweighs the harm that the required restriction of the professional’s liberty and autonomy would cause?

I think the answer here is a firm ‘maybe’!! Clearly, some of the possible harms are, indeed, significantly harmful. But it seems possible to imagine harms that aren’t so harmful and which would therefore be less likely to justify the proposed restriction on the professional’s liberty and autonomy. Eg. let’s say the harm to the other party is having to leave their course because of a professional’s breach of professional distance. This harm might not be too great: perhaps they just enrol at another university, collect the credits from work already completed and carry on with their studies as before. On the other hand, what if the course they had to leave was the Diploma of Policing Practice – here, it is not only the specific course of study that is lost, but it is also the opportunity to join the NSWPS. A student cannot leave the DPP and continue with their proposed (and perhaps cherished) career with the NSWPS – this, then, is a more significant harm than for the student who simply changes universities and carries on virtually regardless.
Part of the problem here – the problem of determining just how significant we should say the harms are that actual and perceived breaches of professional distance cause - is that it's difficult to fully guess at the actual extent of any possible harm. That is, in the absence of facts about a specific situation we are simply in the dark as to the consequences which might flow from a harm and, therefore, how significant we should label that harm.

So, we cannot be sure that the harms themselves caused by actual and perceived breaches of professional distance are significant enough to justify employers or professional bodies making rules that require professionals to avoid or discontinue certain relationships.

But this doesn’t stop us pursuing the question further. All we have seen so far is that it is difficult to argue that employers or professional bodies could require professionals to discontinue or avoid certain Category II relationships. Who else might logically have an interest in imposing such a restriction? Clearly, the professional themselves. It seems to me that the following is true: A professional who is properly mindful of their professional obligations should also be properly mindful of the sorts of things that can adversely impact on those obligations and they ought to feel obliged to avoid those things. So then, the problems caused when professional distance is breached or is perceived to be breached should provide professionals with compelling reasons for avoiding or discontinuing any relevant Category II relationships. Conversely, there should be no need for rules set by employers or professional bodies because professionals themselves should be self-regulating in this respect. As individual professionals, they ought to recognise and avoid the problems that actual and perceived breaches of professional distance cause – even to the extent of ending or not forming relevant sorts of Category II relationships which will make the avoidance of these problems difficult.

It is worth noting, too that (helpfully), the ethical issues about restrictions on liberty and autonomy which we discussed earlier are significantly reduced if a person restricts their own autonomy or liberty so as to better access the goods they have identified as critical for their lives. If professionals restrict their relationships themselves this lessens the importance of having to demonstrate the relative significance of the harms caused by breaches of professional distance – since we are less obliged (if at all) to demonstrate that the consequent restrictions on liberty and autonomy are justified.

In short, then, yes professionals should be required to discontinue or avoid in the first place the sorts of additional relationships that will raise issues of professional distance – and, more importantly, this requirement should be placed on professionals by themselves, rather than being imposed externally. There are good reasons for professionals to decide to absent themselves from being party to the relevant sorts of relationships, reasons which should be clear to someone who takes their professional obligations seriously.
However, this conclusion does not mean that employers and professional organisations have no role to play in managing professional distance. As significant stakeholders in professionals’ management of professional distance issues, these bodies are entitled to some role in the self-regulatory process – both on their own account and, perhaps, on behalf of other significant stakeholders (eg. the public, anyone adversely affected by the professionals’ handling of professional distance issues). Specifically, I think this role relates to the fact that even if we had a 100% compliance rate with this form of self-regulation, it remains possible that some professionals will not self-regulate in an effective way. They may make mistakes, they may underestimate what is required to make sure the relevant distance is maintained.

So, even though employers and professional bodies should not make rules precluding professionals from engaging in certain additional relationships, they still have a proper role to play in respect of initiating and completing some sort of remedial and/or disciplinary response when self-regulation fails. But this isn’t a line of thought I have time to follow up here.

So, what are our conclusions about the proper management of professional distance issues? There are three main ones:

- that the most ethically desirable way of managing Category II relationships is for professionals themselves to self-regulate in terms of avoiding or discontinuing the sorts of additional relationships that are problematic in relation to maintaining professional distance;
- that there are demonstrably good reasons for professionals to undertake this self-regulation, including the fact that the mere existence of the relevant relationships may cause doubt as to the professional’s appreciation of the importance of maintaining professional distance; and
- that employers and professional bodies have a role to play in addressing failures or other problems in the self-regulation process.

**Conclusion**

In this paper I have looked at what we mean by professional distance and breaches of professional distance; why it is important to maintain such distance and how that distance can be maintained; and what should be involved in the proper management of professional distance. There were two singularly important conclusions drawn from these various discussions:

- the fact that the very existence of the relevant Category II relationships can be sufficient to undermine the perception that professional distance is being maintained [this was what I referred to as the ‘recklessness argument’]; and
- in terms of managing professional distance issues, that professionals who take their professional obligations seriously ought to feel compelled to avoid or discontinue the relevant sorts of Category II relationships.