

THE ETHICS OF DUAL RELATIONSHIPS **by Karl Tomm.**

In my opinion, the AAMFT Ethics Committee and the AAMFT Board are attending to the wrong issue in actively discouraging dual relationships in the field of family therapy. The focus in the *AAMFT Code of Ethics* should remain centered on the avoidance of exploitation and not be shifted onto the avoidance of dual relationships. I acknowledge the importance of finding ways to protect the dependency and trust of clients. However, a more specific means of doing so is required than simply avoiding dual relationships. An ethical injunction to avoid duality not only fails to address the exploitation that occurs within professional relationships, it introduces some of its own problems.

Exploitation and dual relationships are very different phenomena. To exploit is "to use selfishly for one's own ends" (Webster 1989). In the context of a professional discipline it refers to taking advantage of one's professional relationship to use, or abuse, another person. Exploitation in relationships is always exploitation, regardless of whether it occurs in a dual relationship, a therapy relationship, a supervisory relationship, or a research relationship. A dual relationship is one in which there are two (or more) distinct kinds of relationship with the same person. For instance, a therapist who has a relationship with someone as a client and who also has another relationship with that person, such as, as an employer, an employee, a business associate, a customer, a colleague, a supervisee, a research subject, a neighbor, a friend, or a relative, is involved in a dual relationship. While dual relationships always introduce greater complexity, they are not inherently exploitative. Indeed, the additional human connectedness through a dual relationship is far more likely to be affirming, reassuring, and enriching, than exploitative. To discourage all dual relationships in the field is to promote an artificial professional cleavage in the natural *patterns that connect us* as human beings. It is a stance that is far more impoverishing than it is protective.

The concern about dual relationships has been evident in the *AAMFT Code of Ethics* for some time. However, it has emerged even more strongly in the latest version of the *Code* which was approved by the AAMFT Board in March 1991 and came into effect on August 1, 1991. This version explicitly urges the avoidance of dual relationships in three areas: a) with clients, b) with students, supervisees, and employees, and c) with research participants. As such, the present *Code* imposes a pervasive restraint upon the nature and complexity of interpersonal relationships that are acceptable in the field. I regard this broad restrictive stance as counterproductive and believe the relevant issues need to be explored more rigorously and discussed more widely so that the statements in the *Code* can be reconsidered, and hopefully will be rewritten. In the reflections that follow, I will cite the pertinent sections of the current *Code*, raise concerns about the restrictions, draw attention to the potential benefits of dual relationships, and suggest that the issue be re-examined and the *Code* be revised.

Relevant Sections of the 1991 AAMFT Code of Ethics

Under the first principle, Responsibility to Clients, Subprinciple 1.2 states:

Marriage and family therapists are aware of their influential position with respect to clients, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients. Sexual intimacy with clients is prohibited. Sexual intimacy with former clients for two years following the termination of therapy is prohibited.

On the surface this seems like a reasonable statement and I certainly agree that exploitation of clients and sexual intimacy with clients are unethical. However, I find the logical implication (introduced with "Therapists, therefore, ...") that dual relationships are the source of exploitation

extremely misleading. Even if one denies such a causal interpretation, one is still left with "guilt by association." The overall statement begins by encouraging an avoidance of exploitation; suggests this could be achieved by avoiding dual relationships; and concludes by prohibiting sexual intimacy with clients. By inserting the issue of dual relationships in the text between the general issue of exploitation and the specific issue of sexual exploitation, any relationship with a client outside the therapeutic relationship is given a very strong negative connotation. Indeed, there is no acknowledgment whatsoever of any potential benefits of dual relationships. The Committee has turned a *blind eye* to the personal affirmation, improved reality testing, and mutual enrichment that often emerges through such relationships.

In my view, it is not duality that constitutes the ethical problem; it is a therapist's personal propensity and readiness to exploit clients (and occasionally a client's readiness to exploit therapists) that is central. Having a second relationship with the client only provides another avenue for exploitation to take place, if a therapist (or client) already happens to be so inclined. Duality *per se* does not create, nor encourage, exploitation. Yet, it appears that the AAMFT Ethics Committee would have us believe it does. In promulgating this view, the Committee is obfuscating the core ethical issue. It is shifting the focus from exploitation to duality and is promoting a treacherous illusion that exploitation can be prevented by simply avoiding dual relationships. Therapists could become complacent about their power and influence if they believed that they could not exploit clients by virtue of not having dual relationships with them. A therapist who is inclined to exploit clients does not need a dual relationship to do so. Various forms of exploitation and abuse, including sexual abuse, can take place within the therapeutic relationship and in the therapy room itself. Fortunately, the statement in the *Code* prohibiting sexual exploitation is clear and to the point and is not confused with duality.

But why would the Ethics Committee shift the focus from exploitation to duality? Do the members of the Committee believe that dual relationships are, in fact, inherently problematic and therefore wrong? If so, this needs to be fully explained. Is it because there is a concern that the dependency and trust in the professional relationship will be transferred to and exploited in the dual relationship? This is a legitimate concern, but why give priority to exploitation in a dual relationship over exploitation in the professional relationship? Exploitation needs to be challenged wherever it occurs. Or is it simply because so many of the complaints that come to the attention of the Committee entail dual relationships? The possibility that many complaints about therapists first arise through dual relationships does not mean that the dual relationship is the primary source of the problem. It usually is easier for clients to recognize exploitation in a non-therapeutic relationship than in a therapeutic relationship. This obtains because a therapeutic relationship tends to be unique in the client's experience, while the dual relationship can be compared with other similar (business or personal) relationships that the client has or has had. The availability of these comparisons is one reason why dual relationships actually may be protective. They serve as a potential means for identifying subtle forms of exploitation so that appropriate restraints can be initiated. I suspect that if there is exploitation in a dual relationship, there is also exploitation in the therapeutic relationship. The dual relationship route for client recognition of exploitation may have contributed to the Ethics Committee's erroneous conclusion that a major source of exploitation is duality itself. Another possible reason for the Committee's focus on duality may be administrative expediency. It is relatively easy for an ethics panel to determine whether or not a dual relationship has existed while it is sometimes quite difficult to determine whether or not exploitation has taken place. However, such expediency alone would not justify an ethical principle to avoid such relationships.

Under the fourth principle, Responsibility to Students, Employees, and Supervisees, Subprinciple 4.1 states:

Marriage and family therapists are aware of their influential position with respect to students, employees, and supervisees, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid dual relationships that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists take appropriate professional precautions to ensure judgment is not impaired and no exploitation

occurs. Examples of such dual relationships include, but are not limited to, business or close personal relationships with students, employees.. or supervisees. Provision of therapy to students, employees, or supervisees is prohibited. Sexual intimacy with students or supervisees is prohibited.

Besides perpetrating further obfuscation of duality as a source of exploitation, this statement again shifts the focus away from the more important issue, namely the increased interpersonal *power* available to the person in the dual positions of, for instance, supervisor and therapist. There is a significant power differential in all of the relationships referred to: between therapist and client, between teacher and student, between supervisor and supervisee, and between employer and employee. The core ethical concern should be whether the power differential (in any one or combination of these relationships) is used to empower the personal and professional development of the other, or is used to exploit him or her. Obviously, the more power one holds, the more devastating the possibilities for destructiveness. However, the converse is also true. The more power one holds, the greater the possibilities for constructive initiatives as well. It is not the power itself that corrupts, it is the disposition to corruption (or lack of personal responsibility) that is amplified by the power. If a training supervisor cum therapist is genuinely disposed to be helpful (an orientation which is presupposed for these social roles), the increased power will empower his or her helpfulness. Thus, the ethical focus in this principle should be on whether the increase in interpersonal power is exercised responsibly and on how one can build in more accountability when dual relationships do happen to emerge.

If the Ethics Committee was less preoccupied with duality and, instead, was more concerned about the imbalance of power in professional relations (which is intensified when a supervisor also becomes a therapist), it would have proposed a different means of taking "precautions." For instance, it would have proposed a means of increasing the power of the supervisee/ client as a counterbalance. This could be done by proposing that the therapist/ supervisor empower the client/ supervisee to select the third party to review or monitor any disturbing

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complexities in the relationship. The commentary on the new *Code* which appeared in the April 1991 issue of *Family Therapy News* (p. 20) proposed virtually the opposite. It advised that the therapist obtain supervision of a dual relationship with a client (cf. Subprinciple 1.2) and the supervisor obtain supervision of supervision of a dual relationship with a supervisee (cf. Subprinciple 4.1). To give the therapist or supervisor the authority to select the additional resource (whom the client or supervisee may never know about) is to give even more covert power to the therapist or supervisor. It would be far more ethical for the Committee to give responsibility to the therapist or supervisor to openly discuss with clients and supervisees the increased potential for both enrichment and exploitation through dual relationships and to invite clients and supervisees to bring in third parties of *their* choice at any time to clarify any concerns that might arise. The therapist or supervisor could be given the additional responsibility to assist in making such arrangements but would be expected to respect the client's and supervisee's priority in choosing which additional resources would be brought in.

I believe that any student, supervisee, or employee as well as any teacher, supervisor, or employer should retain a personal entitlement to turn down any invitation from the other for therapeutic involvement if they prefer to avoid the complexities entailed. But for AAMFT to categorically prohibit the provision of therapy to students, employees, or supervisees is unnecessarily restrictive in patterns of interprofessional relationships. Furthermore, such a prohibition implies that there is no continuity or overlap between supervision and therapy. It fosters the idea that the conduct of therapy can be separated from the person of the therapist. This reflects a reductionistic perspective. In keeping with the systemic view, I prefer a more holistic perspective which allows for the synergistic and integrative possibilities that arise when supervision is supported with therapy and vice versa. I have had several experiences of providing brief therapy for trainees where each process has enabled and enriched the other.

Under the fifth principle, Responsibility to Research Participants Subprinciple 5.3 states:

Investigators respect participants freedom to decline participation in or to withdraw from a research study at any time. This obligation requires special thought and consideration when investigators or other members of the research team are in positions of authority or influence over participants. Marriage and family therapists, therefore, make every effort to avoid dual relationships with research participants that could impair professional judgment or increase the risk of exploitation.

Once again, dual relationships are brought forth as problematic and their constructive possibilities are ignored. There are some advantages to the presence of dual relationships in research. For instance, an investigator is far less likely to carry out questionable studies or to conduct potentially harmful experiments when he or she has another meaningful relationship with some of the research participants. This effect arises because there is a more direct and personal basis from which to become mindful about and to care about the possible negative effects of the study. Furthermore, the investigator may be able to interpret a participant's responses more coherently if collateral knowledge about the research participant is available through the other relationship. Dual relationships also provide a valuable conduit for feedback about unexpected effects of the study. Research participants often can offer a richer and more comprehensive description of their experience in the study (and its subsequent effects upon them) through the dual relationship because such reporting is not structured by the research. To discourage such feedback, during and/or after a study by discouraging dual relationships, is to diminish the possibility that investigators would become aware of some totally unanticipated effects of their investigations. In other words, by discouraging dual relationships in research, not only are participants less protected, the potential richness of the new knowledge generated, also is liable to suffer.

In pointing out these potential positive influences of dual relationships in research, I am not saying that investigators should be actively encouraged to have dual relationships with their research participants. Appropriate decisions would depend on the specific nature of the study and on the particular individuals involved. Seriously problematic biases could be introduced in some studies by both researchers and participants through dual relationships. However, this is an issue for research design and methodology and the ethics of any particular study should be left to the local research ethics committee to adjudicate. With respect to the *AAMFT Code of Ethics*, the relevant focus should remain squarely on the avoidance of coercion and exploitation, and not be displaced onto duality.

The need to reconsider dual relationships,

As currently written, the *AAMFT Code of Ethics* does not acknowledge any possibility that a dual relationship can be constructive. Dual relationships are seen only as potentially exploitative and, hence, should be avoided. Indeed, the repeated use of the phrase, "could impair professional judgment," gives me the impression that the Ethics Committee has come close to regarding duality as something analogous to a *toxic substance*, so that having a dual relationship is rather like being intoxicated by alcohol or being impaired with drugs. An alternative perspective could

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be that the members of the Committee are so *intoxicated* with the idea that dual relationships are hazardous that they can no longer see anything positive in them.

In my experience, involvement in dual relationships actually can and often does contribute towards *improved*, rather than *impaired*, professional judgment. The improved judgment can be manifest in the specific case and/or it can be incorporated in one's overall patterns of decision making. Interestingly, this mode of professional development usually takes place after one has graduated and established a practice. This makes the value of dual relationships even more significant. Any process of improving one's professional judgment after one's *official* training is complete, is extremely important in any profession.

just how do dual relationships contribute to improved professional judgment? Duality provides an important pathway for corrective feedback; a means to improve understanding and consensuality

which enables greater wellness in human social systems in general. Dual relationships serve to *open space* for increased connectedness, more sharing, greater honesty, more personal integrity, more responsibility, more social integration, more complete healing, and more egalitarian human interaction. Furthermore, dual relationships tend to *reduce space* for exclusion practices, for covert manipulation, for deception, and for special privilege. When persons relate to each other in multiple contexts there is greater opportunity to recognize each other as ordinary human beings. There is less probability of either party persisting in distorted perceptions of the other, such as attributions of exaggerated insight and wisdom in therapists (by their clients), or attributions of pervasive personal limitations and deficits in clients (by their therapists). It is through a dual relationship that one's "reality testing" about another person has a whole new domain in which to operate. Through the integration of collateral experiences in the two relationships one benefits from the "depth perception of double description" (Bateson, 1972) and can form impressions that are better grounded. In other words, duality generally creates improved conditions for greater sanity and health all around.

Should these constructive possibilities be curtailed in our field simply because there is also the possibility of exploitation in dual relationships? I think not. Has the Ethics Committee "thrown out the duality baby along with the exploitation bath water"? I think so. Given the current *Code*, the positive aspects of dual relationships cannot even be explored without the risk of ethical censure.

But the present AAMFT position against duality is more serious than a simple injunction against relationship complexities that have the potential to be constructive. Not only is the "baby" being thrown out, a pathologizing social process is being introduced to take its place. It is a process that gives priority to professionalism over personal connectedness. This priority is pathologizing because it fosters human alienation and promotes an increase in interpersonal hierarchy. In the name of professionalism, we, as marriage and family therapists, are being encouraged to avoid becoming involved in the personal lives of our clients, students, trainees, employees, or research participants. In effect, we are being told to maintain our "professional distance." The active maintenance of this interpersonal distance draws attention to and emphasizes the power differential between the persons involved. This distancing promotes a process of objectification and disposes us towards more of a vertical hierarchy in human relations. When social systems are structured in this way, it is the professionals whose status is raised. Consequently, the status of those being "served" is lowered in a reciprocal manner. This is one of the more sinister aspects of professionalism. Thus, while the policy of avoiding dual relationships ostensibly is in the service of protecting the vulnerability of clients, trainees, employees, and research participants, it actually privileges professionals instead. I question the ethics of such a policy.

The alienating effect of professionalism is intensified when we begin to respond to others as *occupants* of a position or role rather than as unique persons. In other words, when the person of the other is rendered irrelevant or unethical to relate to, we tend to relate to the role or position he or she occupies instead. The professional relationship becomes a process of interacting roles rather than interacting persons. Being treated as a mere *occupant* of a position (e.g. as "the patient" or as "the student") rather than as a unique individual is a profoundly dehumanizing experience. A professional disposition or attitude of avoiding the possibility of dual relationships inadvertently supports such alienating practices. This kind of professionalism enstructures a significant break in "the patterns that connect" us with one another as human beings. It separates and alienates us instead. Ironically, the professional who turns down invitations to be involved in a dual relationship can now cite the *AAMFT Code of Ethics* self-righteously as the basis for his or her action. Anyone who has used such grounds to turn down a friend's request for therapy can attest to the uncomfortable alienating effects of such a response.

Experience in dual relationships

I, personally, have experienced dual relationships both as a client/trainee and as a professional. In the most significant experience that I have had as a client (i.e. 2 years of personal analysis during psychiatric residency training), I had concurrent advisory and preceptor relationships with my therapist. Each relationship seemed to augment the other. For instance, the advisory relationship enabled the initiation of therapy.

My learning as a student of my therapist's theoretical work in clinical skills was enhanced and energized by my therapeutic relationship with him. While in the therapeutic relationship I felt more valued as a whole person because of the other relationships I had with him. Without these additional relationships I suspect that I would have struggled much more with feelings of being a "defective" human being simply by virtue of being in the "demeaning" client role. The dual relationships helped me preserve a better sense of personal worth. The long term effects were also positive. An egalitarian collegueship and friendship subsequently emerged between us and has continued over the years to be a significant source of ongoing validation for me, both personally and professionally.

As a professional, I have had predominantly positive experiences in dual relationships as well. I have found that participation in such relationships constitutes a strong covert invitation for me to strive towards greater personal integrity, in both the personal and professional aspects. The dual involvement seems to activate a non-conscious process in me towards becoming more honest and authentic with the other. It is much more difficult to "hide behind the cloak of professionalism" when I allow a dual relationship to emerge. My mindfulness grows as I automatically become more aware of the potential significance of a wider scope of my behaviors in the experiences of the other. For instance, when I see a friend as a client, I become mindful of the potential consequences of my behavior as a therapist for the friendship. I also become more mindful of the relevance of my behavior as a friend for the therapeutic relationship. I find myself naturally seeking more congruence in these relationships and am stretched in the direction of more consistency, coherence, integrity, and authenticity. As a result, I seem to be evolving towards becoming both a more friendly therapist and a more therapeutic friend. This has been a welcome development, and, in my opinion, has enhanced the clarity and humaneness of my professional judgment.

The majority of the feedback that I have received from clients, students, and supervisees about the dual relationships that I have had with them has been positive. Indeed, one trainee whom I saw briefly with his wife in therapy felt that it would have been unethical for me to turn down his request for therapy, given the importance of the training relationship I had with him at the time. In my view, the therapy enabled his training and the training enabled the therapy. This is not to say that my involvement in dual relationships always has been a simple, or an easy process. In a rather complicated situation of long-term therapy, one client felt she had lost me as a clinical resource when personal friendships emerged between our respective families. I supported her decision to find another therapist, but could understand her experience of loss in choosing to no longer see me as a therapist.

Thus, complications do occur but they are not necessarily exploitative. Whenever I invest the time and energy to sort out such complications, I usually find that they enrich my personal and professional development to a significant degree. Thus, I concur with Ryder and Hepworth (1990) that we should not simply avoid the complexities involved in dual relationships, but regard them as a means to facilitate our continued learning about and understanding of human relationships.

Concluding Comments

It is my opinion that the AAMFT is doing our field and our communities a major disservice by imposing such pervasive restraints on dual relationships through the *Code of Ethics*. Far more research and exploration into the nature, complexities, and consequences of a wide range of dual relationships is needed before such a broad restriction on duality is allowed to become entrenched in our professional attitudes. Not only is the issue of exploitation being confused, human enrichment possibilities are being restrained, professional hierarchy is being privileged, and social alienation is being enhanced. In view of these effects, I propose that the existing statements on

dual relationships in the *Code* be rescinded and the issue of exploitation be addressed more directly and explicitly. The Ethics Committee should redirect its focus to differentiating and clarifying the various forms of exploitation that commonly occur within primary and/or dual relationships and articulate additional principles like the statement prohibiting sexual intimacy. Clear statements about the specific kinds of exploitation (egoistic, emotional, voyeuristic, financial, authoritarian, ideological, etc) that can occur would help professionals and clients alike know what complications to look out for. The past experience of the Ethics Committee in responding to actual complaints from clients, trainees, and research participants would be one major resource in developing such statements.

I believe the complexities of dual relationships should be addressed somewhere in the *Code* as well; preferably in a separate section to curtail any continuing identity with exploitation. Opportunities for possible enrichment should be noted as well as risks for possible exploitation. One important example of the latter is the non-conscious transfer of the power differential (including dependency and trust) from one relationship to the other. This implicit process enhances the vulnerability to exploitation and should be disclosed explicitly and brought into the conscious awareness of professionals as well as those with whom they work. Whether a separate section on dual relationships is introduced into the *Code* or not, any future restatement of the issue needs to be far more differentiated and balanced than what currently exists.

I am clearly opposed to a general prohibition of dual relationships. However, I also am opposed to a general prescription of such relationships for the enrichment that is possible through them. Dual relationships often are very taxing in personal time and energy. Hence, each individual therapist and client, teacher and student, supervisor and supervisee, employer and employee, or research investigator and participant should be entitled to exercise free choice about whether or not he or she is ready and/or willing to enter into a particular dual relationship or not. Any such person also should be free to enter into a dual relationship with some persons, without being obliged to do so with others. In addition, if after having entered into a dual relationship, the persons involved wish to change their minds and would like to discontinue such involvements, they should be entitled to do so. What does seem reasonable to expect, however, is that any desires or decisions to avoid, initiate, and/or relinquish dual relationships be openly discussed, so that the parties involved can expand their awareness of the potential consequences, and, hence, become more responsible.

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