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BURDENS OF DISCLOSURE: A PASTORAL THEOLOGY OF CONFIDENTIALITY

A Dissertation

Presented to

the Faculty of the University of Denver and the Iliff School of Theology Joint PhD

Program

University of Denver/Iliff School of Theology

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

Virginia R. Morgan

June 2010

Advisor: Carrie Doehring, Ph.D.

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Abstract

Receiving confidential disclosures can create burdens for pastoral care providers. This dissertation presents a study of pastoral confidentiality and the burdens associated with receiving confidential disclosures based on interviews with thirteen pastoral providers, a review of historical, legal and pastoral care literature. A thematic analysis of interviews identified three types of burdens associated with receiving confidential disclosures: 1) professional burdens associated with clarifying norms and standards for pastoral confidentiality in light of collegial, denominational and congregational norms; 2) ethical burdens created when the ethical value of pastoral confidentiality comes into conflict with another significant ethical value; and 3) structural burdens that result from serving in a designated confidential role, factors of the provider's identity, or contextual considerations about one's ministry setting. Interviews revealed that many pastoral providers are unaware of denominational statements and resources addressing normative standards for pastoral confidentiality. Additionally, serving in a designated confidential role can contribute to a heightened risk of what I term receptivity fatigue. This study suggests that failing to think theologically about confidentiality runs the risk of impoverishing pastoral practice. While legal considerations, professional codes of ethics, and social norms for confidentiality remain useful, losing a theological context for practices of confidentiality diminishes the resources available to pastoral caregivers to engage and manage the potential stress and burdens of receiving confidential disclosures.

In this dissertation I argue that optimal relational trust characterizes divine engagement with creation, and therefore provides the most fruitful foundation for and expression of pastoral confidentiality. Drawing on resources in process theology, philosophy, and psychology I present a pastoral theology of confidentiality based on a model of optimal relational trust situated within an understanding of covenantal relationship. This model provides a resource for managing the burdens resulting from receiving confidential disclosures by balancing receptive and agential dimensions of power, situating the tasks of care within an understanding of relational covenant that prioritizes loving mercy and doing justice, and reclaiming theology as a resource for managing ethical dilemmas arising in the course of pastoral care.

Acknowledgements

I base this project on a premise that we all exist embedded in a set of relationships by which we offer influence and we are influenced. I owe a debt of gratitude to many, without whose assistance this dissertation would not have been completed. I am grateful to the faculty at Vanderbilt Divinity School, who restored my faith by demonstrating the value of vigorous critical and intellectual engagement with matters of faith and the women students at Vanderbilt who created and nurtured an authentic community of faith. Joretta Marshall and Riley Eubank encouraged me toward Ph.D. work and remain formative influences on my understanding of pastoral practice and theology. The project gained its legs thanks to the pastoral colleagues who participated in interviews, generously sharing from their struggles and wisdom. Carrie Doehring, Larry Graham and Shelly Smith-Acuna served as my dissertation committee and provided insightful feedback, room to make mistakes and an argument, and an unfailingly gracious and generous intellectual support. I received financial assistance and support for this dissertation from Colorado College, the Alexander Foundation, and the Paul M. Sheffer Memorial Fund. Mike Edmonds supported and encouraged this work, reminding me that my own education was important to my work as an educator. The women of Research First provided practical and persistent advice and encouragement in managing the details of doing research in the midst of other work. Debra Zarecky, Amanda Udis-Kessler, Margi Duncombe, and Gail Murphy-Geiss assisted with specific aspects of the project. Finally, Chris Frakes remained my intellectual companion for the ten years of this process, embodying for me the virtue of compassion in ways that sustained my life and interest as I did this work.

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CHAPTER 1: BURDENS OF DISCLOSURE: AN INTRODUCTION

Early in my experience as a hospital chaplain I responded to a request by a young woman preparing for discharge from the psychiatric unit for a visit from a chaplain. She was little more than eighteen years old. She began the conversation by asking me to confirm that whatever she told me would be kept confidential. After clarifying that I was ethically bound to report any possibility of threat to her own safety or to that of another, she said it had to do with the past. I agreed to keep her disclosure confidential. She then proceeded to disclose that at the end of her senior year of high school she had gotten into a fight with another girl over a boy she was dating. She reported that during their fight the other girl pulled a knife on her. The fight ended, she said, when she shot and killed the girl in a field outside her hometown in Kansas. She did not know if they had ever found the other girl's body. In spite of my efforts to engage her in discussion she concluded our conversation shortly after this disclosure and left. I was profoundly unsettled by this pastoral encounter. I was left wondering if I had any duty to report what had been disclosed to me to legal authorities, or if the duty to keep what she told me confidential overrode other considerations? I was unsure how to write the note in her chart and still uphold my stated promise of confidentiality. I wondered whether the other girl's body had been found. I was plagued by thoughts of the other girl's family and wondered if they ever discovered what had happened to her. Finally, I began to question if the story was even true. Then, I wondered whether my doubt that it was true was some

unconscious attempt to lessen the impact that hearing this story had had on me. Though I was largely able to regain my equilibrium after consulting with a professional colleague about the disclosure and my response to it, I have never forgotten the story or the impact that receiving it had on me.

That single experience sharpened my interest in paying attention to how experiences of receiving confidential disclosures impact pastoral caregivers. This project originates from my experiences in pastoral practice (which were then echoed by colleagues' in conversations about their experiences) that receiving confidential disclosures can create burdens for pastoral care providers. In his *Introduction to Pastoral Care*, William V. Arnold states that, "When demands placed on us, by someone else or by ourselves, are greater than the resources we have, or perceive ourselves to have, then we are under stress."¹ He goes on to reflect, "Theologically, stress can be identified as one of the confirming features of the limited nature of human beings."² Taking seriously the argument for a "pastoral theology grounded in the concrete data of the minister's practice,"³ I discovered in my own experiences of receiving and keeping confidential disclosures an opportunity ripe for theological reflection. In this dissertation I argue that optimal relational trust characterizes divine engagement with creation, and therefore provides the most fruitful foundation for and expression of pastoral confidentiality.

¹ William V. Arnold, *Introduction to Pastoral Care* (Philadelphia, PA: Westminster Press, 1982), 153.

² Ibid., 154.

³ Liston O. Mills, "Pastoral Theology, Graduate Education" in *The Dictionary of Pastoral Care and Counseling*, edited by Rodney Hunter (Nashville, TN: Abingdon Press, 1990), 866.

Drawing on resources in process theology, philosophy, and psychology I present a pastoral theology of confidentiality based on a model of optimal relational trust situated within an understanding of covenantal relationship. This model provides a resource for managing the burdens resulting from receiving confidential disclosures by balancing receptive and agential dimensions of power, situating the tasks of care within an understanding of relational covenant that prioritizes loving mercy and doing justice, and reclaiming theology as a resource for managing ethical dilemmas arising in the course of pastoral care.

I began this project with two central hypotheses guiding my dissertation research. First, I hypothesized that predominantly uni-directional pastoral care transactions (agential or receptive) increase the risks for abuse of power by care providers following disclosures on the one hand and the experience of burden associated with receiving confidential disclosures on the other.⁴ Second, I hypothesized that confidential disclosures were more likely to be experienced as burdens if the information disclosed presented the provider with an ethical dilemma in which the need to keep information confidential: (a) had to be weighed against protecting others; (b) was complicated by the claims of competing authorities on the care provider; or (c) where keeping the confidence

⁴ While this dissertation research focuses primarily on the potential for burdens created by receiving confidential disclosures, there is no way to examine bimodal power transactions in the context of pastoral care and ignore the risk that confidential disclosures can contribute to an abuse of agential power by pastoral providers. Addressing the factors that contribute to and characterize this risk, however, falls outside the scope of this project. The abuse of pastoral power is only acknowledged and explored as it becomes relevant to the discussions of the more central focus of the dissertation. For a more thorough examination of this topic, see the following Bibliographic resources: Doebling (1995); Fortune (1989); Fortune and Poling (1994); Gafke, Scott, and Marshall (2000); Haliczzer (1996); Lebacqz and Barton (1991); and Rutter (1989).

undermined other moral values. This study validated each of these hypotheses to some degree. Uni-directional pastoral transactions did contribute to, though were not wholly determinative of, what I term receptivity fatigue. I also found that in some cases the ethical value of maintaining confidentiality did come into conflict with other significant ethical values, though not in each area of my initial hypothesis.

This project develops a pastoral theological model that understands confidentiality as a foundation for and expression of optimal relational trust. However, discussions of the theological dimensions of pastoral confidentiality must move beyond simply addressing how a pastoral care provider relates to the care seeker(s)—the relationship on which much of current pastoral care literature remains focused. Constructing a pastoral theology of confidentiality informed by a process understanding of what it means to be optimally relational takes into account the various influences and power interests operating in disclosures of personal information. Any such model considers the reciprocal nature of interactions and transactions between the care seeker(s), the pastoral care provider, God, the community of faith, and, in some cases the larger communities in which we live or of which we are a part.⁵ Several dimensions of experience operate to impact the practice of pastoral confidentiality, including an intra-

⁵ The term “living human web” (or a variation of that) has been taken up by many pastoral theologians—Bonnie Miller-McLemore and James Newton Poling come immediately to mind—following introduction of the metaphor Archie Smith’s 1982 book *The Relational Self: Ethics and Therapy from a Black Church Perspective* (Nashville, TN: Abingdon Press) and also developed in Catherine Keller’s book *From a Broken Web: Separation, Sexism, and Self* (Boston: Beacon Press, reprint ed., 1986). Miller-McLemore has since raised concerns both about the ways the metaphor is underdeveloped in as well as problematic for CPE and pastoral theology. She suggests that “ultimately the living document within the web best captures the subject matter of CPE and pastoral theology.” See “Revisiting the Living Human Web: Theological Education and the Role of CPE” in *The Journal of Pastoral Care and Counseling*, 62 no 1-2 (Spr-Sum 2008): 3-18.

personal, an interpersonal, and a community dimension.⁶ All of these dimensions hold significance for interpreting confidential disclosures in the context of pastoral care.

We each retain primary responsibility for the intra-personal dimension of our lives. While the interpersonal and community dimensions shape and affect the intrapersonal, in real ways the interplay between the physical, emotional, intellectual, and spiritual aspects that constitute the self provides the means through which we receive influence from and seek to offer influence to the other dimensions of reality. In any interpersonal interaction, one's own responses to the encounter provide a potentially useful connective and heuristic tool, as well as a potentially distorting influence. Pastoral providers likely have experienced types of connections that enrich and strengthen interpersonal relationships, as well as instances when one's own internal conflicts or insecurities complicate or interfere with optimal relational interactions. Extending the interplay further I must point out that factors of what we call "personal identity," like sex, gender, race, sexual orientation, social class, nationality, and religion are highly dependent upon community contexts for the way they are understood, deployed, and valued. Each human person lives within communities, and communities live within each human person; each person receives influence from the relationships and communities of which they are a part, and contributes to each relationship and community of which they are a part.

⁶ I take the community dimension to include the interlocking communities in which human life plays out, including: residential, faith-based, cultural, socio-political, economic, national, global and environmental communities of which we are all a part.

Pastoral providers remain simultaneously embedded within these dynamically related and reciprocally influenced intra-personal, inter-personal and community dimensions of reality, as well as accountable for reflecting upon these dimensions as the crucible in which care unfolds. In the words of Emmanuel Lartey, each of us is “like all others, like some others, and like no other.”⁷ In other words there are some aspects of lived experience that all humans share (being birthed, subject to conditioned reality, including aging, illness and death), some aspects of life we share only with some others (experiences based in culture, religion, sex, gender, sexual orientation, socio-economic class, physical ability, and nationality), and some aspects of lived reality that are unique to us as an individual.

Power operates in, among and between all these dimensions of reality. For that reason pastoral theologies must attend to power not only in terms of theological understanding, but in ways that help elucidate the intra-personal, inter-personal and community dimensions of reality in light of theology. Similarly, the exchange of information and influence—likely the simplest description of pastoral care—involves power. The process of disclosing information to and obtaining personal information from another person creates a power differential: the disclosing person can become vulnerable (to loss of reputation, to ridicule, to opportunistic exploitations, to legal repercussions), while the person receiving information can gain a surplus of power relative to the care seeker. Conversely, disclosing information in the context of confidentiality can result in

⁷ Emmanuel Y. Lartey, *In Living Color: An Intercultural Approach to Pastoral Care and Counseling*, 2nd ed. (Philadelphia, PA: Jessica Kingsley Press, 2003), 34.

a transaction by which the discloser experiences relief from carrying guilt or anxiety that attends certain kinds of information, while the receiver can become burdened by what they now know, but cannot in turn disclose except in very limited ways. This study examines the operations of power in these dimensions and seeks to analyze what differentiates optimal power transactions from those that diminish or are destructive to value, where value contributes to well-being and flourishing of creation.

Pastoral exchanges occupy a nexus not only for these dynamic dimensions of reality, but also the nexus where secular and sacred meet, overlap or clash. Contemporary sensibilities about pastoral confidentiality in the United States derive from a combination of influences that include doctrinal lineage from the Catholic Seal of Confession, legal principles and statutes that privilege “priest-penitent communications” for protection from disclosure in many legal proceedings, and from the codes of ethics that govern many professions. The various streams of influence are not without potential conflicts and complications. Communities of faith have long safe-guarded a protected context in which confessions can be made without obstacle in the hope of contributing to the ongoing work that reconciles people to God so that the larger work of redemption can unfold. For that reason church leaders in the Reformed tradition issued the following statement from a synod meeting in 1612:

Ministers are forbidden to disclose to the magistrates crimes declared by those who come to him for counsel and consolation...lest sinners be hindered from coming to repentance, and from making a free confession of their faults.⁸

⁸ Samuel Southard, “A Response,” *Journal of Pastoral Care* 39: 4 (Dec 85): 311.

Conversely, what theological rationale might be used for a care provider to discern whether or not to disclose breaches of law to secular authorities? In the wake of the widely reported clergy sexual abuse within (though not limited to) the Catholic Church, clergy and lay communities have struggled to understand how to protect pastoral confidentiality without also creating sanctuary for those acting in ways destructive of the integrity of individual and communal life of faith. These issues become further complicated when faith motivates actions of civil disobedience that may conflict with matters of policy or law.⁹

Pastoral providers must discern how to negotiate the professional and ethical demands of confidentiality in light of competing demands of our ecclesial-theological lineage, socio-legal standards, interpersonal allegiances, and ethical values. In the midst of that discernment pastoral providers must also come to grips with what confidentiality demands of us as professionals, as well as whether or how being a religious professional differs from similar secular helping professionals. Pastoral providers participate in a relational covenant with God that extends to our communities of faith, suggesting that pastoral confidentiality may play a role in maintaining and furthering the work of that covenant. Given the complexities of the intra-personal, inter-personal, and community dimensions of power transactions as well as the completing claims of ecclesial-

⁹ Examples I imagine falling within this description include: individuals seeking pastoral care may disclose that as a matter of conscience they are withholding or redirecting federal income taxes as a protest against militarism and war, or conversely as a protest against what they perceive as a federal government grown too large and powerful; military personnel identifying as gay or lesbian may breach “Don’t Ask Don’t Tell” policy in the course of discussing with a service chaplain the strain of deployment on their primary domestic relationship; congregations or individuals offering sanctuary (or work) to persons from other countries who are seeking refuge (without benefit of documentation) from suffering resulting from religious, economic or political persecution or exploitation.

theological, socio-legal, and professional norms and standards, it is no wonder that receiving and managing confidential disclosures can be burdensome to pastoral providers.

Methodology for a Project in Pastoral Theology

This project utilizes a pastoral theological method, which identifies its driving concern from concrete pastoral experiences. A pastoral theological project utilizes theological resources and materials from cognate disciplines as tools for critical reflection upon those concrete pastoral experiences in order to “forward more relevant theological constructions and distill more adequate guidelines for pastoral practice.”¹⁰ These theological constructions and guidelines for care can, in turn, be utilized and evaluated in concrete pastoral contexts. While pastoral theology has traditionally identified care seekers as the “living human documents”¹¹ from whose experiences theological reflection arises and proceeds, this dissertation focuses on the experiences and needs of pastoral care providers as they receive and hold confidential disclosures. Shifting the focus to pastoral care providers’ experiences and needs does not deflect from the ultimate aim of facilitating more adequate care. Rather, taking pastoral care providers’ experiences as the nexus of theological reflection and formulation reminds us that not only are we leaders and stewards of communities of faith, we are also members of those communities who

¹⁰ I know I am indebted to Larry Graham for this phraseology, though I am unable to cite its originating reference.

¹¹ A phrase first recorded by Anton Boisen that has subsequently been taken up by the field as a whole. As mentioned previously in note 5, Bonnie Miller McLemore has suggested that “the living human document within the web” best captures and combines these two functional aspects of attending to the particularity of human experiences even as they remain situated in relational context.

need healing, sustenance, guidance, reconciliation, and liberation.¹² Attending to the particular stresses and needs of pastoral care providers ultimately supports and improves our capacities to provide care.

I begin the dissertation by exploring historical influences and precedents that contribute to current understandings and practices of pastoral confidentiality. I utilize historical literature from different ecclesial-theological contexts that specifically addresses doctrines and practices of confession, penance/absolution, and reconciliation. These resources establish shifts and developments through history, including the shift from public to private confession and penance within Roman Catholic practice, and the practices and understandings of confession (private and corporate) that developed during the Protestant reformation.¹³ In addition to this shift from a more public system of confession and penance to the more private one prevalent today, a cultural shift toward the value of individual privacy can be traced historically, eventually becoming established as a principle of English common law from which U.S. laws protecting “the

¹² Seward Hiltner identified three predominant functions of pastoral care (healing, sustaining and guiding) in his *A Preface to Pastoral Theology* (Nashville: Abingdon Press, 1958). These functions were subsequently amended to include the reconciling function by Clebsch and Jaekle in *Pastoral Care in Historical Perspective: An Essay with Exhibits* (Englewood Cliffs, NJ: Prentice Hall, 1964). The liberating function became more prevalently cited in pastoral care literature of the early 1990’s, but appeared as a prominent theme in pastoral care literature during the 1980’s in works such as *Liberation and Human Wholeness: The Conversion Experiences of Black People in Slavery and Freedom* (Nashville: Abingdon Press, 1986) by Edward Wimberly and Anne Wimberly. This function was more fully developed in Carroll Watkins-Ali’s book *Survival and Liberation: Pastoral Theology in African American Context* (St. Louis, MO: Chalice Press, 1999). John McNeill reminds us that pastoral duties listed by Augustine included liberation of the oppressed in *A History of the Cure of Souls* (New York: Harper and Row, 1951), 100.

¹³ See Bibliography: Biller and Minnis (1998); Carter (1885); Conser (1984); Cooke (1858); Davies (1961); Drury (1903); Ehrenpreis and Felbinger (1978); Elwin (1883); Hawks (1850); Marmaduke (1786); McKenna (2000); McNeill (1951); Pusey and Gaume (1906); Rittgers (2004); von Speyer (1964); Thurian (1958); Weeks and Neil (1934).

right to privacy” are derived. The doctrine of the Seal of Confession in the Roman Catholic tradition establishes early theological rationale for current practices of pastoral confidentiality, as well as serving to establish legal protections for disclosures (confessions) made to clergy. The practices and understandings of confession that developed during the Protestant Reformation have particular relevance to many of the religious groups (diverse as they are) that settled in the American colonies to escape religious tyrannies of established state religions in Europe. These groups influenced the political, legal, and social values, which guided the founding of the United States, including the U.S. constitution’s bill of rights in which individual freedom of religious affiliation and expression is protected while the establishment of religion by the state is prohibited. These ecclesial-theological and legal historical influences lead to a review of current norms and practices for pastoral confidentiality articulated by denominational authorities in the U.S.

The concrete pastoral experiences grounding this project were compiled through semi-structured interviews with thirteen¹⁴ pastoral care providers, supplemented by reflections on experiences from my own pastoral practice.¹⁵ The interviews with pastoral care providers employed a consistent set of demographic and open-ended questions, with

¹⁴ For a *preliminary* qualitative study, twelve participants provide an adequate sample from which common themes can be identified and theological constructions can proceed. This does not constitute a statistically significant sample; rather my hope is to suggest fruitful themes and directions for further research.

¹⁵ Other pastoral theologians have utilized semi-structured interviews as a strategy to collect experiential data that would remain otherwise difficult to access. See Larry Kent Graham’s *Discovering Images of God: Narratives of Care among Lesbians and Gays* (Louisville, KY: Westminster John Knox Press, 1997) for one example.

follow up questions shaped by the responses of the interviewees.¹⁶ I completed a qualitative analysis of the material from the interviews, in order to identify specific themes and risk factors that contribute to the experience of burden associated with receiving confidential disclosures. Those invited to participate in this study were chosen based on: (a) an interest in, and willingness to be interviewed on this topic; (b) substantive experience providing pastoral care; (c) and an affiliation with an ecclesial-theological tradition that grounds and serves as a resource for the practices of care.¹⁷ I sought pastoral care providers who, as a group, worked in a variety of pastoral contexts and whose backgrounds differed from one another.

Theological and pastoral theological literature utilizing process theological frames serves as the primary resource for critical reflection and construction within this project. I draw upon the work of feminist process theologians Catherine Keller, Carol Christ and Marjorie Suchocki and focus on pastoral theological works by Larry Graham and James Poling. All of these writers develop theological perspectives on the nature of divine power as primarily relational in character. In *Care of Persons, Care of Worlds* Larry Graham, by drawing on the work of Alfred North Whitehead, develops a process-based

¹⁶ This strategy for collecting and analyzing information falls within qualitative research methods utilized in the social sciences. See Hesse-Biber, Nagy and Yaiser (2004); Patton (2002) and Reinharz (1992).

¹⁷ I have chosen participants from a broad network of pastoral care providers and clergy known to me in this region as well as from those recommended to me by friends, peers and colleagues. Personally identifying information has been removed in order to protect the confidentiality of those participating in interviews, as well as the confidentiality of the persons who sought care from those interviewed. Each participant was given a written description of the project, an explanation of how confidentiality would be protected, and, where applicable, information about legal mandates for reporting threats of harm. The Institutional Review Board for the Protection of Human Subjects (hereafter IRB) at Denver University confirmed approval for research with human subjects prior to initiation of the interviews and reviewed the project annually.

understanding of power as bi-polar: receptive and agential that he elaborates and applies within the context of pastoral care. Influenced by his reading of the works of Bernard Loomer and Daniel Day Williams, James Poling provides a model for a theological analysis of the dynamics of power (including its abuse). This model grounds its understanding of the ideal directions and purposes of power, as well as temptations to abuse power, in a process view of the divine.

The ideal direction of power in human life that is undistorted by sin and evil is toward communion and enlarged freedom; in the relational process, human bonding grows stronger and individuals and groups increase their freedom...Abuse of power for the individual is motivated in fear and by the resulting desire to control the power of life. This fear and arrogance are then used to create societies in which structures of domination create special possibilities for the privileged at the expense of shared power for all persons. The power that is intended by God for everyone who lives is used to destroy relationships in exchange for control. Rather than live in insecurity, some persons choose to create structures that dominate and control others for personal gratification and false security.¹⁸

I utilize Poling's work to analyze the character of power relations operative in confidential disclosures in pastoral contexts as well as to construct my model for pastoral confidentiality. I pair the work of process theologians and pastoral theologians with a concept of relational covenant derived from both Hebrew and Christian scriptures to suggest what differentiates optimal from harmful power transactions.

Process theological perspectives affirm divine power as ontologically relational, and its teleological arc moving toward increasing value in each moment of actual experience by synergizing creativity and harmony. Feminist and liberation theological

¹⁸ James Newton Poling, *The Abuse of Power: A Theological Problem* (Nashville: Abingdon Press, 1991), 27.

perspectives insist that divine power must also include justice as a central characteristic.¹⁹

Poling and Graham, though distinct in their approaches, both complement their utilization of process theology with feminist and liberation perspectives. Feminist and liberation theologies require pastoral theologians, in Graham's words,

...to look critically at how their methodologies and conclusions overtly and covertly function to keep persons in untenable personal and social arrangements. Further, liberation theology requires that all communal and institutional expressions of religious life be examined in terms of those who have social and economic power and those who do not.²⁰

This perspective provides a complementary avenue to analyze how power functions in pastoral interactions in ways that may contribute to untenable personal and social arrangements. Carol Christ argues that what is described as the aesthetic basis for value in process perspectives should not be construed as lacking in ethical commitment.

Rather, process thinkers taking their cues from Charles Hartshorne and Alfred North Whitehead resist the reductionism of prescriptive moralism in favor of an ethic that arises from the relational character of existence and values that serve the well-being and flourishing of creation.²¹

In addition to process relational theologians I utilize the theme of covenant to frame and ground the practice of pastoral work generally. Relational covenants figure prominently in the stories of divine engagement with the chosen people of Israel

¹⁹ See Bibliography: Brock (1992); Chopp and Davaney (1997); Christ (2004); Marshall (1997); McFague (1993, 1987, 1982); Schussler Fiorenza (1996); Thistlethwaite and Engel (1990).

²⁰ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville: Abingdon Press, 1992), 22.

²¹ Carol P. Christ, *She Who Changes: Reimagining the Divine* (New York: Palgrave MacMillan, 2003), 128.

throughout Hebrew scriptural accounts, and provide a central motif for reframing faith and relationship with the divine in Christian scripture. Focusing on three strains from scripture I weave an account of covenant: the verse in Micah that summarizes what is required of those in covenant with YHWH; the call from Deuteronomy to love God with all one's heart, mind and strength coupled with the verse from Leviticus to love your neighbor as yourself, echoed by Jesus in the Gospel accounts; and the invitation by Jesus to all who are weary and heavy laden to enter into relationship, take up his yoke, and learn from him. My understanding of covenant grounds the divine human relationship in optimal relational trust in order to extend the work of redemption through the efficacies of loving mercy and doing justice. In order to fully explicate dimensions of relational trust I draw upon literature addressing trust in philosophy, psychology and business management. These resources complement and extend the model of optimal relational trust, better equipping pastoral providers to manage and address challenges that arise in the process of receiving confidential disclosures. I develop a pastoral theology of confidentiality by drawing together a process model of bimodal power transactions, the values of love and justice prominent in scriptural accounts of covenant relationships, and an understanding of what relational trust requires.

Why a Project on Pastoral Confidentiality?

Receiving confidential disclosures is the bedrock upon which pastoral practice rests. In the broader context of pastoral care confidential disclosures are generally understood as central to promoting the neo-classically formulated pastoral functions of healing, sustaining, guiding, reconciling, and liberating. Those studying for ministry are

normally introduced to professional ethics and the expectation of maintaining pastoral confidentiality from the beginning of their training or coursework in pastoral care; pastoral confidentiality is presented as a given, *prima facie* duty of the pastoral care provider. In a search of pastoral care literature, one can find ample resources elucidating the ethical grounds and warrants of practices of confidentiality. One can also easily access published discussions of the legal implications, precedents and vulnerabilities that could impact practices of pastoral confidentiality. Many denominations publish standards of practice for ministers and lay care providers receiving confidential disclosures, some of which ground this practice by direct reference (though often without benefit of biblical critical methods of reflection and interpretation) to passages of scripture or to the historic doctrine of the Seal of Confession. Though the central dynamic of confidential disclosures remains basic to pastoral practice, there has been little sustained attention in pastoral care and pastoral theological literature either to the *effects of receiving* these disclosures on persons providing care or on the theological assumptions and understandings that anchor the value of this practice in pastoral care.

In my review of literature the legal privilege allowing (or mandating) secular professions to keep disclosures of information confidential was modeled originally on the privilege granted in common law to lawyers and spouses. By extension contemporary pastoral care providers often base current practices of confidentiality more on accepted legal values (such as a right to privacy) and professional codes of ethics than on any

theological understandings.²² This loss of a theological context for practices of confidentiality, I believe, diminishes the resources available to pastoral caregivers to engage and manage the stress and burdens of receiving confidential disclosures. Therefore, characterizing pastoral confidentiality primarily as an ethical and legal duty, as most current pastoral care literature does, not only limits the resources available to care providers, but also runs the risk of impoverishing pastoral practice. This dissertation invites pastoral care providers to reflect critically and theologically upon how confidentiality contributes to pastoral burdens and how these burdens might be best managed and understood.

This project has implications not only for individual pastoral providers, but also for the denominations and theological institutions that educate them. This study reveals that many pastoral providers are unaware of denominational statements and resources addressing expectations and standards for pastoral confidentiality. Many providers express that pastoral care training assumes that norms for practicing pastoral confidentiality are more straightforward and self-evident than subsequent experience suggests. Pastoral confidentiality presents fertile soil for reflecting on and addressing challenges of providing pastoral care, including: observing and managing one's own intra-personal dynamics, including the distortions arising from unmet ego needs; managing the unbounded context and multiplicity of roles of ministry; and building a faithful and trustworthy community that can serve as the container and sustainer of

²² D. Elizabeth Audette, "Confidentiality in the Church: What the Pastor Knows and Tells," *The Christian Century* (January 28, 1998): 80-81.

pastoral work as well as the work to extend the covenant into broader circles of communities.

This project also engages the ethical tensions endemic to pastoral confidentiality. Pastoral providers ignore the ethical dimensions of care to the peril of pastoral practice and to the detriment of those they serve. Moral dilemmas often remain at the center of pastoral work, suggesting that successfully managing the ethical dilemmas associated with maintaining confidentiality on the one hand, and assisting care seekers to sort through and respond to their own ethical dilemmas on the other remains a critical skill for pastoral providers.²³ Karen Lebacqz's work addressing ethical dimensions of ministry provides an invaluable framework to develop an ethical perspective on the challenges arising in the context of pastoral care from confidential disclosures. Interestingly, an almost virtual consensus emerged on the part of those I interviewed that legal guidelines for pastors regarding mandatory reporting of threats of harm to self, others and children provided a welcome clarity about ethical and legal obligations in given circumstances. The situations in which legal and ethical obligations are *not* clear cut and in which ethical values contend with one another point to an ongoing need to provide pastoral providers training and practice in ethical reflection.

Finally, this study suggests that serving in a role designated to receive confidential disclosures results in risks somewhat unique to pastoral providers, though

²³ Don Browning, *Religious Ethics and Pastoral Care* (Minneapolis, MN: Fortress Press, 1983) and *The Moral Context of Pastoral Care* (Philadelphia: Westminster Press, 1976).

not exclusive to them. Utilizing a process relational frame for understanding power transactions I suggest that pastoral care providers are susceptible to an experience I describe as receptivity fatigue. Receptivity fatigue corresponds to a transactional imbalance in which the care provider's relational position contributes to deploying a receptive modality to excess and failing to deploy sufficient agency in the interpersonal transaction. Receptivity fatigue represents one of the prominent structural burdens resulting from serving in a designated confidential role. Structural burdens are also found to derive from specific aspects of care providers' identity, such as gender, race, socio-economic class or sexual orientation. Finally, contextual factors related to ministry setting can also contribute to structural burdens, especially in cases where chaplains worked within institutional settings (military, prison, health care) distinct from their communities of faith.

I argue for a pastoral theology of confidentiality that begins within a relational context, utilizes a bimodal framework for understanding interpersonal power transactions, and prioritizes actualizing the covenant values of love and justice. In order to utilize this model I suggest pastoral providers commit to developing trust as a foundational expression of confidentiality. I name optimal relational trust, both in the sense of becoming trustworthy as well as being willing to offer appropriate trust, as a primary pastoral virtue. Optimal relational trust thrives best when those engaged in pastoral relationships foster a combination of humility and courage in efforts to extend the covenant through enacting mercy and justice. Drawing upon humility and courage involves the intra-personal dimension of pastoral character, the interpersonal dimension

of direct and intentional relationship, and the community dimension extending covenant values unto all of creation so that the work of redemption can unfold. Pastoral confidentiality provides, in the words of Larry Graham, a “protected space”²⁴ in which one’s experiences, emotions, thoughts, values and behavior can be examined and engaged in light of one’s faith. I develop an understanding of optimal relational trust as the foundational character of the divine engagement with creation, and therefore the most fruitful foundation for and expression of pastoral confidentiality. To the degree that pastoral providers understand their work as participating in the work of the divine to reconcile, restore, liberate and redeem creation, then becoming trustworthy, maintaining trust and extending trust become central not only to providers’ professional character, but also to the purpose of pastoral practice.

Overview of the Dissertation

Following this introduction to the dissertation, the next chapter explores the historical lineages that inform current standards for and practices of pastoral confidentiality. Beginning with the Church Fathers I trace developments in Roman Catholic teaching and practice, culminating in the adoption of the doctrine of the Seal of Confession. The Seal of Confession has remained central to the norms and practices that shape expectations for pastoral confidentiality, even through the upheavals of the Protestant Reformation. Drawing upon the fine study by Bush and Tiemann²⁵ I

²⁴ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville: Abingdon Press, 1992), 215.

²⁵ Bush and Tiemann, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989).

summarize the various iterations of the doctrine of the Seal in Anglican, Wesleyan, Reformed, and Free Church traditions through its current articulation as the practice of pastoral confidentiality. Turning to developments under U.S. constitutional, state statutory and federal law I review some of the central debates about privileging communications to pastors (through exemption from consideration as evidence). Though the elaborations of the specific conditions of privileged communications in state statutes sharpens and clarifies the limits of the legal protection, they do not ultimately resolve the dilemmas faced by pastoral providers about the theological and ethical motivations for maintaining confidentiality. The final section of the chapter examines denominational statements drafted largely in response to the legal pressures to articulate a clear standard for pastors and pastoral providers that can be evaluated for privileged communications under the law. I also review some of the prominent pastoral care literature to highlight how confidentiality is approached and treated in professional literature.

Chapter 3 introduces the pastoral care providers who served as research participants and presents material from interviews with them. I report results from the qualitative analysis of the interviews, identifying specific themes and risk factors associated with the burdening aspects of receiving confidential disclosures. In the course of analyzing data I also discovered themes linked to experiences of burden associated with the practice of pastoral care in general. I categorized the broad themes that related to general burdens of providing care as: counter-transference (or “things that hit too close to home”), ethical conflicts, managing relationships, role ineffectiveness, and finally, “the things I wish I didn’t know.” Interestingly, the three themes that emerged as directly

relating to burdens associated with pastoral confidentiality have some overlap with the broad themes, though with somewhat different focus or emphasis. A thematic analysis of interviews identified three types of burdens associated with receiving confidential disclosures: 1) professional burdens associated with clarifying norms and standards for pastoral confidentiality in light of collegial, denominational and congregational norms; 2) ethical burdens created when the ethical value of pastoral confidentiality comes into conflict with another significant ethical value; and 3) structural burdens that result from serving in a designated confidential role, factors of the provider's identity, or contextual considerations about one's ministry setting. I examine these themes against the initial hypotheses with which I began the project.

Chapter 4 elaborates a process theological perspective that assumes a relational context for reality, and understands the nature of divine and human power as fundamentally bimodal (receptive and agential). I begin the chapter by establishing the relational basis of and processive structure to reality. Utilizing Bernard Loomer's description of power as the process of "giving and receiving influence" I critique classical theological views that depict divine power as absolute (and therefore necessarily exclusive). I suggest that the classical view contradicts scriptural accounts of human freedom, thereby diminishing the relational character of the divine human encounter. Characterizing both divine and human power as dynamically relational prompts me to provide an account for how the divine both offers and receives influence as well as how humans influence and are influenced by the divine.

This examination of power leads unavoidably to a consideration of justice; if power is dynamically relational and transactional, power transactions may optimize or diminish the quality, value and outcome of any relational exchange. Characterizing power in terms of creative or destructive relational dynamics allows me to analyze power in terms of its impact on supporting or increasing the well-being of creation, understood in this project as the central animating value of justice. I argue that relational justice secures an environment conducive to optimal power interactions, which contributes in turn to well-being by synergizing creativity and harmony. This view leads me to suggest that creativity derives from a balance of freedom and interpersonal connection, which can only be secured by trust in a context of relational justice. Therefore, if divine participation in reality seeks to harmonize freedom and connection toward creativity, as suggested by process relational thinkers, then it follows that justice remains a central theological value and optimal relational trust characterizes divine engagement with creation.

Drawing from Hebrew and Christian Scriptures I explore how the idea of covenant shapes the divine human encounter. Linking the idea of relational covenant to an understanding of optimal relational trust, I suggest that a covenant relationship with the divine invites us to actualize the synergistic values of love and justice through humble, whole-hearted integrity and commitment. I argue that a model of covenantal relationship in which the humble of heart join courageously together in doing justice and loving mercy optimizes relational trust and sustains the encounter of persons with one another, as well as within and between communities, creation and the divine. I introduce

psychological and philosophical views of trust in order to explore and explain the nature of and requirements for trust. This understanding of trust contributes to this project's understanding of covenantal relationship and sets the stage for articulating optimal relational trust as the most fruitful foundation for and expression of pastoral confidentiality.

Chapter 5 develops a pastoral theological model of confidentiality as optimal relational trust. I revisit the three dimensions of burden identified in Chapter 3—Professional, Ethical and Structural—in order to demonstrate the ways that a process relational view of bimodal power, covenant values of love and justice, and the requirements of trust can serve as resources to pastoral providers. Examples from interviews with research participants bring each theme to life, providing opportunities to apply the theological principles in a pastoral context. Drawing on the work of Stephen M. R. Covey I operationalize trust as a virtue and explore how effective bimodal exchange safeguards trustworthy transactions. I identify a congruence between the qualities that Covey associates with credibility and the qualities encouraged in scriptural accounts as conducive to covenantal relationships with the divine, including: congruence (responding to God with all of one's mind, heart and strength), humility (walk humbly with God), courage (necessary to justice), a motive of good will toward another (love one another), and an agenda for mutual benefit (love your neighbor as yourself). Combining these characteristics of trustworthiness provides a rubric with which to examine pastoral challenges in the context of the call to covenantal relationship.

My research participants suggested that a lack of clarity about the norms and standards for practicing confidentiality can contribute to the burden of confidentiality. This lack of clarity may come in the context of conversations between pastors, within a congregational staff or between pastor and congregation. I highlight some examples from the interviews when the norms governing pastoral confidentiality seemed unclear, and then ask what becoming trustworthy entails for each of these types of circumstances. I observed that those I interviewed frequently failed to make their questions about or expectations for confidentiality explicit. Becoming consciously aware of how confidentiality is (or is not) functioning in any given setting provides opportunities for further conversation and clarification. Interrogating one's own motivations and agenda—and even the motivations and agenda of others—for wanting information guarded or disclosed helps evaluate whether or not sharing information furthers or undermines one's trustworthiness and pastoral functioning. Motivations arising from unmet ego needs or insecurities, from interpersonal anxiety or suspicion, or from a desire for justice that lacks the balance of compassion can all be signals of caution for a pastoral provider. This model suggests that pastoral providers can be assisted in managing the professional burdens associated with confidentiality by explicitly clarifying expectations, attending to matters of motive and agenda, and asking how the functions of care can be served and furthered by balancing the efficacies of love and justice.

Ethical burdens arise for pastoral providers most often when the value of maintaining confidentiality seems to conflict or compete with another significant ethical value. In order to consider and frame the ethical dimensions of burden associated with

confidentiality I introduce the model of prima facie duties developed by W. D. Ross. Within this model, confidentiality coincides with the duty of fidelity. Based on the results from my interviews, pastoral providers most often feel conflicted when the duty of fidelity to the promise to hold something in confidence could lead to material, emotional or physical harm of another. A sense of duty to *prevent* harm (as differentiated from a duty to avoid doing harm or a duty to do good) causes pastoral providers some uncertainty with regard to their ethical and moral responsibility pertaining to confidentiality. I suggest that balancing the bimodal relational dynamics as well as the values of love and justice can contribute to maintaining optimal relational trust in light of ethical challenges and dilemmas. This model prompts pastoral providers to interrogate their own accountability and opportunities for agential power (of which disclosing information may be only one option among many) over and against the appropriate accountability and agency of care seekers. I return to the story of the congregant who confessed unethical business practices in order to examine how accountability and agency might have been balanced differently, providing some relief from the burden arising from the perceived ethical conflict. In this way the burdens associated with ethical dilemmas may be eased by reframing the choices in light of optimizing relational trust.

Finally, I explore how serving in a designated confidential role can contribute to the experience of burden for pastoral providers. One of the primary structural burdens associated with pastoral confidentiality includes a pattern of transactional imbalance I call receptivity fatigue. Receptivity fatigue can result from the content of disclosures, as

in those situations when pastoral providers hear things they “wish they didn’t know,” from receiving disclosures specifically because of some element of personal identity (such as gender, socio-economic class, sexual orientation, race and so on), or from simply feeling overwhelmed by the demand to serve in a receptive confidential mode. I suggest that optimizing relational trust in light of structural burdens requires pastoral providers to pay close attention to intra personal and interpersonal boundaries, including (once again) attending to appropriate accountability. Process relational views of bimodal power allow providers to analyze transactions in terms of how they diminish or contribute to well-being.

When human beings experience or perceive a threat our brains are designed to trigger an automatic fight or flight response. This defensive posture serves our well-being when faced with genuine threat. However, the human brain may perceive an experience of embarrassment, insecurity or confrontation as a threat, whether warranted or not. Pastoral providers who can expand their capacity to discern the difference can also expand their range of responses in times of stress, keeping their receptive mode open when a defensive response prompts withdrawal or aggression. I call on pastoral providers to discern strategies of self-care, including prioritizing how to use their time and energy in the face of multiple demands, how to utilize appropriate consultation for support, and how to partner with the divine and draw upon their community of faith to mitigate the effects of isolation that often accompany receiving confidential disclosures.

Pastoral providers carry burdens from receiving confidential disclosures. They do so because, in the words of Larry Graham, confidentiality provides “protected space” for

care seekers to unpack their own burdens, confusion, guilt and hurt in an effort to receive healing, guidance, sustenance, and liberation and seek relational reconciliation. This dissertation invites readers to examine the roots of pastoral confidentiality, the burdens from pastoral confidentiality, and the resources for practicing pastoral confidentiality in ways that optimize relational trust. Drawing upon the model of relational covenant I develop a pastoral theology for confidentiality that optimizes relational transactions by balancing agential and receptive modes of engagement through the efficacies of love and justice in humble, whole hearted partnership with the divine. This project seeks, through close examination of the dynamics and dimensions of pastoral confidentiality, to accept and extend the invitation, attributed to Jesus by the writer of the Gospel of Matthew: Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest. Take my yoke upon you, and learn from me; for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light.²⁶

²⁶ Matthew 11:28-30. Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press, 1991). I return to this verse in Chapter 5 of the dissertation and include more careful comment and attention to this verse in that section of the dissertation.

CHAPTER 2: WHERE WE BEGIN: CURRENT PRACTICES AND HISTORICAL PRECEDENTS

Norms for the practice of pastoral confidentiality vary widely between denominations, and have varied through history. In order to better understand current practices, this chapter begins by reviewing the origins of pastoral confidentiality and historical developments that impacted how confidentiality came to be practiced over time in different traditions. I review current pastoral care literature to establish what norms prevail in pastoral training and theological education. Throughout the chapter I provide snapshots of current norms operative in U.S. church contexts for practices of pastoral confidentiality as articulated through various denominational resources. My survey of current practices does not purport to be comprehensive, but rather attempts to convey in a broad sense some of the realities of the day as they relate to pastoral training and articulated standards for pastoral care providers.

Origins of Pastoral Confidentiality

The origins of pastoral confidentiality can be traced through two distinct lineages: ecclesial-theological¹ and legal. While the two lineages are separate, they can be seen and argued to have had a mutually influential relationship, especially during historical

¹ I utilize the term “ecclesial-theological” to indicate that both ecclesiology and theology shape and influence what comes to be taken as norms in different communities. Theologies are often grounded in particular ecclesial contexts and communities; ecclesiology and theology are mutually and interactively formed.

periods when nations or rulers had explicit commitments to a particular ecclesial-theological tradition. The clearest and most historically influential practice giving rise to current understandings of pastoral confidentiality can be directly traced to early Roman Catholic standards governing priests as they provided the sacrament of penance. In particular, I refer to what is commonly known as the *Seal of Confession*. I then address how the Seal of Confession fared in light of Protestant and Reformation movements in Britain and Europe, paying particular attention to how it was maintained, or challenged and changed as particular ecclesial-theological lineages develop. Thereafter, I turn our attention to the legal origins of and precedents for privileged (protected) communications, with which pastoral confidentiality has become increasingly (and at times problematically) entwined.

Seal of Confession

The Seal of Confession as it has developed in Roman Catholic practices of the sacrament of Penance strictly protects and guards the content of confessions and the identity of confessors with absolute secrecy. The earliest recorded grounds for the eventually articulated formulated doctrine of the Seal of Confession can be traced to the early church fathers in the Roman Catholic lineage of Christianity. Paulinus wrote that Ambrose (d. 397) “never revealed to any but the Lord” what had been divulged to him.² Bertrand Kurtschied asserts that St. Augustine (d. 430), especially in *Sermo 82*,

² John T. McNeill, *A History of the Cure of Souls* (New York: Harper and Row, 1951), 95.

“repeatedly emphasizes that he endeavors to heal secret sins in secret, without exposing them.”³

The Seal of Confession was given its first explicit papal articulation by Leo I, bishop of Rome from 440-461 C.E., as he directed priests against the practice of requiring public confession and assured them that secret confession to priests would suffice:

Clearly, concerning the penitence which is demanded by the faithful, one must not read publicly the notes of a written confession on the nature of each individual sin, since it suffices that the state of conscience be indicated in secret confession to the priests alone. Although one must praise that plenitude of faith which, through fear of God, does not shrink from blushing before men, yet since the sins of all those who seek penance are not of such a nature that they do not fear to have them published abroad, it is necessary to desist from this custom, of which one cannot approve, lest many be put off from availing themselves of the remedies of penance, either through shame or through fear of seeing revealed to their enemies deeds for which they may be subject to the action of the law. Moreover, that confession is sufficient which is made firstly to God, and then also to the priest, who prays for the sins of the penitents. Only then will many allow themselves to be summoned to penance, if the conscience of him who is confessing is not to be revealed to the ears of the people.⁴

Several elements of this passage are worth close attention. First, Leo directed the cessation of the practice of publicly reading the content of confessions in favor of keeping the content of confessions private. By inference we can conclude from this passage that the norm of keeping the content of confessions private or confidential was not always the case. Leo’s rationale for changing the norms of practice seems primarily concerned with anticipating and removing obstacles that might interfere with regular and

³ Bertrand Kurtschied, *A History of the Seal of Confession* (St. Louis, MO: B. Herder Book Company, 1927), 50.

⁴ Quoted by Max Thurian, *Confession* (London: SCM Press, 1958), 61-62, citing Migne, *Patrologiae cursus completus* (Paris, 1846), vol. 54.

full confession and penance by the faithful; publicly disclosing the content of confessions, he argued, gave rise to occasions of public shame and thereby armed a person's enemies with damaging information, including the possibility of legal prosecution. From this early account we see a clear articulation of an ecclesial-theological norm that charged clergy with maintaining the overarching priority of safeguarding souls from damnation without consideration for prevailing social norms or "action of the law."

Not much more can be found in historical documents regarding the Seal of Confession and its development until the 9th century C.E., by which time most historians agree that the Seal of Confession had become a norm of practice in the Roman Catholic Church. The first direct penal legislation associated with the seal appeared at the end of the 9th century C.E. in the *Poenitentie Summorum Pontificum*, canon 105, which states that any violation of the seal shall result in a priest being removed from his priestly office and sent into lifelong exile.⁵ This standard was reiterated in both the "Decretum" of the Gratian (who compiled and published the edicts of previous councils and the principles of the Church about 1151) and is stated in Canon 21 of the Fourth Lateran Council thus:

Let the priest absolutely beware that he does not by word or sign or by any manner whatever in any way betray the sinner; but if should happen to need wiser council let him cautiously seek the same without any mention of person. For whoever shall dare to reveal a sin disclosed to him in the tribunal of penance we decree that he shall not only be deposed from the priestly office but that he shall also be sent into the confinement of a monastery to do perpetual penance.⁶

⁵ Canon 105 is discussed by Richard S. Nolan, "The Law of the Seal of Confession," in *The Catholic Encyclopedia*, vol. 13, 649.

⁶ Nolan, "The Law of the Seal of Confession," in *The Catholic Encyclopedia*, vol. 13, 649.

For those familiar with the penitential system from the time of Tertullian to Gregory, use of the term “secret” may be confusing or misleading. In fact, the formal penitential system was both quite public and quite severe. Mortimer characterizes it thus:

The candidate for penance first asked to be admitted to the order of penitents. When this request was granted by the bishop, he was clothed in a special penitential robe, and joined the other penitents, in public worship, in a reserved part of the church... The period of penance varied from a long number of years (under Tertullian and Cyprian) to the forty days of Lent (under Pope Innocent I). During this time the penitent was required to observe strict continence, and to devote himself to prayers and almsgiving... [N]o one could be admitted to do penance twice.⁷

Individuals whose consciences were burdened by sin were allowed one single opportunity to enroll in the order of penitents and perform acts of public penance, often most severe in nature. While participation in the order of penitents and acts of penance could be publicly observed, we can assume that the specific content of each person’s confession was what became guarded by the priests through practice of the seal. Most historians agree that the system being practiced today by which individuals can avail themselves of repeated opportunities for private confession and comparatively mild forms of penance developed in Europe--following the practice of Celtic priests--by the end of the 6th century C.E. Though the norms for penance itself may have been quite public for a long period of time in Roman Catholic teaching and practice, historical records indicate that this absolute standard of secrecy for sins disclosed to a confessor by a penitent has remained largely intact and unwavering in Roman Catholic practice at least since the 9th century, if not since the time of the Church fathers up to the present day. The Roman

⁷ R. C. Mortimer, *The Origins of Private Penance in the Western Church* (Oxford, UK: Clarendon Press, 1939).

Catholic norm clearly states that priests may not abrogate the absolute nature of the seal even under the threat of imprisonment or harm.⁸

Recent controversies in the United States resulting from allegations of clergy sexual abuse have contributed to ethical and legal challenges to the practice of the seal and its standard of absolute secrecy. Many have come to perceive that the appeal to the seal in such cases (to protect priests who have harmed or are harming children) serves more to cover over wrongdoing by those with institutional power than as a safeguard for the conscience of the sinner before God. Particularly galling for many was the refusal of presiding authorities (most often bishops) to use their knowledge of a priest's wrongdoing gained through confession to remove offending priests from parish ministry. Whether such challenges to and assaults on the inviolability of the seal will have any effect of shifting this centuries-long norm has yet to be seen.

Luther's Challenges to the Catholic Penitential System

The German Reformation can trace its inception in large part to protests against the norms of practice that became associated with the Roman Catholic sacrament of penance and doctrine of confession during the Late Middle Ages. Specifically,

⁸ *The Code of Canon Law* (New York: Paulist Press, 1985), 691 states the following regarding the Seal of Confession:

Canon 983-1. The sacramental seal is inviolable; therefore, it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason.

-2. An interpreter, if there is one present, is also obliged to preserve the secret, and also for others to whom knowledge acquired from confession shall come in any way.

Canon 984-1. One who is placed in authority can in no way use for external governance knowledge about sins which he has received in confession at any time.

objections to the granting of indulgences⁹ were disseminated through the advance of the printing press, and gave rise to theological and political controversies that would forever change Western European societies. On All Saints eve in 1517 Martin Luther posted ninety five theses, *The Disputation of the Power and Efficacy of Indulgences* on a church door. The posting of the theses enjoined a debate about the theological grounds for doctrines and practices of confession, penance, and absolution--by which priests as agents of the Roman Church claimed sole authority to mediate matters of conscience (through the sacrament of penance) on behalf of Christian believers--that persists to this day.

Luther's theses began with the following two assertions:

⁹ "The whole concept of an indulgence is based on the medieval Catholic doctrine that sinners must not only repent of sins that they've committed, they must also confess these sins and pay some sort of retribution. [T]he problem with repentance and confession is that the only evidence you have of repentance is the sinner's claim to be repentant. Repentance is, like so many other Christian concepts, an internal state rather than an external action. The history of medieval Catholic doctrine is in many ways an attempt to find ways to present exterior signs for the interior state of the individual believer. So in order for an individual to demonstrate that he or she is truly repentant and not just mouthing the words, the concept of "temporal punishment" was invented. In other words, the sinner needed to undergo some punishment or task; the sin would not be expiated until this was accomplished. Part of this temporal punishment involved doing "good works," that is, deeds that are charitable such as feeding the poor or caring for the sick. A truly repentant person would show that repentance by behaving in the most charitable ways towards fellow human beings.

In the late thirteenth century, the church came up with the idea of indulgences. Here's the logic: since the expiation of sin involves temporal punishment and this temporal punishment involves the doing of good works, why not substitute *someone else's* good works for the good works you're required to do? Why not *pay* someone else to do the good works demanded of you as temporal punishment?

Church officials argued that clergy were doing more good works than they needed to; they had, you might say, more than good works in their spiritual accounts (which came to be known as the "Treasury of Merit") than they had sins to pay for. Why not sell them? So selling the good works of the church was precisely what the church did. With the approval of the pope, individual bishops could sell **indulgences** which more or less paid off any temporal punishment or good works that the individual believer had accumulated in the previous year. It substituted the good works of the Catholic clergy for the good works required of the individual believer. Proof of this substitution was in the indulgence itself, which was a piece of paper, like a piece of money or a check, that certified that the good works of the clergy had paid off the "good works debt" of the individual believer." (<http://www.wsu.edu/~dee/GLOSSARY/INDULGE.HTM>, Richard Hooker, 1996.)

1. Our Lord and Master Jesus Christ, when He said *Poenitentiam agite*, [*“Repent”*] willed that the whole life of believers should be repentance.
2. This word cannot be understood to mean sacramental penance, i.e., confession and satisfaction, which is administered by the priests.¹⁰

Luther, having been assisted through his own deeply personal struggle with repentance and justification by his monastic senior John Staupitz, became convinced that the scriptural references to repentance and penance signaled an inner transformation. He concluded that the Roman Catholic practice of the sacrament of penance had become focused on performance of outward actions, as evidenced by papal authorization of the practice of indulgences.¹¹ Luther’s criticisms of Roman Catholic practices of confession were not limited to the practice of indulgences. Luther objected to the compulsory guidelines for confession, both in terms of timing and instructions. That persons were directed to confess *annually* seemed to him an arbitrary and counterproductive practice; repentance was supposed to become an ongoing life-long process of transformation for believers and not an occasional matter.¹² He also objected to the requirement to confess “hidden” or “unknown” sins, which he took not so much to be too high a standard, as too impossible of one. He observed that such a requirement often resulted in counterproductive levels of punctiliousness and over-reliance on one’s own actions, rather than upon God’s abundance of mercy and transformative grace.

¹⁰ Martin Luther, “*The Disputation of the Power and Efficacy of Indulgences*” in *Works of Martin Luther*, Vol. 1, translated and edited by Adolph Spaeth, L.D. Reed, Henry Eyster Jacobs, et al. (Philadelphia, PA: A. J. Holman Company, 1915), 29-38.

¹¹ John T McNeill, *A History of the Cure of Souls* (New York: Harper and Row, 1951), 163-167.

¹² *Ibid.*, 165.

Given Luther's vigorous assault on the Roman Catholic doctrines and practices of the sacrament of penance and confession, one might incorrectly assume that Luther advocated abolishing the role of the confessor (and thereby also the need for the seal). He did not. He retained a deep appreciation for the transformative power of personal confession. He wrote in *Babylonian Captivity*:

Of private confession I am heartily in favor... It is a cure without an equal for distressed consciences. For when we have laid bare our conscience to our brother and privately made known to him the evil that lurked within, we receive from our brother's lips the word of comfort spoken by God himself; and if we accept it in faith, we find peace in the mercy of God speaking to us through our brother.¹³

What should be noted from the passage above are two particular elements that concern this study: first, that Luther commends confession that is *private* and second, that it can be made to a *brother* (sic). According to Bush and Tiemann, Luther passionately defended upholding the practice of the seal:

Within the church's sphere of authority we deal in secret with the conscience and do not take its jurisdiction from the civil estate. Therefore people should leave us undisturbed in our sphere of authority and should not drag into their jurisdiction what we do in secret. I, too, have given secret advice, and because the matter was secret, the advice was justly given in this way. If the affair comes under the jurisdiction of civil authority later on, we know nothing of it. Nor shall they drag us into the case.¹⁴

The second aspect deserving attention from the passage above marks the change under Luther that confession can be made to any believer, not only one designated as priest or pastor. As we see in this passage and is in keeping with the passage earlier

¹³ Quoted by John T. McNeill, *A History of the Cure of Souls* (New York: Harper and Row, 1951), 167.

¹⁴ Bush and Tiemann, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 65 quoting Ewald Plass, *What Luther Says*, Vol. 1 (St. Louis, MO: Concordia, 1959), 333.

attributed to Pope Leo, Luther also maintained that matters which arose in the context of the community of faith, and which specifically addressed matters of a believer's "conscience" should remain under the church's sphere of authority and be kept quite separate from civil jurisdiction and processes. By that interpretation, no believer who had heard the confession of another, counseled him or her in confidence (secret) should be compelled by nor allow themselves to become involved in processes and cases undertaken by civil authorities about matters addressed in confession.

Though Luther's legacy has resulted in several different Lutheran denominations, each has upheld Luther's teachings on confession and the Seal of Confession as authoritative. In 1960 two branches of Lutherans in the United States issued statements reaffirming the Lutheran practice of confession and the keeping of such confessions in confidence. The American Lutheran Church's statement articulates its position and rationale thus:

WHEREAS it has long been recognized that a part of the ministry of pastors of the Lutheran church is to hear confessions, to counsel with persons, and to give advice, comfort and guidance to those who seek it; and

WHEREAS it is imperative that, in order for such ministry to be effective, all such communications made to the pastor should be kept in the strictest confidence and should be disclosed to no one without the specific consent of the person making the communication; and

WHEREAS it is a part of the traditional discipline and practice of the Lutheran church that a pastor should hold inviolate all communications made to him in his capacity as a pastor; therefore,

BE IT RESOLVED: (1) That the Church Council recognizes and reaffirms that a part of the ministry of a Lutheran pastor is to counsel with persons, to receive their confessions, and to give advice, comfort, and guidance to those who seek it; and

(2) That the Church Council recognizes and reaffirms that it is part of the traditional discipline and practice of the Lutheran church that the pastor hold inviolate and disclose to no one the confessions and communications made to him

as a pastor without the specific consent of the person making the communication.¹⁵

A contempt citation in 1973 against a Lutheran lay Director of the Division of Social Service of the American Lutheran Church led the denomination to update their constitution in 1981 to include language whereby “lay persons elected as an officer or as a member of national or district staff of this Church” were also charged with holding confessional and other communications “inviolable” and in confidence according to the “traditional doctrine and practice of the Lutheran church”. While these policies and directives hold no official legal status, they do form the basis upon which persons in the role of providing care within this tradition could make a legal argument for the protection of privileged communication.¹⁶

Confession in the Reformed Churches

The Reformed church tradition (also known as “Calvinism” after French reformer John Calvin) became another major branch of the Protestant Reformation.¹⁷ Calvin delineated several pathways for confession, depending upon the nature and circumstance of the associated sin, which differ somewhat from Luther’s theology and statements regarding confession. Calvin exhorted believers to confess their sins “daily in your soul”,

¹⁵ Bush and Tiemann, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 66 quoting *Minutes of the Church Council of the American Lutheran Church* (Minneapolis, MN: Augsburg Publishing House, 1960), 16.

¹⁶ Ibid., 67-68.

¹⁷ In addition to Calvin, the reformed movement was advanced by theologians such as Martin Bucer, Heinrich Bullinger, Peter Martyr Vermigli, and Huldrych Zwingli and also influenced by English reformers such as Thomas Cranmer and John Jewel and Scottish reformer John Knox. However, for the purposes of this study I will concentrate on those statements forwarded by Calvin regarding confession and secrecy. Statements by Reformed churches and denominations are then provided as historical developments within the Reformed tradition.

or directly “to God, who cures them.” He acknowledged the precarious circumstance of confessing to others, stating that “fellow servants...may reproach you.”¹⁸ In general, influential theologians of the Reformed tradition held that individuals should avail themselves of individual and private confession to God and opportunities in the course of public worship to confess their sin into which every human is inextricably born (as interpreted in the doctrine of original sin). Additionally, opportunities for corporate confessions during public worship addressed guilt common to the community of faith, which had become evident in the course of public events. Calvin also supported public confessions of public sins, the category under which many crimes might reasonably be included. Calvin wrote that, “If any man offend against the whole church, Paul enjoins that he be publicly reprov’d, so that even elders shall not be spared... (I Timothy 5:20).”¹⁹

In Calvin’s schema, private confessions to another person were of two types, and only recommended for particular circumstances: to a “brother [sic] in faith” or minister of the Word (preferably) for those occasions for which a sinner might need consolation and the assurance of forgiveness. Calvin held that a minister of the Word was best equipped to provide such assurance and consolation, not as a “Keeper of the Keys”, but as a faithful servant of the Word. He grounded this practice by referencing scriptural admonition found in James 5:15: “Confess your sins to one another.” The second reason

¹⁸ John Calvin, *Institutes of Religion*, vol. 1, trans. John Allen (Philadelphia, PA: Presbyterian Board of Christian Education, 1936), 690.

¹⁹ John Calvin, *Commentary of a Harmony of Evangelists, Matthew, Mark and Luke*, vol. 2, trans. William Pringle (Grand Rapids, MI: Wm B Eerdmans Publishing Co., 1949), 342-353.

for confession to another resulted from having wronged or sinned against that person. He tied this practice to the scripture found in Matthew 5:23-24 in which believers are instructed to be reconciled to one another before offering gifts at the altar for God.²⁰ Likewise, Calvin interprets Matthew 18:15, which encourages those who have been wronged by another to confront the one who sinned against them *in private*. Calvin argued that these provisions for privacy were established by Christ to temper the human weakness “driven by ambition to publish with excessive eagerness the faults of their brethren.” Calvin asserts that Christ “meets this fault by enjoining us to cover the faults of brethren, as far as lies in our power.”²¹ Bush and Tieman argue that Calvin’s writings do not lead one to conclude that Calvin, like Luther, would have been as scrupulous about protecting the confidences of a *public* (emphasis mine) offender. They still conclude that in matters of private confession, Calvin would likely not have mentioned the matter to anyone else.²²

Few historical references specifically to the seal can be found in subsequent writings of Reformed Churches or theologians. Two exceptions stand out. The Reformed Church of France issued a statement in the Synod of 1612, which forbids ministers from disclosing to magistrates crimes declared by those who come for counsel and consolation (the sole exception being for cases of high treason). The reasoning

²⁰ John Calvin, *Institutes of Religion*, vol. 1, trans. John Allen (Philadelphia, PA: Presbyterian Board of Christian Education, 1936), 695.

²¹ John Calvin, *Commentary of a Harmony of Evangelists, Matthew, Mark and Luke*, vol. 2, trans. William Pringle (Grand Rapids, MI: Wm B Eerdmans Publishing Co., 1949), 342-353.

²² Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 72.

provided sounds quite familiar, “lest sinners be hindered from coming to repentance, and from making a free confession of their faults.”²³ This provision did not survive the subsequent persecutions of ministers of the Reformed Churches. The other explicit reference to the seal is found in the Yale lectures, *The Cure of Souls* given by John Watson (Ian McLaren) in 1896. In the course of providing guidelines for ministers in the course of personal interviews, he writes: “The pastor is to avoid every temptation to mere curiosity and meddlesomeness, and to treat confidences as inviolably sacred.”²⁴

This standard seems to have held in more contemporary practices of the Reformed church tradition both in Europe (as evidenced by the promise made by ministers at their consecration to “keep secret those confessions which may be made for the quieting of conscience”) and in the U.S. as evidenced by statements issued by various Presbyterian church governing bodies. In 1981 the General Assemblies of both the United Presbyterian Church in the U.S.A. and the Presbyterian Church in the United States reaffirmed previous stands on confidential communications. The United Presbyterians voted to affirm the statement: “That all ministers under the jurisdiction of the United Presbyterian Church in the United States of America are hereby instructed that it is their spiritual and professional duty to hold in confidence all matters revealed to them in the counseling ministry, and that being called to testify in a court of law does not negate this sacred obligation, the law of God being prior to the laws of human courts.” The

²³ John T. McNeill, *A History of the Cure of Souls* (New York: Harper and Row, 1951), 209.

²⁴ Ibid., 259-260.

Presbyterian Church in the United States ratified a similarly worded guideline.²⁵ When the two churches united to form the Presbyterian Church (U.S.A.), the 199th General Assembly approved a resolution that

Reaffirms the historic position of the Presbyterian Church that it is a spiritual and professional duty of clergy to hold in confidence matters revealed to them in their counseling, caring and confessional ministries, and that being called to testify in a court of law does not negate this sacred obligation, the law of God being prior to the law of human courts.²⁶

Though Calvin can be read as not scrupulously protecting confidences where public sins were concerned, the churches in the United States that claim this lineage have developed and articulated clear standards and norms for Presbyterian clergy protecting the confidentiality of private disclosures.

The Seal Under Anglicanism

The understanding and practice of confession and penance shifted significantly in the Anglican expression of the Reformation. Anglicans, like their Lutheran Reformation counterparts, did not require private auricular confessions to a priest at mandated intervals or specified times. Confession in the Anglican communion became more explicitly a matter of individual conscience voluntarily confessed to God in private or communal prayer and for which absolution was declared during worship. Nonetheless, Anglicans recognized that in the course of life individuals might perceive the need for and value of unburdening one's conscience to a priest of the Church for comfort (through

²⁵ Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 73-74.

²⁶ "A Resolution on Clergy Confidentiality," Report of the Advisory Council on Church and Society, *Minutes of the 199th General Assembly* (New York, NY and Atlanta, GA: Office of the General Assembly, 1987), 344.

an assurance of absolution/pardon) and wise counsel. John McNeill cites a passage addressing this from the first post-Reformation *Book of Common Prayer* in England:

And if there be any of you whose conscience is troubled or grieved in anything, lacking comfort or counsel, let him come to me, or to some other discreet and learned priest, taught in the law of God, and confess and open his grief secretly, that he may receive such ghostly counsel, advice and comfort, that his conscience may be relieved, and that of us (as of the ministers of God and of the Church) he may receive comfort and absolution, to the satisfaction of his mind, and avoiding of all scruple or doubtfulness.²⁷

The Canons of 1603 remain the only historical reference to the *duty* of Anglican priests to uphold the Seal of Confession. As part of Canon 113, which addressed the “suppression of evil” by instructing parsons, vicars or curates administering each parish to disclose crimes and wrongdoings committed in the parish to the Ordinary, the Seal of Confession (*italics mine*) is retained as an exception to such disclosures. In other words, if sins were made known in the course of a penitential confession during which spiritual consolation and guidance were sought, such disclosures were not to be disclosed further, but kept in secrecy.²⁸

The statutes of common law in England, held over from Catholic norms of pre-Reformation practice, prevailed for some period of the Reformation protecting the privilege of penitent-clergy disclosures from being called into evidence in judicial proceedings. Whether under Puritan rule when the *Book of Common Prayer* was

²⁷ Quoted by John T. McNeill, *A History of the Cure of Souls* (New York: Harper and Row, 1951), 220 from the 1549 *Book of Common Prayer*, the Communion Office of the Anglican Church.

²⁸ Canon 113 of Anglican Church is discussed by Richard S. Nolan, “The Law of the Seal of Confession,” in *The Catholic Encyclopedia*, vol. 13, 655. This duty to uphold the seal was granted one caveat of exception, namely for cases in which *knowledge* of the crime confessed could subject the confessor to capital punishment for not disclosing it.

replaced by the Westminster Assembly Directory for Worship through an Act of Parliament, or under Charles II (to prevent Puritan ministers withholding secrets from royal tribunals), the privilege of protected confessional disclosures was withdrawn in England sometime during the 17th century.²⁹ Though the civil statutes and protections in England for the Seal of Confession were not retained through the religious and political upheavals in England, they did find their way into the practices and norms of the Episcopal Church in the United States.

The General Convention of the Episcopal Church in the United States adopted a new *Book of Common Prayer* in 1979. A rubric for the “Rite of the Reconciliation of the Penitent” was included, which carries the force of canon law. It states, “The content of a confession is not normally a matter of subsequent discussion. The secrecy of a confession is morally absolute for the confessor and must under no circumstances be broken.”³⁰ In “A Memorandum on ‘Privileged Communications’ in The Episcopal Church” from the Presiding Bishop addressing in part this rubric, the Seal of Confession is reiterated in its conclusion:

Notwithstanding any restraints, demands, or privileges imposed or conferred by civil law, the clergy of The Episcopal Church are bound to the secrecy of the confessional and the inviolate priest-penitent relationship. The obligation rises above the demands of the civil legal system.³¹

²⁹ Bush and Tiemann, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 58-60.

³⁰ Richard Nolan, “The Law of the Seal of Confession,” *The Catholic Encyclopedia*, vol. 13, 652.

³¹ “Memorandum on ‘Privileged Communications’ in The Episcopal Church,” The General Convention of The Episcopal Church, N.Y. (n.d.), 3.

So, while the occurrences of individuals seeking the formal private rite of confession and penance may remain relatively uncommon in practice compared to the norms of confession in private and communal prayer among Episcopalians in the U.S., the Seal of Confession is upheld for Episcopalian clergy as a standard of practice.

Developments in Methodism

Though Anglican throughout their lives, John and Charles Wesley were leaders of a student evangelical group “the Holy Club” at Oxford, derisively dubbed the “Methodists” by their detractors. As an Anglican priest John Wesley, riding on horseback throughout Great Britain and Ireland, committed himself to preaching justification by grace—a theme shared in common among reformers. He organized “bands” and later local societies or “cells”, which were in turn divided into smaller classes of twelve members each. The bands were established for those persons who “needed to pour out their hearts” to one another.³² Both the “bands” (groups established for mutual confession and discipline) and the classes (subsets of the larger societies) were designed for the faithful through Methodism “to help each other work out their salvation”³³ through an engaged system of mutual care.

Wesley approved (along with Luther and Calvin) of the confession of sins “to a spiritual guide for the unburdening of the conscience.” As was also the case with other reformers, he did not support the practice of requiring, making obligatory or compulsory regular auricular confession. He believed that while the former represented “a useful

³² John T. McNeill citing John Wesley in *A History of the Cure of Souls* (New York: Harper and Row, 1951), 279.

³³ *Ibid.*, 279.

means”, the latter was instead “a dangerous snare.”³⁴ Though Wesley came into the Reformation through the Anglican route, his understanding of what constituted useful means regarding personal disclosures toward the goal of salvation and perfection through grace differs radically than that of a more strictly sacramental understanding. That said, it seems clear that Wesley himself was deemed trustworthy to receive such disclosures by scores of individuals throughout his ministry and life. Without evidence to the contrary, it seems likely that he managed such disclosures discretely.

Though never intending to establish a new denomination, his efforts gave rise to communities of faith that emphasized another prevailing theme of the reformation: “the priesthood of all believers.” One might expect, given the ethos of mutual confession and care, that an emphasis to uphold the seal would not have found its way as strongly into Methodist doctrine. However, the largest of the denominations that formed under Wesley’s influence, the United Methodist Church, states in its 1980 Book of Discipline: “Ministers of the United Methodist Church are charged to maintain all confidences inviolate, including confessional confidences.”³⁵

Confessions and Confidentiality in the Anabaptist/Free Church Movements

Perhaps the most significant shift in practices and confession and the attending expectations of confidentiality can be viewed in the developments of the Anabaptist and Free Church movements. Though not homogenous in their origins, practices, or

³⁴ Ibid., 280.

³⁵ *The Book of Discipline of the United Methodist Church, 1980* (Nashville, TN: The United Methodist Publishing House, 1980), chap. 4, sec. V., paragraph 440:4.

interpretations of how to live faithfully, these groups do share some important characteristics. The Anabaptists and Free Church movement ultimately rejected infant baptism, supporting instead a “believers” baptism after the age of consent. Due to the long history of persecution by state and state supported religious authorities, many of these groups developed a strong position advocating for separation of church and state to insure freedom in matters of conscience and religious practice. Congregational governance also characterizes many of these groups, who reject structures of governance beyond the individual congregation. As Anabaptists persecuted in England and Europe found their way to America, the Free Church movement in the U.S. expanded beyond the Puritan Congregationalists and Presbyterians. Groups arising in response to revival fervor on the frontier joined English and European Anabaptists; Disciples of Christ/Christian Church, the Churches of Christ, Pentecostal churches, and other “Bible-based” churches form this broad and variable third branch of the Protestant Reformation.

In addition to practicing baptism at the age of consent and the rejection of supra-congregational organizational structures, these groups also share in their reliance on biblical scripture to articulate guidelines for individual and corporate body of believers; biblical scriptures were seen to replace written creeds and doctrines in an attempt to “restore” the model of communities of faith extant in the New Testament record. This effort to “restore” or “return to” New Testament standards eventuated in some significant developments in how confessions came to be understood and practiced in these traditions, not least of which is that the doctrine of the seal of confession is not mentioned nor used as an explicit standard by these groups. As a general rule, and in keeping with much of

the teaching among Protestant Reformers, individuals in Anabaptist and Free Church contexts took confession to be a private matter between a believer and God mediated primarily through one's prayer life. In addition to personal practices of confession in the course of private or corporate prayer, the Anabaptists and Free Church movements developed a distinctive approach to church discipline.

Drawing on biblical resources³⁶, most prominently verses in Matthew Chapter 18, these groups promoted face to face confrontations, confessions, and repentance so that reconciliation and restoration within and to the community of faith could be accomplished. Depending on the circumstances, these confrontations could take place privately between specific individuals (as in the case of one having wronged another), with a small number of witnesses, up to and including confrontations and confessions made before the entire congregational community. Though this type of discipline also developed in other branches of the reformation (Reformed churches in particular), the emphasis on the authority of the *community* in matters of discipline established an

³⁶ Matt. 18: 15-20: "If any member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word can be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector. Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven."

In I Cor. 5 Paul addresses the congregation at Corinth and challenges them to judge the immoral among them and to exclude the unrepentant from the community and not associate further with that person.

In II Thess 3 Paul warns the Thessalonians not to tolerate the idle among them and those who are not living in accordance with the model provided by Paul. Verses 14-15 state: "Take note of those who do not obey what we say in this letter; have nothing to do with them, so that they may be ashamed. Do not regard them as enemies, but warn them as believers."

John 20:23: "If you forgive the sins of any, they are forgiven; if you retain the sins of any, they are retained." (New Revised Standard Version Bible, Anglicized Edition, copyright 1989, 1995, Division of Christian Education of the National Council of the Churches of Christ in the United States of America. Used by permission. All rights reserved.)

altogether different standard of practice to consider. Confessions to the entire community, which was vested with the power to bind or release sin, makes the most clear and significant break in practice from that used for centuries—in which the content of confessions remained confidential, except to a single confessor.

We can identify similarities in these types of confession taking place in the context of the immediate community of faith with the practices and norms established by John Wesley for the small community “bands” or “cells” in which believers were encouraged to confess their sins to one another, that they might continually grow in grace. These practices did eventuate in congregations in the Anabaptist/Free Church lineage establishing explicit guidelines—again grounded in biblical scripture—for confidentiality to be maintained regarding the business of the community and the individuals therein. Statements found in the Anabaptist document, “Discipline in the Church at Rattenberg” (1527) are illustrative on these points:

In the third place: when a brother or sister leads a disorderly life, it shall be punished: if he does so publicly [he] shall be kindly admonished before all the brethren (Gal. 2, 6; I Cor. 5; II Thess. 3); if it is secret it shall be punished in secret, according to the command of Christ (Matt. 18)...

In the ninth place: what is officially done among the brethren and sisters in the brotherhood [or “is judged”] shall not be made public before the world.³⁷

The impulse for treating matters internal to the congregation confidentially resulted, in part, from historic patterns of persecution of these groups by civil or state sponsored religious authorities. As a matter of practice denominations within this broader grouping generally accept the role and authority of civil authorities and make

³⁷ William L. Lumpkin, *Baptist Confessions of Faith* (Philadelphia, PA: Judson Press, 1959), 33 and 34.

clear that abiding by laws and “granting to Caesar what is Caesar’s” is encouraged by biblical scripture. However, these groups would assert that the law of God remains “prior” to civil law as well as the ultimate authority in matters of individual and corporate conscience.³⁸ For these reasons, churches in the Anabaptist and Free Church traditions often address and resolve matters of behavior and conscience within the congregational body, without appeal for assistance or intervention from civil authorities. One example can be read in parts of the Baptist Bible Union’s articles of faith adopted in 1921:

We believe that a church of Christ is a congregation of baptized believers (a) associated by a covenant of faith and fellowship of the gospel;... (d) exercising gifts, rights and privileges invested in them by His word;... (g) we hold that the local church has the absolute right of self government, free from the interference of any hierarchy of individuals or organizations; and that the one and only superintendent is Christ, through the Holy Spirit;... (i) on all matters of membership, of polity, or government, of discipline, of benevolence, the will of the local church is final.³⁹

The very fact that independence in matters of congregational governance remains a founding and central characteristic of this broad group gives rise to the possibility of a multiplicity of practices and norms and the likelihood that these churches may treat interpersonal disclosures and disclosures within their community in varying ways. Other than a shared reliance on statements found in biblical scripture, there exist few other explicit or written guidelines for clergy, church leaders, and members to follow regarding

³⁸ For the historic peace churches, for example, this conviction has prompted conscientious objection to serving in the military, participating in any war efforts, or even to paying taxes designated for war making purposes. Religious leaders and religious people in the U.S. (not only from this branch of the Reformation, though certainly having been influenced by it) have a long history of participating in other forms of civil disobedience as well as speaking against practices they see in conflict with scriptural teaching.

³⁹ William L. Lumpkin, *Baptist Confessions of Faith* (Philadelphia, PA: Judson Press, 1959), 388.

how to treat personal confessions and other disclosures of a highly personal nature. A statement in 1978 by the Executive Committee of the General Board of the American Baptist Convention provides one of the few “denominational” statements available from within the Anabaptist/Free Church tradition of churches.

The effective pastoral counseling of the ministry depends upon the assurance of those who seek it that the information they reveal in confidence to their pastoral counselor may be given with full freedom. The American Baptist Church in the U.S.A. expresses its conviction that such confidential, spiritual communications to its ministers should have the status of privileged communications.

The American Baptist Church in the U.S.A. further declares that, whether or not appropriate statutes are enacted, it is a principle with us that any of our number (emphasis mine) who receive confidential information in the course of responding to a request for spiritual counseling is not morally obligated to disclose it without consent of the other party.⁴⁰

These significant differences in the character and practice of confessions—from the practice of auricular confessions of a sinner to a priest or a pastor, practiced for the centuries preceding the Protestant Reformation and upheld in many of the Reformation traditions—give rise to critical theological and legal questions about the understanding and practice of the principle of confidential communications that will be considered further in the course of this study.

Legal Considerations: Where Church and State Meet, or Collide

The legal system in the United States was established and remains primarily based on standards from English Common Law. Obviously, these standards have been further developed and built upon through the passing of state or federal statutes by appropriate

⁴⁰ “American Baptist Policy Statement on Privileged Communications,” *Minutes of the Executive Committee of the General Board*, American Baptist Churches, U.S.A., June 19, 1978.

legislative authorities. All laws enacted through the adoption of common law or the passing of statutory law remains subject to the highest standard for law in the United States: the Constitution of the United States. As any legal scholar can tell you, statutes are often referred to courts for interpretation and clarification. Likewise, court rulings continually contribute to and shape what becomes the evolving body of common law. For the purposes of this study, I will focus our attention on the specific areas of law that pertain most clearly to practices of pastoral confidentiality: the first amendment to the U.S. Constitution and statutory laws that govern “Rules of Evidence.”

As has already been noted, many religious dissidents fled England and Europe seeking safe haven in the American colonies, which provided relief from persecution by state or state sponsored religious authorities. In fact, one would be quite right to assume that the principles that took hold in the colonies and were eventually articulated in the first amendment to the U.S. Constitution directly result from the early settlers’ experiences of religious persecution and the concomitant desire for freedom of conscience in matters of religious faith and authority.⁴¹ The first amendment ratified on December 15, 1791 states, in part, that: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;...”. One can anticipate, both from the wording of the amendment itself and the inevitable necessity to

⁴¹ One would be incorrect, however, to read this history as altogether utopist in terms of religious tolerance. Differences between Christian sects led to persecutions up to and including imprisonment and execution of those viewed as “heretics” within specific colonies (Massachusetts was a prominent example). Moreover, settlers to the colonies did not recognize this principle of religious freedom to extend to those native to the land; American Indians were often persecuted and killed, quite literally viewed as “heathen” and therefore not afforded basic respect or protection under the law.

negotiate the scope and limits of both civil and religious authority, that tensions and conflicts from this arrangement seem unavoidable.

The first concern taken up in the first amendment to the U.S. Constitution outlines what has come to be known as the principle of the “separation of church and state.” This is articulated through two separate clauses, the first of which is commonly referred to as the “(non-)establishment” clause and the second of which has been dubbed the “free-exercise” clause. The “(non-)establishment” clause has been interpreted both as prohibiting the state from establishing a particular religion or sect as the official religion of the “state” as well as preventing the privileging of any one religious tradition or sect over any others in government programs, policies and decisions. The “free exercise” clause, broadly speaking, guarantees non-interference by the state in the practices of religious individuals or communities to the degree that the state cannot prove relevant civil or state interest.⁴²

Rules of evidence derived from Common Law historically recognized two types of relationships important to civil or societal interests, and so exempted persons in these relationships from offering evidence in criminal or civil courts. Attorney-client communications constituted the first type of privileged communications, upon which legal processes themselves depended. Common law also privileged spousal communications or communications between husband and wife.⁴³ Because there are few

⁴² See online resources: http://www.firstamendmentcenter.org/rel_liberty/establishment/index.aspx and http://www.firstamendmentcenter.org/rel_liberty/establishment/index.aspx for further information and relevant case law.

⁴³ *American Jurisprudence*, vol. 58 (San Francisco: Bancroft-Whitney Company, 1948), 220-224, 259-277.

cases in the history of English common law to protect and thereby “privilege” communications between priests and parishioners, what came to be known as the “priest-penitent” or later as “clergy” privilege was established primarily through the enactment of state statutes, thereby exempting certain confidential communications to clergy from being called into evidence.⁴⁴ However, the rules governing evidence for civil claims, criminal or federal cases, and Grand Jury inquiries⁴⁵ differ dramatically and do not all fall under the same rules of evidence.

The United States Congress passed into law *Federal Rules of Evidence* January 2nd, 1975. Those rules were amended and most recently updated on December 31, 2004. Public Law 93-595, Article V, Rule 501 states:

Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience. However, in civil actions and proceedings, with respect to an element of a claim or defense as to which State law supplies the rule of decision, the privilege of a witness, person, government, State, or political subdivision thereof shall be determined in accordance with State law.

⁴⁴ Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 102. These statutes vary from state to state, and in addition are subject to the interpretations of jurists. For a fuller treatment of relevant legal concepts and communications to clergy under Common Law, see Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 95-119.

⁴⁵ The likelihood that pastoral communications will become the subject or evidence in a Grand Jury investigation or inquiry are quite remote, and are therefore not elaborated further in this chapter. Suffice to say that Grand Juries are granted wide latitude by the U.S. Constitution and are not governed by the same rules of evidence as civil and criminal matters. In all likelihood, clergy communications would not be granted protection as privileged communications. For one examination of a Grand Jury investigation involving a claim of privilege for communications with clergy, see “Tell All or Go to Jail: A Dilemma for the Clergy” by Dean M. Kelley published in the *Christian Century* (January 30, 1974): 96-100.

This law basically provides that in federal and criminal cases, privilege is to be determined by the standards of common law, which have historically been more ambiguous, if not restrictive in terms of granting privileged status to communications to clergy. The good news is that as the body of judicial rulings unfolds, a new standard of common law is evolving, which may more readily presume privileged status for disclosures to clergy. An example of this type of ruling can be seen in *Trammel v. U.S.* in which a criminal matter was being heard. The court granted privileged status to the communications to a clergy person, explaining that in the court's opinion the clergy-privilege was "rooted in the imperative need for confidence and trust. [It] recognizes the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return."⁴⁶

Trammel v. U.S. notwithstanding, communications to clergy in federal and criminal cases may not be automatically granted the protection of privileged status as one could more consistently expect in civil cases. Civil cases are generally governed by rules of evidence established by state legislative bodies. According to Bush and Tieman, all fifty states, several territories and at least two provinces in Canada have enacted statutes protecting the "priest-penitent" or "clergy" privilege for confidential communications.⁴⁷

James Henry Wigmore, in his multi-volume *Treatise on the Anglo-American System of*

⁴⁶ 445 U.S. 40, 63 L. Ed. 2d 186, 100 S. Ct. 906 as cited in Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 149.

⁴⁷ For a fuller treatment of statutory law and relevant cases, see Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989) 121-151.

Evidence in Trials at Common Law, argued that the priest-penitent relationship met the conditions that warrant special consideration under the law. Specifically, he articulated four conditions for legitimate privilege:

- (1) The communications must originate in confidence that they will not be disclosed;
- (2) This element of confidentiality must be essential to the full and satisfactory maintenance of the relation between parties;
- (3) The relation must be one which in the opinion of the community ought to be sedulously fostered; and
- (4) The injury that would inure to the relationship by the disclosure of the communications must be greater than the benefit thereby gained for the correct disposal of litigation.⁴⁸

We can identify in Wigmore's argument elements with which the early Church Fathers and subsequent Protestant reformers would wholeheartedly agree.

These statutes share some common characteristics, based largely upon the components of the first statute granting privilege to clergy communications passed in New York state in 1828. In those statutes most strictly or narrowly construed, communications granted the privilege typically must be (1) made to ministers, priests, or rabbis; (2) in their professional capacity; (3) confessions; (4) in the course of discipline enjoined; (5) by the rules of practice of the denomination to which they belong, which must themselves stipulate a requirement for confidential communications; (6) made by a member of one's own denomination, thereby sharing the same discipline and practices with the clergy person.⁴⁹ These most strictly applied standards have been broadened in

⁴⁸ Wigmore, *Evidence*, vol. 8, (1940), §2285. (See expansion in §2396.)

⁴⁹ See Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 102 and Dean M. Kelley, "Tell All or Go to Jail: A Dilemma for the Clergy," in the *Christian Century* (January 30, 1974):96-97.

some state statutes. However, statutes vary from state to state. Moreover, one can immediately recognize that the pluralism of U.S. religious groups makes the identification of “clergy” (above named as “ministers, priests, and rabbis”) challenging, as it would also be to specify the meaning of “denomination”. Common law provides no definitions for “clergy”, “church” or “religion”. Interestingly enough, guidelines established by Congress for the Internal Revenue Service have been the most specific in attempting to delineate what qualifies as a “church”, while courts have shifted from normative Christian understanding to one more recently that relies upon “common understanding”.⁵⁰ These questions are not irrelevant, as many courts have tended to require that all the elements be met in order for the privilege to pertain.

In one highly publicized and controversial case Father William Rankin, an ordained Episcopal priest, received a parishioner’s disclosure of embezzlement from some of the congregation’s accounts.⁵¹ In the criminal proceedings, the defendant’s lawyer attempted to argue that the evidence for the charge was discovered due to the violation of the priest-penitent privilege, which he argued should therefore be disallowed as evidence. The judge found no privilege in effect as the parishioner both consented to the disclosure to the wardens of the congregation and because the disclosure was made outside the ceremony of the “Reconciliation of a Penitent” as outlined in the prayer book. The defendant then sued in civil court for damages resulting from divulging what she

⁵⁰ Bush and Tieman, *The Right to Silence: Privileged Clergy Communication and the Law*. 3rd ed. (Nashville: Abingdon Press, 1989), 104-109.

⁵¹ William W. Rankin, *Confidentiality and Clergy: Churches, Ethics and the Law* (Harrisburg, PA: Morehouse Publishing, 1990).

considered should have been treated as a “confidential disclosure.” Eventually, the appeals process upheld that no privilege was violated, and the civil suit was dismissed.⁵² Nonetheless, this case resulted in an outcry from many quarters that Father Rankin had received a “confession”, which was subsequently disclosed to the police and for which the defendant was prosecuted. In a case where one can clearly identify a clergy person, the “church” or denomination, and the “discipline” enjoined by the denomination, differences in expectations regarding pastoral confidentiality, the separation of church and state, and rules governing evidence and what constitutes privileged communications still persist.

In a study of Congregational churches Elizabeth Audette determined that most parishioners carry an implicit, if not explicit, expectations that *everything* they share with a pastor will be held in confidence, whether uttered in the privacy of the pastor’s office, on their deathbed, or in a passing conversation that takes place in a hallway during church fellowship hour.⁵³ Audette notes that parishioners base these expectations on professional ethical standards for counseling, not theological, ecclesial or doctrinal norms. As she rightly points out, counseling relationships with clients are contractual with specific boundaries governing purpose, time, duration and location of disclosures, whereas relationships between clergy and parishioners could include multiple roles, different settings of interactions, and more flexible boundaries governing the time spent

⁵² Rankin, *Confidentiality and Clergy: Churches, Ethics and the Law* (Harrisburg, PA: Morehouse Publishing, 1990), 99-105 for description of the circumstances, legal record and rulings from Rankin’s perspective.

⁵³ Elizabeth Audette, “Confidentiality in the Church: What the Pastor Knows and Tells” in *Christian Century* (January 28, 1998): 80-85.

together. Moreover, the expectations elaborated by Audette's sample may clash directly with legal rules governing evidence, not to mention the actual practice and expectations of any given clergy person.

In 1974 the Child Abuse and Prevention Treatment Act (CAPTA) was passed, and has been amended several times since, most recently in 1996.⁵⁴ This federal law set up guidelines and provisions by which states could receive federal funding and support for child abuse and prevention efforts. As one condition of receiving federal support, many states instituted what are now well known as mandatory reporting laws. Though the specifics vary from state to state, and are subject to amendment, clergy were a group targeted to provide such reporting in cases involving suspected child abuse or neglect. Some interpreted the development of mandatory reporting as being in direct conflict with the privilege provided to maintain clergy confidentiality. As Jeffrey Warren Scott put it in his 1986 article in the *Christian Century*, "clergy confidentiality may be in danger as the nation's concern over child abuse increases."⁵⁵ Scott casts the legal requirement (he addresses the Texas statute in the case he makes) for mandatory reporting as a violation of the free exercise clause of the First Amendment. In his view, the state's interest in protecting children does not meet the necessary threshold for weakening the protections afforded by the U.S. Constitution for confidential communications with clergy.

⁵⁴ See the U.S. Department of Health and Human Services website for history of this law: http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/capta/index.htm

⁵⁵ Jeffrey Warren Scott, "Confidentiality and Child Abuse: Church and State Collide" in the *Christian Century* (Feb. 19, 1986): 174.

Marie Fortune responded to Scott's concerns by recasting pastoral confidentiality in a more nuanced and complex manner. Fortune argued that, while in traditions where confession is understood in sacramental terms and therefore strictly guarded by the seal of the confession, norms of practice for confession (and therefore arguably also the necessary norms for confidentiality) vary widely between denominations. She effectively differentiates secrecy from an understanding of confidentiality. She also is willing to place different ethical values in larger context, as well as in relation to one another. Christian practice and teaching supports ethical principles that include trustworthy interactions, justice-making, confrontation of sin in the hope of repentance and transformation, and acting on behalf of the vulnerable in society. Fortune is careful to articulate her position squarely in religious and theological terms, but questions the simple interpretation pitting reporting on child abuse and neglect as necessarily undermining of a minister's whole duty to their parishioners and congregations.⁵⁶

These court cases and the discourse surrounding the legal privilege granted communications with clergy clearly suggests that such disclosures remain a likely site of ethical conflict, wherein several ethical principles or goods (moral, legal and theological) compete with one another for primacy. The intrinsic value some recognize in the practice of strict confidentiality may have to compete with ethical duties to warn, to report, or to refer; a pastor may also have to balance the value to an individual of providing a place for confidential disclosure against the need to confront or disclose harmful behavior toward

⁵⁶ See Marie Fortune's persuasive and insightful consideration of the ethic of confidentiality in light of the emergence of mandatory reporting laws for clergy in "Confidentiality and Mandatory Reporting: A False Dilemma?", the *Christian Century* (June 18, 1986): 582.

the goal of repentance, reconciliation and healing; similarly at times pastor may be called to weigh the value of confidentiality for an individual against the well-being of the faith community, which is bound together by some form of covenantal understanding. Many clergy trained and ordained since the advent of mandatory reporting laws, with the exception of Roman Catholic priests hearing a formal rite of confession during the sacrament of penance, assume certain limits to the keeping of confidences (usually assumed in cases where threats of suicide, homicide or child abuse come to light), expectations and practices remain varied—if not inconsistent—from person to person and denomination to denomination.⁵⁷ This prompts an inquiry into how confidentiality is treated in clergy training and education. Can the differences be accounted for by denominational variation, or can variations be discerned broadly within the field of pastoral studies as evidenced in pastoral care literature?

Pastoral Care Literature and Norms for the Practice of Confidentiality

The assumption that pastoral care providers understand and practice confidentiality pervades common wisdom, not unlike the assumed presence of salt in the sea. This working assumption can be evidenced in the treatment of confidentiality in pastoral care literature, wherein references to confidentiality as a “given” of practice abound, if explicit references are made at all. John Patton’s reference to confidentiality in *Pastoral Care in Context: An Introduction to Care* is illustrative of this reality. In his

⁵⁷ For a regularly updated treatment of state statutes and clergy privilege, see “Clergy as Mandatory Reporters of Child Abuse and Neglect” published online by the Child Welfare Information Gateway at: www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.cfm. A helpful treatment of mandatory reporting laws resulting from CAPTA by Susan K. Smith, Attorney at Law, Hartford and Avon, CT at: http://www.smith-lawfirm.com/mandatory_reporting.htm.

chapter on Pastoral Counseling, he advises pastors new to a church to establish an advisory committee of trusted leaders upon whom the pastor can call for advice and guidance in matters that arise in the context of her or his counseling ministry. He writes, “The committee can support and advise without in any way breaching the pastor’s confidential relationship with persons.”⁵⁸ One can see in this one sentence the “givenness” and assumption regarding the practice of confidentiality. However, he does not elaborate what could, in fact, be an interesting question of how to protect confidential matters while working with a committee within a church community of indeterminate size to address pastoral practice concerns in the course of one’s ministry. While I concur with Patton that this model could be of great usefulness to pastors, he passes over and fails to work through its potential conflicts and difficulties in light of an ethic of confidentiality.

When pastoral care literature elaborates further on confidentiality, it does so most often in terms of its ethical and legal dimensions. Within those dimensions, confidentiality is taken as an ethical rule or standard to uphold, and only occasionally as an ethical principle to weigh and balance in relation to other worthy ethical or moral values. One of the most helpful of the treatments of confidentiality framed in ethical terms is Karen Lebacqz’s work, *Professional Ethics: Power and Paradox*.⁵⁹ Drawing on W.D. Ross’ “moral intuitionist” theory (through which he argues for a set of “prima

⁵⁸ See John Patton, *Pastoral Care in Context: An Introduction to Care* (Louisville, KY: Westminster/John Knox Press, 1993), 217.

⁵⁹ Karen Lebacqz, *Professional Ethics: Power and Paradox* (Nashville, TN: Abingdon Press, 1985).

facie” duties⁶⁰ as the ground of ethical and moral decision-making and action), Lebacqz elaborates an ethical framework from which moral reasoning could proceed when faced with ethical dilemmas understood to be in conflict with an expectation of confidentiality. More importantly, Lebacqz invites readers to think beyond rules of confidentiality to consider more broadly what virtues or aspects of character are most central to an ethical professional.

Lebacqz argues for two primary virtues of character: trustworthiness and prudence. Becoming a “trustworthy trustee”⁶¹, she argues, remains the more relevant consideration than how to apply a set of rules to the practices of confidentiality. She couples becoming a trustworthy trustee with the need among professionals for *prudence*, described as “the perfected ability to make the right decisions” or “moral discernment”

⁶⁰ These duties are most often elaborated as: fidelity (promise-keeping and truth telling/non-deception); reparation (making up for injuries one has caused); gratitude (foster grateful response for benefactions done to oneself and offering benefactions to others or in return); non-maleficence (avoid intentionally, negligently, or ignorantly—when ignorance is avoidable—harming others’ health, security, intelligence, character or happiness; harm-prevention (effort to prevent harm to others from causes other than ourselves); beneficence (doing good to/for others to foster health, security, wisdom, moral goodness, or happiness); self-improvement (act to promote one’s own health, security, wisdom, moral goodness, and happiness); justice (distributing benefits and burdens fairly as well as preventing unfair/unwarranted distribution of benefits and burdens). Others sometimes included, and other times argued to be embedded in previous list include: respect for freedom (avoid coercion of others and promote conditions of empowerment); care (attending to needs of those with whom we are concretely related); non-parasitism (do our part to abide by rules of an institution in which we willingly participate and from which we willingly accept benefits. For more, see Dr. Jan Garrett, “A Simple and Usable (Although Incomplete) Ethical Theory Based on the Ethics of W. D. Ross at <http://www.wku.edu/~jan.garrett/ethics/rossethc.htm> or W. D. Ross’ *The Right and the Good*, with an Introduction by Philip Stratton-lake (New York: Oxford University Press, 2002).

⁶¹ Karen Lebacqz, *Professional Ethics: Power and Paradox* (Nashville: Abingdon Press, 1985), 77-91, especially 86-89.

respectively.⁶² Lebacqz rounds out her model by arguing that professionals must not only embody the virtues of trustworthiness and prudence, but also must understand and analyze power dynamics in order to address the demands of justice and liberation in our approach to care.⁶³ In this way, Lebacqz provides a nuanced and persuasive ethical context from which to consider concrete practices and norms of pastoral confidentiality.

William W. Rankin's treatment of pastoral confidentiality in *Confidentiality and Clergy* also provides a useful and thoughtful approach to the complexities embedded in expectations of pastoral confidentiality.⁶⁴ Rankin's book presents his own hard-won insights following from first hand experience of facing civil litigation for an alleged breach of pastoral confidentiality. Rankin takes care to balance the historical theological and ecclesiological roots (primarily within practices of the Church of England and the Episcopal Church) for the practice of confidentiality with ethical and legal considerations most often relevant to clergy faced with dilemmas arising from expectations of confidentiality. It should be noted that Rankin does briefly acknowledge an important distinction between those cases of formal religious confession and those disclosures offered in the context of pastoral care or counseling. Noting the difference, Rankin suggests that the former (confessions) more appropriately fall under a different standard:

⁶² Karen Lebacqz, *Professional Ethics: Power and Paradox* (Nashville: Abingdon Press, 1985), 104 taken from Josef Pieper, *Four Cardinal Virtues* (Notre Dame, IN: Notre Dame Press, 1975), 6 and James M. Gustafson, *Theology and Christian Ethics* (Philadelphia, PA: Fortress Press, 1974), 118.

⁶³ See Karen Lebacqz, *Professional Ethics: Power and Paradox* (Nashville: Abingdon Press, 1985), 109-123 for her treatment of power and 124-136 for her discussion of the role of liberation and justice.

⁶⁴ William W. Rankin, *Confidentiality and Clergy: Churches, Ethics and the Law* (Harrisburg, PA: Morehouse Publishing, 1990).

Here the penitent's need for reconciliation to God and the community raises the prospect of absolution. A special kind of strict confidentiality is implied. The term *seal* is an apt indicator of the inviolability of that confidentiality.⁶⁵

In the two chapters devoted to articulating an ethical context for pastoral confidentiality in the context of care and counseling, Rankin identifies and forwards legal and ethical interests that could lead a pastoral care provider to feel duty bound to divulge rather than maintain information shared, even in confidence. Chief among those considerations would be where a pastoral care provider divulged for the purpose of safeguarding life and welfare (in cases involving threats of suicide, suspected or known child abuse or neglect). Rankin also considers cases in which persons may disclose perpetrating fraud on others (who may also be under your care) or other nefarious, unethical or illegal activities in which others could reasonably expected to be financially or emotionally harmed. He addresses situations in which persons' sin or pathologies can lead to attempts to manipulate or involve another in an unethical collusion. Finally, Rankin considers cases in which providers might weigh an explicit or implied promise of confidentiality against one's own safety and welfare.

Rankin does not attend only to the ethical dilemmas presented by care seekers, but also to the moral temptations faced by providers that result from the privilege and practice of pastoral confidentiality. Among the potential pitfalls of "hiding behind the confidentiality shield" identified by Rankin: the temptation to moral complacency arising from having conversations shielded from external review or accountability (if

⁶⁵William W. Rankin, *Confidentiality and Clergy: Churches, Ethics and the Law* (Harrisburg, PA: Morehouse Publishing, 1990), 47.

everything gets framed as “pastoral” as therefore confidential, one may side step the rigors of moral and ethical reasoning and deliberation); the deceit of clergy who claim a “pastoral emergency” in order to avoid attending or participating in another professional activity; the tendency to become accepting of improprieties (the “everyone does it” or “boys will be boys” response) that comes from not having to divulge or confront them. These types of moral compromises and collusion precisely demonstrate the concern giving rise to Don Browning’s works *The Moral Context of Pastoral Care* (1976) and *Religious Ethics and Pastoral Care*, which followed in 1983.⁶⁶ In the latter work, Browning asserts: “Before we can exercise care (or even know what it is) we have to have a religious ethic... The minister doing pastoral care must be an ethical thinker and understand methods of ethical thinking.”⁶⁷

Lebacqz and Rankin both represent views that vigorously argue for the value of confidentiality, while acknowledging that its value should not necessarily and automatically trump other competing values, concerns and commitments embedded in providing trustworthy and prudent care that moves toward the eschatological goals of justice, liberation and redeeming to wholeness. In the next chapter I present and explore the experiences of pastoral care providers of receiving confidential disclosures. Based upon interviews with providers from different faith communities and practicing in different pastoral contexts, I identify types of disclosures that are experienced by

⁶⁶ Don S. Browning, *The Moral Context of Pastoral Care* (Philadelphia, PA: Westminster Press, 1976) and *Religious Ethics and Pastoral Care* (Philadelphia, PA: Fortress Press, 1983).

⁶⁷ Don S. Browning, *Ethics and Pastoral Care* (Philadelphia, PA: Fortress Press, 1983), 10.

providers as burdensome. Paying attention both to repeating patterns and uniquely rich particular accounts, I attempt to further explore the complexities facing the pastoral provider seeking to honor commitments to confidentiality, yet do so with integrity and—in its fullest sense of the word—care.

Summary

This chapter reviews the historical roots of pastoral confidentiality from both ecclesial-theological heritage and from legal considerations that govern granting the privilege of protected communications between clergy and parishioners. The roots of pastoral confidentiality trace most directly to the Roman Catholic doctrine of the Seal of Confession. That doctrine coincided with the development of the practice of individual private confessions, though finds some justification even among the writings of the early Church Fathers, many of whom urged care not to reveal the content of confessions to others. Following the main denominational developments that followed the Protestant Reformation I undertook an examination of how different ecclesial-theological branches uphold or change the stated norms and practices of pastoral confidentiality and the Seal of Confession. With the widespread reforms undertaken, especially with regard to practices of confession, penance and absolution one might expect a shift away from recognizing the Seal of Confession. However, with few exceptions (the most notable exceptions falling within the Anabaptist and Free Church branch) most Christian ecclesial-theological traditions articulated a commitment to uphold the Seal and protect disclosures made to clergy and religious leaders. This impulse stems from a desire to

remove any obstacles to persons in need of confessing their sins and receiving the assurance and comfort that through grace God offers forgiveness.

The legal protections granted clergy-penitent communications developed in the United States largely as a matter of statutory law modeled on the privileges granted lawyers and spouses. The clergy-penitent privilege is not granted uniformly or universally; state statutes vary in wording and in the specific conditions necessary for granting the privilege. Federal law defers to state statutes, with few if any privilege granted in federal court or grand jury proceedings. The United States Congress passed CAPTA legislation in 1974 which mandated clergy report known or suspected abuse of minors (and in some cases elderly) to public authorities. While the legislation was met with some resistance by those accustomed to confessions being guarded in absolute secrecy, many pastors welcomed the guideline and legal requirement. In some cases, the interests of civil and religious authorities could conflict in matters of conscience and confession. Because of the strong history of religious persecution among the settlers on the American continent, both Constitutional protections and state statutes have developed to protect the freedom of religious practice and conscience. The lines that separate religious interest from civil interest are neither clearly drawn nor always in agreement. Pastors are left to grapple in the gray with the demands of confidentiality in light of religious purposes and the legal expectations they may encounter.

The end of the chapter examines a handful of general introductory pastoral care texts to ascertain how pastoral confidentiality was explained and treated. I discovered examples in which pastoral confidentiality was approached and treated as an

uncomplicated “given” as well as a few impressively nuanced arguments for ethically and theologically informed norms for and practices of pastoral confidentiality. Most denominations in the U.S. have developed statements that articulate a clear standard for the practice of pastoral confidentiality, driven in no small measure by the specific conditions of state statutes governing clergy-penitent privilege. Professional organizations that oversee pastoral counseling (in particular) serve as another driver for articulating standards and norms for practice through professional codes of ethics. My examination suggests that the impulses underneath both the denominational statements (with the clear exception of the Roman Catholic Church whose doctrine has remained remarkably stable over several centuries with regard to this particular question) and professional codes of ethics addressing pastoral confidentiality are modeled as much on legal and secular models and values as theological ones. In the chapters which follow I seek to elaborate a pastoral theological model that can provide an alternative model for pastoral providers struggling with the demands of receiving confidential disclosures.

In the next chapter I present and explore the experiences of pastoral care providers of receiving confidential disclosures. Based upon interviews with providers from different faith communities and practicing in different pastoral contexts, I identify types of disclosures that are experienced by providers as burdensome. Paying attention both to repeating patterns and uniquely rich particular accounts, I explore the complexities facing pastoral providers who seek to honor commitments to confidentiality with integrity and—in its fullest sense of the word—care.

CHAPTER 3: COMPLICATING THE PICTURE: EXPERIENCES OF PASTORAL BURDENS

This project rests on the premise that pastoral care providers find the experience of receiving some types of confidential disclosures burdensome. This premise found its origin in my own early experiences providing care, experiences that remained with me long after the pastoral relationships and encounters had ended. I assumed, as perhaps those new to pastoral ministry might, that this was more a reflection of my own inexperience and failure than an experience common to those doing pastoral ministry. When I ventured into sharing my experiences of receiving disclosures I found burdensome and wondering out loud if others, too, had such experiences, I was deluged with stories of pastoral experiences that had lingered in colleagues' minds and hearts; it seemed everyone had a story of burden to share. In this chapter I present what emerged from my interviews with colleagues in pastoral ministry; their stories and my analysis of the impact on pastoral care providers of receiving confidential disclosures. More specifically, this chapter explores how the normative *context of confidentiality* links to or complicates the more general experiences of burden arising in the course of doing pastoral work and serving in a pastoral role.

The chapter begins by introducing the pastoral care providers¹ who agreed to serve as research participants for this project, including demographic information that might be of interest to the reader. I follow the introduction of participants with a summary of the themes that emerged from my first round of analysis, identifying the factors that appear to contribute to the experience of burden that accrues from pastoral work in general. I then undertake a closer and more detailed analysis of how the experience of pastoral burden is complicated by or more specifically relates to practices and norms of pastoral confidentiality. I utilize examples from interviews of disclosures in which the resulting experiences of burden were complicated or tied in some way to confidentiality. In the chapter's conclusion I examine these themes against the guiding hypotheses I held when initiating this project. I then summarize and review the factors that appear to lead to increased risk of experiences of burden, and suggest the challenges these themes pose to pastoral practice and therefore to pastoral theology.

Research Participants

I conducted thirteen semi-structured interviews in three states with fourteen participants between December of 2006 and July 2008. One interview was conducted over the phone, due to my geographic distance from the research participant. The interviews lasted from forty minutes in length to two hours and forty-five minutes, averaging just over an hour and twenty minutes. Twelve of the fourteen provided

¹ The actual identities of the project's research participants will not be disclosed, specifically in order to protect the confidences of those who have received care from them. The demographic information provided about the aggregate group of research participants is accurate; identifying factors for individual cases may be modified in order to preserve confidentiality, while retaining the integrity of the data.

pastoral care within Christian communities of faith and from a Christian faith perspective, while two provided care grounded in other faith traditions. Five were men, nine were women. Two participants were African American, twelve were European American. Two identify publicly as lesbian. Twelve were recognized or ordained leaders in their faith tradition, while two were lay leaders working specifically in pastoral ministry. Of the fourteen participants thirteen had provided care based in a community of faith or congregational setting, while one had worked only in a specialized ministry. Six worked only in a community of faith or congregational setting, while eight worked or had worked in some specialized ministry setting in addition to a community of faith or congregation. The specialized ministries included hospital, military and college chaplaincies; psychotherapy, pastoral counseling and spiritual direction; pastoral ministry for children and youth; prison ministry; and twelve step recovery program support. Three have taught religion courses in college or seminary settings, while four of the fourteen maintain professional speaking engagements and design and provide workshops, retreats and seminars as an active part of their professional lives. Participants had been or were currently affiliated with the following faith traditions and denominations: African Methodist Episcopal, African Methodist Episcopal Zion, American Baptist, Buddhist, Catholic, Earth-based spirituality, Episcopal, Mennonite, Southern Baptist, United Church of Christ, and United Methodist.

I identified and invited research participants based on professional networks of which I was aware, or because of the specific type of ministry setting in which the provider worked. It should be noted that while I invited a balance of men and women to

participate, more women than men agreed to be interviewed. I invited Hispanic and Asian pastoral care providers, though none responded to the invitations to participate that I extended. The demographic makeup of the participants (and the limitations herein) were determined by those who consented to participate and the sample limit established by the parameters of the project proposal. As a preliminary qualitative study, this research group does not constitute a statistically valid, demographically diverse, nor random sample. However, the data provided by this group of research participants did point to preliminary findings of significance with regard to the research questions. One could reasonably suggest that further research could validate these findings, if not generate additional findings of significance. Additional work and analysis on the impact of culture and economic status on expectations and experiences of confidentiality seem warranted, based on the limited spectrum of participants within this study.

Unique Aspects of Pastoral Ministry

Understanding the experiences of burden arising in the context of providing pastoral care requires making important contextual considerations explicit. Pastors, especially ones serving an identified community of faith, do not work regular hours, in a carefully bounded domain, with a singular delineated role. Those identified as ministers can be stopped in the grocery store parking lot, approached during the break of a business committee meeting, or called at two a.m. the morning before departing for vacation with requests or news of a pastoral nature. Ministers embody multiple roles within their community of faith, including administrator, comforter, counselor, guide, educator, mediator, ritual leader, and witness and celebrant individual, familial and community

transitions. Moreover, individuals known to be ministers may be called upon by strangers, neighborhoods or broader communities when tragedy strikes or strife breaks out. Ministers occupy one of the few remaining professions that bridge public and private domains. This access to living rooms and board rooms presents unique opportunities and challenges to those serving in this role.

Within U.S. culture a wide spread assumption that interactions with pastors, clergy and ministers are governed by a normative context of confidentiality so shapes expectations, that one cannot easily separate the specific impact of confidentiality on any given pastoral interaction.² While it is easy to acknowledge that many professions are governed by and maintain ethical guidelines about confidentiality, few other professions function with the same multiplicity of roles, unbounded contexts of encounter, and broadly applied expectation that confidentiality remains normatively operative. That said I have every reason to suspect—based on informal conversations with colleagues in other professions who receive confidential disclosures in the course of their work—that the experiences reported by the pastoral care providers in this study may be of interest to non-clergy professionals, if not usefully relevant to their experiences with maintaining professional confidentiality as well.

² As noted in Chapter 2, a study by Elizabeth Audette revealed that a broad majority of congregants who participated in her study believed that *any* conversation with a pastor was governed by norms of pastoral confidentiality. Certainly state statutes which protect communications with clergy do not suggest such broad application; rather the study illuminated a normative ethical and professional presumption at work in people's expectations of interactions with clergy that is of relevance here.

Major Themes Emerging from the Interviews

Analyzing data has an intangible quality. In my case, I began by drafting questions that I hoped would elicit information useful to this study. I sought questions that were directed to my concerns, without being intentionally leading. I sat in a series of interviews, accompanied by a small recording device, in the presence of one (or two) other person(s), and—except for the one interview conducted only via telephone—I could see, hear and shake hands with those who assisted me by responding to my questions. After the live interviews were concluded, particular strands from the interviews replayed in my memory, looping in my mind's ear; remembered snippets etched their significance by the way they stayed with me. I listened again and again to the recordings of the interviews, using only the sound as my focus, my hands occupied by an unavoidable compulsion to take notes. Finally, I read transcripts of the interviews, seeing words and phrases that were both familiar (from the replaying of my mind or from the recordings) as well as some absolutely overlooked in the repeated auditory review of interviews.

Analyzing qualitative data is an imprecise and thoroughly subjective enterprise; we all know that the same written words can be interpreted variously and leveraged to different uses—a pattern familiar to any student of the history of biblical interpretation. With that in mind, I will share with you the themes I identified from the words and stories of my research participants, fully aware that another person undertaking what I did, hearing what I heard and reading what I read might discover different strands and patterns of pertinence or interest than the ones that follow.

Five broad themes emerged from my initial qualitative analysis³ of the interview data. The vast majority of the *general burdens* described by my research participants as associated with doing pastoral work fall into one or more of these categories, though the frequency of how often each theme surfaced varied. I discovered that *general* experiences of burden tied to or resulted from:

- counter-transference, wherein disclosures elicited or triggered (conscious and subconscious) unreflective and/or reactive responses from providers;
- ethical conflicts between maintaining confidentiality and upholding another significant ethical value;
- managing relationships within the community of faith;
- role ineffectiveness in the face of pastoral mistakes, powerlessness, and inadequacy;
- knowing things they wished they didn't know.

These themes represent a rather comprehensive picture of the challenges inherent to serving in a pastoral role. Nevertheless, identifying and analyzing how pastoral confidentiality contributes more specifically to experiences of pastoral burden remains the driving concern of this project. For that reason, the interview data was further analyzed for the role pastoral confidentiality plays in creating or deepening the experiences of pastoral burden.

In reviewing the data from interviews with an eye to culling the ties to confidentiality, I identified three dimensions of experience in which burdens associated with pastoral confidentiality fall: a professional dimension, an ethical dimension, and a structural dimension. Burdens associated with the professional dimension involve

³ For an accessible introduction to collecting and analyzing qualitative data, see Carl F. Auerbach and Louise B. Silverstein's *Qualitative Data: An Introduction to Coding and Analysis* (New York: New York University Press, 2003). Other resources on qualitative data collection and analysis can be found in the concluding bibliography.

learning, developing and managing the expectations, norms and practices of pastoral confidentiality in one's work in the face of inadequate preparation, inconsistent and varying expectations, norms and practices, and complicating contexts. Burdens arising within the ethical dimension typically involve a conflict between maintaining confidentiality and upholding another significant ethical value most often in cases where physical, material or emotional harm seems likely. This theme emerged in both dimensions (general and specific) of the data analysis. Finally, I identified burdens associated with structural factors whereby serving in a designated confidential role contributes to and can result in what I term *receptivity fatigue*. I will examine each of these dimensions in turn using data from the interviews to illustrate and examine how different types of burdens arise in relationship to pastoral confidentiality.

Maintaining Confidentiality: Professional Burdens

You've heard the one about the stock broker in the congregation who told his pastor in confidence about a stock that was supposed to make big gains in coming weeks? Well, lo and behold, within a few weeks that stock gained slightly, then tanked. When the pastor mentioned to the broker that many in the congregation had sustained losses from their investments, the broker winked, thanked the pastor and offered to make a hefty contribution to the church from the investments he made ...⁴

The implications of this story are clear. If you need information to get out, tell someone who is known for sharing secrets... even if it is your pastor! For some the practice of pastoral confidentiality becomes quickly integrated into the fabric of pastoral work. For others, as the joke above illustrates, maintaining confidentiality presents a

⁴ Adapted from a joke told in William W. Rankin's *Confidentiality and Clergy: Churches, Ethics and the Law* (Harrisburg, PA: Morehouse Publishing, 1990).

challenge to one's pastoral practice and professional life. In the course of my interviews none of my research participants said, "I have a hard time keeping confidential things confidential." They did, however, convey that several factors can contribute to the experience of burden associated with the professional obligation of maintaining confidentiality. The factors discussed by my research participants included: inadequate training or preparation; encountering varying expectations, norms and practices related to confidentiality; and circumstances in which the context of one's work complicated maintaining confidentiality.

In the course of my interviews respondents described having received different levels of training that specifically addressed pastoral confidentiality, from sufficient to non-existent. Sufficient levels of training were marked by presentations explicitly addressing denominational or professional norms, expectations, and practices regarding pastoral confidentiality; the more explicitly confidentiality was addressed the more pastoral providers expressed confidence in their ability to maintain confidentiality. In cases where training and education did not explicitly address expectations, norms and practices for pastoral confidentiality providers more often characterized maintaining confidentiality as problematic or burdensome. These burdens were characterized most often through expressions of lingering insecurity, doubt, and confusion about what expectations were and whether their choices were appropriate.

Early in my career it was almost always a burden because I did not feel prepared; I didn't know what to do with what they told me. I didn't know if I should do something, I didn't know if I should check back with the person, I didn't know what the rules were.

In this particular case the pastoral provider reported that pastoral confidentiality was *never* mentioned in the course of their training.

I don't remember it ever coming up. (laughs) I don't remember ever hearing the word confidentiality. I kind of just knew intuitively that when people came to you for pastoral counseling that you shouldn't blab about it. But there was no formal training that I ever received.

When I pressed further and inquired whether this pastor knew if her denomination had articulated standards for pastoral confidentiality, she responded, "I'm not aware of any denominational standards... I don't think there are any." As these comments illustrate the responsibility lies both with the theological training as well as with the denomination for failing to successfully communicate and promote professional norms and expectations.

It is important to note that in cases where formal education about confidentiality was not part of one's training, most of my participants learned norms, expectations, and practices from mentors or leaders in their community of faith. One research participant noted that the norms and practices she developed for pastoral confidentiality came entirely in *contrast* to what was modeled by her teacher and mentor, who did *not* set expectations for pastoral confidentiality:

My teacher...tremendous gossip, tremendous. My teacher has no boundaries about anything that is shared. I would say she's the opposite model of *my* ministry, which is to say that in *my* ministry you can come to me and you can talk about *anything*, completely openly, and know it's not going anywhere.

In this case observing the failure to maintain confidentiality prompted a particular commitment to upholding and honoring confidentiality. This care provider felt a burden to distinguish herself from her teacher and mentor by upholding professional norms that

differed from the practices that she believed were detrimental to those seeking care within the community of faith. A different research participant experienced something of the reverse in his formal education and training, in which a kind of absolute professional standard was declared and then taken as sufficient:

I think in my early training, I was told you never share anything that you hear in the office with anybody. Unfortunately, the class I had in seminary on pastoral care was taught by a professor in his last year. He was retiring and that was just the approach he took and so forth. We argued with him about various things, particularly in terms around self-care and other things, but that was his approach.

This pastor eventually developed a mentoring relationship with a senior pastor in his denomination who helped him learn to discern the difference between breaching confidentiality and appropriate pastoral consultation, how to distinguishing balancing self-care from gossip and indulgence of ego.

Those I interviewed who mentioned a lack of training about pastoral confidentiality indicated that the associated burdens affected them most acutely during their early years of pastoral work. Burdens of this type affected pastoral providers as a sense of uncertainty or insecurity regarding for what reasons, under what circumstances, and to whom one could permissibly disclose pastoral conversations. Was it alright to discuss pastoral matters disclosed to you in confidence with other pastors and colleagues? Under what circumstances and for what reasons might such disclosure be permissible? One research participant described her experience like this:

I remember feeling uncomfortable with some of the stories that we (clergy) would share; I worried if that was breaking confidentiality? And I wondered, if I'm with a group of clergy can I talk about my parishioners, is that a safe place to do that? And it seemed like it was, because informally that's what we did. But there was never—I've never had a discussion about whether we should or not.

I think it happens a lot that pastors talk to pastors. Although, even in those settings, I think that it's more like out-doing each other. One says, "I've got a person with a brain tumor." Someone else says, "Oh, really? I've got one with a brain tumor and cancer throughout their bones." It's almost like...swapping war stories.

This case illustrates a challenging aspect of learning to maintain confidentiality not often acknowledged or explicitly addressed among pastoral providers: the burden of managing the temptations of ego as we receive disclosures and provide care. The temptation to buoy our sense of importance by possessing information and knowledge that is either titillating or, because of its confidential status, not available to others can subtly invade the practice of even the most grounded of pastoral providers. The irony, of course, is that one's importance can only be recognized and appreciated by others through the disclosure of supposedly confidential knowledge!

I think generally in clergy and religious circles, I don't know if there's enough training. I certainly wouldn't have had it if I hadn't gone to the counseling program that I did. There weren't even skills courses when I went to seminary. Now I think there are one-credit skills courses; for instance, the guys in seminary at Notre Dame get pastoral counseling or marriage counseling or spiritual direction—very minimal. I mean, one credit! And maybe they take one credit for all three years, but out of how many total credits? And, they put the collar on and walk out the door, and people are coming to you right away. They're coming! So I'm not sure how good the preparation is both with regard to confidentiality and with regard to those common dynamics of a relationship, like rejection and getting put on a pedestal and how easy it is to buy into that...

In most of these interviews pastoral care providers believed that disclosing elements of pastoral conversations and situations to colleagues was an important resource for professional development and self-care. Training that allows those entering into pastoral care work to grapple with these types of questions and nuances would be of great value in

securing professional standards for confidentiality that may otherwise be taken for granted, underdeveloped, or link to experiences of burden.

The professor who introduced me to pastoral care was fond of saying, “People will tell you their secrets.”⁵ What follows by inference, but which she did not say directly is that providers receiving these disclosures face a two-fold challenge: identifying a useful and appropriate pastoral response to people’s disclosures, and learning to live with knowing other people’s secrets. This study suggests that the normative context of pastoral confidentiality may complicate both sides of that equation for pastoral care providers. Discerning the best pastoral response, especially early in one’s tenure as a care provider may usefully benefit from professional consultation. Likewise, people share their secrets in some sense to unburden themselves from the isolation that keeping secrets entails. Therefore, one can imagine that receiving and then holding the secrets others share may in turn result in some sense of isolation or conversely in an inflated sense of one’s own importance, especially for those whose training left them feeling unprepared for this responsibility.

For that reason pastoral training that addresses the multiple layers of challenges associated with maintaining confidentiality, its over-determination if you will, can assist providers to internalize norms and develop practices that assist them to maintain standards of pastoral confidentiality. Lack of training notwithstanding, every person

⁵ I am indebted to Rev. Dr. Joretta Marshall, my first teacher in pastoral care, for reiterating that “people will tell you their secrets.” It was not until my coursework was long past that I came to understand and appreciate what she meant, and how true this statement continues to be for those serving in pastoral roles.

providing pastoral support and care carries a professional obligation to learn the norms and practices that enable them to successfully maintain confidentiality. Not one research participant suggested that a lack of training absolved them from upholding standards of confidentiality. Moreover they clearly conveyed that they did *eventually* learn – sometimes in Clinical Pastoral Education, in one case from applying for insurance coverage for ministerial work, from counseling courses, and most often from colleagues and mentors. In cases where colleagues and mentors provided the primary resource for internalizing professional norms and developing practices, we find an overlap with the second subtheme pertaining to the professional dimension of maintaining confidentiality: encountering varying standards and expectations regarding confidentiality.

Research participants shared frustrations, concerns and difficulties associated with negotiating differences between their own expectations and norms for pastoral confidentiality and the expectations and norms held by others. In some cases the differences of expectations, norms and practices showed up between pastoral care providers and colleagues, and in some cases emerged within their community of faith. While I anticipated that denominational differences might result in conflicts between providers, it was the experience of negotiating confidentiality within a pastoral staff of a single congregation that challenged one participant:

There's a pastor I worked with for 13 years; we had, I think, somewhat different standards around this. Now, I consider myself to hold confidences pretty well; well, she was much more confidential than I. She was more rigid in terms of boundaries around confidentiality; she held things tight, and deeply. She really would not share anything with me, except in the most extreme circumstances, about what someone else had shared with her, to the point that sometimes I perceived that I was not able to be as effective because I really didn't know the context in which I was working in different situations. And she was the pastor of

pastoral care, so she really had much more shared with her than I would because she did the majority of the counseling about personal issues.

Now we still have the pastoral care position, but held by a different person. She doesn't set boundaries and policies in the way my former colleague did. She structures hospital visitation and critical care differently. She discloses more and interprets confidentiality differently in light of our work together. We do have Stephen's Ministry. It isn't as well utilized as it could be. The new pastor is trying to work with that, and provide training. Our Stephen's Ministry is not working the way it is supposed to be, partly due to the previous pastor's control of the situation. The previous pastor, for example, never wrote down the names of those receiving care. That was one way she thought she protected their confidentiality. We didn't know who was receiving care from our own Stephen's Ministers! The checks and balances, the interconnectedness of the program wasn't happening.

This case is important because it illustrates several complications arising from different interpretations of norms and practices regarding pastoral confidentiality. On one level, the senior pastor felt his ability to respond well to different situations was hindered by *not* knowing important information about the situations affecting those in his own congregation. On another level, the collegial relationship became strained as the pastoral care colleague felt burdened by *always* being the designated pastoral provider (see the section on structural challenges of confidentiality) and perceiving an imbalance in *sharing* the burdens of serving in that designated capacity. On yet a different level, the effectiveness of coordinating and administering lay pastoral support for the congregation (Stephen's Ministry program) was compromised by failure to keep records and relay information. This example illustrates the confusion that can surround what is meant by confidentiality and what practices should be in place to protect it within a single congregation.

A concern for peoples' needs and well-being presented a different situation in which a pressure on maintaining pastoral confidentiality was felt within a congregation.

Many congregations have a long history of praying for the concerns of their members. In some cases one member might be aware of a personal circumstance of another person and mention that as a prayer request or concern. In cases where that information has not been widely shared or the member with the concern has not consented to its disclosure, pastors were often in the difficult position of intervening to establish norms for the congregation, creating boundaries around information, and delineating under what circumstances information should be shared, even when information was being shared with generous intentions. One pastor shared this:

And sometimes it takes a bit of training for the congregation to learn that, because they know something about someone or something that's happening--they want to share it during sharing time. I've had to cut them off and say, "Unless you have permission from them to share that, we won't do that right now." It only takes once... And so sharing is not done—of things that are not asked to be shared or without permission having been given to be shared. I will ask a person sometimes, "Is it okay if I share that with the congregation for prayer?" And if they say it is okay, I will.

Many of my research participants had developed a written prayer request system within their congregations. By virtue of filling out a card or online request, permission was given to share the concern or prayer request with the congregation. In this way, a practice and norm was developed to circumvent breaches in confidentiality that often arose inadvertently within community practice. A different scenario presented a similar pressure on maintaining confidentiality:

I think there are times when people come to me and want information about someone else, but I can't do it. Sometimes people will ask me very pointed questions about how somebody is doing. And I have to be really careful what I say. I mean, I can either say "Fine," or "It's hard," or—that's the most I can say. That's really about it.

This research participant recognized that even well-meaning inquiries about the condition of someone in their community presented situations in which the professional obligation for maintaining confidences still had to be maintained. In situations where community expectations regularly conflict with the practices of the pastoral care provider, maintaining confidentiality was often experienced as a more burdensome obligation and experience.

The final factor identified as burdening efforts to maintain pastoral confidentiality involved the context of care. Three contextual examples can be lifted from research participants accounts to illustrate: one where the size of the community of faith complicated the pastor's norms and practices, one where the historical traditions within a community of faith challenged the pastor's norms and practices, and finally in chaplaincy contexts where norms and practices are established by the institution in which one is doing pastoral work. One pastor of a small congregation reported that the realities that information is shared often and widely among members burdened her own efforts to maintain confidentiality. She put it this way:

I think one thing—and maybe this doesn't come up in bigger churches—but, these people all socialize together, or a lot of them socialize together. And, I know they talk about stuff; I don't know what all they talk about, but I know they talk about stuff. There are times when there's information floating around that they know that I don't know, or maybe there is something that they kind of know that I know more about but can't say anything about—it's very weird. (laughs)

What I'm trying to say is that in a small parish, there are some different dynamics than in a big parish where your role is clearer maybe, or where there's not a lot of talk amongst the parishioners about what's going on with other parishioners. Although maybe that's true anywhere—I don't know. But in a small church they're all gossiping together all the time. So I'm very aware that I have to be very careful about whatever I say to any of them, even if it's not something that's confidential, whether it's my opinion about what someone has done or—

whatever it is: I have to keep my mouth shut. I don't know what other people think, but I have to be really careful not to say anything to anybody ...

Not only is this pastor cognizant of the patterns of communication within this community, but she is also acutely aware of the way her own statements or opinions, however innocently shared, can be interpreted and passed along as fact or gossip—even in cases where confidentiality is not technically in play. In this sense, the burden is both a professional burden of maintaining confidentiality in a context where information is widely and normatively shared, but also the challenge of practicing judicious speech. In the pastor's experience, the practice of the two seem seemed closely related.

In one congregation where an historical norm of disclosing and confessing sinful behavior in the context of the whole community of faith was retained by some more conservative members of a congregation, pastoral confidentiality was actively resisted by the congregation. In this case the pastor utilized theological values, like the operation of grace, to create room for disclosures made to a limited number of elders or only to the pastor and held confidentially.

And that's been part of the difficulty for me that, on the one hand, particularly in one congregation, they were persons yet in the congregation who expected these kinds of revelations and for the Church to deal with this sin publicly. And, on the other hand, there were so many people who'd been burned by that kind of thing, particularly when the issues at hand were so insignificant, should have been so insignificant. I didn't want to get caught in their kind of thing, and I definitely didn't want to keep appeasing these people who just wanted to keep being judgmental.

I believe that for this pastor, public confessions, public acts of contrition, and being restored to the community continued to hold value and importance. However, in his experience many public or communal disclosures had been harmful and destructive to

faith rather than restorative. Leading his congregation to adopt new expectations, norms and practices took time. While that transition was underway the norms he had internalized sometimes conflicted with congregational expectations and resulted in burdening his decisions to maintain pastoral confidentiality.

The final complication arising from context came from those who had served as chaplains in institutional settings: prisons, branches of military service and hospitals. In each case, the context of care affected the norms and practices for confidentiality. Each of these varying contexts and settings utilized chaplains from varying faith traditions or denominations. Each also has its own overarching purposes, into which the function of providing care is subsumed and integrated. Whether one is serving a context whose purpose is to secure and hold persons convicted of crimes, train and maintain personnel equipped for warfare, or improve health of persons experiencing illness, the moorings and purposes underpinning confidentiality may be altered from those held within the exclusive context of a community of faith. One cannot assume that providing care in a non-religious setting necessarily results in a conflict for the provider regarding confidentiality. One research participant, who reported quite explicit training in her theological training in a denominational seminary, stated that what she was taught in seminary differed markedly from the expectations and norms for chaplains in the United States Air Force. However, because the norms were explicit and contextualized, the differences were not burdensome to her.

As we talked further, however, she shared that complications did arise during operational deployments where different branches of the military served together and

chaplains from different branches served service personnel from branches other than their own. Different branches of the military have varying practices and norms for chaplains regarding pastoral confidentiality. The Air Force upholds a strict and absolute standard for pastoral confidentiality. Chaplains serving in the Air Force *may not* disclose any information shared with them, except in cases where written consent is obtained. (Next to the Sacrament of Penance governed by the Seal of Confession this was the strictest norm I encountered.) This chaplain was deeply concerned, for example, that an airman who disclosed information to an Army chaplain could not be assured of the same level of confidentiality as with a chaplain in their own branch of service. For her, that also meant that the absolute standards under which she operated might conflict with the expectations of higher ranking officers from other branches with whom she could be deployed. I was struck that each factor I had identified: training, differing expectations and norms, and context came so poignantly into play in this pastoral provider's example. Where one or two factors are stable, a third can radically shift the experience of burden entailed in maintaining pastoral confidentiality.

Pastoral providers are charged with internalizing norms and developing practices for pastoral confidentiality. In most cases, those norms and practices must be negotiated in light of the implicit or explicit expectations others may hold about pastoral confidentiality. Training cannot only declare standards. How does confidentiality differ from consultation? How can pastoral providers care for themselves as they learn and hold people's secrets? How can we manage expectations and practices of confidentiality in such a way that trust and trustworthiness is enhanced within and among the community

of faith? Different challenges are posed on the levels of how and why: how does one develop an internal habit of maintaining confidences in light of the temptations of ego and circumstance, and why does maintaining confidences matter in a theological or ethical sense? Before we can address these questions, we must turn our attention to the next dimension in which confidentiality contributes to burden: the ethical dimension of providing pastoral care.

Weighing Confidentiality: Ethical Burdens

There are certain things I don't want to know (laughs) because knowing comes with the responsibility of what you're going to do with that information...

The second theme identified from the interviews with my research participants involved the experience of burden resulting from ethical conflicts which emerged between maintaining confidentiality and protecting some other significant ethical value. In these cases the content of the disclosure forced care providers to weigh the value of maintaining confidentiality when by doing so another significant ethical value was likely to be violated, or whether to breach confidentiality in order to respond to another ethical concern. Twelve of fourteen care providers cited occasions when things they were told in confidence presented a real possibility that another significant ethical value was being or would be violated. In each case the ethical conflicts involved some assessment that material, emotional or physical harm was already occurring or likely would occur. The specific cases varied and included, but were not limited to, stories of unethical or illegal behavior, drug use by children or teens, marital infidelity, relational exploitation, child abuse, and threats of suicide.

Threats of suicide or self harm were the most frequently cited concern for pastoral care providers within this theme. As one participant stated:

The ones I think that were the most difficult for me were when my clients would occasionally go through suicidal places, and I had to decide whether to...well, how suicidal they were. And that was always a burden to me—you didn't want to be responsible for the life of another human being in that way, on that level.

For the vast majority of pastoral care providers these ethical conflicts caused a kind of burden of dread, but any actual conflict over whether to keep or disclose a confidence was resolved by virtue of broadly shared sense of moral norms derived from interpretations of denominational, legal and professional standards. All but two research participants (a Chaplain serving in the Air Force and a Catholic priest) consistently maintained that they would feel no conflict reporting threats of harm to self, harm to another, or child abuse to an outside party. An Air Force chaplain interviewed for this study cited Air Force regulations that require chaplains to maintain *all* disclosures in absolute confidence with no exceptions, unless given written permission to disclose. For chaplains in those settings, obviously the ethical conflict is heightened, and the strategies for response differed somewhat. This chaplain explained that in these types of cases most chaplains she knew would assume that the disclosure signaled an interest in getting help, so they would most likely remain with the person until they would agree to get help or commit to a course of action to keep them safe. The response of a Catholic priest provided—in light of the doctrine of the seal of confession—a nuanced account of balancing two important doctrinal values of the Church. He put it this way:

I suppose this would be implicit, but coming with the territory of priesthood, and especially the role of confessor, it is very hard and fast—it wasn't really called "confidentiality", it was called "seal of the confession." And so anything I heard

there, stayed there. There are circumstances where I think it's appropriate to move beyond that stricture because whether a person is a threat to themselves or someone else, people need to be notified about that.

My guess is that different priests would approach that different ways. Some would feel, "This is it;" they will say nothing, no matter what the circumstance: one extreme. And others having a looser interpretation like, "does this person need help beyond what I can give or are they a danger to somebody or to themselves?" I think I'm in a healthy middle ground with that. Honoring confidentiality, but having a sense of the importance of that person's life or the life of people they're involved with. And just in terms of my own conscience, I would not be able to live with myself had I not disclosed something if it issued in harm.

Clear tensions remain in both of these accounts, even as the research participants articulated strategies with which they would navigate the embedded ethical conflicts.

Some of my research participants encountered situations where care recipients wanted or asked them to disclose information that had been shared in confidence in a pastoral context. In most of these cases family circumstances had devolved into civil and legal disputes that eventually involved the courts. The pastoral care providers interviewed for this project overwhelmingly voiced aversive reactions to the prospect of becoming entangled in legal actions and cases. They cited cases within families—divorce, child custody, and inheritance—as the situations most likely to result in legal involvement. The participants able to identify and describe what was problematic about these entanglements characterized the conflict stemming from what they perceived to be a shift in motivations and the ends being sought on the part of the care recipients. These confidential disclosures were made in the course of pastoral care or counseling in an attempt to secure guidance and counsel about how to work toward reconciliation and individual or relational healing. It was precisely the responsibility to secure confidential space for pastoral ends that presented the conflict that resulted in burden in these cases;

when disclosures were made in the context of pastoral work and then disclosed toward some other end, providers felt conflicted about breaching the confidence, even when requested.

If care providers believed that the motivation to disclose confidential information was destructive (as differentiated from cases where parties sought court protection from harm or injustice), they experienced the entanglement with legal proceedings as burdensome. In these types of cases one or both parties sought to use confidential information to their advantage and to the harm of another. Care providers in these cases felt caught between an *ethical* obligation to secure and maintain confidentiality for pastoral ends over and against what was being legally requested or required of them. One research participant shared this:

I was threatened with a subpoena. They both wanted me to talk. I didn't want to. I was informed that because they had given consent I could not refuse. That's what I had been informed and that's when they threatened the whole subpoena thing. But I just continued to refuse, and then when it looked like it was going to another level, I got a lawyer... And in both cases, you know, I clearly understood each one desired a particular disclosure.

And what the lawyer revealed in the arbitration discussion was that it would not be a particular disclosure—that my disclosure would be more far-reaching than either one of them wanted. I was going to disclose more than he had intended. Had I been speaking on her behalf it would have been, again, to disclose more than she intended.

That was actually the heart of the argument that the lawyer ended up using that allowed me to continue to remain silent... that the disclosure would go far beyond what either one of them was really prepared to give permission for, and so they ended up withdrawing their request for me to speak.

Divorcing parties also attempted to use disclosures by children to pastoral care providers in divorce proceedings. Though disclosures by children are not protected legally, this provider felt her commitment to confidentiality extended to children and teens, except in

cases where their well being was at risk. She described her struggles with parents this way:

I think it was just a practical thing, I had to do it, I had to come up front, because initially I just started informally saying, “You know, what your child says to me is confidential.” But when push came to shove, the parents wanted to know what the kid said; and if I wouldn’t tell them, they would have a lawyer call me. So it just got to the point where I said, “You have to sign this thing that says that you understand that my relationship with your child is confidential.” And they signed it and they still send their lawyers. And especially if it has a custody issue or something like that, they want to win their battle.

Here the burden on the care provider entailed securing for children and teens a safe and confidential space to disclose their thoughts and experiences, where what they said would not become part of the grist of an ongoing conflict between parents.

This provider, whose work is predominantly with children and teens, drew a clear distinction of protecting confidential disclosures by children and teens in order to facilitate the aims of pastoral care—healing, sustaining, guiding, reconciling and liberating—and those situations in which their health or safety was at risk.

I tell the kids when they come that it’s all confidential unless I think that they’re in danger. And my line is narrow. And so any suicide talk gets reported, any sexual abuse gets reported, any physical abuse. That’s the line. And then, if they’re smoking pot, if they’re using drugs, I usually report that to somebody, to a parent, to a caregiver, but never without telling the kid—I mean, we do it together. So if a child’s smoking pot and I think it’s harmful, which, I don’t always report all that, but if I feel like it’s harming them, then I say to them, “We have to tell your parents.” Same with cutting; if a child self-mutilates, we tell the parents. If it is a threat of suicide, we just go straight to the hospital; I go with them. We just check them in.

In some cases her clients did disclose information about adults that had to be reported.

Pastoral care providers who had done this type of work for several decades noted that mandatory reporting laws for clergy clarified their legal obligations and corresponded to

their ethical sensibilities; requirements to report disclosures threatening harm to self, others or abuse of children were met largely with relief. Mandatory reporting obligations in most cases appear to lessen a sense of conflict by making expectations and standards clear. Most denominations echo the legal expectations for their clergy, making any potential conflicts between the two types of authorities minimal. Again, the primary exceptions to this description included chaplains serving in the United States Air Force and Catholic priests hearing confessions, for whom the ethical burden was incurred when the potential of harm conflicted with the directive to protect confidentiality (or, alternately, the seal of confession).

The most prevalent type of disclosure resulting in a sense of ethical burden among care providers I interviewed pertained to sexual infidelity in covenantal relationships. Several of my research participants reported that disclosures of marital infidelity were painful to know and hold.

The ones that I find the most difficult are when someone comes and says, “I’m having an affair on a spouse,” and their spouse doesn’t know. And then the question is, how do you proceed with that? How do you handle that?

Generally, I’ve not had to disclose it. They generally come to the point that they’ve taken responsibility. Being patient for them to get to that point, I think, is the best thing to do, but I find it to be a very difficult—you know, it’s kind of hard to watch a train getting ready to run over somebody, and you go, “Well, you know, but they could blow the whistle on the train; let’s give the train a chance to blow the whistle.” So—that’s a hard one for me, because you know at a certain point that it’s going to come to down one way or another.

In the experience of this pastor, the spouse having the affair would usually eventually share the information, but the powerful metaphor of being a bystander unsure whether to intervene as the train comes barreling down the track is striking. I think pastoral

providers in this situation do wonder and ask themselves if they are somehow culpable in the harm done to a partner or spouse simply by holding the knowledge of a breach of trust. Upon reflection, most understand that their knowledge of infidelity does not constitute harm, but there is an ethical uneasiness in knowing and keeping secrets that do harm. Most of the care providers discussing this type of disclosure had not found a way to lessen their sense of burden when knowing information that would feel wounding to another party.

Perhaps the most haunting example of feeling caught between upholding confidentiality at the risk of others enduring harm emerged during an interview when a research participant shared a story that had occurred over a decade ago:

Another one that was particularly difficult involved a man who came to me in the congregation and told me some things that he was doing in his work, his business, that were very unethical. And it affected a lot of other people in the church that did business with him. And he was trying to confess that—it was more of a confessional kind of thing, but also like a “Now what do I do?”—and wanted me to tell him how to fix it, not only business-wise, which I’m not a businessperson to know how to do that, but also relationally how he’s going to fix it, but without letting them know.

And that was a hard one. I felt trapped. I was beyond my capabilities and it seemed to me this had ethical implications as to what he did or didn’t do. And that was hard.

This care provider felt trapped between honoring the trust placed in him during the process of confession and understanding the impact on others in his community of the content of the information disclosed. The congregant resisted disclosure of his unethical activity, but sought help in finding some way to “make it right” without it being known. This situation was further complicated when some in the congregation began to wonder and become suspicious of the pastor when he refused—following this disclosure—to

allow this church member to be considered for a position of fiscal responsibility with the congregation. This was the clearest example of how protecting a care seeker's confidentiality could result in aspersions being made against the pastoral provider's motives or actions.

Choices and actions facing one person often affect another or many others around them; ethical dilemmas are rooted in relationships, when actions one person undertakes has consequences for other people. Clergy and pastoral care providers are sought out as trustworthy persons in whose company one can seek a way through dilemmas and mistakes. Confidential disclosures can entangle pastoral providers in vicious triangles, in which providers can easily internalize a sense of responsibility, but have no clear path to agency. Those with whom I spoke shared their sense of burden when they knew information shared in confidence that posed some risk—physical, emotional or material—to another; they wondered and struggled with what was the ethical thing to do in these situations: to keep the confidence or disclose the information? Ethics are not only about what you do, ethics can also be about what you do about what you know. Even when they answered that question, the burden of knowing often remained.

Being Confidential: Structural Burdens

When you're a minister, there is the expectation that people can tell you these things at any time (laughs) and any place. I'm astounded at what people tell me. I feel like I'm a magnet, when in fact I'm really trying to not be a magnet. (laughs) And I don't know why that is, and, maybe it's just because they know I'm a minister.

The final dimension resulting in experiences of burden for pastoral care providers results from or corresponds to a role-based or structural aspect of pastoral work. Serving in a *designated confidential role* has the effect of inviting disclosures. Whether people are religious or not, whether they belong to your congregation or community or don't, whether or not you know them well, people will tell you their secrets. People make assumptions based on cultural norms—due in some part by the legal protections established initially for priests hearing confessions—that things told to clergy⁶ should (and will) remain confidential. The norm is so strong that it may override considerations of denominational differences, context of encounter, or lack of previously established interpersonal trust. People will tell you their secrets. So, why is this important when examining the burdens associated with pastoral confidentiality? In the course of this study I identified a pattern in which serving in a designated confidential role can contribute to structural imbalances in relationship, which in turn may result in experiences of burden. The most common type of imbalance results in what I call *receptivity fatigue*.

One of the most interesting findings in the course of my study was that some pastors and clergy consciously or unconsciously opt *out* of situations in which people might confide in them either through their demeanor or through role differentiation. An example of the former was an innocent comment made to me by a parishioner in Iowa as we talked informally about this study. In the course of our conversation she said that

⁶ I use the term clergy here intentionally, as the cultural norm is associated with designated or ordained religious leaders.

over the years she could tell which of her pastors wanted you to talk to them and which ones didn't. If you were sick, for example, she said, "some would come in, pray for you, and leave. I think some of them had just heard all they could take." This comment stuck with me, and I listened to my research participants for examples in which serving in a pastoral role seemed burdened by the ongoing and unrelenting expectation that they would be available to *receive disclosures*. For those I interviewed, this pattern appeared more as intermittent and transient experiences, rather than as an entrenched and ongoing experience. However, some research participants did describe colleagues with whom they had worked who structured themselves *out* of serving in pastoral roles most often by delegating pastoral work to another member of the clergy team. In some cases the separation of roles seemed associated with pastors' gifts and callings, while in other cases they attributed the role separation to a desire on the part of colleagues to avoid situations where people would disclose things to them. Perhaps not surprisingly, it was more common for women clergy to occupy the "pastoral" clergy role (officially or unofficially) on clergy teams and male clergy to opt out of these responsibilities. Let's look more closely at the experiences shared by research participants about the structural challenges of occupying a designated confidential role.

The research participant whose comments begin this section described one "typical" morning when she had breakfast with a parishioner with whom she had much in common; they often spent time discussing areas of mutual interest. Over the course of breakfast the parishioner discussed her daughter's struggles as a recovering alcoholic; disclosed that her grandson (son's son) had been subject to quite extensive abuse and

neglect at the hands of her former daughter-in-law who suffered from a drug addiction; that the parishioner herself would be inclined—given the means and opportunity—to kill her grandson’s mother; and that the brother of her younger grandson’s friend had died suddenly the previous weekend of what they had thought was a flu. She concluded this account of breakfast in a breathless voice and said, “So, (gasp) that was one conversation yesterday.” She then described going on to church and upon arriving in her office having a church volunteer disclose that her husband had been suffering from some previously undiagnosed condition which caused him to be agitated and aggressive while in some stage of his sleep cycle. After listening for some forty-five minutes to the impact of that on her life at home, the pastor turned her attention to the sermon she had been intending to spend the morning writing! The demeanor of and the description offered by this research participant indicated clear fatigue at managing these types of “unrelenting” disclosures. She commented that she was able to manage this aspect of her role in large measure because she worked only part-time for this congregation; she stated aloud that she seriously doubted she could hold up serving in a full-time capacity.

At least three of those I interviewed, and others in less explicit ways, had developed strategies of “release” in order to mitigate the effects of receiving disclosures, which otherwise threatened energetic, emotional, or spiritual overload. One research participant said this:

I learned early on not to carry my clients’ stories, because I knew that if I did I couldn’t do my work. So it took me about a week—I can remember the day very clearly when I knew I had to figure out some way to release those stories, because otherwise I would not be able to do my work; I would get so weighed down.

The story she told about the day she figured out how to release the stories came during a worship service and a call to communion. She uttered a prayer in which she entrusted the stories and the people who shared them to the care of the Divine. The effect was immediate and palpable: she felt “the weight literally lifted from my body.” Another described the necessity of establishing practices to block spiritual or energetic “attacks,” while several described requiring regular time to “cleanse” or “release” what they had “taken in” or “absorbed” in the course of serving in a designated pastoral role. In many cases pastoral providers described pastoral conversations as transactions in which they received that which was disclosed. They could not exactly “dispose” of what was offered, yet felt burdened by continuing to hold it. I was struck when two different chaplains (one serving in the military and one serving at a college) used the same metaphor to illustrate this transactional quality:

One of the chaplains (the one who refused to respond to a call that I ended up taking) made a comment to me once. He said gruffly, “Well, I’m not a garbage man. That’s not my job to take care of other people’s garbage,” and I said to him, “Yeah, but people can’t even begin to get to the point of figuring out what’s going on until they dump the garbage.” For me it’s like, “You got garbage? I’ll sit there with you as long as it takes for you to just like dump it all on me, and it can go all the way back till you were 5 and something happened to you when you were little, for you to all of a sudden realize that the one thing leads to another that triggered all this.”

I sometimes think of myself sort of like the community garbage collector. People know they can come to me and dump their garbage, or the garbage they know about somebody else. I quickly learned that just because someone had dumped their garbage didn’t mean I had to hold onto it. Sometimes I take walks and just visualize releasing it back to the earth... sort of like spreading compost....

Pastoral providers adept at recognizing the effects associated with “receiving” these transactions described tendencies toward fatigue and irritability as markers of an imbalance needing attention. One provider shared this description:

I know when the phone rings and it’s somebody saying, “I really need you to call—” and I’m mad that they called at 4:30 in the afternoon; I’m like, “You know what? Don’t call after 4. Come on!” And I think, “Why? Why is 4:00 my cutoff?” So that’s how I know when I get resentful; then I know, oh, I’m too stressed out. I’ve got to take a break.

In addition to managing the volume of what people tell you as a designated confidential resource and the transactional quality of receiving disclosures, providers described types of disclosures they were commonly expected to hear, receive and hold that could result in role-based experiences of burden.

Pastoral care to me means you can call on me to come to your house when it’s burned down, because you’re standing in your front yard trying to figure out how you’re going to move through your life. Pastoral care means you’re losing a parent or you’re perhaps going through an Alzheimer’s journey with a parent, and you need support in that. Or perhaps you’re suffering cancer and breast cancer and you’re going through all the work and it’s not working and so it’s preparation for transition. Pastoral care means you’ve lost a child.

So, these are the things that I tell my ministers that make them go, “I don’t want to do that!” It’s a willingness to stand by someone’s side and you have to have an ability to stand there and reckon with the depth of grief that a human being can experience—and to be able to separate empathy from compassion. If you can’t, it will kill you. It will take you apart. I mean, physically your body—because you don’t have the release.

Unless you’re really able to do that consciously and be present, and there’s an ability to separate, to hold compassion and sacredness, to recognize that the process that’s happening is allowing, even in its intensity, is allowing for healing. To be there for that. To stand by that. Because sometimes all anybody needs is just a hand to hold onto. They need someone that they can use as a reflective surface.

It is important here to distinguish that pastoral confidentiality links indirectly rather than directly to these types of role-based burdens. Earlier in this chapter I described some of

the unique aspects of pastoral ministry, including how those identified as clergy, religious leaders or ministers bridge the private and public domains and work in what I term an “unbounded context of encounter.” If we add to that description an element of social trust conferred upon pastors, clergy and religious leaders (warranted or not by the individuals occupying these roles) that is grounded in the assumption and presumption of pastoral confidentiality as a normative standard, then we can analyze pastoral experiences in general as influenced by confidentiality in particular.

My analysis of the interviews with pastoral providers suggests that pastoral confidentiality can be understood as both a distinct element contributing to experiences of pastoral burden and an element embedded within experiences of burden. Ironically, what classical theological literature signaled with the term “Christian witness” explodes with fresh meaning and implication when “witness” encompasses those who serve in roles socially designated as trust-worthy, or worthy of confidence. Occupying such a role invites one, as witness, into a host of experiences that my research participants recounted as burdensome.

In the moment, what makes it difficult is the content itself. I’m just often struck by what people have been doing. And so that in itself makes it difficult to just be in that space. I’m outraged at what we do to one another, and I’m outraged at some of the things that we experience, just as human beings.

Some things are grotesque that I have to listen to. It kind of snowballs...it’s not necessarily one particular situation, I think it’s the accumulation of a lot.

The most burdensome type of disclosures to me are atrocities that have occurred to the person--I could cry about it right now--that were previously unimaginable to me (crying), that I didn’t even know people did that to other people. That oh!, that were really sadistic or really cruel, really harmful. It’s a rather sexist term, but man’s inhumanity to man. Those have been the most burdensome to me. And

part of the reason they're the most burdensome to me is because the image stays with me. And, just in the oddest of time—it'll just come back to me.

In preparation for this I was thinking of one such incident, and it's just totally fresh and this was shared with me probably 20 years ago. It's just unimaginable to me how another human being could even do that. And it still causes me grief, and suffering. So even sharing that with somebody else would not alleviate it. That provides no alleviation for me. Because all I'm doing is passing that along.

These accounts suggest an overlap with the theme, "Things I Wish I Didn't Know" identified in the initial analysis of general burdens resulting from providing pastoral care.

I am arguing here that what pastoral providers come to know is linked in part to their designation as confidential resources, even when confidentiality itself is not required.

Interestingly, factors of identity or public witness against harm and injustice can further "identify" one as "trustworthy" to receive specific types of needs and concerns.

In one case parishioners identified the Associate Pastor as trustworthy to receive disclosures regarding the lesbian identity of a daughter, while they were unwilling to have this information shared with the Senior Pastor or others in the congregation.

I did not know that there were parents in this congregation who were afraid to speak the story of their sons' and daughters' journey, and the pain, because they knew even a whisper about their family members would get them judged, you know.

One of the most recent was a mother, came to me. She said, "I would never want Pastor or any of the people here to know. I heard them talking in Sunday school." It had come up in Sunday school, so they were debating about it. So, this woman pulled me aside. We had sat together for almost 2 years now, but she—and I know one of her daughters who happened to be a clergyperson and we came into ministry about the same time--she said to me, "You know, my other daughter is a lesbian." And even as she said that, I could see fear on her face. I knew that she had not spoken those words out loud.

This same research participant described situations in which being female clergy affected the types of situations and cases that could literally arrive at your doorstep:

If you see a woman who is bleeding and they're knocking on your parsonage door trying to ask for a safe-house, and the spouse's running right behind them, I feel I'm called to give sanctuary. And then I call the police and let the police sort out what is beyond my door. So I've had that kind of experience...

She continues by describing how she became identified as a resource in the community to work with battered and abused women and children:

I'm sometimes invited to be a part of the lives of women involved in a program through the hospital that supports women in violent relationships. I know they call on me when it's a matter of a deep conflict that has arisen around religion, and religion has told this woman, or her children, that she represents the devil if she leaves, or she sacrifices God's love for her—that has just been excruciating. And to know that in 2008 it is happening just as much today as it was in 1995 when I began this journey with women.

I really did not go seeking to be—I'm a minister to all the people. But for some reason, in this relationship, for these many years, I have attracted a lot of concerns of women and the people who work with women. Which tells me as one of the few women pastors here—there are women religious here, and I would imagine the sisters carry some of the same things—that this is an issue related to gender. There is the assumption, which doesn't always play out, that this woman may understand a little bit of my plight.

A different research participant described the opposite effect where her identity as a woman likely led many men to seek out a different resource for pastoral support. She explained further that factors of identity or position—like social class, relationship status and sexual orientation—impacted those who opt into or out of seeking care from any given provider.

For other participants, their public witness against forms of injustice or other stances elicited disclosures. In several cases those disclosures involved grappling with issues of sexual orientation. Interestingly, for those I interviewed, disclosures of a family member's or one's own issues with sexual orientation emerged as the most commonly

cited concern about which fears of social stigmatization loomed for care receivers and drove requests for confidentiality.

And then, since that time, there were a couple of other persons over the years who talked to me about questions regarding that in terms of themselves trying to come to terms with their own sexuality and so forth. And here, in this congregation, that's happened. There is a woman in the congregation now who's lesbian and who's quite active in the congregation and doesn't want anyone to know. And, frankly, this came up when I was in Puerto Rico 3 weeks ago; someone there asked me whether there were any in our congregation who were homosexual. First of all, I said, "Well, I'm sure there are." And then I asked them, "Well, do you know of anyone?" And they had to stop and think, and then, "Well, yeah, I do. I know persons who are."

I still am trying to sort out biblical, theological sorts of things and continue to struggle with that kind of stuff. But I return to that basic bottom theology of care, that God cares about people, God wants relationship with people, and even if I'm confused and don't understand some things, God cares about these people and He calls us into relationship with one another. . .

In this case the pastoral care provider recognized a limit to the opportunities for open, authentic relationships in which these disclosures could be held in his community of faith. In other cases, the requests for confidentiality left what I would call a burden of sadness or disappointment that the community of faith or other colleagues were not deemed equally worthy to receive such disclosures.

Okay, well, I am not so sure that it's my keeping confidences that cause me the restless night, it's the way that confidences or relationships within the church, based on confidential issues, may cause rifts in relationships. For example, people who are not supportive of reconciling issues and specifically talking about reconciling issues as being welcoming of gays and lesbians and other persons for whom there's bias or discrimination within the society. There are people who wonder why the church has this position, why this congregation has taken the stance of being open and welcoming. And I know that there are a number of persons within the congregation who have gay or lesbian children, who themselves are closeted, and yet who are not willing to come out because there are these people in the congregation who have those feelings, but also because they don't trust that this congregation really does believe what they've said they believe.

Those who receive these disclosures are left with the burden of hearing and knowing what their community and the broader “church” fails to recognize and embody: a place where people can be authentically who they are and welcomed into relationship. One participant described what it had meant to receive these disclosures in the midst of a broader church that did not welcome them:

I have lived too close to the harsh reality of what it means for many that the Church is not inclusive. Everywhere I’ve gone, I have been confronted with who is absent from the table. So, with all these experiences, I still find myself saddened by the fact that I have only had the congregations where I served to work with and be able to leave a place feeling as though they are more open; that somehow God sent me to each place that I served. I do not see the church as a whole becoming more open, though I work for that wherever I go.

Whether from the sheer volume of disclosures, the types of disclosures they wished they didn’t know, or the situations and information that reached them driven by factors of identity and public witness, care providers described struggling with intermittent and at times overwhelming fatigue. Fatigue is an altogether human experience, not limited to pastoral care providers. However, the *particular* fatigue I observed and identified among my research participants relates specifically, I believe, to the structural designation of serving in a confidential role. The normative expectation and assurance of confidentiality *invites* disclosures. This dynamic can set up and result in a pattern of transactions in which pastoral care providers “receive and hold”, unsure whether and how to “respond and release.” Thus, while common fatigue might be characterized as an expenditure of energy resulting from what one puts out, this type of fatigue would be characterized in terms of receptivity resulting from what one takes in. We associate healthy interpersonal relationships with some level of reciprocity and

mutuality. Even in cases where power differentials are associated with roles or position (parent-child; teacher-student; supervisor-employee; therapist-client) established modes for some give and take remain. Feminist and liberation scholars have elaborated how reified patterns of relationships in which some persons or groups persistently occupy dominant power positions while others persistently occupy subordinated power positions can distort and destroy not only individual and group flourishing, but relational capacity and flourishing as well. In a related, but distinct pattern this study suggests a possible tendency inherent to pastoral roles toward structurally imbalanced relational transactions associated with the pattern of inviting confidential disclosures. Thus, *receptivity fatigue* denotes the final dimension of burden associated with confidentiality.

Summary

Two rounds of qualitative analysis of the interview data resulted in patterns both of general burdens associated with providing pastoral care and more specific themes in which confidentiality contributed to pastoral providers' experiences of burden. Three dimensions were associated with the burdens linked to confidentiality: the professional dimension in which pastoral providers are expected to internalize norms and expectations of confidentiality so that they could in turn actualize effective practices for confidentiality; the ethical dimension in which pastoral providers were confronted with ethical conflicts or dilemmas involving confidentiality and some other ethical value; and the structural dimension in which serving in a designated confidential role increased the likelihood for pastoral providers to experience role-based relational imbalances. Different types of burdens are associated with the different dimensions. The professional

dimension corresponded to an expectation that providers would learn to internalize norms and habituate practices in order to successfully maintain confidentiality. The burden most closely associated with this dimension was a sense of professional insecurity with the norms, standards and practices for confidentiality. The ethical dimension corresponded with burdens of conscience; providers were challenged to weigh competing ethical values when disclosures generated conflicts between confidentiality and (most commonly) preventing harm; these cases prompted providers to discern an ethical responsibility for what to do with what they knew. Finally, the structural dimension, by designating pastoral providers as confidential resources, contributed to an increased likelihood for burdensome interpersonal and transactional dynamics I described as *receptivity fatigue*. Receptivity fatigue resulted from receiving others' disclosures in a context of confidentiality, which had the effect of limiting the options available for response and diminishing care providers' capacity for agency with respect to the disclosure.

The professional dimension demands that pastoral providers learn about, internalize, and uphold through their practices professional norms and standards for confidentiality. Interviews with the research participants suggested that three components contributed to the professional challenge of maintaining confidentiality: lack of adequate training, variations in expectations, norms and practices for confidentiality, and the impact of context on care. Statements by research participants suggested that sufficient training and education about pastoral confidentiality needed to include explicit norms, both in terms of articulating broadly held professional standards and specifying

particular expectations within denominations. Research participants sought opportunities to unpack norms and standards in light of case scenarios that introduced commonly encountered circumstances and elements, including learning how to differentiate breaches of confidentiality from appropriate pastoral consultation, and how to distinguish self-care from gossip and indulgences of ego. Finally, interviews with providers suggested that some contexts prove more challenging for maintaining confidentiality than others. Examples of contexts that complicated norms and practices of confidentiality included: serving in small, tight-knit communities in which information about community members was regularly and freely exchanged; serving in communities of faith where historical norms and expectations--for public confession of sin, for example--might conflict with practices of pastoral confidentiality; and finally, serving as a pastoral provider within an institution with its own norms and mission that remained distinct from any particular community of faith, especially relevant for chaplains serving in prisons, hospitals and branches of the military.

In addition to making norms and standards explicit, my analysis suggests that training and education that equips pastoral providers to manage and negotiate variations in expectations and practices for confidentiality would be helpful. Whether addressing differences are between pastoral colleagues or within a community of faith, providers need support first internalizing their norms and standards for confidentiality, and then enacting those standards successfully in relationship and between contexts. Obviously, confidentiality can also prompt ethical dilemmas. What does one *do* with what one *knows*? What responsibility or culpability does knowledge create? How is one to balance

an ethical responsibility for what one comes to know with the ethical values embedded in confidentiality, namely one's integrity and trustworthiness as demonstrated through keeping promises and safeguarding trust? If confidentiality is an outward expression of relational trust, how are providers to balance and adjudicate when ethical values, such as do no harm (non-maleficence) or do good (beneficence) compete or conflict with keeping promises or honoring trust? Clearly training about confidentiality cannot be satisfied through declamatory methods that ignore the challenges, conflicts and contextual considerations that render simple rule-based norms inadequate to the challenges providers face.

Finally, the analysis suggested that pastoral providers would benefit from opportunities in their training or ongoing education to address, understand and strategize about the unique structural burdens that can accrue from occupying a role designated as a confidential resource. What approaches to receiving disclosures and providing care might mitigate rather than exacerbate tendencies toward receptivity fatigue? How can pastoral providers maximize opportunities for mutual respect and reciprocal agency in pastoral relationships and interpersonal transactions? What strategies for self-care can assist providers in remaining available and open to serving in this role? Clearly, learning to maintain confidentiality, to weigh confidentiality and to be a confidential resource takes time, practice, and the support of colleagues, mentors and denominational structures. Even with optimal training and education, wise mentors and trustworthy colleagues, and straightforward contexts in which to provide care, serving as a

confidential resource to individuals, couples, families and community groups may strain even the most grounded among us.

How do these findings compare to the guiding hypotheses with which I started this project? To review, I hypothesized that pastoral encounters that could be characterized as predominantly uni-directional (agential or receptive) posed an increased risk for abuse of power by care providers following disclosures on the one hand, and posed an increased risk of experiencing receiving confidential disclosures as burdensome on the other. Second, I hypothesized that confidential disclosures were more likely to be experienced as burdensome if the information disclosed presented the pastoral provider with an ethical dilemma in which the need to keep information confidential: (a) had to be weighed against protecting others; (b) was complicated by the claims of competing authorities on the care provider; or (c) undermined other ethical values. Clearly, the structural dimension that I associate with a pattern of receptivity fatigue corresponds to one pole of uni-directional pastoral encounters: the receptive pole. Moreover, ethical conflicts constituted one dimension that contributed to experiences of burdens associated with confidentiality disclosures, especially in cases where confidentiality had to be weighed against potential harm to another—sub point (a). Sub point (b) emerged more clearly as associated with the professional dimension of maintaining confidentiality, specifically in terms of negotiating varying expectations and norms as they emerged within and between specific contexts. Sub point (c) was largely subsumed within sub point (a) in the ethical analysis, and did not correlate with any specific findings on its own. In this case the guiding hypotheses for the project did correspond in some measure

to the findings that emerged from the data. However, the data disclosed more in terms of relevant factors and more in terms of the rich and thick description of factors than my initial hunches conveyed. The data also uncovered less specifically in terms of the abuse of power by providers following disclosures (likely because leveraging dominant agential power is not often experienced as burdensome to the provider/agent), the conflicts for providers stemming from competing authorities (present, but not prominent), and less in terms of a variety of ethical values that come into conflict with confidentiality.

What, then, are the implications of these findings not only for training and education in pastoral care, but also for pastoral theology? As Chapter 2 suggests, religious practices and norms for pastoral and confessional confidentiality emerged initially from theologically oriented concerns that sought to lessen perceived obstacles for believers to undertaking confession, most often characterized by (often well grounded) fear of personal reprisals and negative social repercussions. By contrast contemporary norms and practices for pastoral confidentiality have largely been shaped and driven by legal concerns, the rising influence of the trends toward professionalization, and standards developed for secular mental health treatment. Even when other factors or resources prove useful to pastoral care providers in making prudent choices, it remains the challenge and task of pastoral care providers to secure their norms and practices on theological grounds; pastoral care providers reflect theologically so that what we do and how we do it emerges from and relates to a vital theological perspective.

As discussed in the introduction, this project utilizes a pastoral theological method. Pastoral theology identifies its driving concern from concrete pastoral

experiences, in this case the concrete experiences of pastoral care providers operating within a normative context shaped by expectations of confidentiality. Each dimension identified in this study--the professional dimension, ethical dimension and structural dimension—carries challenges that can contribute to a burdening of the practice of pastoral confidentiality. Therefore, pastoral theologians utilize theological perspectives and resources as well as materials from cognate disciplines as tools for critical reflection upon these concrete pastoral experiences in order to “forward more relevant theological constructions and distill more adequate guidelines for pastoral practice.”⁷ This project seeks to provide care providers a pastoral theological perspective that can serve as: a context for and container in which to develop and maintain professional standards and practice; guidance with which to discern a path through ethical challenges; and a resource to reframe and shift structural dynamics that might otherwise burden efforts to provide care.

⁷ Again, in the words of Larry Graham.

CHAPTER 4: POWER AND COVENANT: LOVING MERCY, DOING JUSTICE, AND LEARNING TRUST

He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God? (Micah 6:8)¹

Pastoral work unfolds in the inescapable web of relationships.² This assertion strikes no one as surprising or particularly insightful. Extending that assertion to observe that personhood, human life and indeed all of creation are constituted and maintained in and through relationships stretches our presumptions a bit more. However, in undertaking a review of literature in fields as seemingly unrelated as biology, physics, philosophy, sociology, psychology and theology one can discover “relationality as a core construct”³ within them all. At a fundamental level we can assert that relationality shapes reality. A related but distinct premise lies embedded within that assertion, namely that an ongoing interactive and dynamic relational process constitutes and maintains reality. Taking both relational context and dynamic process as core constructs for understanding not only reality, but the human experiences embedded within it, process relational

¹Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press, 1991).

² See Note 5 for references that utilize the metaphor of the web of life or the living human web in theological and pastoral theological literature.

³ Miller-McLemore, “The Ontological Status of God and Other Small Questions” in *Pastoral Psychology*, Vol. 47, No. 3 (1999): 166.

theologies provide an obvious resource with which to reflect on and respond to the pastoral challenges presented in the preceding chapter. In the chapter that follows I explore how the theme of covenant, central to both Hebrew and Christian scriptural accounts of the divine human encounter, can be elaborated using process theology in ways that provide a theological resource for pastoral caregivers to frame and ground confidential pastoral work, whether in its professional, ethical or structural dimensions.

Pastoral work unfolds in the inescapable web of relationships. For that reason the chapter begins by establishing the relational context for the theological reflection and construction that follows. Since the relational context in which we are embedded is itself neutral in value and character, we are left to explore and articulate the conditions for optimal relationality. Optimal relationality relies necessarily on a grounding of trust. A pastoral theology of confidentiality, however, must elaborate not only the conditions for trust, but also how our participation in trustworthy relationships contributes and relates to the unfolding purposes of divine engagement with creation. This chapter argues that optimal relational trust reflects the foundational character of the divine engagement with creation, and therefore the most fruitful foundation for and expression of pastoral confidentiality. I tie this understanding of optimal relational trust to the covenant motif found in scripture. I argue that scriptural covenants involve operations of power expressed through a matrix of specific attributes: love and mercy, justice and righteousness, and whole-hearted integrity and humility, which qualify and impact the possibilities for trust not only among humans, but between humans, creation and the divine.

Understanding the divine—and all of reality—as inescapably and mutually interrelated prompts an examination of how power gets framed and understood. Starting from an understanding of power as the exchange of influence⁴ within the web of relationships, I draw upon process relational theologies to argue for an understanding of divine and human power as dynamically bimodal, operating in both receptive and agential modes. Framing power in this way requires that we examine and understand not only the optimal conditions for sustaining creative interactions, but also what leads and contributes to relationally disruptive or destructive transactions.⁵ Characterizing power in terms of creative or disrupted destructive relational dynamics leads me to analyze power in terms of its impact on the possibilities for supporting or increasing well-being, justice and the relation of justice to trust. I argue that optimal power interactions contribute to well-being by enlarging freedom and creativity, which derive from deepened interpersonal connection secured by trust within a context of relational justice. Given this frame, the conception of justice utilized in this project remains intrinsically relational rather than reflective of some ideal abstracted from lived concrete realities.⁶

⁴ This definition of power derives from Bernard Loomer, who described power as “the ability to produce and undergo an effect.”

⁵ For a full elaboration of a process-relational pastoral theological model, see Larry Kent Graham’s *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992). Graham provides a careful explication of his psychosystems model that incorporates power modalities and transactional exchanges toward what he calls “synchronistic power,” contextual integrity, synchronized value outlooks that optimizes vital creativity and transactional effectiveness toward the theological enterprise of increasing love of self, God and neighbor, an increase of justice and ecological partnership.

⁶ I am indebted to Larry Graham’s work, which assisted in my articulation of this idea. See *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 160, 261.

From this understanding of justice I elaborate a model in which the operations of power can be analyzed in terms of actualizing or diminishing divine aims—taken here as synonymous with optimal aims—by utilizing the lens of relational justice. Having established the context for understanding the operations of power in terms of well-being rooted in relational justice, I return to the qualitative assertion that optimal relational trust characterizes divine engagement with creation. Turning to Hebraic and Christian biblical resources I explore how the idea of covenant specifically characterizes and shapes divine human relationships and suggests a framework for understanding and reflecting upon pastoral practice. By linking the idea of relational covenant central to Hebraic and Christian theological traditions to an understanding of optimal relational trust, I demonstrate how a covenant with the divine invites us to expand the boundaries of our loyalties through the operations of love and mercy, righteousness and justice, wholehearted integrity and humility. I argue that a model of covenantal relationship in which the humble of heart join together in doing justice and loving mercy provides fertile ground for optimal relational trust to be actualized and sustained in the encounter of persons with one another, as well as in and between communities, creation and the divine.

Where We Begin: Reality as Relational and Processive

Human beings are intersubjective and social creatures. Existence entails relationships with other people in work, political life, family life, and so on. If the capacity to recognize the other as human were destroyed, human life would be impossible. This is not a philosophical intuition of human “nature” or “essence.” It is the immediate experience of being encountered by another person.⁷

⁷ Wendy Farley, *Tragic Vision Divine Compassion* (Louisville, KY: Westminster John Knox Press, 1990), 38.

Process relational theology begins with a premise that every occasion of reality – from the most minute to the enormously massive, from the a-conscious and unconscious to the fully conscious, from simplest to most complex -- is actualized in a constant fluid process. This may seem counter intuitive to a person accustomed to thinking of the material reality of things in terms of static solidity. This table on which my laptop rests seems solid enough, as does the laptop, as do the fingers which press the keys. Yet chemists, biologists and physicists have shown us—and it is generally agreed—that my “solid” body (and every material thing) is comprised of multitudes of constitutive components (elements or cells), organized and integrated and coordinated in the most astonishing ways: the smallest waves and particles of energy, binding or moving the “stuff” of us; cells or elements with distinct purposes and characters organized and coordinated through an almost entirely unconscious (and continually ongoing) process, with infinitely small amounts to immensely vast expanses of space in between. However stable and solid we take our bodies to be, we know that our bodies change: they age, fall prey to illness or injury, shed (skin cells, hair, fingernails, eyelashes) and grow (hair, fingernails, waistlines, eyelashes). The process of change to mountains may be slower and less noticeable to our human awareness, yet even land masses as vast as continental plates break apart and move across the surface of the planet while stars fade or go super nova. Our bodies are in process. The planet on which we live is in process, as are each of its constitutive elements. When the particular set of processes we associate with bodily life ceases, we recognize a shift in process, and the processes of death replace the

processes of life: our bodies cease to be what they once were; the integrating site of and vehicle for our sensorial, intellectual, emotional and spiritual experiences becomes transformed in turn by processes of decay, fire or ingestion and is reclaimed as the earth's own.

Given this fundamental premise that ongoing processes underlie reality, we can also then recognize that relationships are embedded in those processes. Cells group by type and function, elements join into compounds, water molecules condense and fall to the ground enabling insects, plants, humans and animals to ingest or absorb it. Water molecules evaporate, enabling their transport and distribution around the planet by wind and gravity. Humans consume plants and animals to survive and depend upon trees and plants to convert gases to oxygen that we breathe. Human life unfolds—for better or worse—in relationship to one another as well as to other aspects of reality. Studies suggest human infants do not survive or thrive when cut off from relational contact. Humans exist within groupings of families, communities, tribes, and nations. To complicate matters, human reality depends not only upon other humans and life processes, but also upon the ongoing processes of the planet. Tides rely upon the gravitational pull of the moon. The earth is but one element of a planet gravitational system orbiting a central star that is part of a larger group of stars hurtling through the expanse of space. As pastoral theologians, we maintain a conviction that the divine participates in reality as part of reality. How then should we conceive of divine participation in the process of unfolding occasions and relationships?

Process relational thought departs from classical theological formulations of the divine as the unchanging Subject, a God of God-self and for God-self.⁸ Process relational theologies argue that the revelation of divine-in-reality unfolds and can be discerned in process and through relationship. One author suggests that divine desire for experience and to be-in-relation gives rise to an understanding of all material reality as the incarnation of God, the universe as the body of God.⁹ As succinctly put by Wendy Farley, “Creation is the footprint of the power of God to resist nothingness.”¹⁰ Most process relational views understand divine reality inextricably embedded within, but not reducible to material reality: the divine ever-present in and to each moment and aspect of reality, inviting interactive engagement. This desire for or impulse toward relationship forms the basis for process thinkers to attribute to the divine the function of providing value to the actualizing universe, inviting optimal coherence and beauty through ongoing interactive encounters within conditioned (by time and space) reality. Each of these frames suggests divine reality participates in and influences reality, but never functions in a wholly determinative way.

⁸ For an impressive articulation of process theologies debate and departure from classical theologies, see the classic by Charles Hartshorne, *Omnipotence and Other Theological Mistakes* (Albany, NY: State University of New York Press, 1984).

⁹ Sallie McFague’s book, *The Body of God* (1993), takes up where her previous book *Models of God* (1987) left off, namely with the statement, “The world is our meeting place with God...as the body of God, it is wondrously, awesomely, divinely mysterious.” She goes on in the Introduction to describe the essay as an attempt “to look at everything through one lens, the model of the universe or world as God’s body.” This focus reflects both what she takes both to be reflective of “the view of reality coming to us from contemporary science” as well as “a deeper context for understanding the relationships among all living things.”

¹⁰ Farley, Wendy. *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 106.

Alfred North Whitehead, arguably the most widely referenced process theologian, articulated a model in which reality—including divine reality—is continually shaped in and through ongoing process. In brief, the process constituting reality involves integrating inherited elements from the past and from the given context or environment with novel elements available in and to that moment. Past influences and conditions contribute to and shape each occasion; present reality retains integrity and coherence with the past and the environment by selecting and retaining inherited aspects for the present. Though the sequence of integration and actualization repeats, the past is not simply continually remade and repeated in the present. This model balances the embeddedness of each occasion of reality in a given environment and moment in history with a recognition that novelty emerges and change happens. Change occurs because novelty can be introduced in any given moment by the environment, another creature or by the divine. Our given-ness in time and space, in history and culture contends in turn with the freedom embedded within life processes. In every moment in which reality becomes and is actualized novelty contends with continuity and freedom contends with embeddedness. Reality results from the creative and dynamic interaction between possibilities of novelty and structures of continuity. This process of actualization occurs within the context of a relational web and ties us to the dynamic interplay between us, our environment, other people, other creatures, creation and the divine. What we actualize impacts what is available not only to ourselves in the next moment, but also to the processes of actualization of every other unfolding entity and occasion.

Novel elements may or may not be sought or consciously chosen. Imagine, for example, encountering a violent rainstorm in the course of a road trip that necessitates making an unplanned stop along the road. Once encountered that element becomes actualized in the present, then as part of one's lived past carries forward to be available for the next unfolding present moment. The rainstorm was not chosen, but now that I've pulled over, do I sit in the car and wait or look for somewhere to get something to eat? The rainstorm introduces a novel element into the future I had imagined. The choice of whether to sit or seek somewhere to go presents an opportunity for an expression of human freedom through conscious choice. Whether I can exercise that freedom may be impacted by the environment (is there somewhere to go and eat where I am stopped?) or historically determined factors (do I have any money in my pocket to buy coffee?). This process continues ever balancing coherence with the past and new possibilities for the future. Though somewhat simply construed, this model provides one lens through which we can begin to understand how process relational theology conceives of the participation of the divine in and with conditioned reality.

Whitehead suggested that two dimensions comprise divine nature: what Whitehead termed the primordial nature and the consequent nature of God.¹¹ This construction provides a means to articulate how the nature of divine power includes both an agential dimension or modality (primordial nature which offers influence to unfolding reality by providing optimal possibilities to each entity or occasion) and a receptive

¹¹ Alfred North Whitehead, *Process and Reality*, Corrected Ed., eds. David Ray Griffin and Donald W. Sherburne (New York: The Free Press, 1978), 343-351.

dimension or modality (consequent nature which receives and takes in all that becomes or is actualized in reality). The key interplay within this conception of divine participation links the influence received via the consequent nature of the divine with the inexhaustible possibilities of divinity's primordial nature in order to provide a specifically optimal influence to each unfolding occasion or entity. Whitehead described this agential participation of divinity in the process of reality as providing an "initial aim" to each entity in every occasion of unfolding.¹² This aim derived from divinity's "wider and more consistently loving perspective"¹³ of all that is (consequent nature) and all that could be (primordial nature), invites each entity to optimize the value available in and to each successive occasion.

This view leads process thinkers to characterize divine ultimacy in terms of omnipresence and a *kind* of omniscience, rather than attributing omnipotence to divine participation in reality. In this understanding divinity presents and makes available possibility to the universe of entities and processes, but cannot know or determine how each entity will choose, how a given unfolding occasion will actualize any moment of reality. Process thinkers do distinguish between the capacity to know all that has come before, all that is and all that could be from the capacity to "pre-know" or know in advance what will happen next. Pre-knowing undermines the assertions of both Hebraic and Christian traditions that freedom, volition and choice are protected in the structures

¹² See Whitehead, *Process and Reality*, Corrected Ed., eds. David Ray Griffin and Donald W. Sherburne (New York: The Free Press, 1978), 105, 108, 224-225, 244-245.

¹³ Carol P. Christ, *She Who Changes: Reimagining the Divine* (New York, NY: Palgrave MacMillan, 2003), 91.

of reality and humanity's relationship to the divine. One theologian comments "that it is wiser to interpret divinity as a possibility-to-be"¹⁴ or alternately put that "God who is traditionally thought of as act or actuality, might better be rethought as possibility."¹⁵ Through this lens divine possibility invites and lures every dimension of reality toward enriching the experience of creatures and what becomes actualized in creation. We find an echo of this sentiment in the words of John 10:10b, "I have come that you might have life, and have it in all of its abundance."¹⁶

Consider divine possibility available to and participating in each unfolding occasion. Consider divine being as supremely related: present to all in every moment, encountering—perceiving and feeling—every aspect or entity actualizing and actualized within the universe, the whole of creation through all time. Consider that divine reality and the world, humans and structures of creation share a continuous mutually reciprocal relationship.¹⁷ The divine contributes to and is shaped by the ongoing processes of becoming in the universe, just as every actual occasion once realized contributes to and is

¹⁴ Richard Kearny, *The God Who May Be: A Hermeneutics of Religion* (Bloomington, IN: Indiana University Press, 2001), 4.

¹⁵ Richard Kearny, *The God Who May Be: A Hermeneutics of Religion* (Bloomington, IN: Indiana University Press, 2001), 1. It should be noted here that Kearny's view eschews the metaphysical system which so shaped Whitehead's own thinking, including his formulation of "eternal objects," which partially comprise the nature of God. This rendering of one aspect of God as "beyond process" remains one of the more problematic features of Whitehead's metaphysical system. Kearny avoids this path through "locating" God as future (eschaton) introduced in each immediate moment as possibility revealed in the present through transfigurations.

¹⁶ Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press), 1991.

¹⁷ Lucinda Huffaker, "Feminist Theology in Process Perspective" in *The Handbook of Process Theology*, eds. Jay McDaniel and Donna Bowman (St. Louis, MO: Chalice Press, 2006).

shaped by every other. Reality is thoroughly interdependent. In this way humans reflect divine reality, created through relationship, formed in the context of relationship and for the purpose of relationship with every aspect of creation. How we actualize, what we retain from our past, the response we make to possibility in our present and seek in our future is up to each of us and all of us; we share in this enterprise of co-creation. The dynamic interplay out of which creation becomes and is actualized leads us to consider the next central theme: power.

Power

My grace is sufficient for you, for power is made perfect in weakness. (2 Corinth 12:9)¹⁸

As we have seen, process relational theologies understand the nature of reality—including divine reality—as inescapably relational. Process relational views maintain that all power can only be understood within a relational context, without which the exercise of power has no relevance or meaning. As put most directly by Bernard Loomer, power is the “ability to produce and undergo an effect.” The important and interesting contribution of process relational thinkers is this description of power—understood as influence—into two poles or modes: the producing mode and the affected mode, alternately denoted as the agential and receptive dimensions of power.¹⁹ As we saw in the preceding section, for process relational thinkers, divine power offers no

¹⁸ Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press), 1991.

¹⁹ Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992): 63-64.

exception. Divine power functions as reciprocally and interactively integrative and creative, its eschatological arc moving toward ongoing actualization of value toward “the fullness of life” as expressed in the verse above from the Gospel of John. Process theologians articulate the fullness of life as expressed through beauty, marked as an optimal balance of harmony and intensity. Given a relational context for understanding power and this description of the exchange of influence, all power available in and to creation must be understood as dynamically bimodal and mutual.

Mutual power suggests shared influence and shared effect. This understanding of power obviously differs from classical theologies’ interpretations of divine power as omnipotent, understood as absolute (not shared) and singularly agential (not affected). For process thinkers, the classical account of God as the unmoved mover does not adequately resonate with the divine as revealed in scriptural accounts or the divine as revealed through the created universe; the testimony of experience and creation challenges the view that sacred reality is unaffected by creation and the understanding that God’s omnipotence can be appropriately characterized as dominant, exclusive and sovereign power. Wendy Farley puts it bluntly, “There can be no benevolent, but absolute power, because such power by its very nature deprives creatures of the possibility of freedom.”²⁰ Process relational theologies preserve divine perfection, though not through a capacity to dominate, or as absolutely causal and controlling. A

²⁰ Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 69.

process relational understanding of divine power as perfect signifies the capacity for omnipresent—in the sense of pervading all of reality—and inexhaustible efficacy.²¹

Returning to Loomer's assertion—that power is “the ability to produce and undergo an effect”—allows us to shift from a conventional view of power as exclusively agential to include the receptive dimension of power. No action has meaning, efficacy or impact lacking this bimodal exchange of influence. If we take communication theory as analogous to power we easily recognize that if a message is not understood or received, it was not effectively communicated or transmitted. Likewise, power at its most efficacious thrives when two poles are mutually and freely engaged in the exchange. No one would deny that power can be conveyed in dominating or coercive modes. Indeed, many argue that dominating or coercive power represents the *most* efficacious form of power: its effects are direct, immediate, and undeniable. Others, however ambivalently, have reconciled themselves to the *utility* of coercive power, especially if believed to be used as the means to achieve a clearly identified “good” end.

On the other hand, feminist, liberation and process thinkers challenge many of these conclusions, drawing upon philosophical, ethical and theological resources to do so. God's culpability for suffering in the world presents the most immediate and persistent problem for classical theologies that maintain conceptions of divine power as dominating, ultimate or absolute. The formulaic construction of the theodicy dilemma for classical theology persists: how can God be all powerful and all good and allow suffering in the

²¹ Carol P. Christ, *She Who Changes: Reimagining the Divine* (New York: Palgrave MacMillan, 2003), 91 and Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 106, 112.

world? Classical theologies²² most typically answer with one of the following: suffering is caused by human sin; suffering is punishment for sin; suffering has purifying or pedagogical effects; or suffering will be redeemed or corrected in some future time (as part of the eschaton).²³ While one or more of these responses are persuasive for many committed Christians, many others find these theological justifications for the pervasive and unassuaged suffering of humanity—not to mention the suffering throughout the planet as we race headlong toward ecological disaster—woefully insufficient.

In the face of radical suffering traditional theologies are unable to exorcise the demons that whisper that life is futile, suffering meaningless, and the cosmos an empty and evil void... A tragic sense of life burns with a desire for justice... In tragic vision unassuaged indignation and compassionate resistance replace theodicy's cool justifications of evil."²⁴

In the most direct if simple formulation: when God retains all power God also retains all responsibility for what occurs in the world, which renders God at best indifferent to the suffering that pervades existence or at worst a sadistic tyrant.

A process view understands power as necessarily relational and interdependent, mutually and reciprocally influenced and influencing. Catherine Keller observes this:

²² For a summary of these theodicies, see Susan Nelson, "Facing Evil: Evil's Many Faces" in *Interpretation*. 57:4 (2003): 398-413.

²³ Process theologies have been criticized for framing reality in largely aesthetic terms, which critics believe leads to diminishing the seriousness of suffering and de-emphasizing the necessity for ethical responses to injustice. The process views forwarded in this project attempt to address this critique through drawing on process writers that embrace ethical responses as endemic to a relational model that values creativity, freedom and flourishing as well as by drawing from feminist and liberation perspectives to invigorate critical thinking about how structures of injustice present challenges to pastoral theological models and pastoral practice.

²⁴ Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 21, 23.

Because we are radically interdependent, we are unbearably vulnerable to each other. We are in each other's power. Power is manifest concretely in the flow of influence, the flow of me into your experience, of you into mine, by which we consciously and unconsciously affect each other. We may define power as the *energy of influence*: so it can be human or inhuman, benign or destructive.²⁵

This capacity not only to influence (the usual mode emphasized in discussions of power), but to *be influenced* can cause us uneasiness. One aspect of receptivity involves being vulnerable to the influence of others and created reality. Receiving influence can contribute to our well-being and flourishing, can challenge us, and assist us to grow and learn. However, insecurity and defensiveness can result when the dimension of power that is offering influence feels threatening or unsafe. As humans we are vulnerable to elements of creation we cannot control. We are vulnerable to the indifference or cruelty of strangers or those with whom our lives are intimately entwined. We are vulnerable to our own disappointment, vulnerable in our need and desire, and vulnerable in our hope. This vulnerability can trigger our embedded biological impulses toward aggression, which can cause us to harm others or creation.²⁶ This vulnerability can also trigger a withdrawal response, through which we seek to disengage in the hope of safeguarding our well-being. Relational power offers no assurance or certainty of safety; process relational interpretations of religion promise no haven, security blanket, or ritual access to special protection.

²⁵ Catherine Keller, *On the Mystery: Discerning Divinity in Process* (Minneapolis: Fortress Press, 2008), 80.

²⁶ See Marjorie Suchocki's *The Fall to Violence: Original Sin in Relational Theology* (New York, NY: Continuum, 1994) especially Chapter 5 for a discussion of the roots of human anxiety lying in our substructure of aggressive violence through which humans as a species survived.

When receptivity becomes reduced to an experience of vulnerability or the fear of vulnerability overshadows the potentially constructive dimensions of receiving influence, humans may attempt to stave off this insecurity by refusing to be influenced, refusing to be *moved* by another, refusing to *include* another in the circle of shared power by aggressively seeking control. In his study entitled the *Abuse of Power: A Theological Problem* Newton Poling observes:

The power that is intended by God for everyone who lives is used to destroy relationships in exchange for control. Rather than live in insecurity, some persons choose to create structures that dominate and control others for personal gratification and false security.²⁷

Authors like Bernard Loomer, Catherine Keller, Carol Christ and Poling all point out that the historic and traditional rendering of the receptive pole of power as weak (and purposefully or subtly associated with non-European and female/feminine individuals and groups) and the agential power as prized (and associated with European and male/masculine, with whom God is also assumed to be directly correlative) contribute to tendencies in U.S. culture to resist vulnerability and to valorize aggression.

The combination of what Marjorie Suchocki has observed as the “sub-structure of violent aggression related to survival” contained within the human personality with the inescapable vulnerability we can experience in our relational interdependence often leads to imbalances in power transactions.²⁸ These imbalances may be temporary and necessary, as in the case with parents and children. Imbalances can also become

²⁷ James Newton Poling, *The Abuse of Power: A Theological Problem* (Nashville, TN: Abingdon Press, 1991), 27.

²⁸ Marjorie Hewitt Suchocki, *The Fall to Violence: Original Sin in Relational Theology* (New York: Continuum, 1994), 84-85.

structurally normalized and maintained, even when based upon arbitrary traits such as race, sexual orientation, nationality, wealth and gender. Power transactions occurring within such structures often function to fix a person or group with specific traits in a persistently receptive mode and another person or group in a persistently agential mode. Prized and devalued traits shift through time and by culture, but the tendency to attempt to include and exclude based on traits is common in human experience.

Just as humans experience some vulnerability inherent to the receptive mode of power transactions, a process-relational view understands a certain vulnerability to be included in divine reality as well. The crucifixion of Jesus stands as a powerful symbol that divine participation in human reality does not prevent or undo human choices that deploy power through violent means in an attempt to overcome vulnerability and consolidate power. A process-relational view insists that the choices actualized in the universe *affect* and *influence* divine reality; available in and to each unfolding moment as an influence to increase value, divine receptivity also endures and receives destructive choices as they occur as well as enjoys the effects of increased value as it is actualized in each moment. In a process relational context we may more radically interpret Immanuel, God-with-us. Divine desire invites every structure of creation to actualize the fullness of life. Through relationship all levels of actualized experience influence and affect divine reality, whether actualizing optimal value or diminished value relative to the fullness of life on our planet. According to Whitehead's metaphysics the divine receives influence from the universe and integrates all of what has been into the consequent nature of the divine. As the choice of wording suggests this dimension represents the *consequences*

for the divine of encountering and receiving every aspect of the universe into its own becoming process.

This model suggests that every occasion of reality results in an output of sorts, taken in by the divine as input. Divinity relates to every occasion of reality by offering influence (output) in the form of the initial aim, received by each entity (input) as part of the ongoing process of actualization, which Whitehead termed concrescence.²⁹ In this way the ongoing processive cycle maintains a mutually reciprocal exchange of influence. If we understand reality as a reciprocal exchange of influence we are challenged to consider whether our relationships to people and groups as well as to structures within creation and the planet as a whole actualize enriching possibilities or diminished possibilities. If we understand the earth in all its varied aspects, dimensions, and structures not as our dominion to subdue, but as part of the ongoing *incarnation* of divine relationship with the universe, how we treat the earth, how we treat our neighbor, how we utilize resources and how we use or refuse influence matters in this shared endeavor.

Justice

Justice is right relationships among all things in the created order of things.

--Paul Marshall

Having considered how a dynamic exchange of influence in the context of interdependent relationships constitutes the reality of which we are a part, we must also recognize that power transactions within the web of life planet-wide involve contending

²⁹John Cobb, Jr., *Whitehead Word Book: A Glossary with Alphabetical Index to Technical Terms in Process and Reality* (Claremont, CA: P&F Press, 2008), 59-62.

or conflicting values. Many creatures—including humans—kill other creatures to eat or in some cases to procreate, upon which their ongoing survival may depend. Human and non-human individuals, groups, communities, societies and cultures understand and pursue varying configurations of value, resulting in a pluralism of competing or conflicting ends toward which creaturely freedom becomes leveraged and actualized. Each life is tied in some way to the life—and sometimes the death—of something else. So, in this system of interdependence and contending values at the most basic level we are left with the challenge of how to mitigate the destructive potential that can arise from conflicts to provide a process for optimal power interactions and transactions. Inasmuch as conflict may be endemic to survival and life, mutuality and interdependence mark existence on the planet as well. Judaic and Christian traditions establish and transmit the value of doing justice as one of the foundational expectations that marks or signifies the character of divine engagement with creation, as well as an optimal standard for the exchange of influence within creation.

Justice typically signifies the human endeavor to establish a base of fairness upon which interpersonal and social transactions can occur. Concepts of justice have theological and political/philosophical roots, and develop variously based on contexts of history and culture. Nonetheless, many would say that the pursuit of justice in human life, including its codification in law marks a significant human achievement. The idea of justice contains within it multifaceted dimensions, including delineating types of justice such as the following: distributive (or economic) justice governs the ways goods are distributed among members of a community or society; procedural justice governs the

rules and processes by which decisions and adjudication of conflicts are undertaken; retributive justice governs responses to wrongdoing or breaches of community standards or agreements; and restorative or reparative justice seeks to repair breaches, injuries and wrongs as well as restore the relationships affected by the injury or breach. We know all too well that as much as laws have been articulated to regulate human actions and interactions on principles of fairness, they have as often reinforced and perpetuated systems of privilege, hierarchies of value, and consolidation of power serving some interests to the detriment of others. Therefore, following the rules of the status quo can as easily become a means to perpetuate ill-being and injustice as it is to safeguard that which is to the good in existence and for creation.

How then are we to do justice to justice, when views of justice can become as contested as the interactions and transactions that justice seeks to qualify? Does our understanding of justice shift if we utilize a theological lens rather than an exclusively socio-political one? Historically, many theologians have tied the mandate for justice to conceptions of divine righteousness. This likely stems from the equivalencies attributed to the Hebrew term alternately transliterated as *zadak* or *tzedek* and its derivatives alternately translated as both justice and righteousness.³⁰ The root of this word, combined from three components—*tz.d.k.*—means the right thing to do. The conception of divine justice and righteousness that follows conveys a sense of things “as they should be.” In a concrete physical rendering, *tzedek* might describe a road which is “straight,

³⁰ See discussion of terms by Emil G. Hirsch in “Right and Righteousness” in the JewishEncyclopedia.com

hard and even” or that the weight and measure of a thing is “true” or “accurate”. The Hebrew bible’s description conveys at once the righteousness of YHWH—literally the perfect right-ness of YHWH in relation to creation—and the express expectation through the establishment of their covenant that the duty of Israel is to love G-d and follow the way of right-ness revealed and provided through the law and ordinances of the covenant. Unlike contemporary renderings in which justice is most often associated with punitive or retributive responses to wrongdoing³¹, *tzedek* conveys both positive duties to those most vulnerable in society (hospitality to the traveler, or provisions to support orphans, widows and the poor) as well as prohibits conduct that breaches right relationship with G-d (worship of idols, misrepresentation of YHWH through image or misuse of the name of G-d), neighbor (theft, murder, covetousness), and creation itself (right land use and treatment of animals). Catherine Keller, through an etymological and exegetical process, has associated divine righteousness and justice with a cluster of traits that more appropriately indicates character in relationship than an abstract moral standard correlating with correct cognitive content grasped or known as “truth.” In her view the “semantic cluster” in which the word of YHWH is “righteous” or “upright” or “just” relates to notions of being “true, trustworthy, steadfast and loyal.”³² Interestingly, the cluster signals a meaning rendered in relational context.

³¹ In Hebrew these two meanings for justice are differentiated; one rendering of *mishpat* indicates retributive justice.

³² Catherine Keller, *On the Mystery: Discerning Divinity in Process* (Minneapolis: Fortress Press, 2008), 30-43.

Feminist theological perspectives share with process relational theologies an understanding of divine power as ontologically and contextually relational. However, they have joined liberation theologians in demanding that justice be recognized as a qualifying characteristic necessary to any understanding of divine power.³³ Pastoral theologians James Newton Poling and Larry Kent Graham—though distinct in their approaches—both integrate conceptions of justice into their appropriations of process theology, often utilizing feminist and liberation theologies to do so. Feminist and liberation theologies challenge pastoral theologians to analyze how power functions not only between persons but within structures and relational groups to “keep persons in untenable personal and social arrangements.”³⁴ They insist that theologies must examine “communal and institutional religious life...in terms of those who have social power and those who do not.”³⁵ Some tension exists with how process relational thinkers and feminist and liberation thinkers pursue and integrate themes of justice in their theological understanding.

For their part, process thinkers have become increasingly explicit about the ethical dimensions of process thought, arguing that an aesthetic frame for theology does not ignore, forego or submerge ethical considerations. Indeed, if we understand that ethics come alive in and derive specifically from a relational context rather than as prescriptive

³³ See Bibliography: Brock (1992); Chopp and Davaney (1997); Christ (2004); Marshall (1997); McFague (1993, 1987, 1982); Schussler Fiorenza (1996); Thistlethwaite and Engel (1990).

³⁴ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville: Abingdon Press, 1992), 22.

³⁵ Ibid, 22.

rules taken to reflect moral purity and piety as ends in themselves, we can easily recognize how process thinkers access the topic of justice. Carol Christ captured the process relational sensibility of justice quite successfully in her book *She Who Changes*. Naming “enjoyment” of life as the animating center for ethics and justice, in contrast to rule or duty based systems of thought she writes:

In our world the greatest obstacle to enjoying life is created by structures of injustice to other human beings and the natural world that shape our lives. Those who say that the meaning of life is enjoyment are often said to have an “aesthetic” rather than “moral” approach to life. An aesthetic standpoint calls attention to beauty and enjoyment, while the moral standpoint to which it is contrasted focuses on following the rules, often out of a sense of duty.

Whitehead and Hartshorne characterized their philosophies as more aesthetic than moral in order to emphasize that they did not accept the common view that the meaning and purpose of life is a matter of following rules or acting out of a sense of duty. However the distinction between aesthetic and moral should not be taken to mean that the process view is less ethical in the deepest sense than those it criticizes.³⁶

While Whitehead was the first to acknowledge an amoral sensibility could result from his frame and description of reality including the embedded and unavoidable conflicts of reality, many process thinkers who followed refused to abdicate explicit ethical and moral framing.³⁷

If we return to the preceding examination of power, we recognize an avenue and means to analyze how righteous power transactions contribute to actualizing optimally “things as they should be”—aka doing justice—or how unrighteous power deployments actualize destructive consequences, working against optimal relational transactions and

³⁶ Carol Christ, *She Who Changes: Reimagining the Divine* (New York, NY: Palgrave MacMillan, 2003), 128.

³⁷ Whitehead, *Process and Reality*, Corrected Ed. Eds. David Ray Griffin and Donald W. Sherburne (New York: The Free Press, 1978), 105.

effects. The concepts of sin and evil, though contested in meaning and content can be useful in considerations such as these. Wendy Farley suggests that sin is both a theological and ethical category, comprising a subset of the larger category of evil. “Humans sin against God by violating—through cruelty and injustice—God’s creation.”³⁸ She concludes that sin “is an evil in human existence because it undermines ethical relationships between individuals and in community life.”³⁹ In a more traditional process rendering, Marjorie Suchocki locates sin as directed against creation, which in turn has an effect on divine reality. For her, sin is marked by “*unnecessary* violation of *well-being* to any aspect of existence” (emphasis mine).⁴⁰

Each of these perspectives identifies some normative value resting at the center of their ethical and theological systems. For Suchocki, well-being serves as the normative standard toward which theological value and ethics aim. Well-being, she would argue, provides the guiding value for justice—whether justice is pursued by establishing fair and equitable societal procedures and structures or by way of corrective redemptive responses. Farley points to the “preservation of dignity and fellowship” as the trajectory of compassion, while “justice is the restoration of the positive conditions of human dignity.”⁴¹ Some normative value typically lies at the center of any explication of justice,

³⁸ Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 42.

³⁹ *Ibid.*, 42.

⁴⁰ Marjorie Hewitt Suchocki, *The Fall to Violence: Original Sin in Relational Theology* (New York: Continuum, 1994), 48.

⁴¹ Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 128.

against which justice can and should be measured and toward which justice reaches.

Mary Elizabeth Mullino Moore states her definition thus, “Justice is the restoration of full life potential for every person and community, fostered through equitable social structures and conditions that foster well-being and flourishing.”⁴² Peck and Gallo offer another rendering of justice:

Many feminists understand justice as right relationship, with God, oneself, other human beings, and the rest of creation, as evidenced by: mutuality—affecting and being affected positively by others; equality—equal worth and dignity as humans; autonomy within relationality; inclusivity; desire for relationship; caring; responsibility to each other for basic humans rights assessed in terms of basic necessities of life and the power to act and affect one’s own reality.⁴³

We also know that culture shapes articulations of the normative grounds for justice, as in the statement of indigenous peoples formulated at the Granvollen meeting on the integrity of creation sponsored by the World Council of Churches:

We must now clearly understand that justice is the maintenance of the wholeness of creation. Justice involves the righting of relationships not only between human beings, but between human beings and the earth and the things of the earth. Our concept of justice must shift away from being that which protects possessions toward that which provides healing of human beings and all creation. The indigenous concept of justice is such a process of healing. If we begin with the perception of ourselves as a part of the wholeness of creation, and if we understand justice as a practice of human beings in maintaining the inter-relatedness of all creation, then peace will flow naturally.⁴⁴

⁴² Mary Elizabeth Mullino Moore, “Teaching Justice and Reconciliation in a Wounding World” in *The Other Side of Sin*, eds. Andrew Sung Park and Susan L. Nelson (Albany, NY: SUNY Press, 2001), 155.

⁴³ Jane Carey Peck and Jeanne Gallo, “JPIC: A Critique from a Feminist Perspective,” *The Ecumenical Review* 41, no. 4 (October 1989): 574 as cited in Larry Kent Graham’s *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 204.

⁴⁴ Cited in Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 16.

The statement above challenges us to expand the boundaries of our considerations of the scope of justice to include all of creation, rather than a set of more narrowly construed human and inter-human concerns.

The question of scope is familiar to students of ethics who entertain the question of the “sphere of moral considerability” as a basic dimension of the study of ethics. The sphere of moral considerability delineates who or what “counts” in moral considerations or as moral agents. So, we see that for ethics broadly and considerations of justice more specifically, competing norms and varying scopes drive how one ultimately understands and elaborates the components and dimensions constituting a working definition of justice. Each of the preceding views locate the normative center for justice variously as “the well-being of existence”, “human dignity and fellowship”, “full life potential, well-being and flourishing for every person and community”, “right relationship” in four dimensions (to self, to other humans, to the divine and to creation), and “the wholeness, healing, and inter-relatedness of the whole creation.” In two cases we recognize an anthropocentric normative center, while the other three broaden the scope for considerations of justice to include existence, the divine, and the whole of creation. Given this project’s reliance on a process relational frame which argues for the interdependence of all aspects of reality, I deploy a conception of justice that embraces and includes the widest possible scope of concern and relevance. In the view of this project justice becomes actualized through optimal transactions of power within the context of an interdependent web of life. Optimal transactions both preclude unnecessary

violation of well-being and include contribution to well-being of any aspect of existence-in-creation.

A Covenant of Love and Justice

I betroth you to me forever; I betroth you to me in *tzedek* (righteousness) and in *mishpat* (justice) and in *chesed* (kindness) and in *rachamim* (mercy). I betroth you to me with *emunah* (faith); and you shall know God. (Hosea 2:21-22)⁴⁵

Optimal transactions of power for the well-being of existence-in-creation require justice. Justice, however, is not itself a sufficient condition for optimal transactions of power for the well-being of existence-in-creation. One finds in the testaments of scripture that in order to achieve optimal conditions for human and relational flourishing, justice becomes joined with the complementary attribute of love (also rendered compassion or mercy). This combination of love and justice, mercy and righteousness appears to represent a sort of divine synergy for optimal engagement in reality, and I would suggest as a model for human engagement with every aspect of creation.

Hebrew renders justice in two ways: *tzedek*, which is also often translated as righteousness or upright and *mishpat*, which shares its grammatical roots with the word “to judge” and so can alternately be translated as judgment. These two terms indicate different emphasis and meaning. *Tzedek* points to what is required for social justice, what is required of humanity as stewards of the land and of the community to safe guard well-being and dignity (“the good path”). *Mishpat* indicates those objective aspects of

⁴⁵ Translation provided at www.justaction.org in *Torah Study*, Chapter 3, 29 “Mishpat vs. Tzedek: How do you define justice?”

justice, the rights and the rule of law that maintain order and fairness.⁴⁶ Likewise, mercy can be translated *chesed* or *rachamim*, terms that according to one writer differentiate the functions of justice in terms of scope. In his 2005 work *To Heal a Fractured World: The Ethics of Responsibility* Rabbi Jonathan Sacks suggests that *chesed* and *rachamim* indicate attributes of mercy or loving care directed or owed to those with whom we are bound by intimacy, within family, tribe, community or faith.⁴⁷ In the verses above from Hosea, YHWH speaks these words to the people of the covenant as they are in exile. This same passage exists in the traditional Jewish prayerbook (*siddur*) allowing Jews to speak these words back to G-d while tying bands of *tefillin* around one's fingers. This gesture and prayer reinscribe covenant fidelity, not unlike the vows of marriage.⁴⁸

Rabbinical midrash about the creation stories in Genesis describes the conjoining of justice and mercy as the synergistic balance necessary to creation:

In creating the world God combined the two attributes: "Thus said the Holy One, blessed be His name! 'If I create the world with the attribute of mercy, sin will abound; and if I create it with the attribute of justice, how can the world exist? Therefore I create it with both attributes, mercy and justice, and may it thus endure.'" (Gen. R. xii. 15)

This interpretation is based on the supposition, often expressed by the sages, that "Elohim" implies the quality of justice, and the Tetragrammaton [YHWH] the attribute of mercy (see Ex. R. vi. 2; Ber. 60b).

The minor prophets of the Hebrew Bible seek to justify the faithfulness of YHWH in light of the exile of the people of the covenant. (We are reminded also of the challenges

⁴⁶ Cited from "Torah Study" found at www.justiceaction.org, 30-35, 39-43.

⁴⁷ Jonathan Sacks, *To Heal a Fractured World: The Ethics of Responsibility* (New York: Schocken Books, 2005), 49-53.

⁴⁸ Cited from "Torah Study" found at www.justiceaction.org, 29

in Christian theology of theodicy to account for suffering while asserting both the goodness and power of the divine.) The prophets consistently point to the *unfaithfulness* or sin of Israel and recall them to the standards of the covenant. Amos emphasizes both *mishpat and tzedak* righteousness over against ritual religiousness as the path to restoring Israel's covenant relationship to the divine. Hosea challenges the conception of righteousness characterized only by outward conduct as insufficient, suggesting "righteousness potentialized by 'chesed' (love, or mercy)" will bring about the spiritual reformation of Israel necessary for restoration of covenantal fidelity.⁴⁹

In these configurations it appears that love is necessary to justice, as justice is necessary to love, in order to forge the conditions for optimal relational transactions and the ongoing conditions for well-being of existence-in-creation. From these sources I take justice and love to be linked, mutually interactive and mutually modifying. As Wendy Farley points out, compassion resists the temptation to reduce wrong-doers or people benefitting from structures of injustice to objects of evil, while justice demands accountability for and response to destructive and harmful choices, actions, and structures.⁵⁰ Compassion extends to sinners and the sinned against; justice assists to distinguish in each given context and circumstance the sinner from the sinned against. Compassion motivates our response to suffering and destruction; justice calls us to understand and respond to that which causes the destruction or diminishment to any

⁴⁹ Emil G. Hirsch "Right and Righteousness" from JewishEncyclopedia.com

⁵⁰ Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 84-85.

aspect of the well-being of creation. Compassion and justice recognize we are inescapably embedded—alternately vulnerable to and generative of all that comes to be—within the web of life.

As we consider this synergistic joining, can we now sufficiently establish the optimal conditions for transactions of power for the well-being of existence-in-creation? From what other attribute might the covenant be built and sustained? Arguably, Micah proffers the most widely referenced account of what is required of covenantal fidelity:

He has told you, O mortal, what is good; and what does the Lord require of you, but to do justice, and to love kindness, and to walk humbly with your God? (Micah 6:8)⁵¹

Here, we see the final phrase “to walk humbly” (*hatznea lechet*) as an additional requirement of this relational covenant. Interpreters have variously suggested that this phrase teaches to imitate or model oneself on divine humility (demonstrated through forgiveness of transgressions) or alternately that we learn humility in the presence of the divine. If we call to mind the preceding examination of bimodal power transactions and the vulnerability that such relational exchanges involve, to what might this requirement of humility point? What, in short, is required for humans to walk alongside YHWH in the unfolding creative junction between mercy and justice, out of which creation itself was forged and through which creation is maintained? Necessary to the relational fabric in which human life unfolds, embedded at the heart of covenantal relationships, I submit

⁵¹ Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press, 1991).

that trust underlies the requirement for a humble heart that moves in company with the divine.

Trust

Interdependence implies reciprocal relations of well-being. Well-being depends upon one's sense of safety, which in turn depends upon a reasonable trust in others.⁵²

Bimodal power underlies the human capacity to interact with our environment and other people. Trust is the quality that renders power loving, just, and reliable.⁵³ Infants must, according to Erik Erikson, develop trust before developing other psychological capacities. One could say everything about shared existence rests on trust. "There is common agreement that trust is an essential factor in successful social environments and interactions. Persons need to feel secure in their expectations for good outcomes as they go about their daily lives."⁵⁴ When we take a process relational view seriously, we must grapple with how vulnerable each of us is to one another. It is precisely this vulnerability to the influence of others—built into the relational nature of power itself—that requires a base of trust and results in harm when trust is betrayed. At its base, trusting another conveys respect and confidence, as does upholding trust. It is not simply that each individual faces the ongoing challenges to building and maintaining

⁵² Marjorie Hewitt Suchocki, *The Fall to Violence: Original Sin in Relational Theology* (New York, NY: Continuum, 1994), 70.

⁵³ I am indebted to Larry Graham for his assistance clarifying this relationship of trust to bimodal power.

⁵⁴ Michael Blim, "Trust," *International Encyclopedia of the Social Sciences*, Ed. William A. Darity, Jr. Vol. 8. 2nd ed. (Detroit, MI: Macmillan Reference USA, 2008), 460.

trust, which we do, but that we also share in the store of trust as a basic social good; we enrich or diminish as well as are enriched or diminished by our mutually shaped experiences. Reciprocally shared trust builds justified trust, in us and beyond us:

The ratio and relation of basic trust to basic mistrust established during early infancy determines much of the individual's capacity for simple faith, and consequently also determines his future contribution to his society's store of faith—which in turn will feed into a future mother's ability to trust the world in which she teaches trust to newcomers.⁵⁵

Conversely, early failures to establish trust have far reaching implications.

The failure of basic trust and of mutuality has been recognized in psychiatry as the most far-reaching failure, undercutting all development. It is my further proposition, then, that all moral, ideological, and ethical propensities depend upon this early experience of mutuality.⁵⁶

Though not a process thinker, Erikson's ego psychology can and should be understood as thoroughly relational, in the sense that each significant individual developmental achievement can only be secured in a context of inter-relational and psychosocial experience.

Trust, in addition to being an essential feature of the development of the ego and a capacity for interpersonal interaction, has long been associated with—if not served as a synonymous term for—faith. Religious faith presumes trust, requires trust, embodies and acts in accordance with “an assurance of things hoped for, the conviction of things not seen.”⁵⁷ Trust, then, underlies not only lived faith and the formation of faith

⁵⁵ Erik Erikson, “Insight and Responsibility” in *The Erik Erikson Reader*, ed. Robert Coles (New York: W.W. Norton and Company, Inc., 2000), 351.

⁵⁶ Ibid, 454.

⁵⁷ Hebrews 11:1

communities, but the impulse for theology itself and pastoral theology in particular. How might an examination of trust help extend and deepen pastoral theological responses, especially in light of the burdens of care, which may challenge the trust we have in one another in addition to the trust we hold for the efficacy of divine care?

What is trust? How do we establish it, build it, and maintain it? First, in considering trust we must recognize that trust is fluid and entails an ongoing process through which it can be built and sustained or diminished and undone. An interaction between several distinct factors determines trust, rather than it being established through or by any single factor. Depending on the context in which it is used, one can encounter several definitions for trust, whether used as either noun or verb. The Oxford English Dictionary online provides the following definitions for trust, used as a noun:

1. Confidence in or reliance on some quality or attribute of a person or thing, or the truth of a statement.
2. Confident expectation of something; hope.⁵⁸

Or alternately as verb:

1. To have faith or confidence; to place reliance; to confide.
2. To have faith or confidence in; to rely or depend upon.⁵⁹

⁵⁸ "trust, n." *The Oxford English Dictionary*. 2nd ed. 1989. OED Online. Oxford University Press. http://0-dictionary.oed.com.tiger.coloradocollege.edu/cgi/entry/50259124?query_type=word&queryword=trust&first=1&max_to_show=10&sort_type=alpha&result_place=2&search_id=lgYJ-OQzncj-8279&hilite=50259124. (Accessed April 4, 2000.)

⁵⁹ "trust, v." *The Oxford English Dictionary*. 2nd ed. 1989. OED Online. Oxford University Press. http://0-dictionary.oed.com.tiger.coloradocollege.edu/cgi/entry/50259126?query_type=word&queryword=trust&first=1&max_to_show=10&sort_type=alpha&result_place=4&search_id=lgYJ-xXqYrD-8283&hilite=50259126. (Accessed April 4, 2000.)

In her review of philosophical literature on trust, Caroline McLeod states that all the philosophers writing on trust agree that attitudes conducive to trust include the following:

...an acceptance of risk, especially the risk of being betrayed; an inclination to expect the best of the other person (at least in the domains in which one trusts him or her); and the belief or optimism that this person is competent in certain respects. All of these conditions for trust are uncontroversial.⁶⁰

While these attitudes are uncontroversial, McLeod also relates one condition for a trusting attitude debated among philosophers, namely that the trusting person *attributes* “a certain kind of motive for acting” to the person they consider trusting. In McLeod’s view, this motive on the part of the one being trusted allows the trusting person to have some assurance of their *commitment* to honor the trust.⁶¹

Philosophers ascribe several versions of what motives may be sought by trusting persons in those they must choose to trust. Many support what McLeod terms the “social contract view”, which suggests that people trust the force provided by social norms and constraints. Under an alternate account some philosophers argue that those entrusted by another serve their own interest in maintaining positive relations by opting to “encapsulate the interests” of the one trusting them into their own interests. In the end, McLeod argues that while both social contract views and encapsulated interest views can account for reliance, they are not sufficient to account for trust. Without some different factor, one cannot account for the element of *betrayal* that differentiates the experience of failed trust from the experience of disappointment more appropriate to a failure of mere

⁶⁰ McLeod, Carolyn, "Trust", *The Stanford Encyclopedia of Philosophy (Fall 2008 Edition)*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/fall2008/entries/trust/>. PDF file, 2-3.

⁶¹Ibid, 3-4.

reliance. She suggests two alternate accounts for motivating factors that might account for a person's trust in another: one she terms the "goodwill factor" and the other (her own) the "moral integrity" factor. In the former, attributed to literature tracing to Annette Baier, philosophers argue that appropriate (justified) trust requires *goodwill* on the part of the person being trusted toward the trusting person. In responding to Baier's critics who state that requiring a trustworthy agent to *care* about the trusting person both asks too much and limits the scope of motive far too much, McLeod forwards her own "moral integrity" argument that suggests those being trusted by others may be motivated—if not by care for the trusting person—by an interest in maintaining their own "moral integrity."⁶²

A final philosophical view somewhat distinct from those mentioned above (with the possible exception of the last "moral integrity view") suggests that *virtue* can account for what motivates a trustworthy person (thereby engendering the trust of another that they are positively committed to honoring that trust). In this account, forwarded by Nancy Nyquist Potter, a virtuous person possesses a character trait that equips them to act in consistently and *appropriately* trustworthy ways.⁶³ This view does not preclude a specific trustworthiness in less virtuous people. Rather, it suggests that some persons are

⁶² Ibid, 3-7.

⁶³ Based on neo-Aristotelian theory, any virtue is marked by responses that fall in the mean between an excess and deficient state, relative to the specific context (including the nature of the relationship, which could likely change what is considered to fall in the "mean" for any given situation). See Frakes, *The Virtue of Compassion: Responding to Suffering with Equanimity* (PhD Diss, Binghamton University, 2004) for a fuller discussion of the distinctions of Aristotelean and neo-Aristotelean theory (58, n. 1) and the requirements of virtue (69). See also Aristotle, *Nicomachean Ethics*, trans. W.D. Ross in *The Basic Works of Aristotle*, Richard McKeon, editor (New York: Random House, 1941), 1106b36-1107a3.

fully trustworthy, while others may be *specifically trustworthy*.⁶⁴ This account corresponds quite successfully to a lived (anecdotal and subjective) sensibility about trust and the different levels of trust we may hold in others. Both the moral integrity view and virtue account of what motivates trustworthy persons (prompting a trusting attitude in another) then understand an interest in moral and ethical behavior to underlie any adventure in trust, and view failures of trust as failures within the ethical or moral domain.

While philosophers may debate the role of attributing positive motivation by a trusting person to the person whom they are considering trusting, psychologists agree that a positive attribution of care in addition to competence and a pattern of reliability are all required for establishing and maintaining trust.⁶⁵ According to Remple, psychologists have identified three dimensions upon which trust can be based: *predictability*, the most concrete dimension that points to the reliability of a person's specific behavior; *dependability*, which refers more to traits and characteristics like honesty and reliability; and finally, *faith* that entails a more abstract indication of emotional security in the trusted one's behaviors and motives.⁶⁶ In one of the key insights about the nature of trust, psychologists have demonstrated that high trust persons more consistently *attribute* positive motivations to others, while medium or low trusting person are more cautious in

⁶⁴ McLeod, Carolyn, "Trust", *The Stanford Encyclopedia of Philosophy (Fall 2008 Edition)*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/fall2008/entries/trust/>. PDF file, 7-8.

⁶⁵ John K. Remple, "Trust", *International Encyclopedia of Marriage and Family*, ed. James J. Ponzetti. Vol. 4. 2nd ed. (New York: Macmillan Reference USA, 2003), 1664.

⁶⁶ Ibid, 1665.

attributing positive motivations.⁶⁷ Thus, the motivation of the person who may be trusted is both a requirement for trust and an outcome of experiences of justified (upheld) trust.

Because trust must be established and then maintained through an ongoing evaluative and experiential process not only regarding the reliability of concrete behaviors of trusted persons, but also regarding the willingness of the trusting person to attribute positive motivations to the one entrusted, opportunities to undermine or betray trust abound. While certainly trust can be used to describe one's security with oneself, one's level of general security in the world (often described as "background" or "global" trust), security with kinship or household/friendship groups (network trust), or security regarding specific political or social institutions (institutional trust), most agree that each of these dimensions of trust is predicated on an understanding of interpersonal trust. As McLeod states, "the dominant paradigm of trust is interpersonal." As we have seen through process relational thought, dynamic interpersonal processes entail mutual and reciprocal influence. How then are we to draw upon these studies of trust to better understand and elaborate the character of the relationship of the divine to creation, as well as how we might optimize engagement in pastoral relationships?

Optimal Relational Trust

For the word of YHWH is upright, and all his work is done in faithfulness. He loves righteousness and justice; the earth is full of the steadfast love of YHWH. (Ps 33: 4-5)⁶⁸

⁶⁷ Ibid, 1667.

⁶⁸ Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press), 1991.

I believe that the historical witness and testimonies of human encounters with the divine support the claim that the divine engagement with all levels of creation and existence can be characterized as *trustworthy and faithful*. Catherine Keller describes this use of “faithfulness” in accord with the Latin term “*pistis*” rendered as “trust.”⁶⁹ She writes:

Truth and justice come linked in cosmic love. It is this Semitic semantic cluster, and precisely this phrase *in faithfulness* that the author of the Gospel of John renders as *en aletheian*: in truth. Faithfulness in the genre of truth means *trusty language*. The true *is* the trusty.⁷⁰

Thus, in understanding the *way* in which YHWH relates to Israel in particular, we can begin to characterize the divine’s *mode of relationship* with humanity and all creation as based fundamentally upon *trustworthiness*—evidenced through steadfast, true, loving, righteous and just experiences in relationship. Optimal relational trust aims toward the fulfillment of creation in abundant life.

Well-being in the context of interdependent existence relies upon trust; life lived in relationship requires trust. The existence of this created order can be continued only through trust. Since divine trust cannot be assumed to rely upon human trustworthiness, to what do we attribute the persistence of divine trust? Ironically, the faithfulness of divine trust finds its roots not in the promise of a trustworthy human response, but in the requirements of the created order. If we account for creation emerging in response to divine desire—a desire for actualization and experience in and through dynamic

⁶⁹ Catherine Keller, *On the Mystery: Discerning Divinity in Process* (Minneapolis: Fortress Press, 2008), 36.

⁷⁰ *Ibid*, 37.

encounter and relationship—then we share in the inescapable invitation to engage and persist in relationship. In the fallen order, trust fails us and we respond to our vulnerability with attempts to hide, control, abdicate, or dominate.⁷¹ We can fail to relate well. We cannot, however, fail to relate. Covenantal relationship invites us actualize love and justice, learning trust as the modality through which full life and well-being can be optimized. It is not given. It is not guaranteed. We must walk the walk in the company of one another, creation and the divine. Each moment invites us to optimize life in trust. Sometimes we fail. But, when we humbly respond to that invitation in faith and with trust, to persist in loving mercy and doing justice, then the glory of divine presence with us can shine through.

We can begin to elaborate the dimensions of *optimal relational trust* by grounding our understanding in the paradigmatic standard of divine trustworthiness in relationship. Biblical accounts of the covenant relationship between YHWH and Israel consistently recount evidence that YHWH has remained steadfast, trustworthy, and faithful in relation to Israel. One is reminded of the “Semantic cluster” Catherine Keller utilizes to describe the matrix of relational values characterizing the divine: steadfast, righteous, loyal and true. As we see from the verse from the Psalms 33 quoted above, the trustworthiness of

⁷¹ I use the term “fallen order” with some trepidation, aware that predestinarian and Calvinist meanings are often associated with and ascribed to narratives and interpretations of “the Fall.” In this reading I am suggesting that failing to uphold the “right” order of things, failing to remain in right relationship with the divine and created order of things, actualizes less than optimal conditions for reality, resulting in an order that has fallen from the optimal. When destructive dynamics prevail in power transactions, when we fail to love mercy and do justice, we fall short of the promise of a created order that can be. In the midst of the fallen order divine life lures and invites the possibility of optimizing in each unfolding moment the redemption of what is good and beautiful, offering anew in each occasion the promise of actualizing abundant life and flourishing for every aspect of creation.

the divine emerges first from steadfast love for all creation. The Psalmist characterizes the word of G-d as true, the works of G-d as upright, and the steadfast love resonating through creation linked to a love of righteousness and justice. The parallels with the conditions necessary for trust are quite compelling: truthful speech, right action, and care expressed through a consistent expectation and encouragement to actualize right ordering of and relationship between aspects of creation.

Given the interactive and reciprocal paradigm required by trust, however, divine reality must be understood to function both as trustworthy in receiving trust and willing to offer trust. The capacity of the divine to *offer trust* may be the more overlooked and at the same time revealing aspect of the paradigmatic character of *optimal relational trust*. Humans seem altogether untrustworthy in comparison with the attributes of the divine. Biblical narratives contain example after example of failed trust, from the narrative of creation's beginning resulting in ejection from paradise to the betrayal of Jesus by Judas and denial of Jesus by Peter. Hebrew scripture recounts the story of the near total destruction of creation due to human sinfulness. Even within the flood narrative, divine trust seeks one who is trustworthy. The divine may withdraw trust for a time, but biblical narratives speak to the persistent return to relationship and the invitations to trust in spite of the sin and evil that mars human trustworthiness. The first scriptural account of YHWH entering into covenant follows the story of the destruction of creation through the flood. We read about how G-d makes a covenant with Noah, the agent for humanity and creation, promising never again to flood the entirety of the planet. Subsequent narratives tell how the first stones recording the Mt. Horeb/Sinai covenant are destroyed when Noah

and G-d discover that Israel has already fallen into faithlessness, but the stones are remade and the covenant retained. Divine trust is never finally undone, though is not consistently honored and upheld. Why does divine trust persist when human trust fails?

Erik Erikson suggested that betrayals of trust in human relationships—especially during those early formative years of development—can result in debilitating if not disastrous consequences. Betrayals of trust diminish the overall willingness and capacity for trust, and not just toward the betrayer. Once trust has been broken the field of trust loses neutrality—it tilts toward distrust and suspicion. Just as justified and honored trust breeds more trust, betrayals of trust breed distrust. Breaches of trust have consequences to family life, the potential for effective community life, and the social and political climate, undermining confidence not only in relationships but in society and its institutions as well. We become infected with distrust of those whom we do not already know to be trustworthy, though we may have no reason to think them untrustworthy. We fail to remain optimistic; we doubt. Through this lens the consequences of eating the fruit of the tree of knowledge results in our loss of innocence; we must encounter both the potential for good and evil. In this world marked by heartbreak, by the certainties of illness, old age and death, and by the tragically broken trust resulting from sin and evil, why in the world would we trust? Original sin infects us through suspicion and inclinations to protect ourselves from vulnerability through our distrust. We are left to wonder not only why divine reality persists in trusting, but how?

Wendy Farley, in undertaking an examination of radical suffering and the tragedy it entails suggests that divine compassion, rather than reducible to divine emotion,

comprises a primordial disposition and emergent power from which the divine efficaciously engages creation toward transformation and redemption:

Compassion is a disposition, a way of organizing and interpreting the world that precedes any particular perception or action. Compassion is an *enduring disposition* that functions to integrate the elements of world-engagement. While it will always be made concrete by particular events and responses, compassion is a persisting way of interpreting and responding to the world...

Compassion shares the general features of love, including its care for and delight in others. Compassion combines knowledge of the dignity and value of creatures with sympathetic knowledge of suffering. But compassion is primordially a power; its knowledge of creatures and their suffering serves as an entrée through which to mediate the power of love... Compassion as a form of love includes a recognition of the value and beauty of others...

Compassion describes a distinctive way of engaging the world that has an efficacy of transformation.⁷²

Farley's insights suggest one way to account for divine persistence in the face of human failure: love. Divine love mediated through compassion motivates the offer of trust. The persistence of divine trust, motivated by divine compassion, reflecting divine trust suggests an inexhaustible efficacy to renew and redeem that which has been broken. Optimal relational trust calls us to actualize our best for the good of all creation. It also knows our worst, yet persists in love.

The scriptural theme of covenant begins and ends in the efficacy and power of divine love to persist. Humans and all of creation are called to respond. We are called to love mercy, do justice and walk humbly in the company of the divine. To respond requires courage and humility; fidelity to this covenant calls us to be whole-hearted in loving G-d, self and neighbor. We are not offered the assurance of invulnerability. We

⁷² Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 73, 79, and 85.

are not offered a security that protects from betrayal. Rather, a covenant with the divine offers the assurance of a steadfast love that cannot be undone: that we shall not be abandoned or forsaken.

Who will separate us from the love of Christ? Will hardship, or distress, or persecution, or famine, or nakedness, or peril, or sword? For I am convinced that neither death, nor life, nor angels, nor rulers, nor things present, nor things to come, nor powers, nor height, nor depth, nor anything else in all creation, will be able to separate us from the love of God in Christ Jesus our Lord. (Romans 8:35, 38-39)⁷³

Summary

This chapter introduces several theological resources I believe can be of use to pastors when turning to the task of critically reflecting upon and responding to the challenges presented by receiving confidential disclosures, a task I undertake in the chapter that follows. Drawing upon process relational theology I argue that reality can best be framed as thoroughly relational and continually in process. An understanding of power as bimodal emerges from this view, recognizing that relational exchanges encompass both giving and receiving influence that in turn forges reality. Vulnerability remains inescapably embedded in this system of reciprocal exchange, giving rise to the uniquely human impulse to seek and make idols of invulnerability. We imagine an invulnerable god, an omnipotent god, a god who will protect us from enemies and grant to us a share of absolute power. We sin. We fear betrayal and death. Instead of learning humility in relationship, perfecting power through weakness, we sin and are sinned

⁷³*The New Revised Standard Version (Anglicized Edition)*, copyright 1989, 1995 by the Division of Christian Education of the National Council of the Churches of Christ in the United States of America.

against diminishing our reservoirs of faith and trust, failing to see the invitation to all of creation to reflect the glory of divine life in covenantal relationship.

In the midst of broken relationships and the violence we do to one another and creation a still small voice invites us into a different kind of relationship, a covenant relationship marked by specific characteristics: love expressed as kindness and mercy and justice expressed through righting our relationships through accountability and fairness. The covenant relationship into which Jesus invited his followers shifted the application of these precepts and guides into ever broadening circles of community and engagement. He challenged the boundaries of covenant to move beyond those of family and tribe to reconstitute community bound by covenanted values that were to be extended to strangers, enemies, and unto the ends of the earth. These communities find their grounding in relationships characterized by love and justice, are bound together in faith and in truth, toward the promise of abundant life. Abundant life in this reading arises from participation in the divine covenant with creation; individuals and communities respond to divine invitation to optimize beauty in each occasion of creative encounter and transaction. Covenant relationships optimize beauty through their commitments to love and justice.

In the midst of a world where vulnerability gives rise to defenses of individual and collective ego and pride, humility and courage characterize covenant relationships. Humility guides us in offering influence as courage enables us to receive influence. Humility makes room for love, just as justice requires our courage. Humility and mercy militate against prideful enactments of vengeance and retribution cloaked as justice.

Courageous commitment to justice mitigates the “sentimental, ineffectual, patronizing” tendencies of a reductionist rendering of love.⁷⁴ In covenantal relationship love motivates justice just as justice safeguards love. Love prevents justice from diminishing the dignity of the wrong doer. Justice prevents love from diminishing the accountability of the wrong doer. Love and justice work together to restore right relationship, to overcome the damage done by sin to the sinner and sinned against, to participate in the ongoing work to redeem every aspect creation. In the words of Wendy Farley, “Redemption consists not only in forgiving or healing isolated souls, but in bringing them into relationship with one another and with God.”⁷⁵

Jesus quoted Deuteronomy to capture what participating in the covenant requires: to love G-d with all one’s heart, with all one’s soul, and with all one’s strength. This demand was coupled with loving one’s neighbor as oneself. This whole-hearted response to the divine somehow links to a capacity to love oneself and to extend love to others. Love conveys trustworthy intra and interpersonal intent, just as justice safeguards mutually shared benefit. The mutual benefit toward which love moves should not be confused with collapsed interest and loss of individual interest. The love of neighbor does not preclude love of self. Again, in the words of Wendy Farley, “Love is fulfilled in mutuality that is both an overcoming of separation and the preservation of autonomy.”⁷⁶

⁷⁴ Catherine Keller, *On the Mystery: Discerning Divinity in Process* (Minneapolis: Fortress Press, 2008), 114.

⁷⁵ Wendy Farley, *Tragic Vision and Divine Compassion* (Louisville, KY: Westminster John Knox, 1990), 101.

⁷⁶ Ibid, 110.

Covenant love must be freely offered and freely received. It cannot be coerced; it cannot determine the corresponding response.

Pastoral care unfolds in the inescapable web of relationships. Pastoral relationships require trust. Pastoral norms and practices of confidentiality participate in safeguarding trust. For much of its recent history pastoral care has become increasingly shaped by legal frames and professional codes of ethics. While ethical and legal considerations are both relevant and important, they are not themselves sufficient to address the experiences of burden associated by pastoral care providers with receiving and managing confidential disclosures. This chapter suggests that drawing from the biblical theme of covenant allows pastoral care providers an additional resource with which to reflect upon and respond to the burdens of disclosure they encounter and carry. In the following chapter we will revisit the themes of burdens associated with pastoral confidentiality in light of the theological resources introduced in this chapter: reality as fundamentally relational and unfolding in dynamic process; power as bimodal transaction and exchange of influence; the requirements of justice; the conditions for trust; and the character and promise of covenant. I will elaborate how pastoral care that endeavors to participate in and activate the operations of optimal relational trust best account for, allow for and reflect divine participation in sustaining, healing, guiding, reconciling and liberating relationships that characterize pastoral care.

CHAPTER 5: HEALING DISCLOSURES: A PASTORAL THEOLOGY OF CONFIDENTIALITY

After the secrets of the unbeliever's heart are disclosed, that person will bow down before God and worship him, declaring, 'God is really among you.' (1 Corinthians 14:25)¹

This project arose from the premise that receiving confidential disclosures can create burdens for those providing pastoral care. The difficulty, of course, comes in the knowledge that confidentiality provides opportunities for confession, for lifting the burdens of the heart and mind, and for hearing the good news that we cannot be separated from the love of God. The process of disclosure in the course of pastoral care provides opportunities to enact the functions of care, to participate with the divine to heal, guide, sustain, reconcile and liberate. These functions serve to reduce isolation, hopelessness of heart, paralysis of will and enervation of the spirit. Not all disclosures are equally confidential or equally burdensome. Sometimes burdens experienced by providers relate to lack of clarity about norms for and expectations of pastoral confidentiality, resulting in burdens of confusion and uncertainty within a provider. Sometimes burdens result from ethical dilemmas, when the value of confidentiality conflicts with another significant ethical value. Ethical dilemmas and conflicts seem most sharp when pastoral providers believe some physical, emotional, or material harm will likely result from maintaining the

¹Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press), 1991.

confidence. The final dimension of burdens associated with pastoral confidentiality relates to care providers occupying a specifically designated confidential role. Serving in a designated confidential role can contribute to a type of power imbalance I have characterized as receptivity fatigue.²

Pastoral confidentiality both underpins the effectiveness of pastoral functions and contributes to pastoral burdens. In the previous chapter I argue for grounding pastoral practice broadly and pastoral confidentiality specifically in a framework of optimal relational trust, where appropriate trust—in both its agential and receptive modes—is understood as a pastoral virtue. I argue that this pastoral virtue derives from the character of divine engagement with creation, which offers a model and resource for our practice. I situate this virtue within the context of covenantal relationship described in the scriptural account of the prophet Micah as humble companionship with the divine that seeks to do justice and love mercy. Characterizing optimal relational trust as a pastoral virtue prompts us to consider the idea of virtue before proceeding further. Drawing from a neo-Aristotelian framework for considerations of virtue, trust in this understanding has three qualities: it involves habituation and conscious choice, it falls between excess and deficiency, and it corresponds to the ethical norm as determined by a person of practical wisdom.³ Virtue entails both dispositional elements (taken here to include both cognitive

² I want to acknowledge that, though it is not the focus of this study, power imbalances can also result from an abuse of agential power by providers, such as an overbearing authoritarianism or breaching of appropriate emotional, physical and sexual boundaries. Pastoral providers interested in these topics could consult works by James Newton Poling, Carrie Doebling, and Marie Fortune, among others.

³ Aristotle, *Nicomachean Ethics*, trans. W.D. Ross in *The Basic Works of Aristotle*, Richard McKeon, editor (New York: Random House, 1941), 1106b36-1107a3, as cited in Frakes, *The Virtue of Compassion, Responding to Suffering with Equanimity* (PhD Diss., Binghamton University, 2004), 69.

and emotional dimensions) and consistently prudent actions; optimal relational trust, therefore, involves character, motivation and competence. Optimal trust understood as a virtue can be distinguished from both unwarranted trust (the excess) and unwarranted suspiciousness (the deficient).

In the chapter which follows I develop the idea of optimal trust as a virtue in the context of pastoral interactions understood broadly as participating in covenantal relationship, which underpins the identity of Christian communities as I understand them.⁴ I argue that this model of optimal relational trust in the context of covenantal relationship provides a resource to pastoral care providers as they manage professional, ethical and structural burdens that may accrue from receiving confidential disclosures. I analyze each dimension of burden in light of particular cases or scenarios shared during interviews in light of requirements for optimal trust, including: dimensions of character (cognitive, emotional and behavioral) and intra-personal dynamics, optimal power transactions and interpersonal dynamics, and a balance of the efficacies of love and justice in light of interpersonal and community life. I seek to delineate proper accountability in all of these dimensions from an excess or deficient level of accountability, proper humility from an excess or deficiency of humility, and the requirements for love and justice that remain the core components of living in covenantal relationship. Throughout the development of this framework we return to the model of bimodal power as giving and receiving influence and the central theological idea of

⁴ For an interesting study of the Gospel of John that interprets discipleship as falling within the frame of covenant established in Hebrew Scriptures see Rekha Chennattu's *Johannine Discipleship as a Covenant Relationship* (Peabody, MA: Hendrickson Publishers, 2006).

responding to the invitation by the divine to actualize optimal value offered anew in and to each unfolding moment.

Becoming Trustworthy: Building an Understanding of the Virtue of Trust

My life is an indivisible whole, and all my activities run into one another... My life is my message.

--Mahatma Gandhi

Drawing upon psychological and philosophical perspectives, I suggested in the previous chapter that trust rests at the root of human life and our capacity for social existence. This insight corresponds to process theology's understanding of reality as relational, though with outcomes that can synergistically or destructively actualize value. In the first section I will examine how an individual, understood in process terms as an actual entity, participates in the process of building or undermining trust.⁵ In a contemporary study of trust undertaken for the context of business and management, but by no means limited in applicability to that realm, Stephen M. R. Covey (son of renowned author Stephen R. Covey) argued that "trust is a function of two things: character and competence."⁶ This insight echoes the philosophical and psychological literature reviewed in the previous chapter. Covey begins by articulating the necessary components to building personal trustworthiness, from which he then addresses what is required to secure interpersonal, institutional, and finally societal trust. In order to build

⁵ My examination of trust here begins with an intrapersonal view of trust as a dimension of character, followed by a view of the bimodal interpersonal context for trust. I want to clarify that trust, even in Covey's model, occupies concentric circles of influence that move from the intrapersonal, to the interpersonal, institutional and societal dimensions. While I draw on Covey's intra- and inter-personal work, his model includes more expansive systems of influence.

⁶ Stephen M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 30.

a framework for becoming trustworthy, one path for responding to the professional burdens that relate to receiving confidential disclosures, I will briefly review what Covey delineates as “the four cores of credibility” necessary to personal trustworthiness.⁷ These include: integrity, intent, capabilities, and finally results. Covey suggests that personal integrity stands on three inter-related characteristics: congruence, humility and courage.⁸ Congruence points to how a person’s intentions, words, actions and values line up and correspond in relation to each other. Congruent people show “no gap between intention and behavior.”⁹ His description of personal congruence brings to my mind the scriptural exhortation from Deuteronomy, subsequently repeated in the gospels by Jesus, that loving God “with all one’s heart, all one’s soul, and with all one’s might”¹⁰ represents the most important aspect of the law of the covenant. Therefore, when we courageously commit to align our intellectual, emotional, spiritual values and marshal and channel them through our actions and interpersonal interactions we achieve congruence, the first element of personal integrity.

The next two elements identified by Covey as comprising personal integrity may seem somewhat surprising to contemporary sensibilities: humility and courage. Covey

⁷ Stephen M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 43-58.

⁸ Ibid, 59-72.

⁹ Ibid, 62.

¹⁰ See Deuteronomy 6:5 and 10:12; Mark 12:30

cites Jim Collins' study of effective business leaders¹¹ in which he discovers that the “paradoxical blend of personal humility and professional will” distinguishes effective leaders from less effective ones.¹² Covey goes on to suggest that humility can be identified in those who are willing to place “timeless principles”—of the good or right—above one's own ego, self-interest, or personal exaltation. Conversely, pride and arrogance place concerns of ego above those of principle.¹³ Again drawing from Collins, Covey couples the characteristic of humility with the characteristic of courage. Integrity requires courage; courage enables a willingness to act upon those principles that align with the right and good.¹⁴ Humility guards against the distortions of perspective that concerns of ego (like self-importance) can tempt. Courage enacts the values upheld in humility; courage reveals and forwards the commitments that lie at the heart of any given action. It is interesting to me that scriptural accounts of narratives about religious leaders from Moses through Paul seem to include this combination of qualities in many of those called to play a role in the unfolding purposes of the divine.¹⁵ I see remarkable overlap between scriptural exhortations for participants in the covenant to foster humility and integrity of purpose that unifies the intentions of the heart, mind, soul, and strength in

¹¹ See Jim Collins. *Good to Great: Why Some Companies Make the Leap...and Others Don't* (New York, NY: HarperCollins, 2001).

¹² Stephen M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 64.

¹³ Ibid, 64.

¹⁴ Ibid, 64.

¹⁵ This observation rests in a subjective reading of scripture, without the benefit of an exegetical study. However, this project has prompted a new interest in scriptural occurrences of this combination of characteristics in different accounts of religious leaders in Hebrew and Christian scriptures.

loving God and Covey's description of what is required of those who would be trustworthy.

Covey identifies intent as the second component of character. He includes motive, agenda and behavior in the overall make-up of intent. Covey argues, in conjunction with the good will philosophers and psychologists cited in the previous chapter, that a motive of *genuine care* engenders trust. While he acknowledges that you cannot compel care—and cautions against feigning it—he maintains that “the motive of caring will do more than anything else to build credibility and trust.”¹⁶ Agenda follows closely on the heels of motive; agenda points to what a person intends to do or promote because of their specific motives. Again, Covey articulates a normative standard for the agenda that most optimally inspires trust: seeking mutual benefit.¹⁷ Interestingly, Covey states that an agenda that seeks mutual benefit gains an efficacy of *power* as contrasted with agendas that seek one-sided interest or that are perceived as closed or hidden.¹⁸ This observation makes sense, especially if considered within a process relational frame of understanding power as bimodal, mutual, and reciprocal. How does Covey's account correspond to scriptural accounts of the requirements of love in covenant relationships?

Each of the synoptic Gospels contains a story—often called “The Greatest Commandment” story—in which the Deuteronomic code (calling for personal congruence in our love of God, cited above in our discussion of congruence) is identified

¹⁶ Stephen M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 79.

¹⁷ Ibid, 80.

¹⁸ Ibid, 81.

as the first and most important law of the covenant, followed by the requirement from Leviticus 19:18 “to love your neighbor as yourself.”¹⁹ The audiences for the gospel accounts would find neither of these statements startling, since they reiterate values already established in the Torah.²⁰ One commentary on Matthew observes this:

In reply Jesus links together the commandments to love God (Deut 6:5) and to love one’s neighbor (Lev. 19:18b), as the pre-Christian Jewish book *The Testament of the Twelve Patriarchs* had done and as other rabbinic interpreters of the law seem to have done. What was new was not the content of Jesus’ teaching on this subject but his redefinition of what the love of God was—how it manifested itself, and who a man’s neighbor is. In this expansion of man’s horizons of obligations, as well as in the mode of life that accompanied and exemplified his teachings, lay the revolutionary, new element of Jesus’ ministry.²¹

Many scholars characterize the “redefinition of what the love of God” is and the expansion of whom we are called to love as distinctive elements of Jesus’ ministry and message. It seems to me that these Gospel accounts also provide an interesting opportunity to consider covenantal love as one form of bimodal power. One account of the Gospel of John²² describes it as a “meditation on the verities of the Christian faith,” including “the Christian life as essentially the recognition of being loved and the act of

¹⁹ Mark 12: 29-31. See also Luke 10:27 and Matthew 19:19, 22:37-40. These verses are found in each of the synoptic gospels. The Gospel of Luke attributes the statements to a lawyer and the questions to Jesus, and is the only synoptic Gospel to include the story of the Good Samaritan as the illustration of what loving one’s neighbor entails.

²⁰ See Amy-Jill Levine’s discussion of the Good Samaritan parable in *The Misunderstood Jew: The Church and the Scandal of the Jewish Jesus* (New York: HarperSanFrancisco, 2006), 144-149 and a discussion of the Greatest Commandment texts in *The Interpreter’s One Volume Commentary on the Bible* (Nashville: Abingdon Press, 1971), 638, 664-665, 688-689.

²¹ *The Interpreter’s One Volume Commentary on the Bible*, ed. Charles M. Laymon (Nashville: Abingdon Press, 1971), 638

²² In my research one scholar noted the similarity of Mark’s account of the Greatest Commandment and the thematic treatment of love in the Gospel of John as a point of congruence. See *The Interpreter’s One Volume Commentary on the Bible*, ed. Charles M. Laymon (Nashville: Abingdon Press, 1971), 664.

loving.”²³ This description of love as bimodal reciprocal dynamic presents an opening to interpret these verses through a process relational frame.

Covey’s suggestion that an agenda of mutual benefit is necessary to trust provides an interesting counterpoint to Levine’s observation that the theological interpretation of the Good Samaritan parable expands the scope of to whom we are to show loyalty, love and concern, extending love beyond ourselves and the members of our identified group.²⁴ This verse from Leviticus clearly calls for extending one’s concern beyond one’s self to one’s neighbor. Jesus extends the scope of who counts as our neighbor. The teachings on love attributed to Jesus in the Gospel accounts prioritize directing love first toward God, but then also balancing love of self and neighbor love. Rekha Chennattu develops a clear and careful argument drawing parallels between the structure of covenant in Hebrew Scriptures and the Gospel of John.²⁵ She says, “The Johannine Jesus introduces his new covenant commandment to “love one another” and invites the disciples to establish a covenant with him and with one another.”²⁶

My reading of these texts points to agreement between these scriptural accounts of what is required of covenant relationship and Covey’s description of what most effectively elicits and builds trust: personal *congruence* and love that motivates an agenda for mutual concern. In the end, Covey argues, a person’s behavior indicates and will be

²³ Norman Perrin and Dennis C. Duling, *The New Testament: An Introduction*, 2nd ed. (San Diego: Harcourt Brace Jovanovich, 1982), 329.

²⁴ Amy-Jill Levine, *The Misunderstood Jew: The Church and the Scandal of the Jewish Jesus* (New York: HarperSanFrancisco, 2006), 148.

²⁵ Rekha M. Chennattu, *Johannine Discipleship as a Covenant Relationship* (Peabody, MA: Hendrickson Publishers, 2006), 137-138.

²⁶ *Ibid*, 137.

judged as revealing or undermining a person's intent (motive and agenda).²⁷ Covey links the behavior of doing what is in the best interest of others with increased capacity for credibility and trust. Motive drives agenda, which results in behavior. Behavior stands as an inescapable indicator of one's values and commitments. The age-old adage that "actions speak louder than words" reminds us that trust, in the end, depends upon a complex interplay of character, aligning with a motive of goodwill and a transparent agenda that result in behavior and actions that drive toward mutual benefit. The parable of the Good Samaritan reveals perhaps more clearly than other examples could that even when trust is unexpected or unanticipated, behaviors of concern and care can establish a level of trust where none previously existed. The words of Deuteronomy 10:12 restate the call to love God with all our heart, mind and strength found in Deuteronomy 6:5, but adds an encouragement to "walk in all [God's] ways," reminding the people of the covenant that actions should follow from one's commitment to love God.

While trust requires these dimensions of character—integrity and intent—they are not in themselves sufficient for trust. Covey, in alignment with the philosophical and psychological literature, states that trust also requires competence. He elaborates two dimensions that establish competence: capability and results.²⁸ Capability refers to one's talents, attitudes, skills, knowledge and style. Obviously, in the case of pastoral care

²⁷ Of course we are all aware of situations in which well-intentioned or well-meaning people behave in ways that do not achieve the results they intended or hoped. I would suggest that in many of these cases the failure is not so much in intention as in a failure to have transparent direct communication and/or balanced reciprocal power transactions.

²⁸ Stephen M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 45, 55.

provides the competence embedded in trustworthiness relates broadly to our talents, attitudes, skills, knowledge and style as they relate to providing care in a context of religious faith. So, our trustworthiness becomes tied in part to the results—measurable and observable outcomes—of applying our talents, attitudes, skills, knowledge and style through intentional pastoral activities. There are volumes upon volumes addressing skills and knowledge that assist providers in deepening and sharpening their pastoral competence. However, as competence relates to optimal relational trust it bears mention that what is minimally required of competence among pastoral providers includes: to show up,²⁹ to be present to others by hearing and seeing, looking and listening, to bear witness to the events of life in order to bring the resources of faith to bear on lived experience. The resources of faith unfailingly invite each person in each moment to turn their attention toward the divine aim. New Testament scripture correlates this turning to God with the processes of healing.³⁰ Ultimately, both a pastoral provider's character and competence are necessary to becoming trustworthy; personal integrity, caring intention, pastoral competence and results interact to establish one as trustworthy.

²⁹ I will never forget the words William Sloane Coffin uttered during a course on preaching controversial topics: "People are more willing to listen to what you have to say on Sunday if you showed up and sat with them at the hospital on Friday night." Showing up may be one of the most overlooked aspects of effective pastoral practice.

³⁰ Christians are familiar with the root stem of the word "conversion," which means "to turn." A verse from the Gospel of Matthew 13:15 echoed again in the Acts of the Apostles 28:27 recounts the failure of the people to turn their hearts toward God: "For the people's heart has grown dull, and their ears are hard of hearing, and they have shut their eyes; so that they might not look with their eyes, and listen with their ears, and understand with their heart and turn – and I would heal them." A process view of responding to the invitation of the divine aim available to each moment provides a somewhat different interpretive strategy to the meaning of the words, and the failure to hear and see and understand the call of God.

How can pastoral providers draw from these insights about trust and apply them more specifically to those experiences of burden that arise in the course of receiving confidential disclosures? The links between becoming trustworthy and managing pastoral confidentiality seem almost axiomatic. At the simplest and most basic level a pastoral provider's trustworthiness will likely be judged by how well the confidences entrusted are maintained. Yet negotiating the norms and expectations for pastoral confidentiality appear anything but simple. Complex dynamics are at play in intrapersonal, interpersonal and community arenas and come to bear on the professional, ethical and structural dimensions of pastoral experience. People observe and take note of pastors who talk about what they know, whether or not the information is strictly governed by denominational, legal or professional guidelines for confidentiality. Likewise, people may note those occasions when someone's life becomes fodder for sermon material. These observations may (correctly or not) contribute to assumptions that if you share information about someone else's life, you are just as likely to share information about their life. Though individuals do not always extend the same consideration to others they hope for themselves, most people want the story of their lives treated with respect.

Additionally, as the previous chapter suggests, optimal relational trust encompasses a dynamic bimodal exchange of influence; we participate in optimal relational trust not only by receiving trust, but also through offering and building trust. As pastoral providers we must learn not only to become, in the words of Karen Lebacqz,

“trustworthy trustees,”³¹ but also to become humble and courageous in offering and developing trust as we participate in the work of the covenant: doing justice and loving mercy. How does humility and courage enable us to become increasingly worthy of receiving trust as well as increasingly willing to offer and build trust? How can the reports of burden shared by pastoral care providers who participated in this study inform our understanding of what it means to become more fully trusting and trustworthy?

Becoming Trustworthy: Responding to Professional Burdens

Remember the pastor who admitted to questions regarding whether pastors talking to pastors was a breach of confidentiality? The norm that this pastor internalized came precisely from the practice of colleagues:

And I wondered, if I’m with a group of clergy can I talk about my parishioners, is that a safe place to do that? And it seemed like it was, because informally that’s what we did.

While this norm might not be expected among Catholic priests or by the pastoral care professor whose standard of confidentiality was absolute secrecy, this pastor learned by the example of colleagues. Perhaps the most striking element to me was the statement which followed in an almost offhand way: “But there was never—I’ve never had a discussion about whether we should or not.” My analysis suggested that much of the burdening effect on pastoral care providers resulted from a lack of clarity about expectations and norms of practice. In light of this last remark, I would observe that the first order of business for pastoral providers interested in becoming trustworthy is to

³¹ See Karen Lebacqz, *Professional Ethics: Power and Paradox* (Nashville: Abingdon Press, 1985), 77-91.

discuss questions or expectations about the norms and standards for confidentiality in an explicit and transparent way. As humans we all make unconscious and subconscious choices each day. Our brains provide for this lack of mindfulness so that one part of our brain can be occupied (or preoccupied) on a matter deemed of higher priority or urgency, while another part of our brain goes on “auto pilot.” The problem, of course, is that our habits of mind do not always serve us well. In these instances we do not “think what we are doing.”³²

Thich Nhat Hahn may have popularized “practicing mindfulness,” but pastors should not lose sight of Hebrew and Christian scriptures which urge us to be single-minded and whole-hearted in our faithfulness to God and the covenant we share. This is the very root of being faithful, steadfast, and loyal: to love God with all of our heart, all of our mind and with all our strength. The practice of becoming whole-hearted and single-minded does not equate to being small-hearted and narrow-minded. Personal congruence has to do with focus and commitment, with integrating our values and putting them consistently into action. In order to become trustworthy, then, we must first recognize the value of trust, and how trust is required of us as persons sharing in a covenant relationship. We must commit to it, making trustworthiness an explicit expectation and norm for ourselves that reflects something about the trustworthiness of the divine. Rather than unconsciously participating in the norms of social behavior (doing what everyone does because everyone is doing it), pastoral providers must humbly

³² This phrase was used by philosopher Hannah Arendt in *The Human Condition*, 2nd ed. (Chicago, IL: University of Chicago Press, 1998), 5. She writes, “What I propose, therefore, is very simple: it is nothing more than to think what we are doing.”

and courageously seek to clarify in our interactions with others what expectations and practices allow us to safeguard confidential disclosures, remain trustworthy, and appropriately consult with our colleagues regarding our reactions and responses to these disclosures.

In addition to the challenge of unconscious habits pastors also must grapple with the temptations of ego that confidential disclosures incite. Literature addressing clergy sexual abuse rightly identifies a dynamic of false intimacy rooted in receiving confidential disclosures and sharing in confidential exchanges that can lead toward breaching appropriate boundaries in relationships. When people choose to tell us their secrets, we know intimate details about their lives that few others may know. We are tempted to believe that these disclosures somehow make us special, instead of understanding that we are serving in a special and sacred capacity. While the majority of pastors may never cross the boundary of appropriate physical interactions, the more subtle breaches driven by ego cannot be discounted as uncommon:

I think it happens a lot that pastors talk to pastors. Although, even in those settings, I think that it's more like out-doing each other. One says, "I've got a person with a brain tumor." Someone else says, "Oh, really? I've got one with a brain tumor and cancer throughout their bones." It's almost like...swapping war stories.

The challenge to trustworthiness here appears both as an intra-personal spike in unwarranted pride from knowing information others do not and simultaneous deficiency of interpersonal respect by making the story about the provider and not the one seeking care. While it may be that pastors discuss disclosures in this way out of ego-driven motivations, it is just as likely that this type of "kicking around" stories of pastoral

challenges serves to allow pastors to blow off some built up steam; the emotional energy of hearing stories of life threatening illness, addictions, abuse and tragedy take a toll. This type of burden, as I suggested in Chapter 3, has much in common with *receptivity fatigue*, which will be addressed in the section on responding to structural burdens.

Central to our consideration here is how—whatever the source of pressure to disclose confidences entrusted to us—we can manage these burdens in trustworthy ways. I am not suggesting that pastoral providers avoid seeking appropriate support of colleagues or consultation about pastoral challenges. I am suggesting that the motivation, tone and agenda of those conversations matter if we want to become and remain trustworthy. Achieving this level of trustworthiness may be made more or less difficult depending on the colleagues with whom we work, the denominational or theological training we’ve received, and the level of contextual trustworthiness in the congregations or settings in which we serve. Whatever our training or context of service, it is incumbent upon each pastoral care provider to: first, get clear with themselves about the value of trustworthiness and how confidentiality participates in that; then, explicitly and transparently clarify expectations and norms for confidentiality with others (care seekers, fellow pastoral staff and colleagues) including when, how and with whom providers will seek consultation and support; and finally, establish a mechanism to remain accountable for practicing becoming trustworthy, be that through a congregational advisory council, a spiritual director, pastoral mentor or professional therapist. This process of becoming conscious of our intent, explicit about our intent, and putting our intent into practice

represents the rubric necessary to integrating any value we hold into our lives and making it part of our character.

What happens when our standards and norms for being trustworthy and maintaining confidentiality comes into conflict with the expectations of another? I am reminded of the story shared with me by a senior pastor about his work with a colleague on his congregational staff:

There's a pastor I worked with for 13 years; we had, I think, somewhat different standards around this. Now, I consider myself to hold confidences pretty well; well, she was much more confidential than I. She was more rigid in terms of boundaries around confidentiality; she held things tight, and deeply. She really would not share anything with me, except in the most extreme circumstances, about what someone else had shared with her, to the point that sometimes I perceived that I was not able to be as effective because I really didn't know the context in which I was working in different situations. And she was the pastor of pastoral care, so she really had much more shared with her than I would because she did the majority of the counseling about personal issues.

As mentioned in Chapter 3 this case involves both a conflict of norms as well as structural burdens resulting from one pastor's designation as the primary pastor of pastoral care. This is only one example of how conflicts in expectations can arise. We also recall the conflict one pastor serving in a congregation with a historic practice of congregational discipline:

And that's been part of the difficulty for me that, on the one hand, particularly in one congregation, they were persons yet in the congregation who expected these kinds of revelations and for the Church to deal with this sin publicly. And, on the other hand, there were so many people who'd been burned by that kind of thing, particularly when the issues at hand were so insignificant, should have been so insignificant. I didn't want to get caught in their kind of thing, and I definitely didn't want to keep appeasing these people who just wanted to keep being judgmental.

In all of these situations becoming and remaining trustworthy also involves our style of managing conflicts and differences. How we wield and respond to structural and personal power in situations of conflict emerges as critical to whether we are or remain trustworthy in situations such as these.

In the previous chapter I argued that process relational views take a certain amount of conflicting and competing values as normal and endemic to systemic life processes. Certainly, this is an apt description of congregational life! Some of the key factors that differentiate necessary and productive conflict from unnecessary and destructive conflict have to do with how power is wielded and received, what values are actualized, and whether the actualized values contribute to an increase in well-being as evidenced in the efficacies of love and justice. It also involves making our motives transparent and seeking an agenda of mutual benefit. Drawing upon the model of power I discussed in the previous chapter pastoral care providers can do a brief inventory of their conflict style along a continuum from avoidance, constructive engagement, to aggression. This continuum represents an interesting parallel to virtue theory. On either end of the optimal range (the mean) lies a deficient and an excess response. In this understanding avoidance represents a deficient response resulting from a protective stance (flight response of our primitive brain) against the conflict, which is perceived as threatening. Conversely, aggression represents an excess response also likely stemming from the perception of threat, but which activates the fight response of the primitive brain. In terms of how power is wielded in relation to conflict each of these responses also corresponds to either an excess of receptivity without sufficient agency in the case of

conflict avoidance, or an excess of agency without sufficient receptivity in the case of aggression.

Given the very human proclivities toward self-protection hard-wired into our brains, how might pastoral care providers learn to more consistently allow room for responses to conflict that optimize possibilities for constructive outcomes and increase of value? First, pastoral care providers must learn to recognize when they feel threatened, analyze if the sense of threat is warranted, and finally whether the perceived threat could issue in physical or emotional harm. Oft-times the sense of threat arises from or is based in a possibility of experiencing personal embarrassment, loss of control, insecurity or some other type of personal discomfort. Our primitive brain does not strongly differentiate between types of threats. Embarrassment may trigger a defensive fight response, just as being displaced unexpectedly from a primary agential role in a situation could result in a wordless retreat from remaining present and engaged. We all experience these shifts of engagement every day, sometimes more acutely and sometimes quite subtly. Obviously, we all experience more challenge being self-reflective and providing reflection on interpersonal, group and societal conflicts when our own intra-personal resources are low or our own threat response becomes activated. Fatigue, grief, counter-transference, illness, stress, relational or circumstantial instability or change can all contribute to “hijacking” the capacity of our frontal cortex to intervene and respond thoughtfully to conflicts we encounter and the sense of threat we may associate with them. The more personally implicated in the conflict we perceive ourselves to be, the more likely our own fight or flight responses become.

So, in addition to gaining personal clarity and transparency about the central value of trustworthiness to the practice of providing pastoral care, we must manage intra-personal and inter-personal dimensions of conflict. In order to successfully accomplish that, pastoral care providers must develop some means to assessing their level of responsibility and accountability in relation to the conflict. If the pastoral provider does have a direct role or stake in the conflict, remaining trustworthy may require owning their part and seeking a mutually beneficial agenda in light of sincere differences. Productive conflict requires pastoral providers to increase their capacity to move flexibly between a receptive mode through which we hear others and an agential mode through which we contribute our perspective, expectations, or concerns. Where we are directly responsible for harm or offense, trust requires we acknowledge, apologize, and seek to rectify or repair the harm or offense where possible. This requires pastoral providers to draw upon a sincere humility in accepting accountability for mistakes and courage to act to make amends. Becoming trustworthy requires that we remain accountable, not that we are perfect; before we present our offerings at the altar, we need to make things right with those we may have wronged.

I want to return to the two examples of conflicts cited earlier and consider how drawing upon the requirements of optimal relational trust in the context of covenantal commitment could provide a fresh perspective with which to reconsider these examples. The first example involved a collegial conflict that arose between two pastors serving the same congregation regarding the operative norms for confidentiality. In this situation the conflict and its effects only came fully to light as the colleague doing the bulk of pastoral

ministry functioned less and less well and her health precipitously declined. The senior pastor admitted in the course of our interview that he had deferred to her more rigidly drawn norms for confidentiality. He realized in hind sight that this choice negatively impacted his capacity to serve the congregation. He also reported to me some residual guilt that his own avoidance of confronting the dynamic between them had also negatively impacted the health of his colleague. By not explicitly addressing this difference—perhaps an instance where courage was not sufficiently activated—the senior pastor failed to invite his colleague to reflect upon her own interpersonal boundaries and why she came to hold things disclosed to her “tight and deeply.” The words suggest a process of internalizing others’ stories and burdens that over time could certainly contribute to the structural burdens associated with receptivity fatigue.

Analyzing this example further I would observe that the pastoral minister’s norms and practices for confidentiality had a detrimental effect on the senior pastor’s effectiveness. Whether conscious or subconscious, it is worth inquiring whether occupying the position of the “one who knows things” and whether keeping the information from a colleague—the senior pastor—somehow served an ego need of the pastoral minister? Ego-driven motivations and agendas suggest a lack of proper humility either from an excess of pride or from a deficiency stemming from personal insecurity.³³ Additionally, the pastoral minister’s rigidity about the practice of maintaining

³³ I want to distinguish here the motivations of a *pastor* who keeps information from colleagues for reasons of ego from situations in which congregants might reasonably request that a disclosure not be shared with one’s other colleague(s). The former case reflects upon the motives and agenda of the pastor. The latter most likely reflects more on the level of trust the congregant has with the pastor’s colleague(s).

confidentiality resulted in impairing the effectiveness of the lay ministry program for congregation care (Stephen's Ministry). The program could not account for whom it served or their results of service since the recipient's names were not recorded or shared, even within the program or among the pastors. This pastor's style of confidentiality rather than securing and building relational trust between and among the congregation, operated from a deficiency of trust in her colleague and the broader congregation. Part of the challenge in situations such as these is that it is not always easy to see what is happening at the time, often only seeing the depth of a problem when the conflict escalates or in contrast to a new and different situation:

Now we still have the pastoral care position, but held by a different person. She doesn't set boundaries and policies in the way my former colleague did. She structures hospital visitation and critical care differently. She discloses more and interprets confidentiality differently in light of our work together.

This pastor's insights came at a price to him, his former colleague and the congregation. From that experience, however, his own expectations and norms are now clearer, as are those of his current colleague. Together they clarify and communicate to the congregation how they understand pastoral confidentiality and that they share in the pastoral work of the congregation; they let congregants know that they will share information unless there is a compelling reason not to. They take seriously the trust people place in them, as well as the trust they must share between them.

The second example cited above involved a congregation in conflict with its pastor for not disclosing members' sins for congregational discipline. In the course of our conversation the pastor shared his perspective that the idea of relationship served as the animating center of the gospel message and of requirements for covenantal living. This

interpretation placed relationship with God as the primary focus of believers, followed by fellowship with the body of Christ understood as the congregation, and ministry through relationship with the wider world in need of God's love and justice. He encountered resistance from within the congregation to his efforts to shift his practices from the historic norm in which confessions of members were automatically forwarded to the congregation for response to a model where congregants could disclose some matters to the pastor without further disclosure. In his experience the congregation had not always been trustworthy in its response to confessions and disclosures, issuing in harm to some members of the body. He cited the failure among members to discern "significant" from "insignificant" confessions. He also saw a prurient curiosity embedded within the congregational impulse to know about the sins of others, and a tendency among some towards judgmental responses. How might optimal relational trust in the context of covenantal commitments assist this pastor to manage this conflict around the norms and practices of confidentiality?

This conflict raises the question of optimal relational trust on more than one level. One can imagine that the members of the congregation resisting the practice of private confession governed by pastoral confidentiality on some level do not trust the pastor to deal appropriately with sin. Indeed, some pastors hearing private confessions may struggle to hold persons accountable for the sinful behavior they disclose. Sometimes pastoral care providers unwittingly peddle "cheap grace" and fail to recognize that healing and reconciliation sometimes require accountability and justice; the work of redemption through loving justice seeks to repair harm by restoring right relationship,

right ownership and right responsibility. There are occasions when private confessions under the protection of pastoral confidentiality can lead to suspicions that church authorities are colluding in sin by covering over transgressions against the weak and vulnerable (the uproar regarding how the Roman Catholic hierarchy functioned in relation to disclosures of sexual abuse perpetrated by priests comes to mind).

On the other side of this conflict the pastor does not trust the motivations and agenda of some of his congregants, perceiving ego-driven curiosity and self-righteous pursuit of justice rather than a balance of love and justice toward others' transgressions. This may suggest that the congregation has not yet developed optimal relational trust in light of humbly seeking to extend the covenant commitments of love and justice. It also may indicate an unwarranted excess of suspiciousness on the part of the pastor. Several strategies come to mind. Initially, a broad and open conversation about confession and the means of grace, as well as the benefits and concerns about pastoral confidentiality and public confession would provide an opportunity to clarify motivations and agendas underlying each perspective.³⁴ By talking openly about such differences the suspicions on both sides may be eased and a willingness to extend trust increased, even if differences persist. If the pastor and congregation sought to reaffirm common

³⁴ Because of the historical practice of congregational engagement in matters of discipline, the needs of this context suggest initiating an open and inclusive conversation. Other contexts may assume a more circumscribed less inclusive set of stakeholders. Contextual considerations may prompt different strategies and choices appropriate to those contexts.

commitments of faith and seek a path that provided mutual benefit to each perspective, the likelihood for increased trust follows.

The pastor in this situation could also draw usefully on Calvin's formulation that differentiates categories of sin and correlates them with different contexts for confession and repentance: private sin confessed in private, public sin confessed in public; sin in one's heart confessed in private, sin against another confessed to the sinned against; sin in which the whole community is implicated confessed publicly by the community, sin of one or more parties witnessed broadly by the community confessed publicly to the community, and so on. The circle of involvement suggests differential contexts for disclosure, accountability and reconciliation. Finally, it might be useful for this pastor to frame the purposes for keeping some disclosures confidential by differentiating confessions made by those who are responsible for sin from disclosures by those who have been sinned against. Not all confidential disclosures involve the confession of sin. This strategy is not without its problems. Some sins may be best addressed and healed through confidential or private confession and guidance. Still, it may make sense to those members tied to practices of congregational discipline that disclosures characterized as healing from effects of sins can be treated differently from the confessions of sinful behavior. I will comment further about the challenge of building trustworthy communities in the section on responding to structural burdens.

I have examined how managing the professional burdens associated with maintaining pastoral confidentiality can be supported by developing the pastoral virtue of trustworthiness. Pastoral trustworthiness participates in the larger project of contributing

to establishing, maintaining and building optimal relational trust through which the work of the divine can be extended. Optimal relational trust depends upon personal integrity, humility and courage leveraged in covenantal relationships toward the efficacies of love and justice. I have argued that pastoral care providers participate in the divine covenant with creation by becoming trustworthy. Becoming trustworthy includes operationalizing love through cultivating a sincere care toward others that motivates an agenda of mutual benefit and well-being, and operationalizing justice through personal, interpersonal and communal dimensions of accountability that push toward restoration of right relationship, right ownership and reparation of harm. Interpersonal conflicts demand fostering simultaneous awareness of self, situation, other(s), situation and context in terms of how power is deployed and how the efficacies of love and justice can serve to secure and maintain trust. Becoming trustworthy assists pastoral care providers in gaining clarity, commitment, and congruence with regard to the requirements of pastoral confidentiality. The virtue of optimal relational trust equips pastoral providers to recognize with confidence potential deficiencies and excesses that can parade as trustworthiness, yet belie intra-personal, inter-personal and communal motivations, agendas and behavior detrimental to trust and living in covenantal relationship.

Optimizing Trust through Accountability and Care

No matter what contingencies or wrong choices occur, either inadvertently or willfully, God's guidance is faithfully redemptive. God as wisdom, against the openness and contingency of the future, evokes our trust instead of fear.³⁵

³⁵ Marjorie Suchocki, *God, Christ, Church: A Practical Guide to Process Theology* (New York: Crossroad, 1982), 78.

Pastoral practice presumes the value of confidentiality; maintaining the confidences entrusted to us, keeping the promise to guard from disclosure what is confessed to us sits at the center of pastoral practice so that people may seek guidance, healing, reconciliation, redemption and liberation without hindrance. Pastoral confidentiality enjoys a pervasive cultural and societal norm in the United States by which pastoral providers will likely be judged, whether or not that implicit norm reflects the particular practices and expectations of any given community of faith or denominational standard. Elizabeth Audette's study found that the congregants she surveyed overwhelmingly expected any disclosure to a pastor to be held as confidential. It is no wonder, then, that when Father William Rankin revealed that a parishioner had admitted to him that she had fraudulently utilized congregational funds, he was attacked and lambasted in the press and in private correspondence for failing in this pastoral duty to maintain this disclosure in confidence. His explanation that her admission was not during the course of a formal confession and that she herself agreed he could disclose her admission to church leaders gained him little reprieve from his critics, even while those arguments proved legally persuasive. Many take confidentiality as a *prima facie* duty of the pastoral provider.

Equipping Our Response: Tools for Ethical Reflection

In order to understand the characterization of confidentiality as a *prima facie* duty and equip pastoral providers to effectively reflect upon ethical dilemmas, a review of the ethical theory of W.D. Ross seems useful. Ross' ethical theory is most often described as an intuitionist theory by which broadly normative ethical principles can be utilized to

discern the moral obligation of any given situation.³⁶ A prima facie duty remains obligatory or binding to the degree that “no other duty overrides or trumps it.”³⁷ Ross objected both to deontological (duty based non-consequentialist or absolute norms) and utilitarian (norm that maximizes greatest good for the greatest number) ethics. His system balances ethical duties that can be intuitively derived and broadly shared as norms, yet applied based on each specific situation. Different scholars present different schemas of Ross’ prima facie list. Ross himself did not suggest his list is exhaustive, simply morally compelling enough to him to list them. His list includes as prima facie duties: fidelity (keep promises and avoid deception), reparation (repair or make up for any harm you cause another), gratitude (for the positive contributions of others to your life), beneficence (do good to others), non-maleficence (avoid doing harm to others), justice (fair distribution of burdens and benefits), and self-improvement (act to improve one’s own well-being). In order to distinguish and clarify the requirements of beneficence and non-maleficence Jan Garrett adds prevention of harm as distinct from avoiding doing harm oneself or the doing of explicit good. Garrett also suggests that other prima facie duties may be compelling, such as respect for freedom (provision for self-determination and against coercion).³⁸

³⁶ See Dr. Jan Garrett’s website: <http://people.wku.edu/jan.garrett/ethics/rossethc.htm>, last revised August 10, 2004. (See also W. D. Ross’ *The Right and the Good* (New York: Oxford University Press, 2002).

³⁷ Ibid.

³⁸ Ibid.

Most ethical treatments of pastoral confidentiality correlate it with fidelity and the implicit or explicit promise by pastors to not further disclose what is told to them. Other rationale for maintaining confidences, tracing even to the logic of the church fathers, includes avoiding doing harm since disclosing information about another may damage their reputation, their livelihood, or give an advantage to “an enemy.” As previously noted, Karen Lebacqz identifies the duty to be trustworthy as central to the professional role of pastors, suggesting that—other things being equal—pastors’ duty of fidelity will more often than not override other morally relevant duties, even in cases where fidelity would not override other ethical values for moral behavior outside this role. Confidential relationships provide, in the words of pastoral theologian Larry Graham, “a protected place in which to help persons find the strength and capacity to confront ... the truth and work through its meaning for their lives.”³⁹ Given the overriding value of confidentiality except in the types of situations outlined above, what accounts for the ethical burdens associated with pastoral confidentiality?

As we saw in Chapter 3, these burdens are most acute when some material, emotional or physical harm may result from maintaining a confidence. Indeed, in an endnote of the same work cited above, Graham makes the following statement:

Pastors have a moral, if not legal, obligation to report knowledge of abuse of minors and the intention of homicide or suicide, even if received in confidence. Parishioners should know this at the outset, and congregational policies established to support this approach.⁴⁰

³⁹ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 215.

⁴⁰Ibid, 256, note 18.

Graham's statement shares strong correlation with the norms and standards articulated by denominational literature and almost every participant in this study: where an imminent risk of child abuse, suicide or homicide exists, a duty to warn or disclose trumps the duty to maintain the confidence. Many research participants noted with some relief that the expectation to report such information was far clearer now than when they began in ministry. The second element worth noting is Graham's advocacy for transparent and proactive communication clarifying this standard to the congregation one is serving—or directly to clients if the context of work is not based directly in a community of faith—which corresponds nicely with guidelines outlined in the previous section. Often, however, the disclosures received by pastoral providers may not meet the threshold of imminent death or abuse of a child. They do, however, leave pastoral providers uneasy about what they know. In the words of one, "There are certain things I don't want to know (laughs) because knowing comes with the responsibility of what you're going to do with that information..."

Responding to Ethical Burdens: Examples from Providers

It may seem axiomatic to observe that the more compelling the competing ethical values, the sharper the dilemma, and the heavier the resulting ethical burden; it is easier to uphold confidences when the impact of doing so seems unambiguously beneficial. In many of the cases cited in this study, the experience of burden for pastoral providers was most prominent in situations where the *prima facie* duty of fidelity came into conflict with the duty to *prevent* harm. Several of my research participants shared stories of hearing disclosures of sexual infidelity in committed relationships where both partners

were members of the church. Others reported working with men with inclinations to emotionally abuse or exploit women, or work with women in actively abusive relationships. Karen Lebacqz sets up her book *Professional Ethics* by introducing a situation in which a teen discloses to her youth pastor—after receiving an assurance of confidentiality—that she is pregnant and intending to pursue an abortion. The youth pastor faces a dilemma about her duties to various parties: the teen, her parents, as well as her colleagues. What should she share or not share? These cases remind us that knowing how to weigh and balance confidentiality, how to frame its usefulness or its limits in the work of healing and divine redemption, remains a pressing concern among pastoral providers.

Let us return to one of the cases that still lingered with a research participant some 20 years after the disclosure:

Another one that was particularly difficult involved a man who came to me in the congregation and told me some things that he was doing in his work, his business, that were very unethical. And it affected a lot of other people in the church that did business with him. And he was trying to confess that—it was more of a confessional kind of thing, but also like a “Now what do I do?”—and wanted me to tell him how to fix it, not only business-wise, which I’m not a businessperson to know how to do that, but also relationally how he’s going to fix it, but without letting them know.

And that was a hard one. I felt trapped. I was beyond my capabilities and it seemed to me this had ethical implications as to what he did or didn’t do. And that was hard.

This pastor understood immediately that people were being harmed by the choices and behaviors of this businessman. By virtue of his knowledge, the pastor felt burdened by his knowledge, yet constrained by his duty to protect confessional disclosures. How

might our model of optimal relational trust assist us to consider this ethical dilemma and discover resources to manage this burden?

This case raises several levels of consideration worthy of further reflection. Clearly, when care-seekers are struggling with ethical dilemmas, what they disclose may also create an ethical dilemma for the pastoral provider. It is incumbent upon pastoral care providers, then, to first get clear about *whose* ethical dilemma must be addressed! Once we gain clarity about whose ethical dilemma we are confronting, we can more easily discern the relevant ethical values, what we believe are the likely consequences of prioritizing competing ethical values, including the likely effect on intrapersonal, interpersonal and systemic dimensions of trust. Obviously, undertaking this type of ethical discernment process does not absolve pastoral care providers of determining and pursuing the trajectory of the pastoral task at hand. Pastoral care providers may face a legitimate conflict of ethical duties relating to disclosures, and we must weigh how we will choose to proceed in light of our commitments to remain trustworthy. As suggested earlier in this chapter, optimizing relational trust rests at the core of the pastoral enterprise. Whether providers uphold trustworthiness through fidelity to maintaining disclosures as confidential or by sharing information in an effort to prevent significant harm, each provider must weigh the choices available to them, ever-mindful of humbly seeking the divine aim available to each moment.

Optimizing trust by attending to our own trustworthiness and building a capacity for trust and trustworthiness in those with whom we work suggests several layers of engagement are involved in undertaking this work. Intrapersonal temptations can

undermine our efforts to do the right thing. Pastoral providers may be tempted toward prideful judgments that improperly assume responsibility for the rectification of circumstances, the retribution of wrongs, or the redemption from sin thereby displacing the role of the divine or opportunities to involve the community of faith in appropriate ways to provide support and encourage accountability. Pastoral providers may also be tempted toward a colluding silence, refusing proper responsibility to speak the truth about sin and injustice to one(s) ensnared by it. Mindful that in some cases care-seekers will attempt to displace their responsibility onto care providers, it bears mention that we do no favors to care seekers when we assume false responsibility or allow care-seekers to transfer or displace their proper accountability.⁴¹ In addition to discerning their own responsibility in any given situation, pastoral care providers faced with ethical can also reframe trust in light of reciprocal exchanges of influence in bimodal power transactions. When inquiring how to uphold and extend trustworthiness broadly, pastoral care providers can evaluate the bimodal power transactions in light of the accountability being assumed or avoided by the care-seeker.

Pastoral care providers entangled in ethical dilemmas in which the care-seeker resists taking responsibility or resists working toward making changes commonly describe experiencing a sense of paralysis, feeling trapped and ineffective. These descriptions suggest one effect of confronting care-seeker's ethical dilemmas may be

⁴¹ I differentiate this general caution against explicitly directive care from emergency or traumatic situations which render care seekers incapacitated from physical or emotional shock. In those circumstances calm concrete direction may be most useful and efficacious for a limited period of time until those affected begin to recover, however slowly, their capacity to process and respond to the incident.

losing a sense of one's own agency in the situation. While providers may feel obligated to protect the details of disclosures made to them, other options for recovering a capacity for agential response may remain. When care seekers resist proper accountability, refuse to seek to repair the harm they have caused or to seek reconciliation, pastoral providers may want to recover resources from the traditions of church discipline. Each denomination may provide different options for response: withholding communion, preventing a person with unresolved accountabilities to assume or continue in a position of congregational leadership, or utilizing the guidance from 1 Timothy to involve other trustworthy leaders in the faith community to assist in addressing the situation.

We see in the case of the businessman engaging in unethical practices that one of the choices made by the pastoral provider was to prevent this person from serving in a fiduciary role in the congregation. Some in the congregation responded with suspiciousness about the pastor's motives; they saw no reason for a prominent businessman from the congregation to be barred from the finance committee. We may be challenged by suspicions about our motives or agenda because we cannot fully disclose (be transparent and publicly accountable for) the details leading to our decision. However, we may have more latitude to share information in a general way than we previously assumed, providing we can differentiate confidentiality from keeping secrets. Providers may be well served by disclosing—to those with a relevant interest or leadership responsibility within the congregation—that circumstances in a particular member's life prevent her/ him from serving in a particular capacity for the community at the present time. Some pastoral providers may feel this goes too far in publicly exposing

the care-seeker. What I am suggesting is that pastoral care providers can and must distinguish confidentiality from secret-keeping and paralysis. Pastoral providers' may initiate proper and legitimate agential responses to disclosures, up to and including blocking a care-seeker from serving in particular roles of responsibility or determining when to withdraw from providing care until the care-seeker indicates their readiness to assume primary accountability for dealing with the situations in their life in light of their faith.

This project suggests that love and justice function synergistically to optimize trust and extend the healing work of redemption. Ethical dilemmas are an important site to invite new arrangements of power, to invite new prioritization of value, to invite new possibilities in the midst of circumstances that seem unredeemable. They may also provide an opportunity to reframe and reclaim justice as a force of redemption through reparation and reconciliation. The contemporary momentum drawing upon models of restorative justice may allow pastoral providers to include appropriate community responses to circumstances involving unethical behavior, thereby reducing the level of burden ethical dilemma cause them. Principles of restorative justice require: a willingness by the person(s) causing harm to accept responsibility; an opportunity for the one(s) responsible for harm to be confronted with the effects of their actions on others; the one(s) causing harm has an opportunity to acknowledge and account for their behavior and choices, including any contributing factors; a willingness by the one(s) who caused harm to make amends and repair the harm; a willingness by the harmed parties or their representatives, representatives of the community and the one(s) responsible for harm to

agree upon a plan that repairs the harm and re-establishes a basis for moving beyond the breach of relationship. Models such as this operate from the efficacy of love enacted as respect that safeguards human dignity, and an efficacy of justice enacted as accountability and repair.

Ethical dilemmas cause burdens for us and for care seekers because we recognize that the ethical and moral glue upon which human relationships depend have been breached; ethical breaches often involve breaches of trust. Breaches in trust can be repaired, but it is far more difficult to rebuild trust following betrayal than to attempt to secure and maintain it in the first place. The stakes for pastoral care providers becoming trustworthy and maintaining trust in the face of ethical dilemmas and burdens are high. This case helps clarify that pastoral providers who can 1) clarify proper accountability (their own and that of care seekers) in any given situation, 2) recover appropriate agential options and responses that honor trust, and 3) build trustworthy models for community responses to care seekers unethical or harmful behavior that offers repair, reconciliation and opportunities to rebuild trust. Rebuilding the capacity for people to trust in themselves, to become trustworthy to others and be willing to risk trusting following a breach of trust is painstaking, slow work. Principles of restorative justice provide one means by which pastoral providers can broaden the opportunities to enact love and justice in response to the needs of care seekers.

Responding to Structural Burdens: Extending the Reach of Trust

Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest. Take my yoke upon you, and learn from me; for I am gentle and

humble in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light. (Matthew 11:28-30)⁴²

This passage from Matthew makes a particularly poignant reference to burdens, in part because one interpretation of the text suggests that Jesus' words are directed in particular to those who undertake demanding physical labor as well as those who labor in the work of spiritual ministry.⁴³ Many interpretations suggest that Jesus' words are meant to contrast following the path of Jesus with the yoke of the law of the covenant as interpreted by the Pharisaic leaders. Amy-Jill Levine, however, finds Warren Carter's analysis of the term "yoke" more likely to refer to the oppressiveness of Roman power than the burdens of covenant.⁴⁴ Whether referring to the burdens of spiritual ministry or from exploitative structures of power, the invitation to share an easy yoke and to learn from the example of one who is gentle and humble of heart offers welcome relief. Those who serve as pastoral providers do not always experience the burdens of ministry as light, nor find rest easy to come by. How might we respond to the invitation to find rest suggested by this passage? How might pastoral providers replenish resourceful responses to the demands of serving as a confidential resource? How does being gentle and humble of heart play a role in responding to experiences of burden?

⁴² Bruce M. Metzger and Roland E. Murphy, eds. *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books, New Revised Standard Version* (New York: Oxford University Press), 1991.

⁴³ *Abingdon Bible Commentary*. "The Great Invitation" (Nashville, TN: Abingdon, 1929), 975.

⁴⁴ Amy-Jill Levine, *The Misunderstood Jew: The Church and the Scandal of the Jewish Jesus* (New York: HarperSanFrancisco, 2006), 126 citing Warren Carter, *Matthew and Empire* (Harrisburg, PA: Trinity Press International, 2001).

Serving in the role of a designated confidential resource can result in what I classify as structural burdens. I identify receptivity fatigue as the most prevalent type of structural burden, stemming from occupying a primarily receptive position as the characteristic modality of providers as they receive others' disclosures. Following the analysis of the interviews with providers I suggest in Chapter 3 that receptivity fatigue results in part from the sheer level of the demand from care-seekers or community members. Receptivity fatigue can be exacerbated by the unbounded context of ministry and open-ended time frames when care can be sought. Research participants also suggest that certain types of disclosures, especially accounts of violence, abuse, suffering and incidents of tragedy had higher association with experiences of burden. Finally, pastoral providers describe ways that aspects of identity contribute to the dynamic of receptivity fatigue, especially in cases where aspects of their own identity motivated people to seek care specifically from them. Additionally, when identity-based factors played a part in disenfranchising care seekers from resources in the community of faith or broader community, the importance of the responses by those serving in confidential roles seem amplified.

The experience of receptivity fatigue is associated with general stress responses in pastoral providers, often corresponding to feeling burned-out or physically fatigued. As noted by William Arnold, when the demands one encounters exceed the resources one can identify, stress results.⁴⁵ In situations where stress corresponds to inadequate

⁴⁵ William V. Arnold, *An Introduction to Pastoral Care* (Philadelphia, PA: Westminster Press, 1982), 153.

resources, a heightened sense of threat or loss of trust can easily be imagined to follow. When we feel threatened our capacity to trust ourselves (the intrapersonal), relationship with the divine or other people (interpersonal), or even at the existential level declines, as does our willingness to engage in and participate with the processes of created reality. Research participants did not report meeting experiences of pastoral stress and fatigue with resigned defeat. Rather, they provided examples of creative responses to receptivity fatigue and stress effects from serving in a designated confidential role. Pastors utilized religious and spiritual practices like prayer and scripture study, retreat opportunities, spending time in nature, and spiritual or energetic cleansing processes or rituals. They also drew upon family support for life balance as well as things associated with their physical health like exercise. Many had developed networks or resources to utilize professional or collegial consultations. Still, the effects of burdens often lingered, or returned.

In undertaking this project I hoped to identify historical and theological resources that might serve pastoral care providers in addressing and managing the experiences of burden associated with serving in a designated confidential role. I want to clarify through examples from interviews the ways that receptivity fatigue can affect the capacity of pastoral providers to engage in and sustain trustworthy relationships, and explore what resources might assist in managing those effects. First, I want to reflect on how the contemporary—especially Protestant and Free church traditions, but also increasingly in Roman Catholic communities—structure opportunities for disclosures. It is no small irony that the Reformation project which undertook nothing short of deconstructing the

Roman Catholic system for confession, penance and absolution also, perhaps as an unintentional consequence, contributed in part to the “boundlessness” of the ministerial role in Protestant and Free Church traditions today. When there was a set time and place for confession, not to mention the physical structure of the confessional booth, which quite literally contained confessions, then the experience of burden may have been reduced simply by structure of ritual, the physical screen, and predictability. In this respect the structures associated with pastoral counseling—making appointments, designating a specified location for counseling, boundaries around time, and some expectation of what might be discussed—govern the conversational exchange and succeed more consistently in a more bounded context for disclosures than congregationally based pastoral care models may.

I am by no means suggesting that pastors serving in communities within the Protestant and Free Church traditions should somehow institute a confessional booth, nor priests remain constrained to one! I am suggesting that with the absence of the more formal and physical structures that the practice of confession in the Roman Catholic tradition provided, pastors must instead bring increased intentionality to establishing, maintaining and communicating the boundaries around their time, availability and how to access opportunities to seek care. I was initially startled by one pastor’s response to how he manages requests for time:

There are two types I think of counseling sessions, where there are tragic contacts and then there are crises. I generally don’t change my schedule for crisis. For tragedy, yes. If a person gets killed, a person’s house burns down, there’re certain things that—but a divorce? No, I don’t change my schedule around to meet with you. If you’re getting a divorce this week, it’s been happening for 10 years. You know, we’ll walk through making sure that the person’s in a safe environment,

but to drop everything and say, “Okay, now, this person’s life today is the most important life in the church.” I don’t do that. So crisis counseling is not a priority, tragedy is.

It is worth noting that this particular pastor did make time for pastoral counseling.

However, he intentionally structured what time he had available and felt empowered to prioritize the urgency of the issues presented to him. He clarified his priorities and availability to his leadership team and congregants, while providing other avenues of support through ministry and congregational structures. My point here is not to foster and encourage a cold heartedness or indifference to the needs in our communities and among those with whom we work. Hospitality and openness to others are highly valued in upholding and extending the divine covenant with all creation. However, pastoral care providers must assume responsibility to steward their own well-being, manage their time, and prioritize how to best use their energies in the work of ministry because no one else is in a position to do that for them. Establishing and maintaining one’s own boundaries regarding people’s access to you, the time you make available, and what takes priority are all necessary aspects of personal integrity and basic to well-being. Optimal boundaries are those one can freely choose with some capacity for flexibility to circumstance and context.⁴⁶

We hear much of maintaining ‘appropriate boundaries’ in contemporary discourse. Typically, this phrase might cue us to give attention to: power differentials; the roles one occupies in relation to another, whether those roles are temporary, freely

⁴⁶See Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 205-207 for a discussion of boundaries in intrapersonal, interpersonal and societal/cultural systems.

chosen, and for what end the roles in relationship are designed; and relative areas of accountability and responsibility. Pastoral providers must consider that an inability to establish and maintain functional and appropriate boundaries, an inability to say “no” to requests or to redirect them to another time and place, may be one of the most basic contributing factors to structural burdens experienced as receptivity fatigue. Several reasons could rest at the base of an unwillingness to draw boundaries around one’s responses to care-seekers. Given the bimodal character of power, I assume that a responsibility for failing to establish functional and appropriate boundaries could arise from either pole of the exchange. As mentioned previously persons seeking care can—whether consciously or not—seek to displace their discomfort, anxiety, sadness or conflict by transferring it to someone else to “hold and fix.” On the other hand, a failure to create and maintain useful boundaries may stem more directly from a pastoral provider’s low threshold for witnessing others’ discomfort, anxiety, sadness, or conflict. This internal response may trigger a provider an unwillingness to delay care so that their own discomfort and anxiety can be more quickly reduced! Whatever the source for the failure of functional boundaries, it remains the professional responsibility of the pastoral care provider to initiate and sustain appropriate boundaries for the well-being of all parties and the systems to which they are connected.

Let me return to one account from an interview with a research participant of an experience of receptivity fatigue that she described as overwhelming. This pastoral provider recounted a recent breakfast when a member of her community disclosed several distressing experiences: she and her son had worked to challenge her former daughter-in-

law's custody of her grandsons, and only succeeded when it was discovered that this woman had sexually exploited her oldest grandson in order to sustain her meth habit; her daughter was struggling to maintain sobriety as an alcoholic; a neighbor boy who was the older brother of her (other) grandson's friend had recently and suddenly died following what they thought was the flu; and she confessed that she was barely containing an urge to locate and kill her former daughter-in-law. Even in recounting the breakfast it was apparent to me that the pastoral provider found the exchange overwhelming. Following breakfast the pastor made her way to the church hoping to work on her sermon for that week's worship and encountered an office volunteer who began to disclose, almost immediately upon her arrival at the church, recent experiences she had been having with her husband until he was diagnosed with a condition that agitated him during his sleep cycle. We see in this account several things that might provide opportunities to reframe or even redirect these pastoral encounters.

The first observation about the breakfast conversation is that, of course, the congregant was herself feeling overwhelmed. Pastoral providers with experience in Clinical Pastoral Education will likely recall at least one conversation about "parallel process," by which pastoral providers have a cognitive or an affective experience akin to that of the care seeker (confusion, depressed mood, agitation, etc.). In the ideal, pastoral providers become aware of that experience, register it as useful information, and explore further the care seeker's experience and how this information may help with assessment and planning of pastoral interventions. In the case of the conversation with the congregant over breakfast, the pastoral care provider internalized the experience of being

overwhelmed and felt herself somewhat incapacitated by it. That information could prove useful both to clarify for the care provider something about her intrapersonal boundaries and what might be useful in relationship to the care seeker. On a fundamental level, the care provider must determine a means to separate the stories she receives from becoming integrated as her own story. One of the dangers of compassion as understood within the Western philosophical tradition is the risk that “feeling with” another can result in a multiplication of suffering (two persons suffering rather than one). This constitutes one aspect of Nietzsche’s argument against the value of compassion, or *mitleid*, which can also be translated into English as pity.⁴⁷

If we reframe care or compassion here to indicate a caring *response* to the suffering of another, rather than a “feeling with” we may successfully avoid the unhealthy collapse of intra and interpersonal boundaries that do not serve to promote well-being in the system.⁴⁸ A caring response draws upon the pastoral provider’s trustworthy disposition (recall here our discussion of character and virtue), which incorporates personal integrity, congruence, goodwill and competence. A trustworthy disposition assists providers to discern what responsibility remains theirs and what responsibility remains with another, as well as to establish appropriate boundaries

⁴⁷ Friedrich Nietzsche. *Daybreak: Thoughts on the Prejudices of Morality*, trans. by R. J. Hollingdale (Cambridge, U.K.: Cambridge University Press, 1982), 134 as cited in Chris Frakes, “The Virtue of Compassion: Responding to Suffering with Equanimity” (PhD Diss, Binghamton University, 2004), 23. The German word *mitleid*, whose root meanings indicate “suffering with” has been alternately translated as pity and compassion. This constitutes part of Frakes’ argument that the Western philosophical tradition has collapsed the meanings of these two terms, leading to confusion about what compassion entails and how it differs from pity.

⁴⁸ See Chris Frakes, “The Virtue of Compassion: Responding to Suffering with Equanimity” (PhD Diss., Binghamton University, 2004).

differentiating our experience from that of another. Rigid boundaries (the excess state) indicate a defensive posture through which we seek to protect ourselves from another's suffering. Alternately, a lack of affective and cognitive boundaries (the deficient state) allows the distressing experience to extend their reach. Optimally, providers create a flexible and somewhat permeable boundary that enables intentional choices about how to direct our response. One simple and direct way to establish this type of functional boundary might involve saying to the congregant, "Wow! That is a lot to deal with! Sounds pretty overwhelming. What part of all this is affecting you most right now? Would it be useful for us to plan some intentional time to address each of these stressful experiences, starting with whatever one you believe would benefit you most?"

This response allows the pastoral provider to utilize the internal cue of feeling overwhelmed to acknowledge and observe out loud that it *is* too much to deal with all at once. Pastoral relationships (with the obvious exception of life threatening emergencies) grant the gift of being allowed to choose what to address in what order at what time. This boundary-making enterprise also balances agency and receptivity between the care seeker and provider. The care provider initiates a strategy and provides permission not to deal with everything at once. The care seeker chooses which of the concerns seems most urgent to address. This response also reminds both parties that these experiences remain those of the care seeker, yet the care provider can extend an offer to serve as a trustworthy partner and companion along the path. Appropriate boundaries and roles

help us maintain what Graham calls “contextual integrity,”⁴⁹ which conveys the difference between a context in which healthy relational dynamics and exchanges can occur and those where harmful dynamics and exchanges are more likely. Maintaining appropriate boundaries also helps maintain proper accountability in any given situation.⁵⁰ The care seeker retains primary agency in and responsibility for responding to their life challenges. The pastoral provider assists by inviting the care seeker to lay down some of their concerns (also called bracketing), if only figuratively, for temporary periods so that she may turn her attention to and address each one in turn. Boundary setting helps identify a more manageable task, rather than remaining stuck with a set of concerns that feel overwhelming.

This example heightens the relevance of the verses from Matthew above and those from Micah, which offer an invitation into relational partnership with the divine. The theme of covenant reminds pastoral providers and care seekers alike that we do not undertake these experiences and this work in isolation, even when the experiences may be experienced as isolating. This invitation suggests an aspect of reality present and available to each of us to seek through “a focused openness to God’s power for God’s aim”⁵¹ that opens opportunities for healing, guidance, sustenance, reconciliation and liberation. We share in the work of the covenant to the degree we are able humbly

⁴⁹ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 100.

⁵⁰ Graham elaborates three dimensions of contextual integrity: appropriate boundaries, properly ordered accountabilities, and functional systemic structures.

⁵¹ Larry Kent Graham, *Care of Persons, Care of Worlds: A Psychosystems Approach to Pastoral Care and Counseling* (Nashville, TN: Abingdon Press, 1992), 97.

respond to the invitation to enhance value in any given moment we live, to optimize our participation in power arrangements through creative initiatives and gracious responses, and by working toward just structures of accountability, relationship, ownership and use. The invitation to covenant partnership also extends to communities of faith with an aim to serve as a beacon to the world.

Sometimes receptivity fatigue ties more directly to the content of disclosures and events in the lives of those in the communities we serve. I heard many stories during the course of interviews. As I said in the beginning of Chapter 3, many have stayed with me. This story came after the formal interview phase was complete and was shared via email. One of my research participants had received a phone call from a member of her community to tell her that a man in their community, in the midst of a difficult and conflictual divorce had murdered his two young children and been subsequently killed by police. This provider recalled the birth of the younger child, the prayer work the community had done when the baby was born premature, and the very recent occasion when her child had played in the park with the older child. She wrote that she wanted “her ears to close” so she could not “hear any more.” She closes her email with the following words:

The phone has been ringing all day. It’s now my job to serve—to listen and to comfort. It’s my job to help others whose world has been shattered much more than my own. There is a community to support. Somehow, as is always the case, Spirit will show me the way. Spirit always does. Inside, as each call comes in, I feel centered and able. I am present to the experience of my community as it occurs and unveils itself.

Still, in this moment, in this forum, I can speak beyond being a minister—I can speak as a woman and a mother struggling with the primal rage of our world, and grateful for a place to share my own human anguish. This is a new challenge. I have confronted suicide, death in its many forms and faces—but this

is a first for me—“closer to home” that most other things I have experienced. In between phone calls, I am finding a way to grow with this experience, looking for some value in it and realizing that not everything in life makes sense. Some things push us beyond what the mind can analyze and make sense of—forcing us to make peace of a different kind within ourselves. Some things force us to be “human” first and “minister” much farther down the list.

I appreciate having this place to share.

Several things in this account are worth attention.

First, the burdens that arise and confront us from the brokenness of the world cannot finally be escaped or ignored without stepping aside from the ministry to which we are called. Creation groans under exploitation, violence and tragedy. The promise of God is not, after all, to keep us safe from the created reality of which we are a part and play a part. The people of Israel were enslaved and brutalized. Jesus was tortured and murdered. Rather, the promise of the divine through the covenant relationship is steadfast presence; we are not abandoned in the moment of suffering. When confronted by inescapable suffering Spirit neither abandons nor forsakes us, instead offering resources available to each unfolding moment that may help us to survive, to resist, or finally discover “a peace that passes understanding.” This provider recognized the limits of her rational mind to aid her when confronted with tragedy “this close to home.”

Another research participant shared similarly tragic stories with me during our interview, stories that speak to discovering the divine in the midst of suffering:

This is a story from one of my clients. She was being gang-raped, and she was about 11 years old, I think. She said, “They threw me down in the dirt, and I got up and ran away, and they chased me,” you know, that happened several times, and then she said, “And finally I couldn’t get up anymore.” And she said, “And I looked down and there was a flower growing there.” And she said, “And somehow I knew that because that flower was there, and life was there, God was there somehow, but they didn’t know it.”

There was another story of a client of mine who ran away into the desert intending to kill herself. She got to the desert and she stopped where there was a good place to kill herself, and she looked down. She said to me, “There was a flower blooming there, where nothing should grow.” And she said, “I thought that was like me. And so, I decided, well, if that flower can grow, maybe I can too.” I think that’s the way God works sometimes, reaching out in ways that are perhaps apparent only in hindsight or sometimes in the moment. I think that’s how God responds. I don’t see God doing our work for us, necessarily.

Finally, in addition to recognizing the divine available to her and with her, the pastoral provider who sent the email above reached out to other colleagues—to a community of providers—for support and recognition of her humanity and grief. She, too, needed a safe place to share the story and the burden, just as her community needed her. One of the dangers of serving in a designated role to receive confidential disclosures is the risk that we refuse or fail to allow ourselves to confide our pain or confusion or anger to trustworthy others. Whether pride or a failure to find and make the time by drawing appropriate boundaries for self care, pastoral providers must take initiative and responsibility to seek and receive care from trustworthy others. It requires humility and courage to trust others with our own vulnerability. As good as our boundaries or self care strategies may be, we are nonetheless called into community to offer and receive nurturance and accountability. The covenant was forged with Moses, but for the people of Israel to share together as a people. Jesus called each disciple to be in relationship and follow him, yet instructed them that together they were one in his body.

Our work as pastoral providers must not remain limited to developing our own capacity for trust and trustworthiness, but to extend the reach of the covenant by building a capacity for trust and trustworthiness in the communities in which we work. The work of the divine extends itself “unto the ends of the earth;” the guidelines of the covenant

prized gracious hospitality as an extension of the love of God. In *Cultivating Wholeness* Margaret Kornfeld writes about the differences between what she calls “real” and “pseudo” communities. Taking her paradigm of “real” communities as the mark of communities that are authentic and trustworthy, I share the capacities she outlines.

They must be places where their members are able to:

- Communicate with each other honestly and without fear.
- Resolve conflicts with each other individually and within the group.
- Learn how to love themselves so they can love each other and reach out to strangers.

Such communities are safe, inclusive and just.⁵²

In order for communities to build their capacity to be trustworthy, they must undertake a “fearless and searching inventory”⁵³ of how safe communication and interactions are, including how conflicts are handled and resolved; how inviting and inclusive the community is of different people—people from different socio economic classes, family arrangements, races and ethnicities, nations, gender expressions, sexual orientations, with different physical and mental abilities to name a few; how the community functions around interpersonal accountability and accountability for addressing injustice evidenced in broader systemic and societal structures. People will seek out communities that succeed in being welcoming, providing emotional, physical and spiritual safety, and work to uphold proper accountability and fairness. People will learn trust and become more trustworthy by participating in communities such as these. People in communities such

⁵² Margaret Kornfeld, *Cultivating Wholeness: A Guide to Care and Counseling in Faith Communities* (New York: Continuum, 2000), 19.

⁵³ Taken from *The Twelve Steps and Twelve Traditions*, Alcoholics Anonymous (AA Services, 1981) citing the fourth step of twelve step model for recovery from addictions.

as these will find not just one trustworthy person in whom they can confide and from whom they can seek guidance, sustenance, healing, reconciliation and liberation; it will be the work of the whole community. Where two are three are gathered, seeking the aims of the divine, there God is also. By and through such communities will the whole of creation be blessed.

Summary

I have examined each of the three types of burdens associated with receiving confidential disclosures in light of the theological resources identified from process theologies, the theme of relational covenant, and literature on trust. Utilizing several examples from interviews with pastoral providers I suggested that the virtue of optimal relational trust, encompassing the capacity to offer and receive appropriate trust, offers one framework through which to manage professional burdens associated with pastoral confidentiality. The virtue of optimal relational trust guides pastoral providers in the process of developing a consistent set of personal characteristics and competencies that produce optimal conditions for trustworthy interpersonal interactions. Drawing on the work of psychologists, philosophers and especially the work of Stephen M. R. Covey I argue that pastoral providers become trustworthy by successfully habituating a motive of care and good will grounded in humble partnership with the divine that drives an agenda of mutual benefit toward courageously actualizing loving and just outcomes in interpersonal, congregational, and broader community contexts. In this model becoming trustworthy opens an avenue for upholding a covenant relationship with the divine and extending the covenant in our relationships with others.

In order to integrate and habituate this virtue I recommend that pastoral providers take some specific steps with regard to their practice of pastoral confidentiality. First, I recommend pastoral care providers make efforts to consciously determine their intention and level of commitment to becoming trustworthy. Drawing upon historical and denominational resources pastoral care providers must undertake a process of clarification for themselves and in explicit conversation with care seekers, colleagues and congregations about expectations and norms of practice. I link pastoral providers' capacity to make such a commitment with their capacity to be mindful of and reflective about the temptations of ego that attend receiving confidential disclosures and coming to know information that others do not. Additionally, I recommend pastoral care providers become conscious of both the agential and receptive dimensions embedded in their professional role, including the dynamics of receiving and responding to confidential disclosures. I argue that pastoral providers must learn to receive and respond to disclosures in trustworthy ways, including honoring appropriate interpersonal emotional, physical and sexual boundaries. Successfully internalizing an intention and commitment to becoming trustworthy helps establish in pastoral providers the personal congruence of values and actions necessary to this virtue. Optimal relational trust can assist pastoral care providers to gain clarity, commitment, and congruence with regard to the requirements of pastoral confidentiality at the same time providing confidence to recognize potential deficiencies and excesses that parade as trustworthiness, yet belie intra-personal, inter-personal and communal motivations, agendas and behavior detrimental to trust.

Cognizant that processes embedded within created reality necessarily involve contending and conflicting values, I conclude the section on responding to professional burdens associated with confidentiality by considering the role of conflict in becoming trustworthy. Since the experience of conflict can trigger in humans (and many other creatures) inherited fight or flight responses, I urge pastoral providers to learn strategies to manage conflict in ways that increase their capacity to respond to conflict rather than simply react. Responses that utilize frontal cortex capacities allow pastoral providers to remain open to the invitation of the divine to maximize well being by attending to how the efficacies of love and justice can be utilized as resources in the midst of conflict; survival responses stemming from the more instinctual part of our brain arguably make it more difficult for anyone to listen for, seek, remain open to the influence of the divine while defended against a perceived threat.⁵⁴ Establishing and securing trust in the face of conflict and contending values requires pastoral providers to monitor and remain accountable for their own internal factors, the way they deploy and participate in interpersonal power dynamics, and the values prioritized and actualized through contentious interactions and transactions. If optimal relational trust characterizes divine engagement with creation and pastoral work provides one avenue for engaging the divine, then pastoral providers who succeed in becoming trustworthy are situated to receive divine trust and benefit from divine trustworthiness. They are also positioned to

⁵⁴ This brings to my mind all the Biblical accounts of appearances by angels and messengers of God to humans, and the consistent repetition of the phrase, “Do not be afraid.” Perhaps even in this we see an insight that fear prevents receiving the message, the good news, the invitation to hope and the promise of assistance.

extend trustworthiness, and by so doing participate in the ongoing processes of redemption through offering a confidential space for persons to increase their capacity to respond to the invitation of the divine to be accountable and loving toward themselves and others.

The second section of this chapter addressed ethical burdens experienced by pastoral care providers when they perceive that maintaining confidentiality may violate or conflict with another significant ethical value. I presented W. D. Ross' intuitionist model of *prima facie* ethical duties and examined how confidentiality relates to that schema in terms of the duty to fidelity (understood as keeping promises and avoiding deception). Drawing from Karen Lebacqz I argue that the professional role of pastoral providers is uniquely dependent upon and tied to obligations of fidelity, both as a result of the necessary function of the role as well as the social and cultural projections onto the role that operate to create a normative set of expectations. For that reason the ethical value most likely to conflict with fidelity was a perceived duty to prevent harm. In most cases pastoral providers perceived themselves much like bystanders with an obligation to protect someone when a reasonable expectation of harm could be foreseen. I reviewed some of the examples from the interview data more closely associated with experiences of burden, including one in which a member of the congregation disclosed unethical business practices. He wanted help "fixing" it, but was unwilling in the end to be accountable for his behavior or for repairing the harm he had done.

The case of the unethical businessman provided an opportunity to examine the dynamics of accountability. One dimension of accountability involved establishing

appropriate accountability contrasted with displaced accountability. This process pointed to the need for pastoral providers to establish and maintain appropriate internal and interpersonal boundaries in order to best support appropriate accountability on the part of others. One can easily collapse having and knowing information with ethical accountability for that information. While acting on knowledge or information may allow providers to prevent harm, pastoral providers also often receive information specifically under an expectation of confidentiality; when pastoral providers internalize inappropriate accountability it can easily interfere with promoting care seekers' capacities to assume proper accountability.

In addition to attending to their own trustworthiness, I suggest that care providers become familiar with the principles and processes of restorative justice models to strengthen their work with care seekers and in communities where unethical behavior has caused harm. In cases where care seekers' refuse to work toward increasing their capacity for proper accountability, pastoral care providers risk experiencing a kind of ethical incapacitation. My analysis suggests when an ethical impasse leads to a sense of "powerlessness" or "being ineffective," balancing the power transaction by identifying appropriate and trustworthy agential options can point the way through the impasse. Uncovering options for care by reclaiming practices from our ecclesial-theological heritages, by consulting trusted colleagues, mentors, or supervisors, or by drawing upon one's own capacity to establish the conditions necessary for the pastoral work to continue can all serve as options for providers to replenish their resources. The challenge and burden of remaining trustworthy in the face of ethical conflicts requires pastoral

providers to seek humbly and respond courageously to the leading of the divine to synergize love and justice toward the repair of the world.

The final section of this chapter addressed burdens I characterize as structural that stem predominantly from the dynamic of receptivity fatigue. I associate receptivity fatigue with occupying a designated confidential role, which structures pastoral transactions in a way that can result in an imbalance between agential and receptive modalities in pastoral relationships. Pastoral providers may opt out of the pastoral role as one (sometimes conscious sometimes unconscious) way to mitigate the effects of hearing more than they want to know. Receptivity fatigue can also serve as a signal to care providers to identify appropriate agential strategies in light of the disclosures they are positioned to receive. Extending the strategies highlighted in the previous sections, I returned to a discussion of intrapersonal boundaries (what information belongs to whom and who is accountable for it?) and managing interpersonal boundaries in part by differentiating responses to tragic circumstances, incidents of crisis, and ongoing situations in which people seek care. Boundary making can be as simple as using a strategy of bracketing some topics to discuss in future conversations so that one topic receives more attention and focus in a current conversation. Boundary making may also mean deferring a conversation to an appointed time and place rather than assuming every disclosure must be addressed at the time it is initially disclosed.

The challenges to trust embedded in experiences of receptivity fatigue include a risk of ceasing to function as trustworthy, or conversely ceasing to offer trust. Pastoral providers in this study described colleagues who had disengaged from providing care

through role differentiation, a shield of indifference or by avoiding availability. When pastoral providers are stressed by the demands and burdens of serving in a confidential role, they may also experience the isolating effect of confidentiality, losing sight of the resources available within themselves, from the divine, from communities of faith, or from faithful colleagues. Pastoral providers experiencing isolation run the risk of not trusting. This study suggests that remaining open to influence from the divine and others requires humility and courage from pastoral providers, requires a commitment to loving mercy and doing justice, requires faithful attention to receiving and offering influence. Remaining open, humble, courageous, loving, accountable, influenced and influencing requires trust. The practice of providing trustworthy care, of protecting confidential places and spaces where a process of unburdening in the company of another deepens intra- and inter-personal connection through increasing capacity to love and for accountability also frees us in trust to trust. To trust is to have faith, and through faith we enter into covenant with the divine.

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