

Secrets and Pastoral Counseling: A Personal View

Arthur Dobrin

Arthur Dobrin is Professor of Humanities at Hofstra University; Leader Emeritus of the Ethical Humanist Society of Long Island; author of numerous books, most recently Teaching Right From Wrong: 40 Things You Can Do To Raise a Moral Child and Ethics for Everyone: Improving Your Moral Intelligence (2002).

ABSTRACT: It is more difficult for clergy to personally cope with confidentiality than any other profession because of the complex relationships found within congregational settings and the blurred boundaries between clergy as counselors and clergy as leaders of congregations. This leads to difficult negotiations regarding confidentiality and openness between clergy and other congregants. It is especially difficult for married clergy who otherwise value candor in their spousal relationship.

Guidelines for clergy regarding confidentiality include the presumption of confidentiality, the sharing of information with colleagues only for purposes of furthering the counseling and for professional enhancement. Clergy need to educate the congregation regarding clergy codes of conduct.

When Jose Morales read about two men being convicted of murder, he went to see a lawyer. Morales told the lawyer that the men were innocent because he had committed the murder himself. The lawyer told Morales to say nothing. Neither did the lawyer.

Next Morales called to see a priest. Rev. Towle listened to Morales and issued him absolution. Like the lawyer, Towle told no one. The story came to light 12 years later, after Morales himself had been murdered.

The lawyer was bound by the legal code of ethics that requires that he provide the best defense possible for his client. In the Morales case, this meant saying nothing. The priest was bound by canon law, binding him to absolute secrecy in regard to confessions.

The tragedy of the situation is that as a result of keeping secret a confession made to them both the lawyer and the priest allowed two innocent men to remain wrongfully imprisoned.

All those in the helping professions need to deal with matters of confidentiality — healthcare workers with patients, lawyers with clients, teachers with student. However, I believe that no professional has as difficult a time personally coping this important

ethical principle, as do the clergy. I say this having been the leader of a religious congregation for more than three decades, having been a family psychotherapist with a practice independent of my congregational duties, as well as a teacher in a university.

In all three capacities I have heard “confessions” from people, stories about their lives revealing the underside of human character and the tragedies of bad choices. These are often fascinating dramas worthy of short stories; they are frequently disturbing stories that would make others more sympathetic to the unspoken traumas that rule people’s lives, the “lives of quiet desperation.”

In all three roles, I have adhered strictly by the code of conduct that held me to silence, no matter how interesting or disturbing the tale may be. Yet my ability to handle the confidences was very different as a therapist and teacher on the one side and as a minister on the other. Due to the different nature of the relationships that these professions entail, I found it easier by far to handle confidential matters in my psychotherapist’s role than I did as a teacher and most difficult of all as a minister.

As a therapist I could easily disguise my clients with extraneous and misleading details and talk specifically about them with other therapists and generally about them with close friends. No one other of my acquaintances knew my clients. As a teacher this became more complex. Many other teachers knew the same students as I did, although I could still talk about problems in a general way. This was nearly impossible to do as a minister, where my pastoral counseling led me to have privileged information about people who were known by nearly everyone else in the same congregation.

As a therapist, my relationship with clients rested upon a commercial transaction, as these were people who had no other contact with me other than the appointed 50-minute sessions. They entered and left my life as they opened and shut the door to my office. Teachers are in a hierarchical relationship. Most of the times I had the power of the grade over my students, but not always, as students occasionally sought me out when they weren’t enrolled in a class of mine. But whatever the case, after about four years, the students move on, rarely to be seen again.

Neither the circumstances surrounding my clients or students applied to pastoral counseling. Members of my congregation paid my salary but they didn’t pay for specific services I provided. I had no power over them, as they were free to come and go as they

pleased. And more often than not, they didn't talk to me in my study but in a hallway before or after a meeting or by phoning me either at my study or at home.

I had on-going contacting with my members of my congregation not because they necessarily wanted to confide in me but because we were members of the same congregation whose very religious life brought us together on a sustained basis. This fact, more than any other, was the critical difference in regard to matters of confidentiality between being a pastor and being a therapist. Only I knew my therapy clients; a few others knew my students. But the people whom I saw for pastoral counseling were also people known to others in the congregation. More than anything else, this has led to difficult personal negotiations regarding what to keep quiet and what to reveal. Since I chose, as a matter of principle, to say very little to others, it also created a great burden — the necessity to withholding information from others when, as a general rule, openness and honesty is a virtue in a marriage and in community life.

What Only I Knew

Harry and Jane asked me to officiate at their wedding sometime in the Spring. But now, in September, they decided to push up their plans. Harry, I learned, had been diagnosed with an untreatable and deadly form of cancer. The doctor told this 60 year-old widow that he had no more than six months to live. So I presided in a small ceremony while Harry was obviously beginning to show signs of deterioration.

Within a month Harry was confined to bed. I visited him every day as his condition worsened.

“I have to tell you something that I've never told anyone else,” he said to me as I sat at the side of his hospital bed.

Harry said that his first wife had been an abusive alcoholic. He wanted to divorce her but she made that all but impossible. She died one day after having drunk too much and having fallen down a flight of steps in their home.

“The police called it an accident,” he explained. “The truth is that we were arguing and I pushed her. It wasn't an accident. I killed her.”

Harry felt great anguish over his deed and even considered the idea that his cancer was as a result of unresolved guilt. Perhaps he considered his confession as a respite from his cancer; I don't know.

Harry died the following week and there was a funeral for him at the Ethical Society. He was much beloved by the congregation, a soft-spoken, thoughtful and considerate man. So my comments about him were along these lines, as were those of the many members and friends who rose to eulogize him.

All the time I knew that Harry's view of himself was far different than how others thought of him — didn't think of himself as a good man but as a murderer and a deceiver, someone who couldn't even bring himself to tell his new wife what most troubled him. He had kept a secret and so had I. When others talked about him in glowing terms, as they always did, I silently re-wrote their story in my head. Not until many years later, after his widow remarried and moved away did I even tell my wife about Harry's heavy secret.

I wish he had never told me.

What Only the Wife Knew

Rachel and her husband Tom were active members of the congregation. She had been elected to the board of trustees after leading one of the key committees in the organization and also served on one of the national committees. They both attended Sunday meetings on a regular basis.

They were a middle-class couple always struggling to make ends meet. Once I had given them a loan from a fund available only to the minister to assist them with financial problems.

As far as I could see, they were reasonably happy with one another. Then Tom talked to me about their deteriorating relationship. He was increasingly angry with her for what he said was her not managing the family's money properly. He couldn't understand why no matter how hard he worked they could never get ahead.

Several months later Rachel made an appointment to see me. For the last year she and Tom had invited a desperate friend use a spare room in their house. They had loaned him money. But weeks stretched into months and now she, without Tom's knowledge,

was giving him money on a regular basis. Rachel hoped that their friend would straighten out his life.

“He uses cocaine,” she explained. “I’ve encouraged him to go for treatment and he says he’ll go. But I just can’t throw him out on the street.”

I suspected more than this. Rachel had been withdrawing from activities at the congregation and she was beginning to look unkempt.

Then a car hit their fifteen year-old son, running across the street. A short while later, he was in the emergency room with heart failure.

I asked them if they thought he was using drugs.

Tom didn’t think so. Rachel was adamant: her son would never do anything like that.

How could I tell Tom what I suspected about Rachel’s drug use? What could I tell him about why their bank account went in the wrong direction? What could I tell him about why his son was probably acting out?

Within a year Rachel left the house. So did their friend. Tom didn’t know where she was. A year later I found out — Rachel was living in a basement apartment in a drug-infested part of town.

What ever happened to Tom and Rachel? members have asked.

“Oh, you know what happens to couples sometimes,” I say.

What the Family Knew

Early one Sunday evening, as I was getting ready to have dinner with my family, I received a telephone call from a distraught mother.

“Alex has been arrested,” she said. “He’s charged with sexually abusing his cousin. He said he wants to see you.”

I told my family I needed to make an emergency visit the county jail. When they asked what had happened, I said, “I can’t tell you that.”

This was my only pastoral call for a member in jail. Alex, a sixteen-year old Sunday School graduate and an active member of the youth group, had been arrested for allegedly molesting his younger cousin who stayed in their house during the day while

his aunt went to work. Dressed in an orange jail uniform, he sat across from me at a long metal table. Several guards were present; one read a newspaper, the others were engaged in conversation. The teenager trembled as he told me that he had been put into solitary confinement, for his own good. Other inmates detested sexual offenders, and as a good-looking boy he was bound to become a target. He insisted that he was innocent and that he had been tricked into making a statement to the police at the station house.

After his release from jail, he entered into a plea bargain, not because he accepted any guilt, but because his lawyer thought it was the best way to prevent him from being tried as an adult. Adult offenders faced long prison sentences. As a youthful offender, the sentence would be much lighter. Chances were, the lawyer said, that a jury would take the word of a 10 year-old girl over that of a 16 year-old boy and without plea bargaining he would be imprisoned for years.

I sat with the family when a judge first read the charges; I was with the family a half-year later again the first time the teenager was to be sentenced. After a meeting in the judge's chambers the lawyer said that he requested a postponement in sentencing since the psychologist's report wasn't favorable. He showed no remorse.

I talked to Alex about his situation.

"How can I show remorse when I didn't do anything?" he said angrily.

"You've already admitted guilt by accepting the plea," the lawyer explained. "You have to play the game."

We went back to court the next month for another sentencing hearing. The prosecuting lawyer and the defense attorney spoke. Then the girl's mother addressed the judge, making an emotional plea about how this has affected her daughter and how Alex needed help. Then the boy's lawyer asked the judge that I am allowed to speak, as his client's spiritual advisor.

I'd never spoken in court before as a character witness. I had no time to think about what I should say, but I did know that it had to be both sincere and strong. I spoke about knowing the family for more than 15 years and how his sensitivity and consideration of others had always impressed me. Then the judge rendered his decision: guilty as a juvenile offender with five years probation. The parents thought my testimony had tipped the scales. In the parking lot, when I was alone, I cried with delayed shock.

Youth group members wondered why Alex had stopped coming to meetings. I suggested they call him, just to ask if he was OK. He gave a vague answer.

Alex's mother had spoken to my wife about the situation, so I kept her informed about the case as it progressed. But I never spoke to my children about it again. Leaving that night to make a prison visit was just one of the odd things they had come to expect from their father, part of the secret work of clergy.

What the Mother Told Me

What should I do with the information that Brian's estranged wife had given me? For months Brian had been telling me that something so awful was going on in his life that it was beyond belief. It was a living hell, but he couldn't give me any details.

But Linda called to tell me.

"Brian has been raping our daughter," is what she said. She said that he was going to trial soon.

I knew their daughter and had seen Brian with her on many occasions. There was something about their relationship that had made me uncomfortable, but I never something as dreadful as this.

Brian continued to talk to me after meetings, truly upset by his ordeal. Still, he gave me no details, never hinting that he was being tried as a criminal. I felt constrained about telling him that Linda had revealed to me that which explained his anguish. I thought that if he wanted to keep a secret from me, he had the right to think that this was the case. If Linda didn't tell Brian that she had come to talk to me, I wasn't going to bring it up. (In retrospect, I'm not sure this was the right course, although it still isn't clear to me.)

I felt caught between competing claims: supporting a member who obviously needed someone to talk to; feeling repulsed by a father who may well have molested his daughter. On balance, I viewed myself as his confessor and suspended judgment. Furthermore, I only knew what Linda told me. Brian hadn't been tried yet.

Linda called me one more time, angry that Brian was allowed to participate in the congregation's activities. How could we allow someone so despicable in the door? How could his name appear on the membership role? Linda told me she was resigning from

the congregation, refusing to be part of something that would allow a rapist to remain in good standing.

The truth was that I couldn't relate to Brian objectively any longer. For I believed Linda's charge.

Members noticed Brian's sporadic attendance and they asked me about him. What do you say when they ask if everything is OK? And what do I do about the fact that Brian held several hundred dollars of the congregations material in his own home? I encouraged the president to ask for their return, but when he asked why, I had to be vague.

Several months later a member and friend of Brian's showed me a letter she had received from him. Brian had asked her to show it to me. He explained that he had been convicted but was appealing his 60-year sentence. In any case, he could now be written to at state penitentiary. I wrote him one letter and asked if he wanted to continue to receive mailings from the congregation. He declined. That was the last I heard from him.

I called Linda but she had only harsh things to say about me and the congregation. We had let her down, we hadn't supported her daughter and we had shown more compassion to a depraved criminal than we had shown to the victims. All of this was true, and I wish I had had better guidance on what to have done while it was unfolding. However, the burden that I had imposed upon myself of keeping secrets didn't help. I had spoken to one colleague in general terms but generalizations didn't help, and there was no one in the congregation I could turn to for the assistance I could have used. I didn't think there was any way I could sufficiently disguise the identity of the people involved.

Conclusion

Codes of ethics for most professions require confidentiality when receiving privileged information, but the requirement isn't absolute. Social workers, for example, are under an affirmative to warn if there is a clear and present danger posed to another individual. Clergy, too, have to consider the balance between the harm of revealing a confidence and the potential harm of maintaining the secret. In general, the law provides greater latitude to clergy in maintaining strict confidentiality and is willing, for the sake

of the separation of state and church, to allow various religious bodies to develop their own guidelines.

Strict confidentiality is relatively easy to apply (although the course may cause anguish, as in the Morales case cited at the beginning of this article) when the confession takes place in a place specifically set up for such purposes and is explicitly understood by both parties to be a confession. A major difficulty arises for clergy because much said by congregants takes place outside such formal settings. The situation becomes even more complex in churches that also serve as communities, with clubs, socials, classes and committees as part of congregational life. It is not at all clear when a conversation is a confession, which information is privileged, how much can be shared with others and who those others may be.

With this in mind, let me offer some guidelines. First, there should be a presumption of confidentiality under all circumstances, wherever such conversations take place. All matters discussed with the clergy should be treated as confidential, no matter how trivial they may appear or how off-handedly the congregant may present it. If in doubt, ask whether the information is confidential. Don't presume otherwise.

Despite the burden this places on the clergy, conversations and information should be shared with a spouse only when explicit approval has been given. In speaking to colleagues, the identity to the party should be sufficiently disguised so maintain confidentiality. In no case should confidences be revealed for anything other than counsel and professional enhancement. To do anything else is to disrespect the congregant.

If the religious denomination has a code of ethics, it is wise to share this with the congregation. This helps prevent misunderstandings and fosters a sense of trust between the clergy and the congregant, thereby encouraging congregants to turn to the clergy for counsel and advice.

Holding a person's trust is one of the privileges and burdens of the clergy. At the least, without such trust, the clergy's work is made more difficult. On a more profound level, it is a sacred trust.