

Confidentiality and its limits: some contributions from Christianity

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Accepted for publication
8 October 2002

J Med Ethics 2003;29:8–9

The issue is whether Christianity, of its nature, would seek to prevent a justifiable breach of confidentiality or could endorse it, under certain circumstances, as the act which is fundamentally more loving or more truthful. The individualistic nature of Western Christianity is noted. The Lutheran theologian Dietrich Bonhoeffer is used to show Christian support for dynamic rather than literal truth telling, and for awareness of the contexts and power relations within which persons stand.

In what follows, a distinctively Christian perspective is sketched. Breach of trust, in the specific case of breach of promise, is used to illustrate how Christianity might address breaches or apparent breaches of confidentiality. Behind this, there is a series of couplets which reach to the heart of Christianity's self understanding. Is it, at the most fundamental level, a religion of generosity or of obedience? Is it obliged to read its sacred texts literalistically, or may they be read as wisdom? Where, exactly, does Jesus come into this? This short note will eschew philosophical perspectives, and instead, referring to the Christian tradition, will attempt to address what is distinctive to Christianity and thereby to shed light on contemporary puzzlement.

One approach is to see Christianity's moral theology as essentially a wrestling with the question of the application of general rules to the untidiness and unexpected nature of everyday living. This would be to understand early Christian moral theory as an extension of Roman Stoicism, rather than the Hebrew prophets. This is discussed by Kenneth E Kirk in his classic study, *Conscience and its Problems. An Introduction to Casuistry*.¹ The Stoics led principled, not legalistic lives, and paid attention to casuistry. Classic dilemmas include the instance of the Alexandrian merchant who sold grain at famine prices, knowing that a fleet of grain ships was only a day's sail behind him. Plutarch (who died around 125 CE) examined noble but unnerving behaviour (fathers who dutifully pronounced the sentence of death upon their sons; persons who so avoided waste that they sold their elderly slaves). Persecution made early Christianity not uninterested in such questions. In 249 CE the emperor Decius ordered all subjects to sacrifice to the Roman gods and obtain certificates of their obedience. Some Christians fled, some refused and were martyred, some sacrificed, and some *purchased* untruthful certificates saying they had complied. After the dust settled, those guilty of the circumvention, though condemned by the church authorities, were treated more leniently than those who had actually sacrificed. The case is interesting because it shows Christianity at a public level attempting reluctantly to hold together *absolute adherence to a principle*, and *forgivable breach* of it. There were other such cases, and they raise both the deeper issue of what adherence to a principle means, and a persistent—and questionable—tendency to rigorism, particularly in Western Christianity.

We have a classic discussion of inconvenient promises from the end of the fourth century. John Cassian had promised to return to Bethlehem by a certain date, but was so struck by the spirituality he found in Egypt that he longed to stay. For advice he turned to an Egyptian abbot, who displayed a remarkable disregard for the *formality* of a promise. To the abbot, the literal

mindset are gravely selfish: "... if we pursue our own interest, and obstinately attempt to protect ourselves, even in problematic cases like this, we must speak the truth, and (risk even) becoming guilty of the death of another. But if we prefer what is for another's advantage to our own good, ... we shall certainly have to put up with the necessity of lying. We shall never love perfectly, nor seek ... the things of others, unless we relax a little in those things which concern the strictness and perfection of our own lives, and choose to condescend affectionately to what is useful to others ...".² For all his naiveté, the abbot Joseph exposes selfish individualism and literalistic rigorism as unchristian and attempts to uphold the injunction of Jesus to love others. Christianity is a matter of love, not of "vanity goodness".

At roughly the same time, St Augustine, by far the greatest theologian of the ancient Latin church, published two books on lies. Part of the context was that Augustine was provoked by the Priscillian heresy, and the fact that certain of the orthodox pretended to be converts, so as to learn the Priscillian secrets and then betray them to the authorities (Priscillian was bishop of Avila, and executed by the emperor Maximus in 386 CE on a charge of sorcery).³ Augustine addressed this breach of confidentiality in his treatise, *Contra Mendacium (Against Lies)*.⁴ He acknowledged that not all lies are equally sinful (there are some which hurt no one and benefit someone), but he maintained that *all* are to be avoided, no matter what practical disasters may result. The details need not concern us here, but certain important principles emerge.

A distinction is made between venial (pardonable) and mortal (unpardonable) sins. Evidently, the practical strategy was one of adulterating rigorism. But more fundamentally, one sees that the tug of gravity in Western Christianity envisaged salvation as the preservation of oneself. Salvation is understood as being more individualistic and forensic than fundamentally to do with recreation, healing, and the union of all things with the divine. Scrupulosity becomes a virtue and wisdom is comparatively less significant. This mindset cast a shadow which we still see today.

Historically, rigorism did not triumph, because it could not cope with the complication of everyday living. Yet, much later, Protestants tended to distrust subsequent Jesuitical casuistry, seeing it as eroding moral certainties. It is more likely, however, that casuistry, with its preference for permissives over absolutes, was attempting to shift an historical mindset of Christianity away from an expression of its moral values only in abstract terms.

If, as here, one is trying to think seriously about the limits of confidentiality, and whether Christianity helps one to negotiate that terrain or actually befores it, one has to ask whether,

for Christians, their distinctive perception of divine power is better symbolised by laws engraved in stone, or in the vulnerability of Jesus, naked, pinned to the cross, hiding nothing and with nowhere to go. Breaching a rule on behalf of others (generosity is freely giving more than is required) always struggles with the accusation that it is patronising or a concealed way of creating debts. But generosity is, or should be, at the heart of Christianity, and defensive individualism ought not to invalidate such a passionate vision for wholeness.

A common way forward has been to redescribe a dilemma as a conflict of claims, and then attempt to find a way forward either on the basis of utilitarianism or by maintaining that those afflicted by uncertainty do not properly understand the meaning of vows. Headway may be made by either route, but this note is to suggest that neither can claim to be *distinctively* Christian. So, finally, let us take account of the thought of Dietrich Bonhoeffer, the Lutheran academic who was hanged by the Gestapo at Flossenbürg on the 9th of April 1945.

At the end of his *Ethics* (incomplete at the time of his death), there is a chapter on “What is meant by ‘telling the truth’”. Bonhoeffer tended to take the bull by the horns. He considered the relationship of trust and truth telling between a small child and its parents. He observed that the relations between them are different and cannot be reversed. He considered the case of a child asked by a schoolteacher in front of the class whether it is true that his father often came home drunk. Bonhoeffer observed that we live in the midst of a series of complexifying circles. He suggested that the more complex the actual situations of life, the more responsible and more difficult will be the task of “telling the truth”. He argued that truth telling must be *learned*. To the objection that we owe truth not to this or that individual, but only to God, he agreed, but then insisted that we do not forget that “God is not a general principle, but the living God who has set me in a living life”.⁵ To disregard this would be not to speak of “the God who entered into the world in Jesus Christ, but rather of some metaphysical idol”.⁵ Thus, he suggested, the truthfulness we owe God must assume a practical form in the world: our speech must be truthful not in principle but concretely.

Bonhoeffer then pointed to the superficiality of restricting the matter of truthful relations only to speech. We can engage in profoundly untruthful relations to others without saying a

word. He developed the notion of “living truth” to refer to the dynamic of such relations, and denigrated “the cynic” or “fanatical devotee of truth”⁶ who would claim to “speak the truth at all times and in all places to all men in the same way”. Such an individual, he suggested, “wounds shame, desecrates mystery, breaks confidence, betrays the community”.⁶ He acknowledged the danger of his concept of living truth, and its risk of patronising, of “calculating . . . what proportion of the truth I am prepared to tell”. He suggested we can only respond by “attentive discernment of the particular contents and limits which the real itself imposes . . .”.⁷ Finally, he reminded his readers that in our attempts to express the real, we do not encounter it as a consistent whole, “but in a condition of disruption and inner contradiction which has need of reconciliation and healing . . . our words . . . can . . . fulfil their assigned purpose of expressing the real, as it is in God, only by taking up into themselves both the inner contradiction and the inner consistency of the real. . . . [T]hey must neither deny the Fall nor God’s word of creation and reconciliation.”⁸

The brief notes above hardly at all address the issue of confidentiality and its limits directly. Their purpose is to attempt to show that at a profounder level, as a faith inspired by the love of Jesus, Christianity is concerned with more than the literal.

REFERENCES

- 1 **Kirk KE.** *Conscience and its problems. An introduction to casuistry.* London: Longmans, 1927; reissued Louisville: Westminster John Knox Press, 1999. I am indebted to Kirk for his survey of the early material. He cites, as do others, the discussion of broken promises in *The Conferences of John Cassian* and refers to Augustine’s two treatises on lies.
- 2 **Cassian J.** *The conferences.* Edinburgh: T and T Clark, 1894: book 17, ch 19. <http://www.osb.org/lectio/cassian/conf/book2/conf17.html#17.19>. Also see reference 1:184–7.
- 3 **Chadwick H.** *Priscillian of Avila: the occult and the charismatic in the early church.* Oxford: Oxford University Press, 1976.
- 4 **St Augustine.** *Contra mendacium.* This was published around 420 CE. Also see reference 1: 198. The classic modern study of lying is: Bok S. *Lying: moral choice in public and private life.* New York: Vintage Books, 1989.
- 5 **Bonhoeffer D.** *Ethics.* London: SCM Press, 1955: 327.
- 6 **See reference 5: 328.**
- 7 **See reference 5: 329.**
- 8 **See reference 5: 332.**