PERSPECTIVES

On the Professions

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HUB Mezzanine, Room 204, 3241 S. Federal Street, Chicago, IL 60616-3793 Tel: 312.567.3017, Fax: 312.567.3016, email: csep@iit.edu

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"The Ethics of Pastoral Counseling"

Michael Davis, Editor, CSEP, Illinois Institute Of Technology

Early in 2002, the Center's librarian forwarded an email to me. Its author, Arthur Dobrin, a pastor on Long Island, wanted to know whether we might be interested in publishing a paper he had written on the ethics of pastoral counseling. I wrote back that I was interested enough to read the paper. I made no promises but recalled that some of the better issues of Perspectives had come from letters like his-and that I was then looking for an idea for the Fall 2001 issue, something that would allow me to bring Perspectives' publication schedule back in line with the calendar so that I could gracefully resign as editor after 15 years in that office.

Dobrin sent the paper a few days later. Though much too long for *Perspectives*, the paper raised some questions I had never considered. Here, I thought, was the topic I was looking for-and someone to help me quickly recruit the three other writers that would complete the issue. I told Dobrin my plan. He agreed. We began well enough. Within a few weeks, he had condensed his long paper into a piece suited to *Perspectives*. We then began contacting clergy he knew.

Such A Long Way

At first we sought "diversity." Dobrin's first list (February 1, 2002) was wonderful: Baha'i. Buddhism (Mahaya Theravada). Confucianism. Jainism. Shintoism. Sikhism. Taoism, Vodoun, Wiccan, and so on. For most of these religions, Dobrin had the name of at least one potential writer (someone who had contributed to a religious reader he had put together for a class at Hofstra University). But soon we began to learn more about religion. The destruction of the World Trade Center seemed to have made Islam's imams shyer than they might otherwise have been; the sex scandal seemed to have had a similar effect on the Catholic clergy. When Dobrin contacted the Jain on his list, he was informed that Jams (like Quakers) do not have clergy; hence, they do not have pastoral counseling. (His Jain was "merely a scholar.") Some clergy simply reported no ethical issues: hence. nothing to write about. There was also a more general discovery: clergy tend to be quite busy, have little inclination to write about the counseling they do, and may even feel that they should not write about the counseling they do because what goes on counseling should be confidential.

I formally resigned as editor on April 1, 2002, promising to complete the issue on pastoral counseling before actually ceasing to work. April 1, a day for practical jokes, may not have been the right day to submit a letter of resignation. The Center's director was slow to appoint my successor. For many months, she simply smiled when I mentioned the subject. April Fool's Day certainly proved inauspicious. Weeks turned into months, months into semesters. More and more, the joke seemed to be on me.

Success At Last

Several times Dobrin and I, now relaxed "email buddies;" were close to giving up. But each time we were, we found one more contributor. Some of those we found eventually evaporated. finding they could not write what they had promised. But, at last, we had three more articles in hand. We did not have the diversity we honed for. contributors are at least part-time academics (the part of the clergy most likely to write publication). Two of the four are Christians: Jeffrey Olson, Mormon bishop, and Russel Burck, a Protestant hospital chaplain; the other two are from religions closely related Christianity: one, Elliot Dorff, is a rabbi; the other, Dobrin himself, belongs to one of those religious establishments, the Ethical Society, that makes religion so hard to define, what happened when Judaism met Emersonian Transcendentatalism. All four contributors share a conception of pastoral counseling as combining the individualism of ordinary counseling with the special commitments of some community of aspiration. What distinguishes each contributor from the other three are differences in how they, and the religions to which they (respectively) belong, try to solve the ethical problems that their common attempt to combine individualism and community seems to generate.

For Dobrin, the problems are largely practical. Most of his counseling is informal, a matter of exchanges in a hallway after a meeting or over the phone. His counseling is a part of his pastoring. Though a local Ethical Society is an institution quite unlike a Catholic church. especially in its lack of hierarchy and outside regulation, Dobrin's stories of counseling sound much like Catholic stories about the "sacredness of the confessional." Dobrin knows more than it is good to know about some with whom he must work closely and about some about whom those with whom he works closely would like to know. He must keep much of that knowledge secret for years; some of the secrets must die with him. Though knowledge is power, it sometimes comes at a price he would rather not pay; the knowledge can make the job of pastor much harder than it otherwise would be (for example. when one must preside at the funeral of a much beloved member of the congregation whom one knows to have considered himself a murderer).

Bishops, Rabbis, and Chaplains
For Dobrin, pastoral counseling
seems to be largely a matter of
listening (and keeping
confidences). For Bishop Olson, it
is a matter of providing guidance.

But it is guidance within a community that expects the individual to seek the guidance on their own and to receive it directly from God. Pastoral counseling is a matter of preparing the client to receive guidance. This preparation seems to involve listening much like that Dobrin does and hence, the learning of a great many unpleasant secrets. It also includes making ordinary counseling resources available. But. Olson, that is not the ethically interesting part of counseling. For him, the problem is to be active enough as a counselor to prepare the way, without being so active as to get in the way. Olson believes himself to have God's help in this; he too receives "impressions." Still, some of his interventions must have given him pause, such as trying to reassure troubled parents by reporting a vision of their children "dressed in white in one of our temples."

For Rabbi Dorff, confidentiality is also an important part of pastoral counseling, but his question is whether a rabbi must adhere to a higher standard of confidentiality than others bound by Judaic law. His answer reveals more about the distinctive way Judaism approaches questions of religious ethics than about any fundamental way rabbis differ from "other pastors" in the handling of secrets. Unlike Mormons, Jews even rabbis have no direct guidance from God. They must look for guidance to the five books of Moses (the Torah), to the ancient commentaries on those books (the Talmud), and to more recent Jewish writing (such sixteenth century code of Jewish law). They must interpret specific rules in light of general purposes. They must also take into account contemporary circumstances (such as the rise of professions

and the state of secular law). Lawyers will recognize this reasoning. Thev will also recognize the conclusion: rabbis should adhere to a higher standard of confidentiality than even the high standard Judaic law sets for all Jews, but rabbis must also forgo some opportunities to do good deeds that Judaic law requires other Jews to take advantage of.

Rev. Burck gives us some of the history of pastoral counseling, locating its origins in absorption of important ideas of psychological counseling into the mainstream of American Protestantism. For Burck, there is a specific profession of pastoral counseling (as well as a more general function represented by the preceding three contributors). This pastoral counseling goes on in offices, as does ordinary psychological counseling. It is nonetheless plainly pastoral, helping clients see their problems within the religious community to which they belong. Often, that is difficult because the counselor does not belong to the precise denomination the client does and small denominational differences can suddenly become important. Some denominations have clear answers to certain questions about baptism. divorce. sexual preference, and so on. To be a member of such a denomination is have certain moral commitments. How does the counselor combine those commitments with the counselor's commitment not to "judge"?

The Future

Completing this issue is Vivian Weil's long overdue "At The Center." It does not include the announcement that I am retiring as editor, but I have already made that clear. While CSEP searches

for the new editor, Perspectives will have a guest editor for the next issue, Ullica Segerstrale. She is a sociologist, well known for her studies of scientists, and Chair IIT's Social Sciences Department. I look back to my first effort, the December 1986 issue, with general satisfaction in how many interesting topics have been discussed and how many pieces have proved helpful enough to be reprinted.

"Pastoral Counseling" Arthur B. Dobrin, Ethical Society, Hempstead, New York

I have been the leader of a religious congregation for more than three decades, a family psychotherapist with a practice independent of my congregational duties, and a university professor. In all three roles, I have adhered strictly to the code of conduct that held me to silence, no matter how interesting or disturbing what I am told may be. Yet, I found handling the confidences that came to me as a minister much different than handling those that came to me as therapist or teacher.

As a therapist, I could easily disguise my clients with extraneous and misleading details and talk specifically about them with other therapists and, in a general way, even with close friends. None of my acquaintances knew my clients. As a teacher, I found disguise harder. Many of the other teachers knew the same students as I did. although I could still talk about problems in a general way. But, as a minister, I could not use either disguise or general description to preserve confidentiality. As a

minister, my pastoral counseling gave me confidential 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. clients were people who had no other contact with me 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 with students that generally ends with the power to grade. occasionally have students sought me out when not enrolled in a class of mine. But even then, in less than four years, they moved on, rarely to be seen again.

Those who come to me for pastoral counseling stand in a quite different relationship to me. While the congregation collectively pays my salary, individual congregants do not pay for pastoral counseling as such. I have no power over them. They are free to come and go as they please. More often than not, they do not 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 have continual communication with members of my congregation not because they necessarily want to confide in me but because we share a sustained religious life. This fact, more than any other. seems to be critical for understanding the difference between the confidentiality a pastor must preserve and the confidentiality a therapist or teacher must preserve. Only I, among those I know, know my therapy clients; a few others among those I know, know my

students; but the people whom I see for pastoral counseling are also people known to others in the congregation. More than anything else, this difference in acquaintance has made it much harder for me to know what to keep quiet about and what to reveal.

Here are four examples of what I have in mind, examples that still trouble me.

Deathbed Confession

Harry, a 60 year-old widower, who had just remarried, had terminal cancer. As I sat at the side of his hospital bed, he said, "I have to tell you something that I've never told anyone else." His first wife had been an abusive alcoholic. He wanted to divorce her but she made that all but impossible. She died one day, falling down a flight of steps in their home after having drunk too much. "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 died the following week. 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 did not think of himself as a good man but as a murderer and deceiver, someone who could not even bring himself to tell his new wife what most troubled him. He had kept the secret, and so had I. Not until many years later, after his widow remarried and moved away, did I tell even my wife.

Money Trap

Rachel and Tom were a middleclass couple always struggling to make ends meet. Once, to assist them, I had given them a loan from a fund available only to the minister. Then Tom told me that he was increasingly angry- with Rachel for what he said was her mismanaging of the family's money.

Several months later Rachel told me that she was giving money to a friend who was using cocaine. She hoped that he would straighten out. Soon after that conversation, I began to notice that Rachel looked withdrawn when attending activities at the congregation, and unkempt. How could I tell Tom that I suspected Rachel was using drugs? What could I tell him about why I thought their savings were dwindling?

Within a year Rachel left the house to live in a basement apartment in a drug-infested part of town.

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

"Oh, you know what happens to couples sometimes," I said.

Jail Visit

One evening, I told my family that I had to make an emergency visit to the county jail. Asked why, I responded, "I can't tell you that." The reason for the visit was that Alex, 16 years old, a graduate of our Sunday School, and an active member of the youth group, had been arrested for molesting his cousin. He entered a plea bargain, admitting in court a crime he otherwise denied, and continued to attend the youth group after he received a sentence of a year-and-

a-half probation.

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

A Not-So-Secret Hell

Brian told me that he was going through a living hell but would not give me any details. When his wife Linda called, I understood why. "Brian has been raping our daughter and is going to trial in the next few months."

I felt I should not tell Brian about Linda's call. If he wanted to keep a secret from me, he had the right to think that he had succeeded. I also felt I had a duty to listen to him without judgment.

Members noticed that Linda and her daughter were no longer at the Brian's Society and that attendance was spotty. What should I have said when they asked if anything was wrong? And what should I have done about the several hundred dollars of the congregation's money Brian had the keeping of in his own home? I did encourage the congregation's president to ask for the money, but when he asked why, I had to be vague.

Brian was sentenced to 60 years in prison. Linda and daughter have not been heard from since. When members ask what has happened to them, I say that I don't know.

Conclusions and Guidelines

Like all professionals, clergy have to balance the harm of revealing a

confidence against the potential harm of maintaining the secret. In general, the law provides greater latitude to clergy in maintaining strict confidentiality than to other professions. For the sake of separation of state and church, the law allows religious bodies to develop their own guidelines.

A major difficulty arises for clergy because many confidences are exchanged outside formal settings. The more a religious society functions as a community, the greater the difficulty of confidentiality. defining example, it is often not at all clear to me how much of a conversation is confession, and so confidential. and how much is ordinary conversation I am free to share with others. I have, therefore, adopted a strict rule: discussions I have with congregants should be treated as confidential, no matter how trivial they may appear or how offhandedly the congregant may seem to be speaking. If there is to reveal reason information, I ask the congregant whether the information confidential.

When speaking to colleagues, I disguise the congregant enough to maintain confidentiality. In no case would I reveal even this much to a colleague except to seek the colleague's counsel or to help the colleague learn from my experience.

If a religious organization has a code of ethics, sharing it with the congregation is a good idea. Such sharing helps prevent to misunderstanding, fosters a sense of trust between the clergy and the congregation, and thereby encourages congregants to turn to clergy for advice consolation.

"My Counseling in the Mormon Church"

Jeffery E. Olson, President, Lynbrook, New York District

"Church members who seek spiritual guidance or have weighty problems should make a diligent effort, including earnest prayer and scripture reading, to find solutions and answers themselves. If they still need help, they should counsel first with their bishop. If necessary, he refers them to the stake president. These leaders are entitled to the discernment and inspiration necessary to be a spiritual adviser and temporal counselor members who need such help." - The Church Handbook of Instructions

Counselors in the Church of Jesus Christ of Latter-day Saints (commonly called the "Mormon Church" because of its belief that *The Book of Mormon: Another Testament of Jesus Christ* is companion scripture to the *Bible*) help church members obtain their own divine guidance. This approach to counseling avoids some of the ethical issues faced in other approaches.

The primary responsibility for counseling resides with God (as the introductory quotation indicates). The bishop assists members to receive this counsel. A bishop (roughly equivalent to a pastor in the Catholic Church) presides over a congregation of 300 to 600 members, called a ward. He is assisted by the stake president, roughly equivalent to a bishop in the Catholic Church. A stake president presides over a

"stake" of six to ten wards.

Neither bishops nor stake presidents are paid for what they do in the church. They are not even allowed to accept gifts for performing baptisms, marriages, or other ordinances. They support themselves through secular employment. For example, I am an administrator and professor at a university.

Primarily A Spritual Process Mormons believe that through feelings, impressions, thoughts, and other means people can receive divine guidance once they properly prepare themselves and ask in faith. We are to "search it out in [our] own minds," using all the information, wisdom, and experience available to us, not merely ask for a revelation.

A church member once called me for professional arrange counseling. I knew her and her circumstances and felt impressed that-with support, inspiration, and effort-she could handle her challenging circumstances. I told her that I could arrange for counseling with the wisest counselor anytime anywhere at no charge. She was thrilled. When I added that the counselor was God, she laughed. We worked together to help her prepare for and learn to recognize God's inspiration. She received guidance about whom to talk to and what to explore and confirmation about what to do.

One of her decisions was to return to college. She called me a year later to say that a prominent psychologist had addressed one of her college classes. She had asked him some questions about the challenges that she had faced and was impressed with how much more insightful her own

inspiration had been.

This is not to say that everyone can handle everything through inspiration alone. Though counseling in our church is primarily a spiritual process, it is not necessarily independent of more conventional approaches. Professional counselors have a role. I often refer people to licensed counselors at their request or after encouragement. I also rely on professional counselors, lawyers, and other resources in my own counseling-the church makes these freely available to me-but personal inspiration is a powerful source of guidance for members and me, the final touchstone of personal decisions.

Individual Responsibility

Individual agency and selfreliance are essential principles of church doctrine. Counselors are to but individuals assist. responsible. A frequently quoted statement of church doctrine is "...teach them correct principles and let them govern themselves" (Joseph Smith, 1842). Members are to "make a diligent effort ...to find solutions and answers for themselves" before seeking counseling. Counselors are to enable spiritual and informed decisions by helping the person to receive and recognize divine guidance and by asking questions about alternatives and implications.

A young woman came to me many years ago. Away from home for the first time, she had recently become pregnant. The father was an ex-convict from a very different background. She began our meetings upset and confused. After praying and counseling together, a very good feeling came. I asked her questions about

the situation and the implications of various choices. I was amazed at how the combination of the presence of the spirit and her attentiveness to the questions clarified her thinking. She came to know exactly what she wanted to do. My last contact with her was several years later. She still faced difficulties, but she had a peace and determination that was seeing her through.

Counseling within the church also permits the congregation or selected members to participate. Every family is assigned members of the congregation to help it and almost every member is assigned to help some family. They meet with each other at least monthly and, with permission, alert the bishop when special help is necessary. The member assigned can arrange for other members to provide meals or care for children during a time of illness or other stress. This support system does not always work, but often does. For example, I once was able to arrange for members to provide 24 hour companionship for a few days to a member recuperating after release from a mental hospital.

Repentance

Christ taught that we must take the beam out of our own eye before we can see clearly (Matthew 7:5). My primary role as a religious counselor is to assist people in doing this. Speak "nothing save it were repentance and faith in the Lord," our scripture enjoins (The Book of Mormon, Mosiah 18:20). Trying to follow this principle can be very challenging, but powerful.

For example, a couple came to me once with serious marital problems. As is my practice, after

first meeting with them together, I met with each separately and reminded them commitment made at baptism into the church to keep the Lord's commandments and serve him by other serving his children, "willing to bear one another's burdens, that they may be light" (Mosiah 18:8). I then asked, "What does the Lord want you to change in your life? Is he pleased with how you are living? Are you enjoying the spiritual peace and guidance that are the fruits of your conversion?"

Initially, each was irritated because I seemed to be taking the other's side. I explained that I was trying my best to take the Lord's side, helping each rather than siding with either. I reminded them of the Lord's promise, "my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid" (*John*, 14:27). I assured them that through their faith and repentance they could have a peace that no one could take from them.

She claimed that peace. He did not. She changed in many ways, receiving strength and wisdom to handle the challenges that he continued to bring to the relationship. She had to work to maintain the peace, but she did. Eventually, she decided that she should divorce him, but not until she had a peaceful confirmation of the decision, a confirmation that kept her from doubting the decision when her children later questioned it.

Non-Judgement and Hope

Christ taught, "Judge not, that ye be not judged" (*Matthew 7:1*). Even though a bishop in the church has to make judgments about calling people to formal

service and even excommunication, I learned as a young bishop that I had no right to judge. My responsibility is to love and understand, even empathize, before seeking a spiritual confirmation about what action should be taken. Of course, in counseling, no action is necessary.

One of the cardinal rules of pastoral counseling is, I think, to ensure that everyone who leaves a counseling session leaves with some hope, a hope confirmed by the spirit. One way to accomplish this is to have the member describe in detail a desired outcome that the spirit confirms is achievable through faith, effort, and the Lord's help. I then tell the member if I can see that outcome in the future. For example, I once felt impressed to reassure troubled parents that I could see them with their children dressed in white in one of our temples, a condition that would require a major change in the children, a change the parents despaired of.

Plainly, my counseling depends on a spiritual world-view largely shared by the people whom I counsel. The focus is on their maintaining responsibility for their own lives as fully as possible and seeking spiritual guidance through a willingness to change as they recognize the need for it. This focus gives them and me an assurance that the resulting decisions have a firm foundation in God's complete love and understanding of all affected, but without eliminating accountability of each of us for own actions. Guiding questions, temporal resources, and individual effort are essential to the process.

"Confidences and Their Limits in Rabbinic Counseling"

Elliot N. Dorff, University of Judaism, Bel-Air, California

Rabbis face some of the same issues of confidentiality that other clergy do, and clearly state and federal law affects rabbis much as it does clergy of other faiths. The Jewish tradition, however, sets a high standard for all Jews in protecting confidentiality, and so the real question is: Are secrets told to rabbis any more confidential than a secret told to another Jew?

Civil Law

Let us begin with the requirements of civil law. In order to make it possible for society to have effective medical. psychological, legal, and religious services, the privacy between communications the professionals who provide such services and their clients has been protected by law in most jurisdictions. In many states, the law not only safeguards such professionals from being forced by courts, police, or other parties to reveal their clients' secrets, but imposes legal liability for a breach of that confidence. (For more on this topic, see Chapter Two of my Love Your Neighbor and Yourself: A Jewish Approach to Modern Personal Ethics, Philadelphia: Jewish Publication Society, 2003.)

One important limit on this guarantee of privacy was articulated in 1976 in the landmark *Tarasoff* case. The California Supreme Court held that a psychologist not only had the right, but also the duty, to break a client's right to privacy if the client indicated an intention to

endanger others-in that case, to kill someone. It is not clear whether the court would have extended this exception to cover the client's intention to commit non-violent felonies, such as damaging another person's reputation or property, or even if a client intended to inflict self-harm short of suicide, such as taking drugs. Even so, a rabbi (like a doctor) would neither be permitted as a matter professional ethics nor required under Tarasoff to divulge a wife's drug habits to her husband. However, the rabbi may, and probably should, urge her to talk to her husband about her drug habit so that he can aid in her rehabilitation, and it would be good for the rabbi to volunteer to help her have that conversation: but her permission is necessary for the husband to be informed.

Even minors are protected to some degree by these privileges. Both state and federal law has taken special care to protect the privacy of minors of age 12 or older with regard to substance abuse and HIV testing. Clergy, therefore, need to learn that civil law requires them to keep such confidences secret. However, assuming that the parents are not abusive, here too clergy may, and probably should, urge minors with such problems to enlist the aid of their parents.

Jewish Law

Jewish sources do not speak directly about whether professionals have special duties beyond those of all other Jews to keep what they know about other people's physical, mental, legal, financial, or moral condition confidential. That is probably because our society relies on professionals far more than any

community did in the past, and so the special issues involved in the professional-client relationship did not arise in the past as often, as urgently, and with the same complexity as they do now. Jewish law does, though, make it clear that communities may choose one social good over another. So, for example, the Shulhan Arukh, an important sixteenth-century code of Jewish law, specifies that in conditions of scarcity, the community must feed the hungry before they clothe the naked, that women are to be given such social support before men are, and that redeeming captives takes precedence over sustaining the poor and clothing them.

Similarly, Jewish law maintains that communal needs may also take precedence over the interests of individuals. A community may not demand that an innocent person give up his or her life in the interests of the community, but social needs may trump lesser interests or even rights. So, for example, even though a borrower being brought to court for nonpayment of a debt may suffer by being judged by a less qualified judge, the Talmud relaxes its normal qualifications for judges in cases of collecting loans "so as not to lock the door before [potential] borrowers"-that is, to make it reasonably easy for creditors to convene a court to regain their property to ensure that money will be available for those who need to borrow money in the future, an important component of the economic welfare of the community. The Rabbis also enacted other revisions in Jewish commercial and family law that limit the former rights of specific parties `for the fixing of the world" (mipnei tikkun haolam). Thus even though the historical contexts of traditional Jewish law did not raise the question of special privacy requirements for professionals, in our day we may apply its concern for the general welfare to protect professionalclient confidentiality.

All Jews, however, are governed by strict Jewish laws requiring the keeping of confidences. Specifically, the Torah prohibits not only spreading falsehoods about other people (*sheker*, lying), but also spreading true but negative facts about someone else that the hearer has no need to know-that is. lashon ha-ra. "speech about the bad"-and even spreading neutral facts that the hearer has no need to know-that is, rekhilut, gossip. The Talmud takes this further, insisting that even if there is no harm intended or anticipated, a person may not reveal a private conversation to an outside party unless the original speaker gives explicit permission to do so.

A Higher Standard for Rabbis?

How, then, would a rabbis duty to maintain confidentiality beyond this high standard that applies to all Jews? The Talmud interprets Leviticus 19:16 ("Do not stand idly by the blood of your neighbor") as requiring Jews to help others in need. In the Talmud's examples, if a person is drowning or being accosted by robbers, a Jew may not just ignore the situation but has a positive duty to help the victim, enlisting the aid of others, if necessary. This is in sharp contrast to American law, where, until recent passage in many states of "Good Samaritan laws," a person who tried to help someone dangerous circumstances unintentionally inflicted harm on that person could be sued, and

where only two states (Wisconsin and Vermont) have laws making it a misdemeanor to avoid helping someone in dire straits.

Let us now apply this Jewish duty to counseling. If, for example, a Jew knows that person A has a criminal record of fraud, Leviticus 19:16, so interpreted, would seem to require that person to warn any of As potential business partners of the extra risks involved in doing business with him or her. Because society needs counseling services, though, and because people will only seek such services if they can be assured of confidentiality, we may interpret Jewish law as permitting-or even insisting that a rabbi who knows of A's past keep quiet about it. That clearly impinges on the potential partners' welfare, for they may be taking on a larger level of risk than they realize or want: but the need of the community for counseling and for confidentiality in that context may outweigh the partners' individual or collective well-being. interpreting Jewish law in this way, I am narrowing the domain of Leviticus 19:16 to exclude who rabbis are keeping confidences made known to them in their professional roles. That makes the rabbi's duty to maintain confidences somewhat greater than that of any other Jew, but only slightly so, for the Torah and later Jewish law require all Jews to avoid divulging other people's secrets.

"Ethical Issues in Pastoral Counseling"

J. Russel Burck, Rush-Presbyterian, St. Luke's Medical Center, Chicago

I am not a pastoral counselor but a pastoral theologian turned medical ethicist. I agreed to write on ethical issues in pastoral counseling because I consider my clinical ethics experience pertinent. Common to medicine and pastoral counseling is the ethical responsibility to treat on the basis of knowledge. It is neither accidental nor deplorable that pastoral counseling is the most medicalized form of ministry.

Pastoral counseling, also called "pastoral psychotherapy;" grows out of an approach to pastoral care that U.S. Protestantism developed in the first quarter of the twentieth century. This approach taught pastors to listen to the people they counseled, rather than just delivering a message from the faith's teachings. Today, many pastoral counselors devote themselves to the private practice pastoral psychotherapy, marriage and family counseling, or some combination.

In my judgment, professional much about ethics is as uncontroversial commitments embedded and expressed in minute particulars of care as it is about dilemmas. Further, pastoral counseling itself does not just have ethical commitments and issues; it is a profound ethical commitment "to provide and promote theologically informed, spiritually sensitive ...counseling and consultation" (mission statement of the American Association of **Pastoral**

Counselors [AAPC]). This article will review four ethical issues in pastoral counseling: identity; the counselor's responsibility to two traditions-faith and counseling; embedded versus explicit ethics; and the counselor's own stake. My clinical example-always signaled by italics-is a reoccurring problem from my work as a hospital chaplain: *Parents' request that a chaplain baptize their dead newborn*.

Identity

The identity pastoral counseling as a profession is an issue, not ethical just organizational or psychological one, because pastoral counseling must accurately represent the good it seeks to do and its qualifications to do it: How does pastoral counseling differ from the service of appointed leaders of local religious bodies and from secular psychotherapy (and psychiatry)?

Superficially, pastoral counseling may not differ from secular psychotherapy: there is a code of ethics addressing problems like of psychologists those physicians, and theories, methods, and languages of treatment. In certain ways, it is clearly not like ministry. Local religious leaders and people seeking their counsel may meet at any time, in many locations, at either's initiative, without charge. Pastoral counselor and client typically meet by appointment, in the counselor's office, after referral, at the client's initiative, for a fee.

Pastoral counseling distinguishes itself from secular psychotherapy, by defining itself as ministry and intentionally serving in the context of ultimates. The potentially greater depth,

intensity, and duration of pastoral counseling distinguish it from pastoral care in the local religious body.

Seward Hiltner said that three perspectives are always present in ministry: communicating the word administering (he included sacraments). organizing the fellowship. shepherding and persons. Only one perspective is focal at a time. When a minister is counseling, communicating the word and organizing fellowship are present, but they are in the background.

How does the counselor's attention to one person also communicate the faith's understanding of ultimates? Like the chaplain's caring for family, the counselor's attention, to individual clients expresses God's concern for them. Baptizing, chaplains communicate something about the newborn's place in the community of faith. Not baptizing, they communicate something about relative values proper administration of the sacraments versus inclusion of the dead child.

How does counseling organize the faith's fellowship? Understanding that patients and clients have needs that require special education, churches recognize chaplaincy and counseling as ministry and protect the local religious leaders time and energy for a range of services. Not baptizing, the chaplain adheres to church order. However, does not baptizing best meet the family's needs? Baptizing chaplains place themselves in a ,small way against the church order that authorizes their ministry.

The Two Traditions

Although St. Paul condemned

those who would preach "another gospel," pastoral counselors are necessarily responsible to two traditions-faith and counseling. Further, many pastoral counselors view their tradition of counseling as gospel (good news), because they find in "secular" resources what they could not find in their faith until they went outside.

Chaplains honor both traditions by offering a ceremony to name and bless the baby, without offering baptism. Some parents accept this offer, but some still require baptism, forcing the chaplain to choose between the theological and the pastoral traditions.

The two traditions are also evident in the pastoral counselor's guiding values. In terms of ultimates (faith), the counselor is guided by all the values, personal and organizational, that accompany official appointment by a religious body. In terms of daily life (counseling), the counselor is guided by personal values and basic ethical responsibilities of a helping profession: be as good as possible at the work, do not treat beyond your capabilities, seek to do good, avoid or reduce harm, keep confidences, do not take advantage of the client for personal benefit, and so on.

Embedded Versus Explicit Ethics

Professions formulate their ethical commitments in standards, which grow out of, and become embedded in, practice as custom. Custom is one meaning of ethics in the Greek. Ethics as a discipline reviews ethics as standards, looking at codes for over- and under-statements of responsibility, correcting erroneous standards and language, and restating

standards that have been altered or misconstrued in implementation. As a discipline, ethics reviews ethics as custom in concrete practice, asking whether established solutions apply in a specific situation or a novel solution is needed. If a novel solution is needed, ethics can help formulate it. Primarily, ethics tests the solution.

Established ethical solutions in pastoral counseling include listening carefully to clients; learning what needs clients are addressing and how they are addressing suspending them; judgment about a client's theological rationales. rationalizations, and expectations: being attentive to the ways one's own concerns may distort one's understanding of the client; and so Valuewords, explicit implied, expose the underlying ethics in these solutions: "better," "good," "superior," effective," "responsible." I leave it to pastoral counselors to further explicate embedded commitments, as does the AAPC Code of Ethics, available at http://www.aapc.org/ethics.htm (one of the best codes I have seen).

The purpose of reviewing custom is to revise it where necessary. Standards can be so embedded in practice that they are almost imperceptible, making review difficult. Flag-waving standards (say, being the client's advocate) may be difficult to review, because professional taboos shield them.

For reviewing or revising custom, theological grounding is a conceptual and practical asset. To be reviewed, embedded commitments need to be brought

from background to foreground. Further, paraphrasing Reinhold Niebuhr, even as part of the solution, we and our solutions are part of the problem. A theological perspective opens our eyes to harms in our commitments, to overestimating our goodness, and to the "temptation to do good," to overcompensate and do more than reality requires. Mitchell Messer, a Chicago expert in anger management, uses the phrase intentions." "good Α good intention is that which does not need to be done. It is always selfserving, counterproductive, and self-destructive. The alternative to intentions is "real good intentions," doing what reality requires.

In some theologies, a chaplain who baptizes a dead baby, yields this temptation, misrepresenting a truth-baptism is for the living. In other theologies (personal, not formalized), baptizing this infant does what reality requires, expressing the truth that the instruments of faith are for people, in this case, for the grieving. The request to baptize dead babies leads back to ultimates and church order, identifying a need not necessarily for the chaplain to hold the line against the parents but for churches to rethink the meaning of baptism in light of the contexts where it is administered.

Thus far, ethics is about standards and a discipline. Now it becomes a hermeneutic: The parents insist out of responsibility (the operative ethics word) toward their lost child. A refusal to baptize may confuse them, because they base their request on church teaching. Complicating the problem is the fact that no chaplain's theological education provides grounding in

every variant of every theological tradition that informs parents.

The Counselor's Own Stake In a classic version of the joke, "For every problem there is a solution that is neat, simple, and wrong," medical ethics typically focuses exclusively on patient's well being. But patients are not the only stakeholders. Families are stakeholders. Clinicians are stakeholders. Ethics acknowledges the valid place of each. What is at stake for chaplains is their relationship with their church and themselves. Parents' insistence on baptism forces the chaplain to choose between self-regard and rebellion (or courage).

The four current ethics issues in pastoral counseling discussed here open into other specific issues, because pastoral counseling is an ethical commitment to help theologically people through grounded, spiritually sensitive, counseling. competent medicine and psychology begin to examine spirituality in health and health care, the theological and spiritual commitments of pastoral counseling equip it to contribute in a new way-through ongoing dialogue with other disciplines about human flourishing.

"At The Center"

Vivian Weil, Director, CSEP, Illinois Institute of Technology

Flying home in May from a meeting at UCLA at which IIT joined with 17 other universities to draft a grant proposal, I was prompted to reflect on the

growing importance of CSEP's library. A long record of research and teaching in the ethics of engineering and scientific research had qualified CSEP and me to be included in the proposal. But our key resource turned out to be the library's capacity to knit the 18 universities into a national network of nanoscience technology facilities, with ethics social implications technology as an integral component, through an ethics portal to be created and operated through CSEP's library.

Under the direction of our librarian Elizabeth Quinlan, a leader among solo librarians, CSEP's library has kept up with computing innovations that give specialized libraries power and scope. As manager of CSEP's codes of ethics online, Quinlan has gained experience with a large data collection. Recently, she has also had to oversee the development and maintenance of a large archive concerning the drafting of a code of ethics for software engineers. This archive's mix of open and restricted access has given Quinlan experience at the frontier of online archiving and skills needed to create the ethics portal proposed for the nano network.

My thoughts turned also to CSEP's increasing collaboration with colleagues at HT in Science and Technology Studies (STS). We have long recognized the potential fruitfulness, indeed the necessity, of combining STS with ethics research in engineering and science. In the nano proposal, HT's historian of technology, Tom Misa, describes a project he calls "Third Generation Technology Assessment," a new approach made possible by the insider

perspective made available by the network. And Warren Schmaus, HT philosopher and historian of science, proposes an evolutionary notion of informed consent, for communities rather than individuals, to be tested in the nano network.

This pattern of collaboration appeared as well in the project to study the drafting of a code of ethics for software engineers. Our Segerstrale. colleague. Ullica sociologist of science, has played an important advisory role. She helped to guide the interviewing of participants in the drafting process. And she contributed to conceptualizing the participantobserver framework for the book to be produced. Loyola sociologist Peter Whalley, who has studied engineers, has played a similar role.

In addition to Whalley, the Advisory Board includes key figures from each of the two professional societies: Gerald Engel, from the Institute of Electrical and Electronics Engineers, and Donald Gotterbarn, from the Association of Computing Machinery. These colleagues, faculty members at the University of Connecticut and East Tennessee State University. respectively, have provided insight into the early history of software development and the subtleties of the perspectives of the societies two whose memberships overlap to considerable extent.

To respond to emerging needs within BY and new opportunities for externally supported projects, CSEP added a research associate, Jadran Lee, to its staff early in 2003. Having just completed his Ph.D. in philosophy from the

University of Chicago, he undertook an intense but quick survey of nano science and technology that enabled him to contribute to CSEP's portion of the 18-university proposal.

Lee moved smoothly from his dissertation on Jeremy Bentham's writings on animals to teaching the first HT research ethics course biomedical engineering graduate students. The use of animals in research important topic in that course, one of the first such courses in the country. Lee's current includes preparation to teach ethics in other graduate engineering programs and to weave ethics throughout HT's new undergraduate business curriculum (to be launched in 2004).

Lee's teaching, as well as a recent one-day Ethics Across Curriculum (EAC) workshop for HT's Electrical and Computer Engineering Department, drew on the EAC workshops that :Michael conducted Davis has engineering and science faculty since 1991. Made possible by funding from the National Science Foundation, the workshops were at first offered only to HT faculty but later to faculty from other universities. Both the 2002 and 2003 workshops included several participants from overseas.

CSEP Faculty Associate Robert Ladenson is planning the eighth annual national Ethics Bowl in conjunction with the annual meeting of the Association for Practical and Professional Ethics (APPS). Invented by Ladenson at CSEP in 1993, Ethics Bowl is a competition that offers an interesting new way to teach practical and professional ethics.

Teams of students compete by answering questions posing problems ethical concerning academia, personal relationships, and professions, social and political issues. Ethics Bowl has caught on with students in so many institutions that competition, with 40 teams. has reached the capacity of APPE to host them. Fifteen schools are already on a waiting list for APPE's February 2004 meeting. With a committee of colleagues from other institutions, Ladenson is exploring ways to restructure the national competition. They hope to hold a competition that can accommodate all the schools that wish to participate while retaining what has made Ethics Bowl a valuable educational tool.

A staff of graduate students-from and Electrical Computer Engineering and from Computer Science-as well as undergraduates various engineering from departments support CSEP's daily operations and contribute technical expertise to CSEP's computer-based activities. For CSEP professional staff, competence and commitment of these students in carrying out tasks from the mundane to the technically challenging makes their graduation a bittersweet experience.

"Announcements"

Fellowships:

The Indiana University Center for Bioethics seeks an M.D., Ph.D. or Pharm.D. to participate in a fellowship program designed in collaboration with the IUSM

Pharmacogenetics Research Center. The purpose of the program is to provide highly motivated individuals with the skills necessary to contribute to knowledge at the intersection of pharmacogenomics, ethics, and public policy. Pharmacogenomics involves the study of genetic factors that influence response to drugs. As new methods for understanding the relationship between genetics and drugs are developed, ethical, legal and social issues will arise. Successful candidates will undergo two years of didactic training and research at the intersection of ethics and public policy under mentorship of faculty from the Indiana University Center for **Bioethics** and the Pharmacogenetics Research Center. Salary and benefits will he based on NIH post-doctoral trainee guidelines in the \$40,000 to \$50,000 range. Applications with curriculum vitae and two references should be submitted in writing or by email to: Eric M. Meslin, Ph.D. Director, Indiana University Center for Bioethics, 1481 West 10th Street, Suite CB-112, Indianapolis. Indiana 46202. The Center invites applications Fellowship for its Resident Program for Academic Year 2004-2005.

The Center for the Study of Professional Military Ethics at the U.S. Naval Academy announces a program to help prepare select military officers, career civil servants, academics, and others to teach, and practice ethics in a variety of professional and institutional settings. Ideal candidates from academia will have a background in ethics, security international affairs, studies, and/or public policy, with an interest in pursuing issues of

ethics in military affairs. national defense, and international security in their teaching and research. Each Fellow will be required to complete one or more research writing projects and to participate in a weekly Fellows Seminar. Fellows will be encouraged to participate in other activities and programs of the Center and the Naval Academy. Fellows will receive office space, computer facilities, library privileges, and a stipend (equivalent to half-salary, up to \$30,000. (Health, retirement and Social Security benefits are not offered.) This is a full-time, in-residence fellowship. which runs from August 2004 through May 2005. Applicants should send a letter describing their interests in ethics in the areas listed above: a proposal for a research project to be undertaken fellowship; during the curriculum vitae; and copies of relevant publications. Applicants should also arrange for two letters of reference to be sent directly to the Center Director. The deadline for the receipt of applications is January 2, 2004. The names of the recipients of Fellowships will be announced by the end of March 2004. All application materials should be sent to: Dr. Albert C. Pierce, Director, Center for the Study of Professional Military Ethics, U.S. Naval Academy, 112 Cooper Road, Annapolis, MD 21402-5022. For further information, please call the Director at 410-293-6057, write to him at acpierce@usna.edu or visit website the www.usna.edu/ethics.

Call For Papers:

The International Society of Business, Economics, and Ethics (ISBEE) announces the Third ISBEE World Congress July 14-17, 2004 University of Melbourne, Australia: Freedoms and Responsibilities in Business, with three main topic areas: Ethics and Global Challenges; Ethics and Corporate Governance; Ethics, Information and Technology. The Organizing Committee of the Congress invites full papers and abstracts on these three main topic areas or on other topics such as: ethical corporate Developing cultures; Global competition and responsibilities of small and medium-sized companies; Serving the poor profitably; Corruption, bribery and gift giving; Business and human rights; Corporate social. and environmental responsibilities; Workplace ethics; Moral courage and whistleblowing; Voluntary codes and mandatory standards. Full papers should contain no more than 4,200 words (plus a 100-150 word abstract) and must be submitted by January 5, 2004. Notification of acceptance for presentation (30 minutes) will be given by March 15, 2004. Full papers can also be submitted until March 1 with the notification of acceptance given two months after the submission date. Abstracts (250-300 words) of papers may be submitted by March 1, 2004. Notification of acceptance for brief presentation (15 minutes) will be given by March 30. 2004. Papers and abstracts must be written in Word. Word Perfect or RTF format and should be submitted by mail or email to: ISBEE Secretariat, Mendoza College of Business, University of Notre Dame, Notre Dame, IN 46556, USA; E-mail: isbee@nd.edu. For further information and program details www.isbee.org www.conferences.unimelb.edu.au /ISBEECongress.

DePaul University and its Institute for Business and Professional

Ethics will host the Eleventh Annual International **Business** Ethics Conference in Chicago on October 21-23, 2004. The theme of the conference is "Ethics all the way through." Sponsors are particularly interested in panels or presentations that focus on how to integrate ethics "all the way through" an organization: in its corporate mission, management thinking, and organizational intent. Sponsors also welcome papers or case studies that illustrate best practices in business and corporate life. The conference will be held at The Standard Club the heart of downtown Chicago. Proposals are due on May 15 and all inquiries may be directed to Michele Hoffman. Email: shrksb8@aol.com. Phone: 312-362-8786.

Business Ethics Quarterly, the scholarly journal of the Society for Business Ethics, is soliciting articles on the ethics organizational ethics initiatives. Papers selected will be published in a special issue of the journal. The topic is broadly defined, and submissions may be empirical, conceptual, and/or normative, and may reflect varied disciplinary frameworks. For-profit, nongovernmental profit. and organizations frequently engage in formal and informal initiatives ostensibly aimed at fostering behavior ethical by organization and its members. Ethics initiatives variously include formal ethics policies, counseling and advisory programs. investigative monitoring or processes, reward and discipline systems, and also more informal activities such as management behavioral modeling and organizational cultural change. Normative scholarship has recommended the development of

organizational ethics initiatives. and empirical research examined the influences on and outcomes of such initiatives. But little attention has been given to the ethical qualities of these initiatives. This special issue is intended to redress that deficiency by prompting normative and empirical study of the ethics of organizational ethics initiatives. "The ethics of ethics initiatives" includes (but is not limited to) topics such as these: the ethical assumptions built organizational ethics initiatives; the scope of ethical issues and perspectives addressed by ethics initiatives; the use of punishment and reward in ethics initiatives; issues of confidentiality and privacy in ethics initiatives; issues of fairness or justice in ethics initiatives; evaluations of ethics initiatives from the perspective of specific ethical theories; issues of influence, control. indoctrination in ethics initiatives: the use of ethics initiatives to influence organizational images and identities; concepts and issues of responsibility in relation to organizational ethics initiatives; public policy and organizational ethics initiatives; the relation of organizational ethics initiatives to the kinds of products and services offered by the organization, and to the kinds of jobs, tasks, and workforces that are common in organization. For more information, contact the special issue editor, Gary R. Weaver at weaverg@lerner.udel.edu. submissions will be double-blind reviewed following the journal's normal review process. Final decisions on submissions rest with the Editor-in-Chief. Submissions must follow BEO guidelines (http://www.societyforbusinesseth ics.org/info contrib.htm). submissions for this special issue

to: Professor Gary R. Weaver, Alfred Lerner College of Business and Economics, University of Newark, Delaware Delaware. 19716. Due date: January 31, 2005.

The Tennessee Journal of Law and Policy, founded by students at the University of Tennessee College of Law. is now accepting submissions for 2004-2005. This quarterly, non-partisan publication examines a range of issues at the intersection of law and public policy. In addition to traditional scholarly articles, the Journal is interested in commentaries and essays from a variety disciplines including ethics. philosophy, law, political science, public sociology. policy, economics, history, journalism, medicine, and communications. Journal seeks articles touching on topics of both regional and national significance. Format and content guidelines are flexible depending on the nature of the article submitted. To submit an article, please e-mail the Journal tilp@justice.law.utk.edu. To learn more about the Journal, visit its www.law.utk.edu/students/tjlp/tjlp home.htm or contact Lee Evans, Editor-in-Chief, at 865-406-8147.

The HEC Forum (HealthCare Ethics Committee Forum: An *Interprofessional* Journal Healthcare Institutions' Ethical and Legal Issues) invites papers on the theme: Creating and Sustaining Organizational Integrity Integrating by Compliance and Organizational Ethics Programs. Papers sought that explore the conceptual and practical implications of the development of compliance or integrity programs for organizational ethics programs in health care organizations. There is at least anecdotal evidence that traditional ethics programs are being eclipsed by compliance or integrity programs in organizations. Is there empirical evidence that supports or refutes such anecdotes, or are programs being integrated in some organizations? If they are being integrated, how, if at all, are issues of compliance differentiated both conceptually and programmatically from issues of organizational ethics? How is "progress" in organizational compliance and ethics measured and tracked? What difference does the integration (or lack of it) make to the compliance and ethics curriculum(s)? Does their integration change educational/ training requirements methodologies? How might the roles ethicists typically play change in this new environment? Is there a deliberate interface between compliance officers/managers and ethicists, and if so, how is this interface established and maintained at interpersonal and organizational levels? These and other questions may be investigated in these papers. Inquiries and papers should be directed to the issue editor: Jan C. Heller, Ph.D., Providence Health System, 506 Second Avenue, Suite 1200, Seattle, WA 98104-2329, Phone: 206-464-4728, Email: Jan.Heller@providence.org. Submission Deadline: August 1, 2004.

Seminars:

A Summer Seminar in Clinical Ethics, August 2-6, 2004, at the University of Washington, Seattle, will provide an intensive, interactive introduction to the four-box method of analysis of

ethical problems in clinical care, developed by Jansen and others in their book Clinical Ethics. For more information (or to receive a brochure Seminar when available), please contact: Marilyn J. Barnard, Manager Continuing Education Program, University of Washington, Department Medical History and Ethics, Campus Box 357120 Seattle, WA 98195-7120. Email: mbarnard@u.washington.edu. Phone: 206 616-1864. Fax: 206-

685-7515

The Ethics Institute at Dartmouth College announces, Teaching the Ethical. Legal, and Social of the *Implications* Human Genome Project, a 2004 Summer Institute for faculty from liberal arts colleges and universities who are interested in developing a course on the ethical, legal, and social implications (ELSI) of the Human Genome Project (HGP). partnership with Howard University, Dartmouth will offer three, five-day ELSI teaching programs June 13-18 (at Howard), July 18-23 (at Dartmouth), and July 25-30 (at Dartmouth). (Applicants may wish to indicate which session they would prefer to attend, but top choices cannot guaranteed. The programs will be very similar in content). The Summer Institute will be an intensified version of a successful program offered at Dartmouth during past summers. **Faculty** participants will collaborate with leading experts on the social implications of the HGP, examine cutting-edge issues in human genetics research, learn new skills of multidisciplinary teaching, and acquire knowledge, material, and support needed to successfully teach an ELSI course at their home institutions. Institute participants

will be competitively selected from a pool of applicants demonstrating excellent teaching skills and a commitment to multidisciplinary teaching. Applications are being solicited from two-person inter disciplinary teams as well as from individual faculty. Every effort will be made to ensure diversity among the participants in terms of academic discipline, gender, race, and ethnicity. Participants will receive a modest stipend to attend. In addition, all materials, campus lodging, and some meals will be provided. For more information and to apply online: www.dartmouth.edu/~ethics/. Phone: 603-6461263. Fax: 603-646-9393. Email: ethics.institute@dartmouth.edu. Ethics Institute, 6031 Parker House. Dartmouth College, Hanover, NH 03755.

Job:

The Indiana University Center for Bioethics invites applications for an Associate Director for Clinical Ethics-Director, Fairbanks Center for Medical Ethics, Clarian Health Partners. The successful candidate will be responsible for developing a comprehensive clinical ethics program in a large Universityaffiliated hospital system. Responsibilities include supporting and evaluating a clinical ethics consultation service, participating in both undergraduate and graduate medical ethics teaching, and conducting research on clinical ethics issues. The candidate must have an M.D., Ph.D., equivalent academic credentials. The candidate must have a record program development in bioethics in hospitals or health care institutions. Evidence of successful university-level teaching and research in bioethics is preferred. This is a fulltime faculty position Indiana at University with salary being determined by academic and experience. credentials Interested applicants should submit a curriculum vitae and letter of interest (email version also accepted) by January 16, 2004 to: Eric M. Meslin, Ph.D., Director. Indiana University Center for Bio-ethics, 1481 W. 10th St... Suite CB-112. Indianapolis, IN 46202, Fax: 317-554-0122. Email: emeslin@iupui.edu

The Center for the Study of Ethics in the Professions (CSEP) was established in 1976 to promote education and scholarship relating to ethical and policy issues of the professions. *Perspectives on the Professions* is one of the means the Center has of achieving that

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