

THE RIGHT TO SILENCE

by William Harold Tiemann and John C. Bush

Abingdon Press pp. 256, \$10.95

The authors of this book have provided their readers with a very basic introduction to the titled subject matter. The reader is introduced to a rather broad-based sketch of the secular and ecclesiastical histories which have seen this privilege evolve over hundreds of years.

The material is written in an easy style, which helps one grasp the fundamentals of the invocation of the privilege, but the authors have not written a book with answers. The clergy who may be called upon to testify in a court of law about communications between them and men and women who have contacted them for assistance, are best served by the final chapter, "Guidance for Clergy, which suggests those steps necessary in preparing for such a court appearance.

The book lifts up some of the ethical issues involved when clergy are in possession of information which, if disclosed, could prevent harm to a third person. It also raises the question of ethics in relation to certain ministerial occupations which are non-traditional. The book does not provide answers for these dilemmas.

Although the authors have cited the statutory privileges of the several states and territories, they are unable to provide useful judicial decisions and interpretations of these statutes which would be helpful to the minister facing a subpoena to testify about penitential or confidential communications. Laws, though on the books without change for many years, are subjected to continuous judicial review and the citation of current statutes is of no benefit. The authors need have only indicated that one must look to the statutory laws of one's state.

The bottom line of the book seems to be that one should call a competent lawyer when summoned to court and notify ones religious superior of the pending litigation. This book could well be shared with counsel who may need some background material helpful in an argument about the privilege before the bench.

The book is interesting reading for those who do not seek immediate answers, but rather wish to explore the subject, perhaps as a basis for arriving at some supportive positions for clergy caught in the middle.

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