

CANONICAL PRINCIPLES ADDRESS DISPARITIES

A joint committee meeting sponsored by the Catholic Health Association in November, 2011, addressed the delicate issue of health care disparities in the United States. Among other points, the participants considered principles to be applied when trying to eliminate the disparities found in various places, particularly in regard to the delivery of health care. Reflections on ethical imperatives for Catholic health care raised numerous issues to be taken into account.



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One of the questions that arose in the discussion period was whether the *Code of Canon Law* had anything to say on the important, sensitive topic of disparities in health care. While the code does not speak directly to this point, nevertheless a certain number of principles can be found in the canons to guide our thoughts and actions.

However, since canon law finds its base in the doctrine of the Catholic Church, it might be helpful to begin by referring to the teaching of Vatican II on the subject. The council, focusing on the inherent dignity of each human person, noted, "The livelihood and the human dignity of those especially who are in particularly difficult circumstances because of illness or old age should be safeguarded." (*Gaudium et spes*, No. 66).

Pope Benedict XVI returned to this topic in a Nov. 25, 2010, message to the international conference of the Pontifical Council for Health Care Workers: "Only if one looks at the world with the Creator's gaze, which is a loving gaze, will humanity learn to dwell on earth in peace and justice, allocating the earth and its resources justly to every man and every woman, for their good."

Then, referring back to his Dec. 8, 2009, message for the 2010 World Day of Peace, Pope Benedict continued: "I would advocate the adoption of a model of development based on the centrality of the human person, on the promotion and sharing of the common good, on responsibility, on a realization of our need for a changed lifestyle, and on prudence, the virtue which tells us what needs to be done today in view of what might happen

tomorrow." In this message, the pope refers explicitly to a just allocation of the earth and its resources to every human person, as well as to the need for a changed lifestyle.

These teachings find their echo in certain canons of the *Code of Canon Law*. The basic canonical norm that flows from this teaching, and other similar pronouncements, can be found in Canon 208, which is the opening canon of the section on the fundamental rights and obligations of all Christians: "Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ."

This canon provides us with a principle based on human dignity. There is to be genuine equality of dignity and action among all of the faithful. While the theory is quite clear, it is obvious that the implementation of this principle sometimes meets with difficulties. For this reason, another canon, this time on the obligations of parish priests, mentions various categories of persons who are in need of special attention on the part of the church's ministers. Canon 529 tells us that the parish priest "is to help the sick and especially the dying in great charity [...]. He is to be especially diligent in seeking out the poor, the suffering, the lonely, those who are exiled from their homeland, and those burdened with special difficulties."

These various categories of persons are among those who can be subject to injustices, not only in their life in general, but also to some extent in their access to various social services, including health care. But we must recognize that it is difficult to move beyond our preconceived notions, particularly when we have the disappointing im-

pression that, in spite of all of our efforts, some people do not really wish to help themselves.

Of course, we can also ask: Who are the poor, the suffering, the lonely, those who are exiled and those burdened with special difficulties? Immediately, the situation of undocumented immigrants comes to mind. But also, there are those persons who, in various ways, are addicted to their drug of choice. There are those who do not speak the language of the country and so are unable to express even their basic needs in a way that can be understood. There are those who are considered to be the outcasts of society. As the blind man in the Gospel who cried out, "Lord, that I may see" (see Luke 18:41), we too can look around us to see who are those in our midst with unmet needs.

Another canon presents a third principle (c.1286.2): "Administrators of temporal goods [...] are to pay to those who work for them under contract a just and honest wage which would fittingly provide for their needs and those of their dependents." For this reason, the canon states, all administrators of temporal goods are accurately to observe the civil laws relating to labor and social life.

The church's law tell us, then, that all are equal, that those experiencing special difficulties are to be the object of particular concern and that when it comes to people working for us, we are to observe not only applicable civil legislation, but also the church's principles relating to social justice and just wages. An examination of these principles lets us see clearly that there are moral, political, socioeconomic and canonical issues involved. Among the practical applications flowing from these principles are these needs:

- To draw the particular attention of canonical sponsors and board members to the significance of the issue of disparity.

- Constant re-evaluation of policies relating to issues such as providing in-

surance coverage for those who have less

- Retirement policies -- thinking of those who cannot afford to retire

- The need for appropriate policies relating to respect for diversity, whether it be cultural, religious, national, linguistic, or political

Sponsors and board members will most likely have to face these and similar issues in the coming years as new partnerships are being established. The questions for them, therefore, are: Do prospective partners share the same values in relation to concern for those in particular need? Will this concern be a characteristic of the newly aligned forms of health care delivery, or will financial considerations prevail?

Another consequence would apply in a particular way to the pastoral care departments in our various institutions. In what way could the use of rituals assist all of us in crossing cultural boundaries? Can we be sensitive to the various religious sensitivities of our patients, even if these call for particular efforts? All in all, the challenge comes down to how we can promote respect for diversity.

Many of the new public juridic persons established for health care are offering formation programs for their members who are, in fact, the leaders of the health care ministry today. To what extent is reference made in these presentations to a renewed sensitivity to the needs of those who are being served, since we can no longer count on the fact that everyone shares the values, history, culture, and experiences that have traditionally guided Catholic health care?

Given our faith-based commitment to offer assistance to all those who

ask for our services, we would rarely, if ever, show discrimination or negligence when persons subject to disparities present themselves for health care. However, it might happen that the care given them during their treatment would not be of the same quality as that given to others. Because of this, it often is not possible to determine until sometime after the patient has been discharged from the hospital whether the patient's status influenced the treatment received. For this reason, disparities are often measured in terms of the outcome of the procedures, rather than by what happened during the initial approaches.

It follows that perhaps our health care services could place even more emphasis on aftercare, especially for

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those patients who do not have ready access to all available services. Therefore, just as "by the fruits you will know them" (see Matthew 7:16), so too will the results of our efforts show us what has been done to overcome various disparities.

We all know what to do, and probably even how to do it. What is essential is that we understand the "why" behind our actions: "Whatever you did to the least of my brethren, you did unto me" (see Matthew 25).

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