

WHAT CAN WE LEARN FROM CASUISTRY?

Recently, I came across an article in *Commonweal* by Cathleen Kaveny called “A Defense of Casuistry.” The article outlines the ways in which casuistry, as an ethical approach, can be used well or poorly.



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Kaveny highlights the ways that casuistry can be a proper and more robust moral discernment tool. She argues that “casuistry is the practice of discernment about what to do in particular situations. It is not the practice of an armchair intellectual. Doing it correctly requires both prudential judgement, love of others, and a fair amount of self-knowledge.”¹

Casuistry brings together all aspects of the moral act: the object, the circumstances and the intentions. It recognizes St. Thomas Aquinas’ insight that “people ... find themselves in situations where there is no perfectly acceptable path forward for them.” Therefore, we must navigate multiple “goodish” ends, and try to find the most “acceptable” path.

In health care, we, too, must choose between the poor form of casuistry and the more robust version when making ethical decisions. We can look at the *Ethical and Religious Directives* as an example. The casuistry which Kaveny opposes would use the ERDs as a rule book, categorizing actions as a sin or not. It would not care that a given situation may not provide a perfect end, clean of all vice or evil. We can fall into this trap of considering “human acts in very abstract and schematic forms,” especially when using moral tools like double effect or the principle of cooperation.

Such a focus on these devices tricks us into thinking that if only we follow the rule of the law, we will we achieve the spirit as well. However, without incorporating spirit and meaning when arriving to a decision during difficult situations, we leave out our trust in God to respond creatively with compassion and understanding. As Pope

Francis notes, God’s grace works in our lives by giving us “the courage to do good, to care for one another in love and to be of service to the community” in which we live and work.²

REDEEMING CASUISTRY

Casuistry comes to our tradition by way of the moral manuals starting in the 13th century. These books were provided to priests as a taxonomy of sins to serve as a guide for administering the proper penance during confessions. They literally categorized actions under different degrees of sins and gave recommended penitential acts. As Kaveny writes, “They were focused on what *not* to do on pain of mortal or venial sin, not *what* to do in order to grow virtue.”³ This tradition of examining particular acts and diagnosing their level of sin continues in the poor form of moral casuistry today.

Kaveny provides four ways in which casuistry can be redeemed. I believe that her recommendations can also be used to counter the often judgmental use of the ERDs in the health ministry. First, we must remind ourselves that there is an actor behind the act — people who have goals, fears, relations, limitations and even bad luck. When discerning a course of action, we must consider the fullness of the people involved unless we fall back into a casuistry abstractly focused on acts.

Second, Kaveny quotes Francis as saying “time is greater than space.” The understanding here is that we should situate the action of the person into their life. We are all on a journey. Hopefully, that path will lead us to reunion with God, but some will be further along than others. Like the first recommendation, we need to bring into account more than the individual decision of the person but rather see that act as a series of acts.

By doing so, we rid ourselves of the temptation to define a person by one decision. We instead desire to accompany and guide them through a part of their life that, as a patient in our facilities, can sometimes include fear and distress.

Third, Kaveny wants to remind us of the famous quote by Aquinas, which states that “although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects.” What Aquinas and Kaveny are hinting at here is the messiness of real-world discernment. The case studies, articles, books and webinars which provide us the opportunity to try and navigate complex decisions can only go so far. It is not until we are in the room, beside a patient, among the family and caregivers, that we finally see the difficulty of an abstract and cold moral framework. It is in this moment that our prudential wisdom comes forth to hopefully guide us toward an acceptable end, even if it cannot be the perfect one.

Finally, Kaveny reminds us all that the Church’s moral tradition comes to us through Jesus Christ. She wishes to repeat the message of Francis that God “does not abandon us, even when we try to abandon him.” God instead accompanies us through all of our decisions, “patiently, gently, trying to turn us around without breaking us.” Our approach to ethics must do the same. We, too, should not abandon those who are in arduous situations or who make decisions difficult to fit within a rigid ethical framework. Instead, we can be a loving support, be present to the chal-

lenges of our patients, and guide them through to the end.

FAITH ROOTED IN JESUS’ MINISTRY

The Ethical and Religious Directives are an excellent resource for the ministry to stay true to the moral vision of true healing. However, like casuistry, people can use the tool as a list of laws, devoid of any spirit or meaning. Let us take the lessons given by Kaveny and Francis to reimagine the way moral discernment is provided in the ministry. Let us remember that in all of this intellectual thinking, we are here to care for people as Jesus cares for us all.

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NOTES

1. Cathleen Kaveny, “A Defense of Casuistry: Casuistry Doesn’t Have to Be Rigid,” *Commonweal*, January 24, 2023, <https://www.commonwealmagazine.org/casuistry-pope-francis-morality-theology-thomism-kaveny>.
2. Pope Francis, “XIV Ordinary General Assembly: The Vocation and Mission of the Family in the Church and Contemporary World,” The Holy See, 2014, https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20141209_lineamenta-xiv-assembly_en.html.
3. Kaveny, “A Defense of Casuistry.”

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