

CHAPTER TWELVE

Casuistry

FROM THE GENERAL TO THE PARTICULAR

In more than one chapter it has become evident how highly valuable is the *freedom* with which a Christian can conduct his ethically responsible activity. He knows the commandments of God which directly show him the way in many situations, but there are also all sorts of situations in which an answer is not readily at hand. In Chapter Nine, "Are there such things as *Adiaphora?*," it became clear that we must sometimes take deep, far-reaching decisions on our own.

Now while retaining our Christian freedom, we can also learn a great deal from *one another*. This applies above all when the question arises as to what the often *generally* formulated commandments of God mean in *particular* situations. For example: The sixth commandment says: You shall not kill. But what does this commandment mean in the question of euthanasia? What about a patient in a coma who is only kept alive artificially by medical techniques? Is the sixth commandment broken when the button is pressed to switch everything off, so that the patient dies? May someone, if he knows he will be dying, refuse to undergo an operation which might extend his life a bit longer?

It is good that we can help *each other* with advice in such questions. That does not detract from our freedom, but rather it helps us to use our freedom correctly if we are armed with good knowledge of the facts. This subject must be dealt with more extensively in a separate chapter. For this brings us into the area of casuistry.

Casuistry comes from *casus*, a Latin word for "case." Casuistry can be described as the study of cases which teaches us how the general rules must be applied to particular cases. There is often discussion (we have already encountered the term) about the *casus conscientiae*, the cases of conscience. How should I act with a good conscience in all sorts of cases in which I have no concrete and direct commandment from God?

CASUISTRY OUT OF FAVOUR

It is obvious, for example, that there is no place for casuistry in situation-ethics, because general commandments do not exist in situation-ethics. There are no fixed rules and norms independent of the situation. It was clear that the commandment does not enter *into* the situation but rather it must arise *out of it*. The situation is something unique and is not a "case" which lets itself be classified as a particular instance under some general heading. Naturally, a situation-ethics will detest all casuistry which is of the opinion

that one would be able to say *beforehand* how one must act in a particular situation.⁴²

But . . . there are also ethicists who certainly do not defend situation-ethics and who do want to speak of general commandments, while nonetheless having serious reservations about all casuistry.

That is understandable. In its long history casuistry has often shown its bad side. It wove a network of commandments and prohibitions in which there was no more room for freedom and for personal responsibility towards God and the neighbour. Take the example of the Pharisees with their 613 commandments and prohibitions (corresponding to the 613 letters of the Ten Commandments). Think about the Middle Ages whose casuistry, partly packaged in confession-books, classified, analyzed and assessed sins in detail. For no fewer than two hundred years, the history of Roman Catholic moral-theology circled around the problem of *probabilism* in casuistry. It is instructive to take a look at the battle area of the moral theology of those days. Probabilism was one of the many systems competing with each other. All wanted to provide a solution for the conflict between law and freedom. How far may someone go in his freedom of action when there is no clear demand from the law?

The systems can be compared by employing an example.⁴³ Suppose that someone has to choose between action A and action B. A is an action about which we can say with certainty that it is morally good, while it can be doubted concerning action B whether it is morally good or morally bad. How, then, did the differing systems make the choice?

Tutorism taught that you must choose the safest way in such a choice, and that you must therefore do action A.

Probabiliorism taught that you were also allowed to choose B as long as action B was more probably morally good than morally bad.

Aequiprobabilism went a step further. You could choose action B if it was just as probable for B to be good as to be bad.

Probabilism taught that you were allowed to choose B if there was some probability that B might be called good, even though it seemed more obvious that B was morally wrong. If a number of authors of name could be cited, then there were already enough authorities to defend the action.

Laxism topped it all. Action B could already be performed if only *one* well-known author said that it was good. However, laxism was openly condemned by the church.

However, all kinds of exceptions were devised in order to avoid major accidents in the application of probabilism. A safe and not an unsafe way had to be taken with regard to the legitimate administration of the sacraments, the

⁴² The latter is also clear in the neo-casuistry which J. Fletcher develops in *Situation Ethics*, 146ff.: "Unlike classical casuistry, this neocasuistry repudiates the attempt to anticipate or prescribe real-life decisions in their existential particularity" (148).

⁴³ What follows has been derived from J. Gallagher, "Probabilism and Possible Abortifacients," in: E.J. Kremer and A.A. Synan (ed.), *Death before birth*, Toronto 1974, 139ff.

danger to salvation, and possible disadvantage for the neighbour or the community. Action A then had to be chosen above action B. Take the case of a hunter who sees something moving between the trees. He can think that in all probability it is a deer; but there may also be a very small chance that it is his neighbour moving between the trees! In that case, he must prefer the certain to the uncertain and he may not shoot.

It is no wonder that strong resistance arose against this long-drawn-out casuistry. A certain Antonius Diana discussed more than twenty thousand *casus conscientiae* in his *Resolutiones Morales*. Blaise Pascal (1623-1662), with his *Lettres Provinciales* against the Jesuits, belongs to the best-known opponents of casuistry. From his short survey it can already be concluded that casuistry can degenerate into commandment upon commandment, rule upon rule, or in the proficiency in making everything a bit easier for man on moral terrain. The two can also go together, such as is contained in the sharp judgment of Jesus concerning the Pharisees: "You tithe mint and dill and cummin (spices of little value), and have neglected the weightier matters of the law, justice and mercy and faith You blind guides, straining out a gnat and swallowing a camel!" (Matthew 23:23f.).

In this way casuistry had to earn a bad reputation.

PROTESTANT CASUISTRY

Nonetheless, it is striking that the break with Rome did not yet mean that Reformed and Lutheran theologians also turned away from all casuistry. Was that inconsistency, or does it compel us not to condemn *every kind* of casuistry all too quickly?

Protestant writers dealing with ethical subjects attempted to avoid the mistakes of Roman Catholic casuistry. A number of things are noticeable in the casuistry of men such as William Perkins, William Ames (1576-1633, better known as Amesius) and Gisbertus Voetius (1589-1676):

1. To them the Bible is the only authority for faith and morals, while an appeal to the authority of other sources is largely absent.
2. They laid stress upon the general principles of morality along with selected sample cases, leaving to the individual believer responsibility for precise application.
3. They promoted casuistry as a popular science accessible to all people, not just to the confessor — every man his own confessor!
4. They disregarded any distinction between venial and mortal sins, as found in Roman Catholic doctrine. In and of itself every sin is a mortal sin, even though there is certainly a difference between sins. The rejection of the distinction between mortal sin and venial sin knocked away the foundation of the Latin tradition in casuistry.

5. They opposed probabilism with all their might. However, in Voetius, Amesius and others, there is a clear connection with tutorism, the choice for the safest way.⁴⁴

ONCE MORE: THE OBJECTIONS

It is, therefore, possible to avoid the pitfalls of pharisaical or probabilistic casuistry. But is it also possible for casuistry to become something acceptable? Let me mention a number of objections which are raised against any form of casuistry:

1. Casuistry leads to an enormous *disintegration* of God's commandment. Calvin speaks of the splitting of sins into boughs, branches, twigs and leaves on a tree.⁴⁵ Does that not apply to all casuistry? Does it not lead to a moral atomism? Does the unity of God's commandment, and in particular that of all-encompassing love, remain in view when everything is subdivided into compartments like this? Is it still possible to see the forest for the trees? Does the Martha of the busy casuistry not almost obviously ask for the Mary of the one thing that is really necessary?

2. Casuistry easily takes on a negative and legalistic character. There is a broad discussion about everything that is not permitted. The fear of exceeding the limits can become an obsession. Such a thing obscures the Gospel of our freedom in Christ. Furthermore, people become dependent upon experts who think they know exactly what may and may not be done.

3. Casuistry neglects the uniqueness of the concrete situation in which our decisions repeatedly must be taken.

Are these objections decisive? I do not think so. For counter-arguments can be placed to each of these arguments.

To the first: *Specializing* the commandment of God is something different from disintegrating the commandment. After the record of the Ten Commandments in Exodus 20 and Deuteronomy 5, we find many specializations expressed with the phrase: "If . . . then . . ." These are called casuistic instructions (introduced by the Hebrew *ki* or *im*), as distinguished from the so-called apodictic instructions, recognizable by the categorical form with which the sentence begins: "You shall," "he shall," "they shall." The casuistic construction is the normal one in the extra-biblical law books of the Ancient Near East.

Specialization in a *good* casuistry does not enter into details concerning all sorts of unique situations, but rather gives types of situations, and is therefore again general in character.

To the second: Casuistry can lead to legalism, but can also be a kind of service. It sounds brave to say to another: Decide this with your conscience,

⁴⁴ For these five points see K.L. Sprunger, *The Learned Doctor William Ames*, Urbana 1972, and John W. Beardslee (ed.), *Reformed Dogmatics*, New York 1965, 278 (note 22). For *tutorism* in Voetius, among others, see Voetius *Selectorum Disputationum Theologicorum* III, 32.

⁴⁵ See *Institutes* III, 4.16ff. Also of importance for this subject is IV, 10.

but it can be cruel.⁴⁶ We do not stand alone in the church, but may count on the help of others in our efforts in discerning what really matters.

To the third: Situations in life are seldom so individual that they cannot be compared with others. There is also a style, a self-evidentness in which everyday life is carried out. In everyday life, most of our decisions are anything but unique. We have to watch out for standardized, ready-made sizes in casuistry; but we may also soberly ascertain that more people wear ready-made than made-to-measure clothing. Our Christian freedom includes rather than precludes that we, as members of the one body of Christ, will exhibit a strongly similar life-style.

ETHICAL ASSISTANCE

The word casuistry has a bad ring to it. And for that reason it is good not to make a long plea for the retention of this *term*. As long as we at least take into account the good content which can come with "casuistry." That content consists of the fact that our neighbour wants to offer us ethical *assistance*. He does not stifle the life of his neighbour by such assistance, but rather he desires to bring it to better development. Such assistance does no harm to our maturity, as it often contended, but actually activates it. I must know how I am to act in all sorts of situations which arise or may arise in my life. Why then should I not accept the good advice of others? Only he can reject that who thinks he must and can proceed on his own. But he who realizes that there are very many problems which he, together with others, has had or may get, will be happy that he does not stand alone in the fellowship of the church. Together we will have to attain the mature manhood, the measure of the stature of the fullness of Christ (Ephesians 4:12ff.). That also applies to ethical consultation. Expecting help — that also involves accepting advice in order to come to our own personal decision. That decision must be taken by us as free children of God, but nonetheless with knowledge of the issues involved.

This ethical assistance has always been given in the church. Think of the guidance given on ethical issues by men like Ambrosius and Augustine, and of the many letters which Calvin sent in order to advise others concerning all sorts of questions, for example, regarding marriage.

The handbooks for casuistry from earlier times have become unusable. And we must not attempt to have an answer for all actual or imaginable "cases." Therefore, no elaborate casuistry. Nonetheless, there still are *casus*, and again and again new ones, which we discuss with one another and in which we can be aided by the assistance which others offer to us.

The "case" must not be played off against the "situation," as if the former makes ethics into something impersonal and the latter only shows us how special our life is. Many situations are very common, and even when

⁴⁶ W.J. Aalders, quoted by H. de Vos, "Casuïstiek," in: *Kerk en Theologie*, Vol. 12, 1961, 224.

they are uncommon, they are usually again not so special that only I find myself in them. Thousands are familiar with similar situations, so they are really "cases" again, making general advice possible. This generalness takes nothing away from the specialness of each human life. Everyone may acknowledge the special leading of God in his personal life. But that takes nothing away from the acknowledgment of just as clear a truth: that we stand together as people under the *same* commandments of God, and that we come to stand before the *same* decisions right down to the very many specializations of general commandments which we find in the Scriptures.