

CASUISTRY AS MINISTERIAL ETHICS

A PLEA FOR REHABILITATING MORAL NURTURE IN THE CHURCH

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Published in *Nuchtere noodzaak: Ethiek tussen navolging en compromis*. Opstellen aangeboden aan prof. Dr J. Douma. Ed. by J.H.F. Schaeffer, J.H. Smit and Th. Tromp. Kampen: Kok, 1997. ISBN 9024260973. Pp. 106-116.

The purpose of this essay is to outline briefly the place of casuistry as the pedagogical service which Christian ethics can render to the Christian community. This serving character of casuistry is expressed by the word 'ministerial' in the phrase 'ministerial ethics'. In this essay, 'ministerial' ethics refers not to the calling of *minister verbum Dei*, but to the diaconological function of Christian ethics we wish to identify as moral nurture.

If we were to compare Christian casuistry to a once-prosperous academy for training the sensitive consciences of believers, then we would have to say that over the years, its schoolrooms have fallen into serious disrepair. The textbooks of casuistry, elaborate codes of canon law and the *summae confessorum* of the fourteenth and fifteenth centuries, were designed by the Roman Catholic church for solving problems associated with confession, penance, and absolution. As sources of independent moral authority, they were abandoned by the Protestant Reformation. Nevertheless, these textbooks did provide a useful outline for the constructive labor of seventeenth century Protestant casuists like Bishop Joseph Hall and Richard Baxter, William Perkins, William Ames, and Gisbert Voetius. However, by the end of the seventeenth century, Protestant casuistry began to show signs of weakening. Pietism was attacking the foundations of ecclesiastical organization and authority. Since then, the worldviews of naturalism and secularism, centering as they do upon the happiness of the individual, have so weakened the structure of theological thought and the functioning of moral authority that today casuistry lies abandoned as a means of moral education among most Protestants.

This once-strong connection between casuistry and moral education is not accidental. Until the end of the nineteenth century, a classical Protestant theological curriculum included a branch of study called 'moral theology', which was further arranged into 'casuistics' and 'ascetics' (Kirk: 102). Casuistics was concerned with the application of the main principles of the moral life to specific and particular problems. This tie between casuistry and education not only guided theological schools, but it also explains why casuistry used to be a primary form of moral education within the church.

J. Douma on casuistry

The notion of casuistry-as-education surfaces also in the description and formal discussion of casuistry in the work of J. Douma.

At the end of his introduction to Christian ethics, Douma devotes two brief chapters to what in times past constituted the two major branches of moral theology, casuistics and ascetics. In his chapter on casuistry, Douma offers a most concise, yet comprehensive description of casuistry: 'Casuistry can be described as the science of cases, which teaches us how we should apply general rules to particular cases'. Casuistry seeks to answer the question: How should I act with a good conscience in all sorts of cases in which I have no concrete and direct commandment from God? (J. Douma 1992a: 143).

From this brief description, the author proceeds to discuss the history and development of this activity of moral reflection, also among Protestant moralists. After defending the honor and rights of casuistry against its detractors, he settles for seeing casuistry not as the organizing principle undergirding moral theology or as a theoretical paradigm for moral reflection, but as ethical neighborliness, people helping each other as moral consultants. Following the lead of Ambrosius, Augustine, and Calvin, Douma insists that good casuists respect personal moral freedom by designing their counsel to lead the other to moral maturity and discernment (J. Douma 1992a: 143-150).

The *term* 'casuistry' and the casuistry handbooks of times past may well be unusable today, according to Douma. But the central feature of *moral assistance* ('ethische handreiking', cf. Douma 1992a: 149), which has always characterized the content and purpose of casuistry, can still profit the church today. In fact, with great profit Douma himself surveys Roman Catholic and Reformed casuistries involving marriage, divorce, and remarriage (J. Douma 1988: 47-57) and abortion (J. Douma 1984: 47-55).

In our judgment, Douma's concluding suggestion about the *function* of casuistry as 'moral assistance' is too modest and hardly captures the fullness of his earlier *descriptive definition* of casuistry.

Notice that his brief, yet broad description combines virtually all the ingredients essential to moral reflection. 'Casuistry can be described as the science of cases, which teaches us how we should apply general rules to particular cases'. True enough, the object of study is the 'case', but such a study requires us to explain the relevant ethical norm, to diagnose the moral situation, and to describe the interaction between both. Recall the question casuistry seeks to answer: How should I act with a good conscience in all sorts of cases in which I have no concrete and direct commandment from God? God didn't tell us everything, and He calls believers to a mature use of His revelation in forming moral judgments. Casuistry aims at inculcating a moral method, teaching people how to move from general rule to particular case. The definition's focus on *teaching the method of moral application* also leads to a healthy, restricted purpose for casuistry, namely, mature moral discernment, not moral control. In Douma's definition, casuistry clearly retains (better: recovers) its pedagogical character.

We find this description of casuistry very helpful and valuable. Therefore, we are led to inquire: Is not casuistry, Douma-style, really almost as broad and comprehensive as ethics itself? Does not the activity of applying general rules to particular cases raise some of the most fundamental issues of Christian ethics? We

would answer both questions positively, and ask yet another: Should not casuistry *thus understood* receive earlier, broader treatment in an introduction to Christian ethics?

To state the matter another way: Greater emphasis needs to be placed upon the *ministerial* character of Christian ethics, which consists of cultivating believers toward ethical maturity—which nurture is precisely the service casuistry can render within the Christian community. This function is not incidental, occasional, or seasonal. A healthy church employs the service of Christian casuistry to *nurture* the biologically and spiritually young and inexperienced members in the application of unchanging divine norms to variable situations.

Casuistry and human existence

Perhaps we can portray the positive function of Christian casuistry more clearly if we consider a negative justification for casuistry.

Some have argued that casuistry is needed because of the nature of human existence in a fallen world. In brief, they view human living as *filled with moral tension*. Casuistry provides relief for the agonizing consciences of those trying to lead a Christian life in a sinful and difficult world. Casuistry is the art of the morally possible, the science of necessary compromise (Long 1954: 14; in a later work, Long modified his description of casuistry significantly as ‘the effort to form a bridge between general norms and specific situations’ [Long 1967: 105]). Life is full of tension and compromise between the ideal and the real, between what we must be and what we can be. (The terms ‘tension’ and ‘compromise’ are related to casuistry also by W. H. Aalders [cf. Aalders: 163].)

Presumably, this tension ends only at death, but in life, it tirelessly agitates the human conscience. In a world saturated with sin and its consequences, conscience struggles perpetually to bridge the chasm between ideal and real. The human conscience is constantly aware of the deficit moral balance, and always engaged in some form of moral compromise. Sin has transformed the world into a cosmic moral handicap zone—and casuistry furnishes those forced by their disabilities to live in this zone (namely, all of us) with the skills of moral adjustment needed to function well.

In this view, casuistry is occasioned by life in fallen creation under the continuing divine demand. This explanation suggests that casuistry seeks to relieve the tension arising from the *content* of the norm rather than from the *character* of the norm. From the beginning God has demanded perfect obedience; our post-fall dilemma is that we do not and—what is even more agonizing—we cannot obey perfectly. The science of casuistry helps us cope with that reality.

This explanation confronts us with an important question: If we work with the description of casuistry provided by Douma, is casuistry occasioned primarily by a *defect* or *limitation* inherent to creation, to history, or to man himself? Our answer will determine casuistry’s contribution to the Christian life. Is casuistry a pain reliever for the perpetually stricken conscience? Is casuistry an intellectual procedure for transmuting principles valid in the past into rules relevant to the

present? Is casuistry the path to all sorts of compromises between the real and the ideal? Is casuistry the exceptional, perhaps infrequent, search for guidance in ethical boundary situations?

In our judgment, we must not settle for an essentially negative justification of casuistry like the one we have sketched. Such a rationale will predetermine a casuistry that compensates for, or corrects, a defect, whether in creation, in history, or in man. Stated positively, our view is that *in the Bible, the application of principles to situations forms part of the covenant instruction which God as Father gave His children to nurture them to maturity in Christ.*

The nature of ethics and the need for casuistry

The nature of ethics itself requires casuistry in the sense described by Douma. We can see this clearly in several ways.

The Decalogue, for example, one of the most basic formulations of God's moral instruction, shows *the situational character of the formulations of principles*. The Ten Commandments were given to a people, Israel, formerly enslaved in Egypt, who were en route to Canaan. These commandments speak of men servants and maid servants, of oxen and donkeys. Today we speak of employees, tractors and ecosystems. These basic commandments show obvious traces of the historical situation in which they were given by God. These terms (and the commandments they constitute) require translation and application to a different day and time. This task belongs to casuistry.

Not only do times vary, but people vary as well. Because the human conscience is a personal possession, the training of consciences requires personalized attention. As moral arbiter, consciences vary in their backgrounds, permissions, and abilities (cf. Kloosterman: 71-82). To casuistry belongs the task of tutoring personal conscience to recognize its limits, to employ proper moral distinctions, to discern priorities of obligation, and to render appropriate judgments toward oneself and one's actions. All of this flows from ethics.

Moreover, ethics entails evaluation, assigning priorities of obligation. A value is something that, by definition, can be ranked and ordered in relation to other values. 'Seek first the kingdom of God and His righteousness', Jesus urged, and food and clothing will be provided as well (Matt. 6.33). Jesus replied to an antagonistic lawyer concerning 'the first and great commandment' and 'the second like it' (Matt. 22.38-39). In fact, following Jesus requires proper priorities of obligation: 'If anyone comes to Me and does not hate his father and mother, wife and children, brothers and sisters, yes, and his own life also, he cannot be My disciple' (Luke 14.26). The need for explaining and illustrating these priorities has given rise to casuistry.

Finally, a strong argument can be made for the claim that to internalize a moral principle, one must be able to apply it correctly. Internalizing moral principles is the goal of moral nurture, wherever that education occurs. Parents want their child to 'grow up', which means to live 'on his own', guided by parental instruction that has trained the reflexes of his heart. The same is true of teachers and students, and of pastors and parishioners. The process of

internalizing moral principles is certainly a larger concern than the business of casuistry. It requires setting forth a view of sin, of man, of grace, of the work of the Holy Spirit, of the power of the law, and more. But because this process of internalizing moral principles is one very important dimension of applying general principles to particular situations where we have no direct command from God, casuistry will serve the cause of moral nurture by describing this process.

Casuistry and history: Augustine, Kuyper, and Schilder

Casuistry (again, in the sense described by Douma) is required also by the character of history. We have already alluded to the situational or historical character of the formulations of principles in the Bible. A careful investigation of the entire Bible will yield a variety of precepts that have been revealed at different times in salvation history. The direct validity and force of some of them had lapsed before the canon was closed or have lapsed since.

All of this gives the appearance of divine mutability, suggesting that God changes His mind and divine justice is fickle. But this is not so. In his *Confessions* (III, 7) Augustine observed the folly of those who thought God was unrighteous in permitting a thing at one time and not at another. God commanded some this, others that, Augustine argued, *pro temporalibus causis*, for certain temporal respects. 'Is justice therefore various or mutable? No, but the times, over which it presides, flow not evenly, because they are times' (*Sed tempora, quibus praesidet, non pariter eunt; tempora enim sunt*). Augustine was careful to insist that God's *righteousness* was one and the same, 'although in varying times it prescribed not every thing at once, but apportioned and enjoined what was fit for each' (Augustine: 45-46).

Precisely this notion of variety in history, or rather *development* within history, formed the heart of Abraham Kuyper's description of the task of casuistics within theological ethics as part of the theological encyclopedia. Ethical problems can arise from the application of the ethical principle and its norms, not only to particular relationships in human life, but also to particular developments within these relationships. Because the solution to these problems is not contained within the description of these relationships, these problems require special investigation. In Kuyper's words, 'The very nature of the *hic et nunc*, wherein these developments occur, implies that these problems admit generally of strictly individualized solutions. However, to the extent that these developments involve problems that appear repeatedly which thereby acquire a more general character, the discipline of Casuistics investigates them and indicates their general solution' (Kuyper: 434-435).

The problem for which casuistry provides relief, according to Kuyper, lies not in the dilemmas confronting human conscience, but in the dynamic flow of history.

In this connection, brief mention must be made of K. Schilder's weighty definition of ethics as 'the science of the constant grounds, the changing dispensations, and the relevant, concrete specificity of the obligation man has

toward God's revealed will' (cf. J. Douma 1992a: 46). Here the integrating element within Schilder's definition is man's duty of obedience to God's will, which is then viewed in terms of the three dimensions of constancy, variability, and particularity. Another way of stating this is to say that *human obligation toward God possesses continuity amid discontinuity within every particular situation*. The dynamic flow of history does not provide the focus of ethics (or casuistry), but it certainly gives flavor to all of ethics.

Because history flows unevenly and contains a dynamic mixture of continuity and discontinuity, we need to employ *analogy* in the application of constant norms to varying situations (cf. J. Douma 1992a: 46-63, and 1992b: 2:54). Surveying similarities and discerning differences between moral situations—which is the essence of analogy—is the *modus operandi* of casuistry. Continuity within history (including every moral situation) makes the use of analogy *possible*. Discontinuity within history (including every moral situation) makes the use of analogy *necessary*. To casuistry belongs the inescapable task of explaining and justifying both continuity and discontinuity in the application of unvarying norms to varying situations (cf. J. Douma 1992a: 52).

Interestingly, the relationship between norm and situation has been used to discredit casuistry, and from quite different starting points. K. Barth blames casuistry for its resistance to the situational aspect of Christian obedience, while W. H. Velema blames casuistry for its similarity to situational ethics!

Barth registered three complaints against casuistical theology. Advance knowledge of the scope and content of moral duty substitutes for the specific concrete command of God that meets us in every situation. It puts us in God's place, and the moral agent is no longer a pure recipient and beneficiary, but instead he stands above the command.

Furthermore, any formulation of universal rules or system of rules contradicts the living character of God and His revelation. The commands of God in the Bible are particulars, not universals, since in them God addressed specific people in specific times. Casuistry thus violates the character of God. Finally, casuistry interposes between God and the moral agent an alien reality, one that encourages dutiful obedience to precepts instead of free obedience to God (Barth: 10-14).

For entirely different reasons, Velema is critical of casuistry. In his very significant book, *Wet en evangelie*, Velema carefully sets forth a hermeneutical method that does justice to the biblical revelation of the law and its application to life. He pleads for seeing in Scripture a duality of constitution and outworking, of core commands (the Decalogue) and applicatory commandments, both of which are normative because they are canonical. From Scripture itself we can learn how to move from the Decalogue to particular applications in life. With his 'salvation historical model' Velema seeks to avoid the mistakes of other models, especially those of situation ethics and of casuistry, among others.

The problem with situation ethics, according to Velema, is that it abandons any use of the Bible's applicatory commands. It reduces the 'constitution' to the single command to love, which is further reduced to a particular moral attitude. This command to love impels the agent immediately to decision, without the use of any intermediate norms formulated on the basis of the constitution.

Casuistry differs clearly from situation ethics, because it acknowledges that the command exists apart from the situation. Nevertheless, according to Velema, casuistry resembles situation ethics by disallowing intermediate rules that function to bridge the distance between the fundamental moral law and the situation. Like situation ethics, casuistry is reductionistic, because it eliminates the use of applicatory commands or general rules. 'Casuistry comes, with prior reflection, to a description of actions that are commanded in certain situations! Here also there is no intermediate step (*tussenschakel*). *Casuistry refuses to employ general rules (algemene wetten)*' (Velema: 105; italics original). Casuistry moves directly from fundamental moral principles to the situation, without the intermediate step of formulating applicatory rules. Casuistry thereby constricts and reduces ethics to jurisprudence (*rechtspraak*). It leaves no room for the personal conscience and for the personal application of the law to the concrete situation. This feature accounts for the rise of penitential casuistry. In Velema's opinion, casuistry and situation ethics are thus *structurally* similar.

In our judgment, it seems that Velema's criticism may well pertain to *the abuse of casuistry* rather than to casuistry itself (as described by Kuyper and Douma). We can readily agree that the casuistry of the penitential codes and of Jesuit moral theology left no room for the personal exercise of conscience or personal application of the law. But we are not convinced that this defect is inherent to casuistry itself, or that it characterized the work of Ames, Perkins and Baxter. Moreover, it is not altogether clear that casuistry, even defective casuistry, eliminates the intermediate step of formulating applicatory rules. Quite the opposite seems to be the case, namely, that defective casuistry tends to multiply such rules to the point of hiding the living connection between the divine command and the situation.

Thorah and casuistry

One important service that casuistry may render for moral nurture within the church is to educate believers in accounting for their use of Scripture in various applications where there is no direct command from God. This education could profitably begin with developing a proper understanding of the nature and function of the Old Testament *thorah* in the life of Israel.

The Hebrew word *thorah* can mean 'direction', 'instruction', 'law', 'custom', 'manner' (Gesenius: 435-36). It derives from the verb *yarah*, meaning 'to shoot', 'to throw', 'to aim'. Restricting the meaning and function *thorah* to its legal, juristic connotation may be due to the Septuagint use of the word *nomos* ('law') to render *thorah*. In any case, this restriction is inaccurate, since *thorah* can also describe prophecy (cf. Isa. 1, 10; 8, 16) and the counsel of the wise (Prov. 13, 4). This restriction is also unfortunate, for it obscures the pedagogical function of *thorah* in the life of Israel. Laws (*nomoi*) and law-codes are for settling disputes (legal cases), whereas *thorah* is for more than that. Old Testament *thorah* is *preached law*, preaching that stipulates motives, assigns goals, issues reasons, and makes appeals—in other words, heart to heart communication, covenantal revelation (cf. De Jong 1987, *passim*).

Seen this way, Israel's *thorah* contained not a complex juristic system, but a guidebook or manual outlining the principal features of living with God (Trimp: 17-24). Even such an intricately written book like Deuteronomy bears the marks, not of a *codex iuris*, but of *instruction* and *paranesis*. Like a father, God appeals to the hearts of His children, seeking to cultivate their inward assent in response

to His gracious deliverance. When God gave the *thorah*, He told Israel, ‘For this commandment which I command you today is not too mysterious for you, nor is it far off. . . . But the word is very near you, in your mouth and in your heart, that you may do it’ (Deut. 30, 11.14). In short, the Pentateuch proclaims *covenant law*.

In contrast to the Code of Hammurabi, for example, or the Hittite and Assyrian law codes, Israel’s *thorah* applied only a few basic rules to various situations conceivable in her new homeland. For this reason, we are not wholly satisfied with the description of Old Testament laws as ‘case laws’ or ‘casuistic expansions’ of the Decalogue. These laws are too incomplete, far too incomprehensive, to justify such a description. Rather, with the Father’s *thorah* lessons memorized and mastered, further application of the commands to concrete cases was left to the individual Israelite, or if necessary, to the judges appointed throughout Israel. Moreover, although the Bible contains instances of applying general principles to particular cases (cf. 1 Cor. 7, 1; 8, 1; 12,1), the Bible contains no theological discipline known as ‘casuistics’ or casuistry. Because casuistry is the product of our reflection on the Bible’s content, we should avoid describing Mosaic legislation as casuistry.

We heartily concur, therefore, with the observation that the Pentateuch, especially Deuteronomy, is not concerned with refinements of technical, juristic formulation, but with education in ‘the feeling for justice’ by means of examples whose lessons were designed to order Israel’s life and to inculcate divine morality (Eichrodt: 74-97). The Bible furnishes us with no code of civil jurisprudence. Rather, the Old Testament *thorah* is pedagogical proclamation.

W.H. Velema helpfully observes that the norms revealed in the Pentateuch consist in both the Decalogue (a constitution) and expansions (*uitwerking*) of the Decalogue by means of applications to Israel’s situation. Both the general principles and their particular applications belong to biblical revelation. Rather than viewing these expansions as positivized norms arising from Israel’s (or Moses’s, or even our) creative interaction with the basic commands (De Jong: 10-11, 13; Heyns: 182-183), Velema wishes to emphasize that these expansions possess full canonical authority. They came from God, through Moses (cf. Kwakkel: 978). Similarly, the New Testament presents us not with God’s Word and Paul’s opinion, but with God’s Word through Paul’s inspired, and therefore canonical, application thereof.

To this we wish to add the claim that the healthy (i.e., pedagogical) use of casuistry can be restored to Reformed ethics by emphasizing that the ‘move’ from constitution to outworking in the Old Testament (as in the rest of Scripture) possesses canonical and pedagogical authority for the church today. This ‘move’ teaches us (even as it taught Israel) many lessons about proper *motives* in applying normative principles—motives like grace, freedom, holiness, and enhancing life. The ‘move’ from general to particular in the Bible also teaches us (even as it taught Israel) about the true *goal* of applying principles, namely, freedom, life, and blessing. Moreover, God’s use of His own word was designed to inculcate moral maturity by nurturing the apprehension of the hierarchical structure of His law. Ranking values and distinguishing among norms and rules—ethical discrimination—belongs to ethical discernment (cf. Heb. 5, 10.14). In a

moral pinch, loving God outranks all other loves; people are more important than property; mercy is more important than ritual; and so on. In this sense, then, it may be useful to speak of the *thorah* as a paradigm for our own casuistry (cf. Wright 1983: 43, and 1995: 115-116). (For a stimulating discussion of casuistry as a strategy for moral instruction in the Christian school classroom, see Wolterstorff: 101-105. Another important resource for the description and purposes of moral education is Brillenburg Wurth.)

How Father moved from constitution (Decalogue) to outworking was designed to teach His children, among other things, how they themselves were to do it when later they reached the age of majority and were 'on their own'. For the day was coming when the Spirit would come and write God's *thorah* on their hearts (Jer. 31, 33; cf. 32, 40). That day has now dawned, the day when the ascended Christ gave to His church, along with His Spirit, the offices of apostles, prophets, evangelists, pastors, and teachers, for the equipping of the saints for the work of ministry, for the edifying of the body of Christ, till we all come to the unity of the faith and of the knowledge of the Song of God, to a perfect man, to the measure of the stature of the fullness of Christ; that we should no longer be children . . . but may grow up in all things into Him who is the head—Christ . . .' (Eph. 4, 11-16; cf. 1 Cor. 3, 11; Heb. 6, 14 and 12, 7).

'Ethische bezinning' as the rehabilitation of Reformed casuistry

This essay arises from deep respect and gratitude for the contribution of our esteemed colleague and pedagogue, J. Douma, to the international community of Reformed churches. God has provided him the sustained energy and effort required to produce a comprehensive body of writing that is balanced and thorough, ethical reflection that is biblically satisfying and realistic. We thank God for such a legacy.

And we acknowledge that to whom much is given, from him much shall be required. Such divine blessing comes with a solemn obligation. Our calling is to work with this theological contribution as ministers, elders, deacons, indeed, as Reformed believers. One of the most stimulating features of the task belonging to Christian ethics, someone has written, lies in relating God's commandment to the actual, living situation (Velema: 103). Because it shows exemplary fidelity toward God's commandments and patient honesty in applying them to a host of contemporary situations, J. Douma's corpus of moral reflection can, under the Lord's blessing, constitute the modern rehabilitation of healthy Reformed casuistry, and thereby fulfill the ministerial function of Christian ethics, namely, to serve the church in her task of moral nurture.

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