SITUATION ETHICS AND OBJECTIVE MORALITY

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IT HAS BEEN SAID that the term "situation ethics" or its equivalent "contextualism" has become too large to be meaningful. In an article in the *Harvard Theological Review*, James Gustafson convincingly shows how the term covers moral systems which significantly differ from each other. He even maintains: "The debate between context and principles. . . forces an unfair polarization upon a diversity of opinion that makes it both academically unjust, and increasingly morally fruitless. Persons assigned to either pole are there for very different reasons, and work under the respective umbrellas in very different ways."[1]

Gustafson is obviously right in asserting that men come to contextualism from different starting points and that "the place from which they start sets the pattern for what considerations are most important in the delineation of Christian ethics."[2] It is equally certain that "moralists of principles" differ considerably from each other. But the assertion that the distinction itself between situation ethics and ethics of principles has become too vague to be a fruitful topic of discussion is true only if the meaning of the term "ethics of principles" is extended beyond that of "objective morality." Such is obviously the case for Gustafson, who includes under ethics of principles several authors whom objective moralists would definitely characterize as situationist (in fact, all the moralists whom he discusses with the exception of Paul Ramsey). From an "objective" point of view, Gustafson's distinction is a distinction *within* situationism.

It is the thesis of the present article that the distinction between objective morality and situation ethics remains relevant and even necessary to a fruitful discussion. Both objectivists and situationists complain that the other party misrepresents their position. This confusion indicates that the distinction between the two trends of thinking

[1] James F. Gustafson, "Context versus Principles: A Misplaced Debate in Christian Ethics," *Harvard Theological Review* 58 (1965) 192.

[2] *Ibid.*, p. 185.

is not clearly defined. To clarify this distinction situationism must be divided into two entirely different moral approaches.[3]

One asserts that objective norms can never be absolute. The other rejects *any* immanently human standard (subjective or objective) as an absolute criterion of morality. The former approach, which is primarily philosophical, has both secular and religious adherents. It is an emphatic assertion of the irreducibly subjective character of human freedom against any moral system which subjects this freedom to the norms of its own objective expressions. The latter approach is theologically inspired: its followers are mainly Protestants who wish to develop a moral theory that is more consistently in accord with the Christian revelation of sin and redemption than a morality based upon the natural law.

We will discuss both approaches successively, even though they cannot always be kept distinct. Those who favor the philosophical line of thought often introduce theological elements into the argument. Similarly, all "theological" situationists at times borrow from a philosophy of the subject. Still, the two standpoints are so basically different that they must be treated separately.

THE PHILOSOPHICAL APPROACH

A common objection leveled against situation ethics is that it has no absolute principles. Nothing could be more false. For the situationist, the human person is an absolute value that cannot be subordinated to anything else. It is precisely because of its absolute character that he refuses to subjugate the original, subjective impulse of freedom to principles arising out of the objective expression of this freedom.

The situationist agrees with the objective moralist that human nature is an absolute norm of action. But he basically disagrees on the definition of this nature. For him, the nature of a free being is exactly the opposite of an objective, given datum: it is subjective creativity. Whatever promotes creative freedom is moral; whatever hampers it is immoral. True, this rule provides no ready-made solution for every possible moral problem. But the crucial question in morality is not whether the ethical rule prescribes a universal line of action for each

[3] This is not meant to deny further distinctions within situationism, but only to limit the discussion to what is absolutely essential from an objective point of view.

particular situation, but whether it provides man with *certain* guidance in each situation for bringing his behavior in conformity with his true (primarily subjective) being. And this, the situationist claims, his principles do.

The situationist refuses to accept objective rules of good and evil as absolutely valid because the moral intention cannot be determined exclusively by the objective structure of an act (even if this structure is correctly evaluated). Good and evil belong to the interior realm of freedom *before* belonging to the objective expressions of freedom. Of course, the situationist is well aware that subjectivity is not pure inwardness; the human subject necessarily expresses itself in objective forms. For that reason, man must also lay down objective rules for conduct. Situation ethics must not be confused with Kantian ethics, in which the morality of an act is determined *entirely* by the intention, independently of the object as such. Yet, objective rules alone are insufficient to determine morality, since freedom always retains an absolutely unique element of subjectivity which cannot be circumscribed objectively.

The insufficiency of objective norms as absolute criteria of morality was first worked into a moral theory by Søren Kierkegaard. According to the Danish thinker, inwardness is the essence of man as free being. It also is his ultimate end, attainable only in a confrontation with the transcendent Ground of his freedom. In striving toward inwardness, freedom leaves behind all its objective expressions as essentially inadequate. No objective moral standards, then, can properly measure the inward movement of the spirit. Nevertheless, Kierkegaard emphasizes, the moral law is important as an indispensable steppingstone toward the religious stage of life. Only he can transcend the law who has seriously tried to live up to its demands. Even *within* the religious life the moral law remains important (at least in Kierkegaard's later writings), since it now becomes reincorporated into man's relation to the transcendent: the fulfilment of the law becomes an act of religious love.

I am not sure that situationists today would follow their great precursor on this last point. For them, the creativity of freedom commences forever anew and the objective norms that guided man's behavior in the past can never be more than empirical guidelines,

assisting him but not compelling him in the present realization of his freedom. If people think that objective norms are absolute, this is only because until recently man's general state remained relatively stable. Walter Dirks, a Catholic situationist, writes:

> A peasant's son, held by the regulations of his milieu to be a peasant, and growing up in a world penetrated with the duties of his state in life, was far less in a position than his counterpart today not to know what God wanted from him. What God expected from him was that he become a good peasant, and that meant doing in his place and time everything that a good peasant had always done; he had only to ask his elders and to do what they all did. The simpler and the more solid are the rules of the social order in which the possibilities of the human being are firmly and clearly articulated, the more is good realized in acceptance and submission.[4]

However, as the human condition has undergone a succession of rapid changes and placed us in entirely new situations, the rules of the past appear to be less universal. Situation ethics brings out the often-neglected element of creativity which should weigh heaviest in any moral theory.

Yet, the objective moralist cannot but wonder whether this isolation of the subjective aspect of freedom from its objective expression must not become self-destructive in the end. As Father Herbert McCabe pointed out in *Commonweal*,[5] without objective norms the situationist is not able to define, much less to apply, his own criterion of morality, namely, love or respect for the human person. Even to evaluate the "situation" itself, he must recur to objective norms. Who in a conflict situation should have the priority of my love? What is the most moral expression of love, for example, toward someone who seems to need the love of a person whom he or she is unable to marry? To leave such questions to one's creative subjectivity can only result in utter perplexity, or in a self-deceiving rationalization of emotional inclinations. Freedom is subjective, but it realizes itself in an objective world.

The situationist will retort that the attitude of the objective moralist is not so very different from his own. To certain acts he applies principles which he does not apply to similar acts in different situations. Of

[4] Walter Dirks, "How Can I Know What God Wants of Me?" *Cross Currents* 5 (winter, 1954) 81.

[5] Herbert McCabe, "The Validity of Absolutes," *Commonweal* 83 (1965–66) 436.

what avail are objective, general rules when, in the final analysis, the situation alone determines whether we will apply them or not? Is the objective moralist not deceiving himself in maintaining universal principles?

Here it is the objective moralist's turn to complain that his position is misunderstood. True enough, an identical act can be good in one situation and bad in another. No general precept of veracity binds the prisoner of war interrogated by the enemy about military secrets of his country. But does this mean that no universal precept applies to this case? Not at all, for one and the same universal principle may very well have two opposite applications. In this case the universal precept is not "to speak the truth under any circumstances" but "never to use language in a way which jeopardizes man's life in a community." This precept both obliges man to speak the truth to whoever has a right to it, and forbids him to reveal a truth that could seriously endanger the safety of his legitimate society (even though he would have to mislead those who seek its destruction). In the latter case, speaking the truth would destroy the very value which the precept of veracity is supposed to protect. What we have, then, is a truly universal and objective principle that must be applied in different and sometimes contrary ways depending upon the situation. Yet, it is never the situation itself nor my subjective impulse which ought to determine the course of action. To be moral, a decision must synthesize a *universal* moral principle with an *objective* evaluation of the present situation.

The situationist is quite right in pointing out that some concrete precepts exclude the application of others. But the objective moralist rejects his conclusion that *therefore* no moral principles are universal. The questions to ask are: "Which essential values of human nature are at stake?" and "How can I do justice to *all* these values without excluding any one of them in the present situation?" In trying to answer the second question, I may discover that a concrete maxim used in similar circumstances to promote a value may in a particular case jeopardize another equally essential value. The only conclusion which follows from such a discovery is that *this particular way of pursuing* the value is inadequate and should be rejected, for no essential value may be pursued to the exclusion of all others.

Here the situationist will object that it is impossible to do justice to

all essential human values involved in a particular situation and therefore one must at times choose one value while deliberately excluding another. However, this statement reveals a pessimism concerning human nature which the objective moralist is unable to share. To settle for the lesser of two evils may seem necessary to the situationist. To the objective moralist it is immoral, because human nature cannot contradict itself to the point where every possible course of action in a particular situation becomes destructive of an essential human value. The whole discussion, then, turns upon two opposite concepts of human nature. Now this opposition may well be caused by different theological positions. But just as often the situationist's stand is simply a reaction against an outdated, static concept of human nature. This concept is seldom explicitly stated, but it becomes painfully evident in the way the moralist handles casuistics. The assumption underlying most casuistic ingenuity is that, *since human nature remains always the same*, moral science can work out enough "cases" over a period of time to protect all essential human values in all possible situations. The casuist, then, attempts to foresee every eventuality so that even the most concrete precept becomes provided with some sort of absolute universality. Wherever *that* situation occurs, *this* solution applies. Of course, the casuist is the first to admit, moral textbooks have to be updated, but this is mainly a matter of addition and subtraction: the new editor's task consists in integrating into the existing system the situations created by recent technological inventions, and in eliminating those situations which have become obsolete.

Many situationists, though feeling the inadequacy of this solution, still unquestioningly accept the premise of a static human nature. They have resigned themselves to the contradiction and see no other way to evade it than by a retreat into the purely subjective.[6] Such an attitude is unsatisfactory from a theoretical viewpoint. Still, it deserves credit for implying at least on a practical level that human nature is not the immutable, given entity which the traditional casuist all too frequently assumes. Freedom excludes the possibility of drawing up a set of *definitive* concrete moral rules. Man's cultural and moral evolution

[6] Let it be noted that the position described here is primarily a Catholic one. The Protestant situationist deduces his conclusions mostly from theological premises which we will discuss later.

requires much more from the moralist than a mere adaptation of his long-established solutions to the present state of technological progress. To use one example, the basic question in the current problem of birth control is not whether the newly-invented steroids must be termed "sterilizing" or not, as if that could decide the entire moral issue. The real problem is whether a temporary sterilization (or whatever one calls a deliberate interruption of the ovulatory process) which was considered to be illicit in the past, is still immoral when the total human situation with respect to procreation has become basically different.

The objective moralist is undeniably right in assuming that human nature remains *basically* identical and, consequently, that its most *fundamental* principles are absolutely universal. But these principles are to be specified in a number of particular precepts, and if the moral law is the law of a dynamic, self-creating being, most of its particular precepts cannot be fixed once and forever. The distinction between absolutely universal principles and their less universal specifications is not a new invention in objective morality; it was already made by St. Thomas Aquinas in the *Summa theologiae*:

> We must say that the natural law as to the first common principles is the same for all both as to rectitude and as to knowledge. But as to certain more particular aspects, which are conclusions, as it were, of those common principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge, and yet in some few cases it may fail both as to rectitude, by reason of certain obstacles . . . and as to knowledge.[7]

Even more explicit is a seldom-quoted text of *De malo*:

> The just and the good . . . are formally and everywhere the same, because the principles of right in natural reason do not change. . . . Taken in the material sense, they are not the same everywhere and for all men, and this is so *by reason of the mutability of man's nature and the diverse conditions in which men and things find themselves in different environments and times.*[8]

This essential distinction between an absolute and a relative element in the moral law receives hardly more than lip service from many objective moralists. That is precisely the reason why situationists tend to go to the opposite extreme and deny the existence of any universal objective principles. But in doing so, they seem to adopt the thesis of

[7] *Sum. theol.* 1–2, q. 94, a. 4. [8] *De malo* 2, 4, ad 13 (italics added).

the most rigid natural-law moralists, namely, that any relativization of the concrete moral precepts jeopardizes the universality of *all* objective moral principles. This, however, is a false assumption; for the distinction between universal principles and less universal applications of these principles by no means implies that all concrete moral precepts allow of exceptions. Some acts are always and under any circumstances destructive of an essential human value. An act of adultery, for instance, cannot but violate the universal precept of justice and is therefore always wrong. The biblical example of Judith is often cited as a proof to the contrary. But if Judith's intention was to seduce Holofernes to adultery (which is not altogether clear from the text), even the most flexible objective moralist will find no better explanation for her action, I am afraid, than the primitive character of Judith's (or the author's) moral consciousness. That the narrator commends her for her patriotism is quite irrelevant. The books of the Bible reflect the moral mentality of their authors' time and environment. They reveal the religious meaning of man at a particular stage of his moral development, but by no means do they indicate that this stage has attained the highest ideal of moral refinement.

THE THEOLOGICAL APPROACH

So far we have interpreted situation ethics merely as a reaction against a rationalist and ahistorical moral-law theory. For Protestant moralists, however, situation ethics is obviously more than that. The basic reason for their disagreement with natural-law theory is not, as is sometimes said, a misunderstanding of the theory due to the shabby and inaccurate manner in which it is set forth in some standard texts, but rather a different theological concept of human nature. Any ethical theory which neglects the difference between man's situation before and after the Fall must look a priori suspect to the Protestant. Only in the original state of innocence could human nature provide an absolute norm of morality. After the Fall this original nature became an unattainable ideal rather than a realistic moral norm. The notion of an absolute natural law that continues to rule in man's present condition is, for the Protestant situationist, an unsuccessful attempt to maintain identical moral norms despite drastic changes in man's moral condition. The distinction between invariable, universal principles and the vari-

able precepts through which these principles are to be applied has, in his eyes, no other function than to "adapt" the law of man's innocence to a situation in which this law can no longer be fully observed. Rather than camouflage the relativity of any moral law in the fallen state of man by a contrived and ineffective absolute law, the situationist openly admits that since the Fall human nature can no longer be an absolute norm of morality.

The natural-law moralist will undoubtedly reply that this is a misinterpretation of his concept of "relative" precepts. The moral law was already relative before the Fall; the relativity does not result from any concessions to the corruption of human nature, but from the necessity of applying the absolute to a variety of situations.

The answer is correct, and many Protestant situationists would undoubtedly do better to study first the basic meaning of the concepts which they reject. Yet, I fear, a better understanding of the terms will still not convert them to the natural-law position; for the essential question remains whether human nature after the Fall is still able to provide an absolute norm for action. The answer of Reformed theology to this question has been traditionally negative and would, therefore, seem to be irreconcilably opposed to a natural-law morality.

Still, modern theologians engaged in rethinking the historical element of the original sin seem to become increasingly reluctant to found the relativity of all natural law upon historical change of which we know nothing. Perhaps we may therefrom conclude that man's sinfulness no longer provides as strong a basis for rejecting a natural-law theory as it used to do.

More emphasized today is the different way in which Reformed theology conceives of God's relation to man. By its subjective, strictly personal character, this relation eschews the dominion of objective rules. While Catholics usually think of grace as an objective, common state provided through the Church and the sacraments, salvation for most Protestants means a unique and strictly personal call of God in Christ. But if the call is personal, so are the obligations. What God expects from His elect does not necessarily coincide with the immanent laws of human nature. Abraham's sacrifice is there to illustrate this. Any immanent determination of God's relation to man jeopardizes its transcendent character and is an assault on His absolute supremacy. Of

course, insofar as the world is a coherent totality, it is intrinsically bound to certain objective rules which God Himself must respect. To break these rules constantly could only lead to chaos and destruction. But there is no reason why the divine election of an individual person must be subjected to similar restrictions.

The usual Catholic objection to this attitude is that God must be consistent with Himself. If He has created man in accordance with certain laws, He owes it to Himself to respect these laws. As Josef Fuchs, S.J., puts it: "God's personality and freedom do not exclude but presuppose that his own essence is 'given before' all personal and free volition. It therefore constitutes the 'measure' of everything. God, precisely because He is God, cannot deny or give up His own essence. Likewise, He cannot deny or give up the image of His essence which is man."[9]

But is this objection really responsive to the Protestant position? If God's demands in the order of salvation would constantly be in conflict with the objective requirements of human nature, they would obviously jeopardize His creation. But the Protestant situationist does not hold such a position. He does not even deny the existence of some sort of objective moral law. He merely says that this law is insufficient to express man's personal relationship with God in Christ. Objective moral laws promote man's *immanent* development. But they must not restrict man's obedience to transcendent divine orders, even if those orders occasionally conflict with these laws. God's commands can no longer be called transcendent if they are entirely subjected to the rule of man's immanent laws. Moreover, the Protestant situationist may turn the tables upon his opponent by pointing out that too much insistence on the necessity of a strict conformity between the transcendent and the objective immanent order could have results which the Catholic would be most reluctant to accept. It would, namely, exclude all miracles as arbitrary interferences of God with the universal rules of His own creation. Finally, references to the image of God such as the one in the above-quoted text are preposterous as long as we have not defined to what extent this image is preserved in man's sinful nature. Can we call objective morality a pure reflection of God's own essence? This question

[9] Josef Fuchs, *Natural Law* (New York, 1965) p. 129.

must be settled before the objective moralist can ever hope to convert the situationist to his position.

A third and perhaps even more basic Protestant objection to the natural-law theory is shared by many secular moralists. We mentioned it in the beginning of this article. An objective ethical system cannot do justice to the creative element in morality. Man must *seek* what is right for him, and this search will never be finished. Right and wrong are not simply given. Even to say that he "discovers" moral values is not sufficient if it implies that values pre-exist to his finding them. Moral values are never simply there; they are created in the moral act itself. What goodness is becomes clear only in good acts. Moral goodness exists only to the extent that people are actually good. Men of heroic virtue, therefore, are much more than examples; they are authentic creators of moral virtue.

If one agrees with this position, the only relevant question with respect to the present discussion is whether man's moral creativity is better preserved in situation ethics than in an objective moral system. Many objective moralists would deny this. The absolute "obedience" to God's Word which some situationists advocate is hardly more creative than the most rigid natural-law theory (e.g., Emil Brunner in *Das Gebot und die Ordnungen*). Whether it is God's Word that orders me or an "immutable law of nature" makes little difference. Many situationists have broken through the legalism of "nature," only to fall victim to an equally rigid legalism of the Word of God. Their morality still consists in fulfilling obligations that remain extrinsic to personal freedom. What is needed is not another extrinsic source of moral obligation, but a more dynamic concept of human nature. Such a concept can be worked out within an objective moral system as well as in situation ethics.

But that is not all; for the objective moralist will object that in denying the absolutely normative character of all objective rules, the situationist, instead of liberating the creative aspect of freedom, merely ends up with an aimless impulse. It is true enough that no fixed norms can adequately determine the course of human freedom. Since freedom is an inventive and creative forward surge, human nature—that is, what is given originally and what has been acquired through past

decisions—can never provide a definitive rule of action. But this does not mean that freedom determines itself in a vacuum. Freedom can exercise itself only *within* the objectivity of nature. Unless it respects the objective, given part of the self, the creative impulse becomes destructive.

CONCLUSION

The preceding confrontation between objective morality and situation ethics calls for a theory that combines the subjective-creative with the objective-rational element of freedom. No moral system in the past has done full justice to both these elements. Nor does the concept of natural law, with its heavy hereditary taint of objectivism and rationalism, seem particularly apt to reconcile both views. Nevertheless, some absolute objective and immanent standard appears to be indispensable.

The main problem is whether such a standard would be acceptable to both Protestant and Catholic theologians. Catholics have traditionally maintained an objective moral theory. But usually it was done in such a rigid and inflexible fashion that the dynamic aspect of human nature completely disappeared. In principle, however, Catholic theology does not object to a more dynamic moral theory as long as the notion of an objective moral law is preserved.

Nor would an objective basis of morality conflict with Reformed theology. Few Protestants would deny that human freedom implies some intrinsic norms independent of any revelation. We do not need the gospel to recognize that mass murders in concentration camps basically conflict with the dignity of man. Some may perhaps argue that without Christ's redemption human nature cannot avoid committing such crimes. But everyone will admit that non-Christians are able to *recognize* these acts as essentially immoral and that they do not indulge in them any more than Christians do. Protestant situationists may object that natural law cannot be a *sufficient* norm for Christian ethics. We wholeheartedly agree with them: nature can provide only general norms and some negative concrete precepts. But at least one must admit that there is some basic standard of morality which can be known without the aid of the revelation. It is important to stress this at a time when all men must co-operate to prevent certain criminal actions of recent history from ever being repeated.

Nor does the acceptance of man's nature as an absolute moral norm interfere with the strictly personal aspect of his relation to God. This relation is not made less personal by the fact that all men participate in the same incarnated freedom. Objective guidance in the exercise of freedom does not eliminate the ineffable character of the choice. Each man's vocation, therefore, remains unique and incomprehensible to others, even though it shares with others the same objective rules for the preservation of a common nature.

Protestants justifiably refuse to accept every single law that Catholic moralists, at one time or other, have presented as "natural law." In fact, none but the most general (and, I think, negative) precepts can ever be safely said to belong to the moral law of nature. However, the purpose of this discussion is not to discover a set of unchangeable concrete precepts. The position here presented has nothing in common with that of the objective moralist who overlooks the dynamic, personal aspect of human nature and simply attempts to present all rules that were indispensable at one time as eternal laws of God. My point is rather that a dynamic concept of nature and a personal relation to God are not incompatible with absolute moral objectivity. Indeed, without such objectivity man's moral activity is bound to operate in a vacuum. Not even a nominalist philosophy in which God's free decision alone makes good and evil could prevent such a position from being ultimately self-destructive.