

The Conservatism of Situation Ethics

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by James Tunstead Burtchaell, CSC

Englishmen curious about the New Morality, and fatigued by the well-known but amateurishly incompetent exposition it has suffered from certain domestic divines, are benefited by the publication here of Joseph Fletcher's *Situation Ethics* (SCM: 1966; 25s). The author is professor of social ethics at the Episcopalian seminary in Cambridge, Massachusetts, and has been active in ethical debate since the days when the Old Morality was the Newest thing around.

Dr Fletcher, if I understand him correctly, repudiates the Old Morality because it is legalistic. It takes the form of a code, a list of commandments which assign an invariable moral value to certain acts. The circumstances attending these acts may, it is granted, slightly modify their morality. But the ultimate and over-riding source of good and evil is the very nature of the acts. Against such a view Fletcher urges that no action is good or evil in itself. It cannot be judged in isolation from its meaningful and meaning-giving context of circumstances. The morality of any action is correlative to the love it expresses. Admittedly there are many deeds which are usually sinful (*e.g.*, abortion, lying, arson, extramarital intercourse). This is not because they are intrinsically evil acts, but because they most often embody selfishness, exploitation of one's neighbour, and irresponsibility. In certain extraordinary circumstances these actions might so bespeak commitment and caring and sincerity that, viewed in their contextual totality, they would be adjudged good and virtuous. Since morality is not intrinsic to acts, we can never resort to inflexible ethical laws or norms. At best we can employ maxims, from which we must always be prepared, in some situations, to deviate.

We are offered, says New Moralist Fletcher, only three ethical approaches. There is legalism, which lays down a code of predetermined norms, commandments that establish invariably which acts are good and which evil. Catholics have tended to derive their laws from reason, while Protestants customarily extract theirs from the Bible. But there is little difference: both pharisaically reduce Christian ethics to a manual of absolute rules for mechanical consultation. Secondly, there is antinomianism, which reckons every human event to be so singular and incomparable that no principles could possibly have universal validity. One must wait until the moment of decision, and trust to the guidance of the Spirit to inspire a spontaneous moral judgment 'on the spot'. Situationism is deftly presented as an alternative to these two extremes. 'The situationist

enters into every decision-making situation fully armed with the ethical maxims of his community and its heritage, and he treats them with respect as illuminators of his problems. Just the same he is prepared in any situation to compromise them or set them aside *in the situation* if love seems better served by doing so' (p. 26). Fletcher will neither be bound by norms nor discard them entirely. He accepts them, but only as cautious generalizations, working rules that are expected to break down in extraordinary circumstances. He 'keeps principles sternly in their place, in the role of advisers without veto power!' (p. 55).

'Natural law' ethics has customarily claimed to deduce its first principles from a study of man and society. Dr. Fletcher states that the first principle of situation ethics cannot be deduced, validated, or even discussed. There is no metaphysic that can lead the mind up to faith, by proving that God exists. Likewise there is no reasonable argument that can prove that man ought to love. It is the irrational, arbitrary leap of faith that 'posits' love as the *summum bonum*. Christian morality sets out from a decision, not from a deduction. 'Any moral or value judgment in ethics, like a theologian's faith proposition, is a *decision* – not a conclusion. It is a choice, not a result reached by force of logic, Q.E.D. The hedonist cannot "prove" that pleasure is the highest good, any more than the Christian can "prove" that love is!' (p. 47).

Situation ethics, the author tells us, is no system, no computerized conscience with answers to moral dilemmas. He nevertheless consents to formulate the insights of his method in six propositions:

1. *Only one 'thing' is intrinsically good; namely, love: nothing else at all.* Fletcher sides firmly with the nominalists, who say that goodness is only a predicate, never a property. Nothing possesses moral value by itself; it can only be assigned value by reference to persons. 'Hence it follows that in Christian situation ethics nothing is worth anything in and of itself. It gains or acquires its value only because it happens to help persons (thus being good) or to hurt persons (thus being bad)' (p. 59). Goodness, then, is nothing intrinsic or objective; it flows solely from the loving purpose with which one acts for the benefit of other persons.

2. *The ruling norm of Christian decision is love: nothing else.* Immature Christians would always rather escape the burdens of responsibility. Law ethics has been a comfort to such folk, because it replaces freedom with security. There are no dilemmas to be faced, only statutes to be consulted. The situationist, rejecting the plea of Dostoevski's Grand Inquisitor, claims that there is only one absolute obligation: love. All other laws will sooner or later conflict with love, and are therefore only relative, unauthoritative, voidable.

3. *Love and justice are the same, for justice is love distributed, nothing else.* Fletcher deplores the traditional theological distinction between justice and love (justice gives a person his due, is obligatory; love

gives him beyond his due, is optional). Real love, he says, seeks the greatest good for the greatest number of persons. It is calculating, prudent, shrewd, and efficient; it uses its head, it figures all the angles. What might at first sight seem to be loving behaviour to one's immediate neighbour could, on a broader social calculus, show up as hurtful to the common weal. Conversely, treatment of individuals usually considered immoral may be justified by the benefits it brings to the community.

4. *Love wills the neighbour's good whether we like him or not.* With Bultmann he states, 'In reality, the love which is based on emotions of sympathy, or affection, is self-love; for it is a love of preference, of choice, and the standard of the preference and choice is the self' (p. 104). Love is not liking, not a feeling of benevolence. Feeling, in fact, is not capable of being commanded as love is. Love is impartial in that it focuses its concern, not on those neighbours who are liked, but on those neighbours who are more numerous or more in need.

5. *Only the end justifies the means; nothing else.* Means are neutral tools, with no moral content but what the end gives to them. Fletcher insists he is not advocating the choice of evil means to a good end; any means to a good end becomes, by that fact, good. He gives the example of two episodes in the American pioneer West, when parties of settlers were being pursued by Indians. '(1) A Scottish woman saw that her suckling baby, ill and crying, was betraying her and her three other children, and the whole company, to the Indians. But she clung to her child, and they were caught and killed. (2) A Negro woman, seeing how her crying baby endangered another trail party, killed it with her own hands, to keep silence and reach the fort' (pp. 124–25). Fletcher infers that the second woman made the right situationist decision. Taking one innocent life was good because by it many innocent lives were saved. The only self-validating end for a Christian is love; all means and subordinate ends must be justified by reference to that.

6. *Love's decisions are made situationally, not prescriptively.* Since it is impossible to know in advance, in ignorance of the situation and consequences of an act, whether it is loving or not, one must await the moment itself and make the ethical judgment then, not by consulting a prefab set of rules.

It is disappointing that Professor Fletcher's book, intended mainly as a critique of the Old Morality, has not located very accurately his real grievance with the traditional system. Ethics, especially Catholic ethics, has been much more situational than he seems to notice. It is very difficult, perhaps impossible, to find a single act which of its intrinsic nature, stripped of all circumstances, was presented as absolutely immoral. The old moralists used to say that blasphemy was the only intrinsically evil act they could think of – but, like suicide, it is difficult to imagine it as a sane act. In fact, the prohibitions of the Old Morality have all been highly situational;

the very definitions of lying, killing, stealing, etc., include situational factors. Lying is evil, they said, but lying is described situationally: telling a direct falsehood to someone who has a right to the truth, except in jocularity, etc. Killing is evil (unless it is the only means of self-defence against murderous assault, or the only effective means of sanction to protect a community from serious criminal harm, etc., etc.). Stealing is evil (unless to redress injustice, or when one's need is urgent enough to nullify another's claim to superfluous property, or the public good requires confiscation or nationalization, etc., etc.). The Old Morality never said that the situation was ethically negligible. On the contrary, it simply asserted that once certain combinations of disqualifying circumstances are present, no additional circumstances can redeem that default. Once it is established that the woman with whom a man performs the symbolic sexual celebration of total, unconditioned commitment is not in fact the person to whom he is so committed (*i.e.*, his wife), then the act is seen to be evil, no matter what other situational variables you may care to add. And once it is established that the person whom a man slays is entirely innocent (*e.g.*, an unborn child), the situation renders the act evil. Both Old and New Moralists are situational; but the one denies and the other affirms that a fundamental evil in the situation can be outweighed by other, good circumstances.

What Fletcher and others want is a set of maxims of general but not invariable validity, a system of guidelines with allowances for extraordinary situations that could justify otherwise sinful acts. On the level of popular morality this would, of course, conflict with the notion of commandments. But the real disagreement is even deeper. The Old Morality has held it as axiomatic that any human action involves four distinguishable ethical factors: (1) the motive of the agent; (2) the intrinsic nature of the act; (3) its foreseen effects; (4) the modifying circumstances. For an action to be morally good, all four factors must be good; for it to be evil, it suffices that a single factor be evil. Thus the theorem: *Bonum ex integra causa; malum de quocumque defectu*. (The fixation of Catholic moralists on sin is due, not simply to the fact that they wrote manuals for confessors, but also to the divergent attitudes of this theorem to good and evil. Determine that an action is good, and you say only that it *may* be done; numerous other good options are available. Establish that it is evil, and you say that it *must not* be done. In dietetics they say that fruits, cheeses, meats, wines, cereals, and milk are all possible features of a balanced diet, but no single item is a must. On the other hand, it can be said definitely that prussic acid is a must not. So with the soul, pathology is more definite than physiology; imperatives are attached more easily to evil than to good acts.) The Old Morality has held that goodness is indivisible: for an act to be good each separate factor must be good. The New Morality seems to contend

that goodness is divisible: the evil of one factor may be cancelled out by the prevailing good of the others.

Despite its name, situation ethics does not revolve on situation at all. Fletcher moves about – messily at times, it seems – from motive to consequences to situation. But the crucial factor in the method is motive. The system really should be called intention ethics. What is novel about it is the claim that any action, in any situation, with any consequences, is good if it is an action of love, and evil if an action of non-love. Love, urges Fletcher, is the only norm, the only measure. All ethical judgment must therefore revolve about purpose. It is essentially indifferent what forms a man's behaviour takes, provided this behaviour be the outward expression of inward caring. No one can ever be blamed if his intentions were good. In other words, the moral value of a man's deeds is wholly contained in the purpose he brings to them. It is precisely this axiom which I feel to be both the pivot and the weakness of the entire system. The New Moralists are saying that the moral value of an act is what you put into it. They neglect, it seems to me, that it also involves what you get out of the act.

On a phenomenological view, human behaviour consists of countless day-to-day actions scattered across the surface of our lives. Generally we put very little of ourselves into any particular act. We do not manifest our full and true person in any one moment. If we should be voluntarily crucified or something like that, we would most likely be drawing ourselves up to full strength, so to speak – but we are not often voluntarily crucified. Single actions are not expressive of our total character nor utterly decisive in our life. But over a period of time certain characteristic trends and traits appear, personality patterns emerge, an overall direction of our affairs is felt and observed. In a certain sense it is right to speak of a duality here – not a severance between intention and deed, but a dialectic between this fundamental option (let us say, our fundamental selfishness or selflessness) and the complex of individual actions. What I do and what I am are constantly interacting upon one another. My character discloses itself in what I do, yet can be shaped and modified by changes in what I do. My life works from the inside out and *also* from the outside in. In Christian terms, the state of grace and the state of sin refer to this deep level of fundamental option which is forming and stabilizing itself over the course of a lifetime. It would be difficult to localize conversion or serious sin within any singular act, and unobservant to assert that there could be much short-term oscillation between one fundamental option and its opposite. Yet these states are slowly entered and reinforced by the swarm of minor daily deeds. Fletcher, it appears, acknowledges only a one-way traffic: he points out – quite well – how purpose shapes deeds, but neglects that conversely deeds shape purpose.

This is illustrated by a case he presents elsewhere (*Commonweal*,

Jan. 14, 1966): 'How are we to "judge" the Puerto Rican woman in Bruce Kendrick's story about the East Harlem Protestant Parish, *Come out the Wilderness*. She was proud of her son and told the minister how she had "made friends" with a married man, praying God she'd have a son, and eventually she bore one. The minister, dear silly man that he is, told her it was okay if she was repentant, and she replied, "Repent? I ain't repentin. I asked the Lord for my boy. He's a gift from God." She is *right* (which, by the way, does *not* mean a situationist approves in the abstract of the absence of any husband in so many disadvantaged Negro and Puerto Rican families).' Herbert McCabe retorts in the same issue: 'No, not in the abstract, just in the concrete. "She is right" is a betrayal of the revolution that is required in East Harlem. Of course such a woman caught up and lost in the jungle of the acquisitive society may be blameless, may be a saint, and of course the first thing that matters is to understand and sympathize with her immediate position; but she is *wrong*. To say she is right is to accept, as she does, the social situation in which she lives. A genuine moral judgment cuts deeper than that; it questions such a "situation" in terms of something greater. When we say "You can't apply the same high moral standards to slaves as you do to us" we accept slavery as an institution. Of course to punish or condemn the slave for lying or stealing is to hit the wrong target; it is the masters who bear the blame, but the blame is for the slave's wrong action.'

Here we have a paradigm of the various moralities. The minister, representing the Old Morality, says the woman has acted wrongly, and is guilty. Fletcher says that her motives were good; in light of the local situation she has acted rightly, and is not guilty. McCabe says that in light of the total situation she has acted wrongly, but is not guilty (the guilt accrues to Harlem's makers). But all three positions are caught up in a superficial praise-and-blame morality. Fletcher does not adequately suggest that often the Christian's duty is not to conform to the situation but to repudiate it, even to refashion it. And even McCabe cannot be urgently committed to a revolution in East Harlem, if it likely that 'such a woman, caught up and lost in the jungle of the acquisitive society may be blameless, may be a saint.' The terrible thing about Harlem is that it smothers the integrity of its people, it makes them evil people. Harlem's makers are not those who kill the body, but cannot kill the soul. They are those who are able to destroy both body and soul in hell, and this is why Harlem is hell. It is never radical enough to admit that an evil situation has made the poor woman act wrongly, while leaving her blameless – it has wreaked a far more tragic evil upon her, it has made her absorb its evil values. (The same, of course, might be said of Chelsea or San Sebastian or Rome).

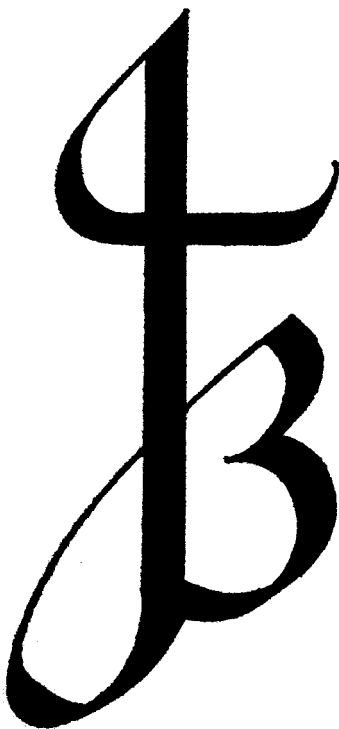
The myopia in a praise-and-blame ethics is that it ignores the dialectic between singular acts and overall orientation, deed and

intention. A morality that is concerned with guilt or innocence thinks of acts only as responsible expressions of the self, and neglects that they are also shapers of the self. Now the fact that repetitive evil actions incur guilt is extrinsic; the intrinsic, and to my mind more important, fact is that they make the doer less loving. A young boy who grows up in Harlem may, through no fault of his own, take his recreation by slashing automobile tires, robbing drunks, petty thieving, and taking heroin. It is absurd to suggest that, since there is no malevolence involved and he is the creature of his situation, he is doing right. It is irrelevant to say he is doing wrong, but that the guilt falls upon others. The tragedy is that morally he has been destroyed by a course of actions which he may have entered with no particular evil intent. A young girl who knows no better may take to bed with her a new boy-friend every week, simply because this is the accepted way of showing affection and holding a partner in her milieu. It is simply not meaningful to call her guilty or guiltless. What can be said is that she has corroded through unwitting misuse her own capacity to love. A north-country mine owner in the last century may have taken it for granted that young women and children were effective workers if put to crawling through tunnels, dragging loads of coal. He probably did not choose overtly to exploit them, yet gradually and imperceptibly the situation was likely to make him exploitative, and to kill his sensitivity and respect for persons. A child brought up in an unstable home has harm done to his loving-power that is not of his own choosing. Sin, it seems to me, has too often been imagined as a responsible decision to do evil. What I see of it seems rather to be a suffocation of responsibility through repetitive actions which generally avoid any open decision. We have made 'good' into a legal metaphor corresponding to 'responsibility' and 'guilt'; in a world where there is all too little responsibility but much evil, it seems not the most helpful metaphor to employ in theology, Old or New. Remember that in Christ's parable on judgment the condemned are sent away for offences that were unwitting; by doing unloving things they had become unloving, to their surprise.

Consequently my distress for the East Harlem woman is that with the best intentions, with the worst situation, she has done something which has hurt her. And my distress with the New Morality is that it is shallow and legalistic. It ignores that there are false, selfish, and evil actions which, regardless of our motives for performing them, can corrupt our ability to love, and that moral value is somehow objective as well as subjective. Situational variables may anaesthetize us to moral pain or mitigate the damage, but damage there is. We cannot long go through the motions of lovelessness without one day waking up to discover we have killed our love. Like Pontius Pilate.

One of the great weaknesses of the Old Morality is its refusal to

allow for extraordinary exceptions in its absolute laws. Indeed, *the* weakness is in using the notion of law at all. The New Morality's criticism of this weakness is disappointing because it is so half-hearted and conservative. It shares the Old idea that morality has to do with guilt or innocence, with responsibility. It thus ignores that much of the evil we do is not due to our evil intentions and purposes, but to the evil values that our cultural milieu foists upon us. A situation ethic should recognize more clearly that our situation is to a large degree evil, and that our worry should be to defend ourselves against the false values accepted in our society. Ethics cannot afford to be individualistic, when so much of the lovelessness in individuals is inherited from a bad society. The Christian's duty is so often to fight free of his situation, though he may be destroyed in the process. Like Christ.



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