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Father Wassmer believes that the task of evaluating situation ethics yields to the Christian moralist not only the rejection of errors, but also a freshness of insight which may help him to see and present the truth more clearly. It is suggested that the too facile presentation in some of our manuals of the concept of "acts intrinsically evil in their object" overextends the true application of the concept and, in the resulting confusion, jeopardizes a correct understanding and application of the Christian moral system.

A RE-EXAMINATION OF SITUATION ETHICS[†]

THOMAS A. WASSMER, S.J.*

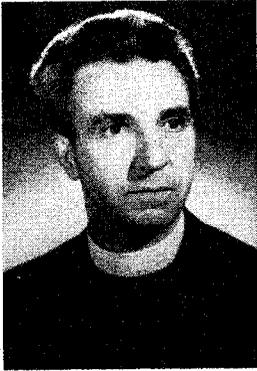
IT IS A SIMPLIFICATION in philosophical discussion to dismiss a theory at once by appealing to the refutation of the parent theory to which it partly owes its origin. All of us do this frequently and consider the technique adequate and useful for the immediate purpose we have at hand. We are inclined to sympathize with the principle that there is in the order of ideas something analogous to the Mendelian genetic theory in the order of physical characteristics. If we are successful in discovering the defective gene in the parent theory and in establishing with satisfaction the fact that it is defective, we feel justified in looking upon the descendants as the unfortunate and inculpable inheritors of this genetic endowment. It is not surprising therefore to learn that Situation Ethics has been sufficiently laid to rest in philosophical oblivion by resorting to the simple device of arguing that this new moral theory carries within itself the defective genes of Protestant theology and ethical relativism.

Now let the point be made clear that we are not denying the value and cogency of any argument that would properly orientate some new speculative theory in its due relation to other theories in the philosophy of ideas. We do recognize the child in the parent and one certain way of

[†]The present article is an extension in some detail of the discussion of certain aspects of Situation Ethics which appeared in Carr, *The Morality of Situation Ethics*, 5 CATHOLIC LAWYER 67 (Winter 1959).

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identifying the child is to relate the child to the parent. Nevertheless, even after this recognition of the child in the parent, the child still remains there to be explained — enigmatic, mysterious and elusive. So does Situation Ethics.



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For this reason we would prefer to see more consideration given to Situation Ethics from within itself or from the vantage point of some insights it sheds upon traditional moral philosophy. We can learn from error if it causes us to re-examine and re-explore our own position. We shall outline briefly some ways in which that analysis might prosper.

Denial of Objective Moral Principles

The principal characteristic of Situation Ethics in its most rigorous form is its resolution of moral problems independently of objective moral principles that are radicated in law. Pope Pius XII, on April 18, 1952, summed up very pointedly the general *esprit* of this new morality:

The distinctive mark of this new morality is that it is not based in effect upon universal moral laws, such as, for example, the Ten Commandments, but on the real and concrete conditions or circumstances in which men must act, and according to which the conscience of the individual must judge and choose. Such a state of things is unique and is applicable only once for every human action. That is why the decision of conscience, as the proponents of this ethic assert, cannot

be commanded by ideas, principles, and universal law.¹

The situationalist demands that the unique and total situation be considered in the moral evaluation of human conduct. In this confrontation with God in the conscience of man through the unique concrete situation, general norms are merely indicative and declarative of God's will, and there is not required the mediation of law to resolve the human moral situation. Absolute moral norms in concrete situations are not valid for the situationalist-ethician and law never mediates between the conscience and God. In fact he insists that ethics and religious living become increasingly more and more juridical and moralistic insofar as the mediation of law becomes more and more conspicuous and assertive.

It is not difficult to recognize the parent in the child and to refer to Existential Ethics' use of private interpretation in the moral situation just as Protestant theology uses private interpretation in doctrinal matters. If your background and training is philosophical, you will insist upon referring to this "ethical actualism" (another very appropriate term used by Pius XII) as Heraclitean morality of relativism in modern dress. These labels satisfy us for a short interval but they do not remove the difficulties that an impartial consideration of the facts will reveal upon closer examination. Let us consider some of the difficulties that are at once apparent.

¹ Pius XII, *Ad Delegatas Conventui internationali Sodalitatis vulgo nuncupatae "Federation Mondiale des Jeunesses Féminines Catholiques,"* ACTA APOSTOLICAE SEDIS 413, 414 (1952), transl. in *The Moral Law and the "New Morality,"* 78 IR. ECCLES. RECORD 138 (1952).

Negation of Intrinsically Evil Acts

The situationalist demands in the light of the unique moral situation a confrontation of the conscience with God without the mediation of absolute immutable law. He would equivalently deny that there are any acts that are intrinsically evil in the rigorous Scholastic meaning of that term. Such acts according to definition are always and in every circumstance (*semper et pro semper*) in difformity with rational human nature from their very nature prescinding from circumstances and end of agent. No one acquainted with this terminology will deny the difficulty in finding acts that will satisfy this definition. Many manuals in ethics give blasphemy as the sole example and then offer other meanings for the concept of intrinsic evil which water down the original significance. The other meanings for the term unavoidably introduce some minimal circumstances within the context of the object or *finis operis* before concluding to the act's difformity with rational human nature.

We do not quarrel with this procedure in introducing other meanings for the term but we question the silence of the authors in not admitting the problems confronting them when they use the term according to the strict sense. In fact we wonder whether there is any necessity in the presentation of the treatise on the concrete determinants of a moral act to establish the existence of intrinsically evil acts only in the rigorous sense of the term, when there are so few of them to stand up to the definition. Even the case of incest presents difficulties for the moralist and he finds it embarrassing to call it intrinsically evil from its object in total isolation of the circumstances and motive. The iconoclast Shaw made this

one of his targets in *Back to Methuselah*.

It should be understood that we are not saying that there are no intrinsically evil acts in the abstract but we are insisting upon the difficulties facing the Scholastic moralist who would search for such acts in the strictest meaning of that term and who would be satisfied with them after they have been found. It is a more prudent pedagogical method to propose less strict meanings for intrinsically evil acts and to discover multiple illustrations of these than to insist upon the definition for which the fewest possible examples can be found. Frequently the impression left with students is that the treatise on the moral act will be a jerry-built structure, because circumstances will assume too great a role in the moral act, unless it be established not only that there exist acts which are always from their objects in difformity with rational human nature, but also that to discover such difformities is a facile task and one that is routine in the development and application of moral science. The proposition that there are intrinsically evil acts is defensible whether the term is accepted in the rigorous meaning or not, but pedagogically it seems unwise to establish the proposition on grounds that the definition in the strict sense is easy to find examples for.

The situationalist of course goes much further than the negation of intrinsically evil acts in the strict meaning of the term. He denies also that there are such acts in the concrete. In fact his argument would be an a fortiori transit from the negation of such acts in the concrete to the necessary denial of such acts in the abstract. This rationalization by the situationalist may need some elaboration.

In the first place, the consideration of a

moral act in the abstract is the evaluation of the act from its object or *finis operis*, prescind from the other moral determinants, the circumstances and motive or *finis operantis*. If the act so considered from its object alone is always in difformity with rational human nature, it is an intrinsically evil act in the rigorous meaning of the term. We referred before to less strict meanings for the concept of intrinsically evil act. One such meaning refers to an act whose object includes a condition within itself, the fulfillment of which is requisite for the act to be considered intrinsically evil. Ethicians refer to "taking someone's property" as such an act; it becomes evil only if it is an *unjust taking* that violates the will of the owner. Many examples for this meaning of the term can be given. Possibly the best example to show the several qualifications or conditions that must be placed upon an act before it can be designated intrinsically evil is that of homicide. Homicide, defined nominally as the killing of a man, becomes intrinsically evil only if all these qualifications are superimposed upon it: *Direct homicide on one's own authority outside a case of legitimate self-defense and capital punishment*. If all these qualifications are assumed into a malleable object or *finis operis* of homicide, then such homicide may be denominated intrinsically evil and the proposition concerning the existence of such intrinsically evil acts becomes easily defensible. However, it should be realized that the expanding object has now included within its walls what are really constitutive and determining circumstances and that without these the object or *finis operis* would be so indeterminate as to render the act a morally indifferent one.

A third meaning for a morally intrinsically evil act arises from the consideration

that under normal circumstances this act produces evil consequences. Because these bad consequences consistently follow upon such an act (polygyny and perfect divorce are sometimes cited in this connection), it is called intrinsically evil. Granted the elimination of these destructive consequences under a special providence of God, such acts might become permissible. Thus do some moralists explain the toleration of divorce and remarriage in the Old Testament. Invoking the terminology of formal and material change of law, moralists would call such a change as this not a *formal change of law* but a change in the *matter of the law*, with the result that we do not have the precise kind of polygyny or perfect divorce which are forbidden, always and in every circumstance (*semper et pro semper*). We can understand that here we have no real change in law but a change in the context of the moral act by special divine providence. It is not polygyny or perfect divorce that is intrinsically evil in itself from its object or *finis operis* but polygyny or perfect divorce with these evil consequences necessarily associated. In other words, polygyny and perfect divorce are against the *bene esse* of marriage and not against the very *esse* of marriage.

Cardinal Position of Circumstances

Certainly, if the proposition concerning the existence of intrinsically evil acts has such acts in view, then the difficulties are reduced in finding examples to fulfill this definition. It would also seem to follow from this triple meaning of the term that circumstances do enter more and more into the confines of the object or the *finis operis* and these circumstances are determining and constitutive *sine qua non* conditions for such acts to be considered intrinsically evil.

When we analyze the moral determinants of an act according to object, motive, and circumstances we should constantly recall that even in the abstract there are very few acts that do not include some minimal circumstances within the object itself which are indispensable to the object before any inference can be drawn that we have here an intrinsically evil act. In other words, circumstances are not only required for an act in the concrete but even for an act in the abstract, that is, for an act considered only from its object, because the object is clothed with some minimal circumstances that are determining and constitutive.

This becomes most clear in the examination of the partial truth contained in Situation Ethics. The situationalist insists upon the primary role of circumstances and motive in the moral evaluation of any act whether the act is considered in the abstract or in the concrete. He denies that there are any acts at all which from their objects are always in difformity with rational human nature. The latter proposition is false and contains the fundamental error of Existential Ethics. The first proposition on the importance of circumstances in the consideration of an act in the concrete is a proposition that is easily understood by the philosopher who would admit the existence of morally indifferent acts in the abstract and the cardinal position of circumstances when these same acts are considered in the concrete. If the situationalist embarrasses us into recognizing the position of circumstances even in the consideration of most intrinsically evil acts in the abstract, then obviously this truth has been clarified by a theory which has manifold errors. Perhaps it is indiscreet to say that we should be grateful to error for this clarification and for the refinement

of what some would call a deeper insight into truth. It is no small insight into truth to see that there are the fewest intrinsically evil acts in the abstract if we accept the term in the rigorous meaning, and that the several other meanings of the term undeniably assume within the confines of their objects circumstances which are necessary to these objects even in the abstract before we can denominate such acts intrinsically evil.

Three Maxims Against Situation Ethics

The interrelationship of the three founts of morality — the object, motive and circumstances — receives added significance in the light of our examination. The latter two determinants in the direct confrontation of the antecedent conscience with God can never modify essentially and substantially the inner nature of the object or the *finis operis* as the situationalist demands. If the *finis operis* of a certain act in relation to rational human nature reveals it to be a deordination, then no circumstances or motive can ever alter this situation. This is merely to assert that the specific, essential and intrinsic morality of any act is derived from the object of the act. Pope Pius XII insisted upon the importance of these sources of morality by proposing three principles of Christianity.² First, it is true that God wants primarily and always a right intention. Nevertheless the work itself must be good and the principle of the end justifying the means must not be employed. It has been pointed out by some moral philosophers how the wheel of opposition to Christian teaching has gone full circle. In combating the forensic morality

² Pius XII, *op. cit. supra* note 1, transl. 78 IR. ECCLES. RECORD at 140-41.

of the Scribes and Pharisees, Christ had to emphasize the value of the internal act, the motive and the intention, and the insufficiency of the external deed unless it be inspired by the proper motive. In confronting this new theory of Situation Ethics the Church has to vindicate the insufficiency of the internal act unless it manifests itself in the appropriate external good work. Situation Ethics becomes in application a system that is more legalistic and juridical than the system it would displace. By denying that the internal act receives its essential, specific and intrinsic morality from the object of the act and by elevating the motive and circumstances to the status of primary determinants of the morality of an act, the situationalist can only judge such an act by constructing a calculus of motives and circumstances. Eventually he ends up with a moral mathematicism which he thought that he had been correct in identifying with traditional Scholastic morality.

The second principle which the late Holy Father recalls in the resolution of the moral conscience is that it is never permitted to do evil in order that good may result. The new ethics is constructed on the principle that the end justifies the means because in the concrete situation the full morality of the act is derived from a consideration of the motive and circumstances and only inadequately from the object or *finis operis*. The latter is considered changeable until the conscience is confronted by God in the light of the other two sources of morality.

The third principle pointed out by Pius XII is that there may be situations in which a man, and especially a Christian, cannot be unaware that he must sacrifice everything, even his life, in order to save his soul. The martyrs of all times give adequate testimony to this truth.

Circumstance and Motive in Scholastic Ethics

For the Scholastic moralist the problem of the formation of conscience is one that does not neglect the importance of the particular circumstances and the motivation of the specific individual performing the act. The personality of the individual is never overlooked; the role of prudence in the moral situation and the frequency with which this was brought out in the teaching of St. Thomas are points stressed by Pius XII:

His [St. Thomas's] treatise evidences a sense of personal activity and of actuality which contains whatever true and positive elements there may be in "ethics according to the situation" while avoiding its confusion and aberrations. Hence it will be sufficient for the modern moralist to continue along the same lines, if he wishes to make a thorough study of the new problem.³

It is not by the inversion of the sources of a moral act that the personality of a man is found to be worthy of more esteem. A man does not become a moral man simply because his motives are irreproachable. *All* the determinants must be considered in the evaluation of a moral act. The concept of conscience according to Christian principles allows for a sense of personal responsibility and independence but only within just and legitimate limits. Those limits are established by understanding precisely the nature of the intrinsically evil act which can never become morally good simply because of the uniqueness of the circumstances in which a particular individual is placed. For the situationalist the individual must make his moral judgment entirely on the basis of the actual circumstances in

³ Pius XII, *op cit. supra* note 1, transl. 78 IR. ECCLES. RECORD at 141.

which he finds himself and his conscience cannot be hampered by ideas, principles and universal laws or by acts whose very nature is to be intrinsically evil. In substance, the situationalist takes issue with the moral philosopher on the very existence of intrinsically evil acts regardless of how such acts may be defined.

Situation Ethics becomes for its proponents a theological approbative theory of ethics in that the moral evaluation of an act is not to be found in the unauthoritative approvals of human individuals but rather in the authoritative omniscient approvals of God making Himself manifest before the individual conscience. To this extent the theory of the new morality participates in a long history of ethical thought. At the present time the formulation of the theological approbative theory is expressed mostly in the works of Protestant theologians who are deeply impressed by the traditional conceptions of the absolute sovereignty of God and the sinfulness and overwhelming helplessness of man divorced from divine revelation and grace. They rebel against the doctrines of man's necessary evolution towards progress and natural goodness. They contend that God reveals Himself not only in historical revelation but also privately in the individual deliverances of conscience. The influence of the nineteenth-century Danish theologian Kierkegaard cannot be denied in this association because he has made so much of the

thought of the nature of man and God of the sixteenth-century Reformers pertinent to this twentieth century.

Conclusion

Possibly in the approach taken here towards Situation Ethics we have only confounded what to others is obvious. However, by an analysis of the theory from within itself we ought to discover deeper insights into the treatise on the determinants of a moral act. In this way we will more easily expose the real roots of the error and absorb the partial truth that is contained in Situation Ethics. The extreme form of this moral system denies the cardinal role of the object or *finis operis* as the specific, essential and intrinsic determinant of the moral act. There precisely is the error. The insight of the theory, which to us is profound, is the realization that inadequacies arise from any consideration of the determinants of morality in isolation from one another. The theory forces us to admit that there are few acts which from their objects are always in difformity with an adequate consideration of human nature. When we offer alternative meanings for "intrinsically evil acts" we are implicitly admitting that circumstances in multiple acts together with the objects are the controlling determinant. In fact it makes this moralist wonder whether we ought not to revamp the treatise on the determinants and present it in a different form.