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A PROPOSED PROLEGOMENON FOR NORMATIVE THEOLOGICAL ETHICS
WITH A SPECIAL EMPHASIS ON THE
USUS DIDACTICUS OF GOD'S LAW

A Dissertation Presented to the Faculty
of Concordia Seminary, St. Louis,
Department of Systematic Theology
in partial fulfillment of the
requirements for the degree of
Doctor of Sacred Theology

by

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May 1993

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Reader

O it is a living, busy, active, mighty thing this faith.

Luther, "Preface to the Epistle of
St. Paul to the Romans"

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INTRODUCTION

The purpose of this study is to examine and organize some of the current contrasting methodologies of theological ethics in an attempt to determine the Biblical method of choosing the moral option. This will be done in two different ways.

In the first part, two common methods in moral philosophy, the deontological method and the teleological method, will be defined and illustrated. It will be demonstrated that Scriptural ethics has elements in common with both rule deontology and rule teleology.

In the second part, the Scriptural method of moral reasoning will be examined more closely by comparing three different ways that numerous absolute prescriptive commands are used in theological ethics. Of the three methods discussed it will be shown that two contradict the moral methodology of the Holy Scriptures. Only the method of conflicting absolutism will prove to be satisfactory. This is the only method that contains elements in common with both rule deontology and rule teleology.

The conclusion reached will stress that the Scriptural method of theological ethics not only emphasizes characteristics of both deontology and teleology, but it also emphasizes that these characteristics are to be used in a very precise and specific way. The Scriptural method is similar to rule deontology; however, when there is a conflict of duties the rule teleological element serves as the arbitrator to determine the lesser evil. When this is understood one can begin to have a prolegomenon for theological ethics that properly incorporates the *usus didacticus* of God's law.

This investigation also assumes three basic presuppositions which, while not directly discussed, nevertheless, need to be underscored since they form an essential background for the method proposed herein. The first presupposition of this dissertation is that the Holy Scriptures are the inspired Word of God and inerrant in the autograph manuscripts. It is assumed that Moses is the author of the Pentateuch, the four gospels each bear the name of their one and only author, and St. Paul is the author of the pastoral epistles. Since the Holy Spirit is the divine author of the entire Holy Scriptures, the numerous human authors inspired by the Holy Spirit do not conflict with, or contradict one another, but rather, confirm and complement one another.

This is the case not only with respect to theological content but also with references to history as well as with the method and content of all moral teaching.

The second presupposition of this dissertation is the Pauline emphasis that one's salvation precedes any good works. In this way any type of synergism or works righteousness which understands good works to precede, contribute to, or result in one's salvation is necessarily precluded.

St. Paul taught, and Luther reemphasized, that salvation has already been freely and completely earned for all by the gracious work of Christ. It is only after one receives this salvation by faith that one is then motivated, inspired, and strengthened to live the Christian life (that is, do good works). In this way it is the gospel alone that provides the motivation and strength for good works. A truly good work can only be performed by the "new man" in Christ.

The third presupposition is the continuing necessity of the third use of the law in the life of the regenerate. The first problem in living a moral life, incentive and power, is solved by the gospel. The second problem becomes one of moral knowledge. This is solved by the third use of the law. While the "new man" in Christ no longer needs the direction and guidance of God's moral law, the "old man," who

is with us to the grave, nevertheless, needs to be instructed and admonished by the law. Thus as far as the "new man" is concerned the law is merely indicative-descriptive, but as far as the "old man" is concerned, the law is imperative-prescriptive. As long as the regenerate life contains both the "new man" and the "old man" there will be conflict, confusion and struggle in making moral decisions. To help the Christian clarify and distinguish right from wrong God has revealed his divine will to mankind in the Holy Scriptures. The vast majority of this dissertation is referring to this imperative-prescriptive third use of the law which God uses to guide the regenerate in moral living.

General normative ethics is that field of endeavor which seeks to discover the basic principles with which one can discern right from wrong. Applied normative ethics then seeks to apply these general principles to specific situations. The focus of this dissertation is solely on general normative ethics.

PART ONE

The Deontological and Teleological Elements in Theological Ethics

Throughout the history of general normative ethics the moral option has often been determined either by a deontological method, which focuses on one's duty and obligation, or by a teleological method, which focuses on the end results of the act or rule in question.¹ These two methods are not

¹According to Peter Vallentyne, "The Teleological/Deontological Distinction," *The Journal of Value Inquiry* 21(1987):21-32, the first one to contrast deontology and teleology as two contradictory moral methodologies was Charles D. Broad, *Five Types of Ethical Theory* (London: Routledge and Kegan Paul Ltd., 1930), 206-16. For more information on the contrast between the deontological and the teleological methods of moral reasoning the reader may wish to consult one or more of the following: Heinrich Richard Niebuhr, *The Responsible Self* (1963) (San Francisco: Harper and Row, 1978), 47-54. William Frankena, "Love and Principle in Christian Ethics," chap. in *Faith and Philosophy* (Grand Rapids, MI: Eerdmans Publishing Co., 1964), 203-25. Richard Garner and Bernard Rosen, *Moral Philosophy* (New York: The Macmillan Co., 1967), 55-113. William Frankena, *Ethics* 2d ed. (Englewood Cliffs, NJ: Prentice-Hall, 1973), 14-16. Ethel Albert, Theodore Denise and Sheldon Peterfreund, *Great Traditions in Ethics* (New York: D. Van Nostrand Co., 1975), 5-6. James Childs, *Christian Anthropology and Ethics* (Philadelphia: Fortress Press, 1978), 153-56. Samuel Gorovitz, *Doctor's Dilemmas: Moral Conflict and Medical Care*

necessarily mutually exclusive.

It is the purpose of this first chapter to give a fuller exposition of these two methods. It will be shown that Scripture does not choose one method to the complete exclusion of the other; rather, Scripture allows elements of both methods to be brought together and used in a very specific way.

(Oxford: Oxford University Press, 1982), 83-90. Tom Beauchamp and James Childress, *Principles of Biomedical Ethics* 3rd ed. (New York: Oxford University Press, 1983), 25-47. Neil Brown, "Teleology or Deontology?" *Irish Theological Quarterly* 53(1987):36-51. Norman L. Geisler, *Christian Ethics* (Grand Rapids, MI: Baker Book House, 1989), 24-25. Thomas M. Garrett, Harold W. Baillie, and Rosellen M. Garrett, *Health Care Ethics: Principles and Problems* (Englewood Cliffs, NJ: Prentice Hall, 1989), 2-3. Franklin I. Gamwell, *The Divine Good* (New York: Harper Collins, 1990), 19-84. John Klotz, *Men, Medicine and Their Maker* (Univeristy City, MO: Torelion Productions, 1991), 9-12. Frequently the distinction between deontology and teleology is made by authors who differentiate between the concepts of right (deontology) and good (teleology). For an example of this right (deontology)/good (teleology) distinction see Philip P. Wiener, ed. *Dictionary of The History of Ideas* 4 vols. (New York: Charles Scribner's Sons, 1973), s.v. "Right and Good," by Abraham Edel. Elizabeth M. Pybus, "False Dichotomies: Right and Good," *Philosophy* 58(1983): 19-27. Ann Maclean, "Right and Good: False Dichotomy?" *Philosophy* 60(1985):129-32.

CHAPTER ONE

The Deontological Method Defined and Illustrated

The term *deontology* has been used in three different ways.¹ First, Jeremy Bentham seems to have coined this phrase as a synonymous, yet more descriptive term, for the word "ethics."² However, it is seldom used in this sense today. Second, some Roman Catholic moralists use the term to describe ethics that is particularly associated with a special profession, such as business ethics or professional ethics. The third use of the term deontology is the most common. In this use

"deontology" denotes a view of morality which takes as its fundamental categories the notion of "obligation" or "duty" and the "rightness" of acts. This deontological view of morality may be contrasted with the views which stress the end of action (the "good"), sometimes called "agatheology" or more often teleology . . . a deontologist in the third sense must hold that some acts are

¹James Childress and John Macquarrie, eds. *The Westminster Dictionary of Christian Ethics* (Philadelphia: Westminster Press, 1986), s.v. "Deontology," by John Macquarrie.

²The Works of Jeremy Bentham, ed. John Bowring. 11 vols. (New York: Russell and Russell, 1962), 8:93.

obligatory, right, or wrong, independent of their ends and their consequences.³

William Frankena explains this third use of deontology in this way:

a deontologist contends that it is possible for an action or rule of action to be the morally right or obligatory one even if it does not promote the greatest possible balance of good over evil for self, society, or universe.⁴

It is in this most frequently used sense that this term "deontology" is used in the present study. In this sense the main emphasis in deontology concerns the fulfillment of duties and obligations.

According to William Frankena the deontologists of this third sense may be divided into three categories depending upon how they use pre-established rules. Pure act deontologists have no use for pre-established rules. Modified act deontologists accept the use of pre-established rules only to a certain qualified extent. Rule deontologists insist on the use of pre-established rules.⁵ Further

³Childress and Macquarrie, 151.

⁴William Frankena, *Ethics*, 15.

⁵Frankena, "Love and Principle," 209-10. William Frankena was born in 1908. He received his Ph.D. from Harvard in 1937. He taught philosophy at the University of Michigan from 1937-1978. He was chairman of the department

examination and illustrations of these three categories will highlight their distinctive characteristics.

Pure Act Deontology

Pure act deontologists maintain that moral rules are unnecessary. They believe that the duty or obligation of the moral agent is to be determined anew in each particular situation. Frankena explains that

Act-deontological theories maintain that the basic judgments of obligation are all purely particular ones like "In this situation I should do so and so," and that general ones like "We ought always to keep our promises" are unavailable Extreme act-deontologists maintain that we can and must see or somehow decide separately in each particular situation what is the right or obligatory thing to do, without appealing to any rules.⁶

According to Richard Garner and Bernard Rosen, "If the act deontologist is asked how he can say 'A is right' on the basis of his knowing 'A has F, G, and H,' he might give the

of philosophy at the University of Michigan from 1947 to 1961. He was the author of over seventy-five articles which deal with various aspects of philosophical ethics. For a bibliography of William Frankena's works the reader may wish to see K. E. Goodpaster, ed., *Perspectives on Morality* (Notre Dame: University of Notre Dame Press, 1976), 235-9. This dissertation is greatly indebted to him for the development of the categories which clarify and distinguish the different forms of deontology and teleology.

⁶Frankena, *Ethics*, 16.

reply that he 'knows directly' that A, which has F, G, and H is right."⁷

For the purpose of this dissertation the method of pure act deontology will be illustrated by the three "Sermons on Human Nature" by Joseph Butler.⁸

In his first sermon on human nature Joseph Butler emphasizes three distinct theses. In the first thesis Butler explains that there are two different natural principles at work in human morality, benevolence and self-love. "First, there is a natural principle of *benevolence* in man, which is

⁷Garner and Rosen, 89. Examples of prominent pure act deontologists of the twentieth century include, E. F. Carritt (1876-1964) *Theory of Morals* (1928), H. A. Prichard (1872-1947) "Does Moral Philosophy Rest on a Mistake?" (1912) and also "Duty and Ignorance of Fact" (1932).

⁸"His 'Sermons on Human Nature,' which are his most important contribution to ethics, were delivered at the Rolls chapel, and were published in 1726 after he had resigned his preachership there." Charles D. Broad. *Five Types of Ethical Theory* (London: Routledge & Kegan Paul Ltd., 1930), 5. "Joseph Butler, an Anglican clergyman who was a contemporary of George Berkeley and David Hume, a protégé of Samuel Butler, a favorite of Queen Caroline, Dean of St. Paul's, Clerk of the Closet to George II, Bishop of Bristol at the time John Wesley defected and Bishop of Durham, and who was not Archbishop of Canterbury because he rejected the office, was the most influential Anglican Theologian of the eighteenth century." Frank N. Magill, ed. *World Philosophy* 5 vols. (Englewood Cliffs, NJ: Salem Press, 1961), s.v. "Fifteen Sermons Preached at The Rolls Chapel," by Leonard Miller.

in some degree to *society* what self-love is to the *individual*."⁹ These two natural principles do not conflict with one another. One's concern for society at large (that is, benevolence) and one's concern for one's self (that is, self-love) work together and promote one another.

The comparison will be between the nature of man as respecting self and tending to private good, his own preservation and happiness, and the nature of man as having respect for society and tending to promote public good, the happiness of that society. These ends do indeed perfectly coincide: and to aim at public and private good are so far from being inconsistent that they mutually promote each other.¹⁰

The reference here to "ends" must not be taken to mean that Butler is using a form of teleological reasoning. He is merely stating that the nature of mankind strives for certain ends. Fulfilling one's moral duties may even accomplish those ends. However, contrary to the teleologists, Butler does not claim that the morality of a particular act is determined by the goal which a certain act may achieve. For Butler, and other deontologists, a moral act is moral in and of itself in spite of the end that is accomplished. Yet, this does not mean that no end can be accomplished. This

⁹Joseph Butler, *Five Sermons* (Indianapolis, IN: Hackett Publishing Co., 1983), 26.

¹⁰*Ibid.*

illustrates that a moral methodology does not have to be pointless or aimless in order to avoid being classified as teleological.¹¹ It must not be presupposed that anytime an author mentions the words "end" "goal" or "aim" that he is using the teleological method of moral reasoning. It is only teleological if the morality of the act or rule is determined by the end.

The second thesis Butler emphasized is that apart from the natural principles of benevolence and self-love humankind also has other tendencies which lead the moral agent to contribute to both the public and the private good.

"Secondly . . . men have various appetites, passions, and particular affections, quite distinct both from self-love and from benevolence - all of these have a tendency to promote both public and private good."¹² Such affections or passions would include the "desire of esteem from others" and "indignation against successful vice."¹³

The third thesis of Butler stresses that it is the role of the human conscience to determine whether or not the

¹¹See also footnotes 21, 46 and 49 below.

¹²Butler, 28-29.

¹³Ibid., 29.

moral agent approves or disapproves of specific actions.

Thirdly, there is a principle of reflection in men by which they distinguish between, approve and disapprove, their own actions. We are plainly constituted such sort of creatures as to reflect upon our own nature. The mind can take a view of what passes within itself, its propensions, aversions, passions, affections In this survey it approves of one, disapproves of another, and toward a third is affected in neither of these ways, but is quite indifferent. This principle in man by which he approves or disapproves his heart, temper and actions is conscience This faculty tends to restrain men from doing mischief to each other, and leads them to do good It cannot possibly be denied that there is this principle of reflection or conscience in human nature.¹⁴

For Joseph Butler the use of conscience in his first sermon on human nature completely precludes any need for pre-established rules. In his second sermon on human nature he carries out this point even further when he states,

There is a superior principle of reflection or conscience in every man which distinguishes between the internal principles of his heart as well as his external actions, which passes judgment upon himself and them, pronounces determinately some actions to be *in themselves* just right, good; others to be *in themselves* evil, wrong, unjust, which . . . magisterially exerts itself, and approves or condemns him the doer of them accordingly It is by this faculty, natural to man, that he is a moral agent, that he is a law to himself (emphasis mine).¹⁵

¹⁴Ibid., 29-30.

¹⁵Ibid., 37.

Butler's deontological emphasis is seen in his insistence that the conscience determines actions to be right or wrong *in themselves*, that is, without regard to the end they may or may not accomplish. Because of the role of conscience any pre-established rules are completely unnecessary. "Every man is naturally a law to himself Everyone may find within himself the rule of right, and obligations to follow it."¹⁶ Thus it is evident that Joseph Butler uses a form of pure act deontology. It is deontological in that the morality of the act is determined in the act itself, that is, without regard for the end that is accomplished. It is "pure act" in that the magisterial function of the conscience precludes the need for any pre-established rules. Without the use of rules the conscience has the authority to pronounce judgment on each individual act. In the third sermon Butler writes,

Yet let any plain honest man, before he engages in any course of action, ask himself, "Is this I am going about right, or is it wrong? Is it good, or is it evil?" I do not in the least doubt that this question would be answered agreeably to truth and virtue, by almost any fair man in almost any circumstance.¹⁷

¹⁶Ibid., 36.

¹⁷Ibid., 42.

Butler concludes that,

Conscience does not only offer itself to show us the way we should walk in, but it likewise carries its own authority with it; that it is our natural guide, the guide assigned us by the Author of our nature; it therefore belongs to our condition of being, it is our duty to walk in that path and follow this guide.¹⁸

The verdict of the conscience is its own authority. It does not need to resort to rules nor to consequences. Thus Butler's use of conscience is a good example of pure act deontology.

Modified Act Deontology

Modified act deontologists do not completely reject the use of all pre-established rules as do the pure act deontologists. Modified act deontologists accept a qualified use of pre-established rules. For the modified act deontologists rules are not absolutely binding, as they are for the rule deontologist; however, they may still serve an important function either as rules of thumb, (that is, summary rules), or as *prima facie* rules.

For the modified act deontologists a rule that serves as a rule of thumb (or summary rule) is useful insofar as it summarizes the wisdom of the ages. Such a rule may be used

¹⁸Ibid., 43.

by the moral agent if it helps him to determine his duty in a particular situation.

One of the most prominent ethists of the twentieth century to emphasize a form of modified act deontology is William David Ross. He emphasizes that moral duties arise from the numerous relationships that exist in society, "of promisee to promiser, of creditor to debtor, of wife to husband, of child to parent, of friend to friend, of fellow countryman to fellow countryman . . ."19

These relationships impose duties upon the moral agent. However, these duties, and the rules that express these duties, are not absolute. They are merely *prima facie*. "Each of these relations is the foundation of a *prima facie* duty, which is more or less incumbent on me according to the circumstances of the case."20

Ross continues by explaining that there are at least six types of *prima facie* duties that are self evident to mankind.

- (1) Some duties rest on previous acts of my own [such as promise keeping] (2) Some rest on previous acts of other men [such as duties of gratitude] (3)

¹⁹William David Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), 19.

²⁰*Ibid.*

Some rest on the fact or possibility of a distribution of pleasure or happiness [such as duties of justice] (4) Some rest on the mere fact that there are other beings in the world whose condition we can make better [such as duties of beneficence] (5) Some rest on the fact that we can improve our own condition in respect of virtue or of intelligence [such as duties of self improvement]. (6) [There are also] duties that may be summed up under the title of "not injuring others," [such as the duty of non-maleficence].²¹

In any particular situation two or more of these duties may conflict with each other. In such a conflict situation the moral agent must determine which duty outweighs the others. Ross explains,

When I am in a situation, as perhaps I always am, in which more than one of these *prima facie* duties is incumbent on me, what I have to do is to study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one

²¹Ibid., 21. Even though several types of these *prima facie* duties emphasize the consequences of one's action, these consequences or results do not determine the moral import and do not constitute a form of teleological reasoning. Ross explains, "That his act will produce the best possible consequences is not his reason for calling it right Our duty, then, is not to do certain things which will produce certain results. Our acts, at any rate our acts of special obligation, are not right because they will produce certain results An act . . . is right because it is itself the production of a certain state of affairs. Such production is right in itself, apart from any consequences." Ibid., 17, 46. (See also footnotes 12, 47, and 50.)

of them is more incumbent than any other; then I am duty bound to think that to do this *prima facie* duty is my duty *sans phrase* in this situation.²²

In this way the six self-evident duties, and the rules that express these duties, are not all absolute at the same time. The only duty that becomes absolute is the actual duty that outweighs the others. Thus there is an important distinction between *prima facie* duties and actual or absolute duties. In a conflict situation only one *prima facie* duty can become absolute or actual. This is then the duty for which the moral agent becomes responsible. According to Ross, the moral agent is not responsible for the failure to fulfill a lesser *prima facie* duty when it is outweighed by a higher one. He writes,

It must be maintained that there is a difference between *prima facie* duty and actual or absolute duty. When we think ourselves justified in breaking, and indeed morally obliged to break, a promise in order to relieve some one's distress, we do not for a moment cease to recognize a *prima facie* duty to keep our promise, and this leads us to feel, not indeed shame or repentance, but certainly compunction, for behaving as we do.²³

When the moral agent fails to fulfill a *prima facie* duty Ross explains that there is no shame or repentance, only a mere

²²Ibid., 19.

²³Ibid., 28.

compunction or uneasiness. The *prima facie* obligation continues to exert itself even in a conflict situation. Ross continues saying that if we are morally obligated to break a promise "it is our duty to make up somehow to the promisee for the breaking of the promise."²⁴

However, even though the *prima facie* duty continues to exert itself, it is still not the same as the higher duty that becomes actual or absolute. In this way *prima facie* duties, and the rules which express them, do not specifically show the moral agent what the actual absolute duty is in a particular situation. They merely illustrate a range or a variety of what obligations tend to be. Ross observes:

We have to distinguish from the characteristic of being our duty that of tending to be our duty Tendency to be one's duty may be called a parti-resultant attribute, i.e., one which belongs to an act in virtue of some one component in its nature. *Being* one's duty is a toti-resultant attribute, one which belongs to an act in virtue of its whole nature and of nothing less than this.²⁵

²⁴Ibid.

²⁵Ibid. Ross explains this distinction further by showing that it is analogous to the natural forces of gravitation. "Qua subject to the force of gravitation towards some other body, each body tends to move in a particular direction with a particular velocity; but its actual movement depends on all the forces to which it is subject. It is only by recognizing this distinction that we

Ross recognizes that it is extremely difficult for the moral agent to choose the actual absolute duty from conflicting *prima facie* duties. The moral agent can never be certain that the right decision has been made. The actual absolute duty is not self evident as are the *prima facie* duties.

Our judgments about our actual duty in concrete situations have none of the certainty that attaches to our recognition of the general principles of duty. A statement is certain, i.e. is an expression of knowledge, only in one or other of two cases: when it is self-evident, or a valid conclusion from self-evident premises. And our judgments about our particular duties have neither of these characters.²⁶

There is no formula or strategy that the moral agent can use to determine the actual duty in a specific situation.

For the estimation of the comparative stringency of these *prima facie* obligations no general rules can, so far as I can see, be laid down. We can only say that a great deal of stringency belongs to the duties of "perfect obligation" - the duties of keeping our promises, of repairing wrongs we have done, and of returning the equivalent of services we have received. For the rest, ἐν τῇ αἰσθήσει ἡ κρίσις. This sense of our particular duty in particular circumstances, preceded and informed by the fullest reflection we can bestow on the act in all its bearings, is highly fallible, but it

can preserve the absoluteness of laws of nature, and only by recognizing a corresponding distinction that we can preserve the absoluteness of the general principles of morality."

Ibid.

²⁶Ibid., 30.

is the only guide we have to our duty.²⁷

Even though Ross admits that his ethical theory contains "no principle upon which to discern what is our actual duty in particular circumstances;"²⁸ he, nevertheless, insists that his method is sufficient because it adequately aids the moral agent in choosing the moral option. Ross writes,

We are more likely to do our duty if we reflect to the best of our ability on the *prima facie* rightness . . . of various possible acts in virtue of the characteristics we perceive them to have, than if we act without reflection.²⁹

²⁷Ibid., 41-42. Duties of "perfect obligation" refer to the Kantian "perfect duties" which relate to corresponding rights and therefore allow no exceptions. This is in contrast to "imperfect duties" which do not relate to corresponding rights and therefore allows exceptions. See Immanuel Kant, *Grundlegung zur Metaphysik Der Sitten*, in *Immanuel Kant's Sämtliche Werke*, ed. Karl Rosenkranz and F. W. Schubert, 12 vols. (Leipzig: Leopold Voss, 1838-1840), 8:47 footnote. This has been translated into English in Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. James W. Ellington (Indianapolis: Hackett Publishing Co., 1981) 30, footnote 12.

Ross translates the Greek quote in the footnote on page forty-two as "The decision rests with perception." He also points out that it is a quote from Aristotle's *Nicomachean Ethics* 1109b23 and 1126b4.

²⁸Ibid., 23.

²⁹Ibid., 32.

Leonard Miller presents a succinct summary of Ross's modified act deontology.

Each . . . moral principle . . . is a moral truth

There will be many particular cases where these principles will clash, it cannot always be obligatory to keep a promise, or to rectify wrongs done to others For this reason, Ross says that promise keeping and other kinds of acts which are usually obligatory are *prima facie* right, meaning by this that if no stronger and contrary moral consideration is relevant to the case in point, promise keeping, or whatever it is, is morally obligatory This is Ross's way of maintaining the absoluteness of moral principles in the face of the obvious fact that they clash in particular cases.

Ross does not think these principles can be arranged hierarchically in such a fashion that when any two clash we know beforehand which must take precedence over the other, and he does not believe there is any principle that enables us to resolve such conflicts. He maintains that our moral life is far more complex than the systematizers of ethics imply it is. We must consider cases as they come, weigh the relative strengths of the moral considerations as they occur in the individual cases, and reach our decisions accordingly. As a result, we cannot be nearly as certain about the rightness of particular acts as we can be about the truth of the general principles, for while the latter is self-evident, the former can never be "known with certainty."³⁰

This form of modified act deontology is distinct from

³⁰Frank N. Magill, ed. *World Philosophy* 5 vols. (Englewood Cliffs, NJ: Salem Press, 1982), s.v. "The Right and The Good," by Leonard Miller.

pure act deontology. The pure act deontology, illustrated by Samuel Butler, has no use for any pre-established duties or for pre-established rules which express such duties; whereas, the modified act deontology, here illustrated by W. D. Ross, accepts and uses pre-established duties, and the pre-established rules which express those duties, because as *prima facie* duties they can be helpful to the moral agent in determining the actual absolute duty in a particular situation. These two methods are also distinct from rule deontology.

Rule Deontology

The rule-deontologists maintain that the duty or obligation of the moral agent is completely determined by a set of pre-established rules. Frankena writes,

Rule-deontologists hold that the standard of right and wrong consists of one or more rules - either fairly concrete ones like "We ought always to tell the truth" or very abstract ones like Henry Sidgwick's Principle of Justice: "It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A, merely on the ground that they are two different individuals" Against the teleologists, they [the rule-deontologists] insist, of course, that these rules are valid independently of whether or not they promote the good They assert that judgments about what to do in particular cases are always to be determined in the light of these rules.³¹

³¹Frankena, *Ethics*, 17.

Richard Garner and Bernard Rosen explain that there is an analogy between the use of moral rules in rule deontology and the use of rules in the game of chess.

The rules of chess are not summary rules used to help one play the game; rather, they define the game. One can be said to be playing chess only if one plays according to the rules of chess It is true that changes have been made in the rules of chess, but they were not changed to keep pace with the evolution of chess: the changing of the rules was the evolution of the game. When rules stand in this kind of relation to some activity or practice, then the rules define the activity or practice. Such rules are often said to be *constitutive rules*, for they constitute the activity. One who knows and understands the rules of chess knows what chess is.

The rule deontologists claim that the justification of moral judgments ultimately depends upon the appeal not to summary rules [as modified act deontology does] but to constitutive rules. That is to say, the practice of morality is defined by the moral rules.³²

Tom Beauchamp and James Childress also emphasize the necessity of rules in rule deontology when they write, "For *rule deontologists*, the heart of morality is a set of binding principles and rules that classify acts as right, wrong, obligatory, or prohibited."³³

The rule deontologists are quite diverse in their opinion of how these rules are established. For instance,

³²Garner and Rosen, 87.

³³Beauchamp and Childress, 36.

Samuel Clarke (1675-1729) in "A Discourse Concerning the Unchangeable Obligations of Natural Religion (1705) and The Truth and Certainty of the Christian Revelation" (1706) held that moral rules are determined by reason and nature. Thomas Reid (1710-1796) in "Essays on the Active Powers of Man," (1788) held that moral rules are self-evident premises known by means of intuition. Richard Price (1723-1791) in "A Review of the Principle Questions in Morals" (1758) held that rules are determined by intellectual discernment along with feelings of the heart.

The ethical analysis Socrates gives of his impending death, recorded by Plato in the *Crito*, will be the first illustration of rule deontology.³⁴

As the *Crito* opens, Socrates is in prison. It is the day before his execution. His good friend Crito arrives early in the morning in order to convince Socrates that he need not die. Arrangements have been made for an easy escape. However, Socrates is convinced that an unlawful escape would be morally wrong. For Socrates there are only two options.

³⁴The English edition of the *Crito* used for this paper is from *The Dialogues of Plato*, ed. and trans. B. Jowett, 4 vols. (Oxford: Clarendon Press, 1871; Revised Fourth edition 1964). For a Greek edition of the text of *Crito* the reader may wish to consult Ioannes Burnet, ed. *Platonis Opera* (Oxonii: E. Typographeo Clarendoniano, 1900), 43-54.

Either the law must be changed, or Socrates must go through with his execution.

The reasoning Socrates gives is completely rule deontological. He tells Crito:

I cannot repudiate my own doctrines, which seem to me as sound as ever: the principles which I have hitherto honoured and revered I still honour, and unless we can find other and better principles, I am certain not to agree with you; no, not even if the power of the multitude could let loose upon us many more imprisonments, confiscations, deaths, frightening us like children with hobgoblin terrors.³⁵

The quote shows that Socrates is going to base his decision on past "principles" and "doctrines," even if the end result is his death.

Crito uses a teleological approach to moral reasoning. He points out to Socrates that the end result of his execution will be nothing but evil. The execution will make orphans of his children, who will then be forced to depend on others for their education. His death will also bring disgrace on his friends, because others will blame them for not helping Socrates in his time of need. Others will accuse the friends of Socrates of cowardice and ignorance. Thus, Crito emphasizes the end result saying, "See now, Socrates,

³⁵plato *Crito* 46.c.

how discreditable as well as disastrous are the consequences, both to us and you."³⁶

Arguing rule deontologically Socrates reminds Crito of the principle that is at stake. "My first principle [is] that neither injury nor retaliation nor warding off evil by evil is ever right."³⁷ This is the rule Socrates refuses to break. He knows that his execution is evil, but he refuses to ward off that evil by committing the evil of breaking the law by escaping from prison. Socrates emphasizes that the laws of Athens have been good to him; they have raised him from his youth. As a citizen of Athens he has freely agreed to abide by its laws. He could have moved to another city at any time had he chosen to do so. However, he decided to remain a citizen of Athens and that entailed obeying its laws. He will not break her laws, even if they are unjust, even if it means his death. He has often lectured on the importance of justice and virtue, so that now he is not about to play the role of a criminal. Socrates concludes by saying it is better to suffer injustice than to inflict it. Then the conversation ends with:

³⁶Ibid., 46.a.

³⁷Ibid., 49.d.

Crito: "I have nothing to say."

Socrates: "It is enough then, Crito. Let us fulfill the will of God, and follow whither He leads."³⁸

Thus, Socrates emphasizes that he will obey his principles, accept the law of Athens and thereby do his duty. He will fulfill his obligation as an Athenian. The consequences of his actions will be left up to divine providence. This is a very typical example of the rule deontological method of moral reasoning, which stresses the necessity of obeying pre-established rules.

Another work which illustrates the rule deontological method of moral reasoning is the *Grounding for the Metaphysics of Morals* by Immanuel Kant.³⁹

³⁸Ibid., 54.e.

³⁹Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* (Riga, 1785). The English edition used for this dissertation is *Grounding for the Metaphysics of Morals*, trans. James E. Ellington (Indianapolis and Cambridge: Hackett Publishing Co., 1981). References to a German edition are taken from *Immanuel Kant's Sämtlich Werke*, ed. Karl Rosenkranz and F. W. Schubert, 12 vols (Leipzig: Leopold Voss, 1838-1840), 8:1-101, hereafter cited as *K.S.W.* For a more detailed explanation of Kant's moral philosophy the reader may wish to refer to *Kritik Der Praktischen Vernunft*, *K.S.W.*, 8:103-318, translated into English as *Critique of Practical Reason*, trans. Lewis W. Beck (Chicago: University of Chicago Press, 1949; reprint, New York: Garland Publishing Co., 1976). *Metaphysik Der Sitten*, *K.S.W.*, 9:1-336, translated into English as *The Metaphysic of Morals*, trans. John Ladd (Indianapolis: Bobbs-Merrill, 1965). The reader may also

Kant begins by explaining that, "There is no possibility of thinking of anything at all in the world, or even out of it, which can be regarded as good without qualification, except a *good will* (emphasis his)."⁴⁰ Any virtue such as intelligence, courage, or perseverance cannot be good in and of itself because a criminal with an evil will could also use these virtues for an evil purpose. Therefore, only a good will is truly good in and of itself.⁴¹ "A good will is not good because of what it effects or accomplishes nor because of its fitness to attain some proposed end; it is good only through its willing, i.e., it is good of itself."⁴²

According to Kant, once this good will has been naturally established by reason, man has a natural duty to obey it. From this Kant derives his three basic propositions

wish to consult Kant's lectures on ethics from the Königsberg University, 1775-1781, Paul Mentzer, ed. *Eine Vorlesung Kants über Ethik im Auftrage der Kantgesellschaft* (Berlin: Pan Verlag R. Heise, 1924), translated into English as Immanuel Kant, *Lectures on Ethics*, trans. Louis Infield (London: Methum and Co., 1930; Harper Torchbook, 1963).

⁴⁰*Grounding*, 7. (*Grundlegung*, 11).

⁴¹*Ibid.*

⁴²*Ibid.*, "Der gute Wille ist nicht durch das, was er bewirkt, oder ausrichtet, nicht durch seine Tauglichkeit zu Erreichung irgend eines vorgetzten Zweckes, sondern allein durch das Wollen, d.i. an sich, gut." *Grundlegung*, 12.

for morality. The first proposition is that only an action done from duty has any moral worth.⁴³

The second proposition is that,

An action done from duty has its moral worth, not in the purpose that is to be attained by it but in the maxim according to which the action is determined. The moral worth depends, therefore, not on the realization of the object of the action, but merely on the principle of volition according to which, without regard to any objects of the faculty of desire, the action has been done.⁴⁴

The third proposition which Kant derives from the previous two propositions is that, "duty is the necessity of an action done out of respect for the law."⁴⁵

In these three principles the rule deontological element is clearly seen in Kant's emphasis on duty and law over consequences. Kant continues to explain that man's

⁴³Ibid., 10-12. (See especially his footnote 35). (*Grundlegung*, 17-19).

⁴⁴Ibid., 12-13. "Eine Handlung aus Pflicht hat ihren moralischen Werth nicht in der Absicht, welche dadurch erreicht werden soll, sondern in der Maxime, nach der sie beschlossen wird, hängt also nicht von der Wirklichkeit des Gegenstandes der Handlung ab, sondern blos von dem Princip des Wollens, nach welchem die Handlung, unangesehen aller Gegenstände des Begehrungsvermögens, geschehen ist." *Grundlegung*, 19.

⁴⁵Ibid., 13. "Pflicht ist die Nothwendigkeit einer Handlung aus Achtung fürs Gesetz." *Grundlegung*, 20.

natural reason establishes the good will by imposing the law of the categorical imperative, that is, regardless of the consequences "I should never act except in such a way that I can also will that my maxim should be a universal law."⁴⁶ This categorical imperative is the one and only law which man has a natural duty to obey. This is the primary rule in Kant's rule deontology. All other imperatives of duty are derived from this one. Kant gives four illustrations, showing how this is done.

First, Kant applies the categorical imperative to the question of suicide. A person considering suicide is operating under the following maxim: "From self-love I make as my principle to shorten my life when its continued duration threatens more evil than it promises satisfac-

⁴⁶Ibid., 14. "Ich soll niemals anders verfahren, als so, das ich auch wollen könne, meine Maxime solle ein allgemeines Gesetz werden." Grundlegung, 22. Here again (as in footnotes 21 and 49) one may note that the deontological method is not completely lacking any aim or goal. An act done to fulfill a deontological duty is performed by the moral agent with a goal or aim in mind (that is, to fulfill his duty). However, even though there is the future goal that the deontologist is striving to achieve, this future aspect of deontology is only a secondary orientation. The primary orientation of deontology is either in the past (if duties have been previously determined, as in rule-deontology) or in the present (if duties are immediately determined, as in act deontology). The moral import is determined by the primary orientation.

tion."⁴⁷ Kant dismisses this maxim rather quickly. One could never will such a maxim to be a universal law because self-love is the principle which stimulates the continuation of life. It would be a contradiction to use that same principle (or feeling) to end life. Consequently, suicide is immoral.

Second, Kant applies the categorical imperative to the question of keeping a promise. As an example Kant offers the following maxim: "When I believe myself to be in need of money, I will borrow money and promise to pay it back, although I know that I can never do so."⁴⁸ One could never will this to be a universal law because it also is a self-contradiction. If this were to become a universal law, then anyone in a similar position could do the same thing. If many would do this it would undermine and contradict the very nature of making a promise, so that eventually no one would believe such promises. Rather, they "would merely laugh at all such utterances as being vain pretenses."⁴⁹ In this way,

⁴⁷Ibid., 30. (*Grundlegung*, 48).

⁴⁸Ibid., 31. (*Grundlegung*, 48).

⁴⁹Ibid. (*Grundlegung*, 49). Here Kant is showing that "The ordinary reason of mankind in its practical judgements" (*Grounding*, 14. *Grundlegung*, 22) illustrates that there is a practical reason for being honest. However, the moral reason for honesty stands alone and is in no way derived from or

practical reason substantiates the necessity of telling the truth.

Third, Kant applies the categorical imperative to the question of cultivating talents. Kant considers the following maxim: Since I am independently wealthy I do not need to work in order to support myself; therefore I will neither develop my natural gifts, nor improve my talents. I will simply pass my days in idle amusement and indulge myself in pleasure. This could never be a universal law because it is contrary to human nature. Kant writes, "But he cannot possibly will that this should become a universal law of nature. . . . For as a rational being he necessarily wills that all his faculties should be developed."⁵⁰ Therefore, that type of idleness is immoral.

dependent on this practical reason. Kant explains "To be truthful from duty is, however, quite different from being truthful from fear of disadvantageous consequences; in the first case the concept of the action itself contains a law for me, while in the second I must first look around elsewhere to see what are the results for me that might be connected with the action." (*Grounding*, 15. *Grundlegung*, 23). In the above example the moral agent should be honest solely because of the duty imposed by the categorical imperative. However, if the moral agent decides not to be honest, then, the results will be to his own disadvantage. This also illustrates that a deontologist and a teleologist may do the very same act for entirely different reasons.

⁵⁰Ibid. (*Grundlegung*, 49).

The fourth and final example Kant gives is in applying the categorical imperative to the question of helping others who are in need. Kant offers the following maxim:

What does it matter to me? Let everybody be as happy as Heaven wills or as he can make himself; I shall take nothing from him nor envy him; but I have no desire to contribute anything to his well-being or to his assistance when in need.⁵¹

One could never will this to be a universal law because (like promise breaking in the second example) it is self-contradictory. The moral agent reciting this maxim certainly may not wish to help others in need; however, there may come a time when he himself will be in need. Then he would not want such a law to be in effect. Thus practical reason substantiates the necessity of beneficence, just as it substantiates the necessity of honesty in illustration number two above.

Kant concludes this section with the following summary:

These are some of the many actual duties . . . whose derivation from the single principle cited above is clear. We must be able to will that a maxim of our action become a universal law; this is the canon for morally estimating any of our actions By means of these examples there has been fully set forth how all duties depend as regards the kind of obligation (not the

⁵¹Ibid., 32. (*Grundlegung*, 49-50).

object of their action) upon the one principle.⁵²

In this way Kant has clearly illustrated a rule deontological method of moral reasoning by emphasizing that the duty of the moral agent is determined by the rules that are derived from the categorical imperative.

Even though the reasoning of Kant in his *Grounding for the Metaphysics of Morals* is more complex than Socrates in the *Crito*, they both illustrate the method of rule deontology. Both Kant and Socrates insist that pre-established rules are absolutely necessary because rules determine one's actual moral duty. This is to be distinguished from the modified act deontologists who claim that pre-established rules are necessary only in so far as they are *prima facie* rules (that is, summary rules or rules of thumb) that help the moral agent to determine his actual duty. This must also be distinguished from the pure act

⁵²Ibid. "Dieses sind nun einige von den vielen wirklichen . . . deren Abtheilung aus dem einigen angeführten Princip Klar in die Augen fällt. Man muss wollen Können, dass eine Maxime unserer Handlung eine allgemeines Gesetz werde: dies ist der Kanon der moralischen Beurtheilung derselben überhaupt Und so alle Pflichten, was die Art der Verbindlichkeit (nicht das Object ihrer Handlung) betrifft, durch diese Beispiele in ihrer Abhängigkeit von dem einigen Princip vollständig aufgestellt worden." Grundlegung, 50-51.

deontologists who claim that pre-established rules are absolutely unnecessary because the actual duty of the moral agent can be immediately determined by other means such as the conscience.

It will now be shown that of these three forms of deontology the Scriptures would emphasize the rule deontological method with respect to God's absolute moral laws.

Characteristics of Rule Deontology In The Holy Scriptures

In the Old Testament characteristics of the rule deontological method are evident in the Mosaic covenant, which God established with his people at Mount Sinai. When God established this Mosaic covenant, he listed specific moral, political and ceremonial duties the people were to fulfill.⁵³ The rule deontological emphasis can be seen in

⁵³Of course the ancient Hebrews made no distinction among the moral, ceremonial and political laws. They all fit together to form one body of duties for which they were responsible. However, the New Testament makes it very clear that the ceremonial and political laws are no longer applicable to New Testament Christians. See Appendix I: Biblical Testimony Concerning the Present Invalidity of the Old Testament Ceremonial and Political Laws. The term *moral law* is used throughout this dissertation to refer to all laws that are neither ceremonial nor political. Being used in this sense, the content of the moral law is identical to the content of the natural law that is explained in *both* tables of the Ten Commandments. Martin Chemnitz also used the term *moral laws* in this sense when he wrote, "There are also moral

the moral obligations of the Mosaic covenant on at least four different occasions.

The most prominent example is the initial establishment of the Mosaic covenant in Exodus 19-31.⁵⁴ The basic outline of this covenant was summarized by God when he said to Moses,

You yourselves have seen what I did to Egypt, and how I carried you on eagles' wings and brought you to myself. Now if you obey me fully and keep my covenant (וְשָׁמְרָה)

laws which give commands concerning the acknowledgement of God in our hearts and our obedience toward God [that is, the first table] and concerning good works toward men [that is, the second table] . . . It is common to call it the Decalog when we are referring to the moral law." Martin Chemnitz, *Loci Theologici*, 2 vols. trans. J. A. O. Preus (St. Louis: Concordia Publishing House, 1989), 2:342. This is in keeping with a broad understanding of the term *morality* which includes our obligations to God as well as to other men. This is in contrast with the more narrow understanding which equates morality only with the good works of the second table of the law (directed toward men), which must be carefully distinguished from the faith of the first table of the law (directed toward God). This narrow sense is exemplified in David Scaer, "Article IV. Good Works," chap. in *A Contemporary Look at the Formula of Concord* (St. Louis: Concordia Publishing House, 1978), 167.

⁵⁴Unless otherwise noted the English translation of the Scriptures used for this dissertation is the New International Version. The Hebrew quotes are taken from the *Biblia Hebraica Stuttgartensia* (Stuttgart: Deutsche Bibelgesellschaft, 1984). The Greek quotes are taken from the *Novum Testamentum Graece* 26 edition (Stuttgart: Deutsch Bibelgesellschaft, 1979).

Through the use of his law he will establish their duties and they will obey.

Thus, three days later God met Moses on Mount Sinai to establish the specific obligations of the Israelites. Once again the opening words speak of God's initial grace. "I am the Lord your God who brought you out of Egypt out of the land of slavery" (Exodus 20:2). Immediately following this is the decalog, which enumerates the moral obligations of the people. Commandments one through three detail their obligations to God. Commandments four through ten detail their obligations to one another.⁵⁶ Even though the commandments of the second table are not directed specifically toward God (as are the commandments of the first table) they are still obligations that are required by God and, therefore, part of the covenant. After the obligations of the decalog, the

⁵⁶Throughout this dissertation the Lutheran-Roman Catholic enumeration of the ten commandments will be used. For more information on the different numbering systems the reader may wish to see Paul L. Maier, "Enumerating the Decalogue: Do We Number the Ten Commandments Correctly?" *Concordia Journal* 16 (January 1990): 18-26, Nathan Jastram, "Should Lutherans Really Change How They Number the Ten Commandments?" *Concordia Journal* 16 (October 1990): 363-69. Paul L. Maier, "A Response to Nathan Jastram," *Concordia Journal* 16 (October, 1990): 370-72, Horace D. Hummel, "Numbering the Ten 'Commandments,' A Response to Both Jastram and Maier," *Concordia Journal* 16 (October 1990): 373-83.

other obligations of the people follow, including those of a moral, ceremonial and political nature.

The main characteristic of rule deontology is clearly seen in that the moral duties of the Israelites were established by God in this covenant, by the commands of the decalog. Any moral option would be determined by their duty to keep the individual laws of the covenant.⁵⁷

⁵⁷Blessings are the result of living in the covenant, and only curses will come from being outside the covenant (see Deut. 30:15-20); however, ". . . the covenant relationship does not rest on *quid pro quo* understanding. Israel is not commanded to keep these commandments in order that God may prosper her course; she is called to obedience without qualification." *Interpreter's Dictionary of the Bible*, s.v. "Law in the O.T." by W. J. Harrelson. In other words God's continued blessings were not dependent on Israel's obedience. Their obedience was not done in order to coerce, or bribe God, or earn his favor. Rather, God's blessings were dependent on their life within the covenant, of which their obedience was an outward manifestation (as well as a necessary result). Where one found obedience one found God's continued blessing, not because of the obedience, but because of the covenant which created the obedience. On the other hand Israel could earn God's future curses by virtue of her disobedience.

One can see how this could easily be misunderstood so that over time it became distorted. "In the intertestamental period a fundamental change occurred in the role of the Law in the life of the people. The importance of the Law overshadows the concept of the covenant and becomes the condition of membership in God's people. Even more importantly, observance of the Law becomes the basis of God's verdict upon the individual. Resurrection will be the reward of those who have been devoted to the Law (2 Macc. 7:9). The

Other examples in the Old Testament which also illustrate characteristics of the rule deontological method of moral reasoning come from several different occasions when the people reconfirmed their commitment to the Mosaic covenant.

The first actual reemphasis of the initial Mosaic covenant was by Moses himself in Moab before the children of Israel crossed the Jordan to enter Canaan. The entire book of Deuteronomy records this recommitment to the covenant (except for the last chapter which records the death of Moses). Moses repeatedly emphasized all that God had done for them, for example,

The Lord your God has blessed you in all the work of your hands. He has watched over your journey through this vast desert. These forty years the Lord your God has been with you, and you have not lacked anything. (Deuteronomy 2:7)⁵⁸

Law is the basis of the hope of the faithful (Test. Jud. 26:1), of justification (Apoc. Bar. 57:6), of life (IV Ez. 7:21; 9:31). Obedience to the Law will even bring God's Kingdom and transform the entire sin-cursed world (Jub. 23). Thus the Law attains the position of an intermediary between God and man. This new role of the Law characterizes rabbinic Judaism . . ." George E. Ladd, *A Theology of the New Testament*. (Grand Rapids: Eerdmans Publishing Co., 1974), 497.

⁵⁸Similar emphases are made in 2:31-33; 3:2-3,18; 4:36-38; 10:15; 11:2-7; 26:5-11; 29:2-3.

He also explained that in view of the grace which God had given them they were to be dutifully obedient to all the laws of God, for example,

Hear now, O Israel, the decrees and laws I am about to teach you (**שָׁמַע אֱלֹהֵי הַקָּיִם וְאֵל־הַמְּשַׁפְּטִים אֲשֶׁר אָנֹכִי מְלַמֵּד**) (**אֲתַקְּמוּ לַעֲשׂוֹת**). Follow them so that you may live and go in and take possession of the land that the Lord, the God of your fathers is giving you. Do not add to what I command you and do not subtract from it, but keep the commands of the Lord your God that I give you (**לֹא תוֹסֵפוּ עַל־הַדְּבָר אֲשֶׁר אָנֹכִי מְצַוֶּה אֲתֶכֶם וְלֹא תִגְרַעוּ מִמֶּנּוּ לְשֹׁמֵר אֶת־מִצְוֹת יְהוָה אֱלֹהֵיכֶם אֲשֶׁר אָנֹכִי מְצַוֶּה אֲתֶכֶם**). (Deuteronomy 4:1-2)⁵⁹

Once again rule deontology is emphasized because the moral option is to be determined by the individual covenant laws.

The next recommitment(s) occurred with Joshua at Shechem. This is recorded in Joshua 8:30-35 and 24:1-27. It is difficult to determine from the texts if these are two different occasions or simply two different accounts of the same confirmation ceremony. However, the rule deontological emphasis is present in both texts. The passage from chapter

⁵⁹Similar emphases are made in 4:39-40,44-9:6; 7:11; 8:1-2; 10:12-13; 11:1-18; 13; 19:1-28, 68; 29:9. This is also emphasized in the Lord's words to Joshua, "Be careful to obey all the law my servant Moses gave you; do not turn from it to the right or to the left . . . Do not let this Book of the Law depart from your mouth . . . be careful to do everything written in it" (**לְשֹׁמֵר לַעֲשׂוֹת כְּכֹל־הַתּוֹרָה אֲשֶׁר**) **צִוָּה מֹשֶׁה עַבְדִּי אֶל־תָּסוּר מִמֶּנּוּ יָמִין וּשְׂמֹאל . . . לֹא־יִמּוֹשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ . . . הִוָּה מִפִּיךָ**) Joshua 1:7-8.

eight reads:

Afterwards, Joshua read all the words of the law - the blessings and the curses - just as it is written in the Book of the Law. There was not a word of all that Moses had commanded that Joshua did not read to the whole assembly of Israel. (Joshua 8:34-35)

If Joshua read "all that Moses had commanded," one can discern from the commands of Moses in Deuteronomy and in Exodus (exemplified in the two previous quotes) that once again the many laws of God's covenant and the importance of Israel's absolute dutiful obedience were emphasized.

This emphasis is made even more clearly in Joshua 24:1-27. Verses two through thirteen begin by reminding the people of God's gracious actions for them in the past. Then in verse fourteen Joshua explains their responsibilities.

"Now fear the Lord and serve him with all faithfulness"

(Joshua 24:14).

Then the people answered, "Far be it from us to forsake the Lord to serve other gods! It was the Lord our God himself who brought us and our fathers up out of Egypt, from that land of slavery, and performed those great signs before our eyes. He protected us on our entire journey and among all the nations through which we traveled. And the Lord drove out before us all the nations, including the Amorites, who lived in the land. We too will serve the Lord, because he is our God We will serve the Lord our God and obey him" (אֱלֹהֵינוּ יְהוָה (אֱלֹהֵינוּ נַעֲבֹד וְנִשְׁמָע

On that day Joshua made a covenant for the people,

and there at Shechem he drew up for them decrees and laws (חֻקֵי וּמִשְׁפָּטֵי ה'). And Joshua recorded these things in the Book of the Law of God. (Joshua 24:16-18, 24-26)

Here, again, one can note the rule deontological emphasis on dutiful obedience to the "decrees and laws."

The next reconfirmation of the covenant which makes this same emphasis is the reform of Josiah in 2 Kings 23.

He [King Josiah] read in their hearing all the words of the Book of the Covenant, which had been found in the temple of the Lord. The king stood by the pillar and renewed the covenant in the presence of the Lord - to follow the Lord and keep his commands, regulations and decrees (וְלִשְׁמֹר מִצְוֹתַי וְאֶת-עֲדוּתַי וְאֶת-חֻקֵּי ה') with all his heart and all his soul, thus confirming the words of the covenant written in this book. Then all the people pledged themselves to the covenant. (2 Kings 23:2b-3)

Here King Josiah and the people are pledging that they will do their duty in living according to all the laws of God. Right and wrong will be determined by the various "commands, regulations and decrees" of the Lord.

The final example that illustrates significant features of the rule deontological method of moral reasoning is the covenant reconfirmation with Ezra, recorded in Nehemiah 9-10. The people are reminded of the sins of their fathers as well as the steadfast faithfulness of the Lord.

You are the Lord God, who chose Abram You made a covenant with him to give to his descendants You

saw the suffering of our forefathers in Egypt; you heard their cry at the Red Sea . . .

You came down on Mount Sinai; you spoke to them from heaven. You gave them regulations and laws that are just and right and decrees and commandments that are good . . . through your servant Moses . . .

But they were disobedient and rebelled against you; they put your law behind their backs. . . . So you handed them over to their enemies, who oppressed them. . . . But in your great mercy you did not put an end to them or abandon them, for you are a gracious and merciful God. . . . In all that has happened to us, you have been just; you have acted faithfully. (Nehemiah 9:7-33)

The Lord has kept his covenant. He has continually been faithful. Israel, however was disobedient. She did not fulfill her obligations. She failed in her duty to keep all the covenant laws. Yet, because of the Lord's faithfulness the people are willing (and able) to reconfirm themselves to the covenant.

All these now join their brothers the nobles, and bind themselves with a curse and an oath to follow the Law (לְלֶכֶת בְּתוֹרַת) of God given through Moses the servant of God and to obey carefully all the commands, regulations and decrees of the Lord our Lord (וְלִשְׁמֹר וְלַעֲשׂוֹת אֹתָהּ) (Nehemiah 10:29).

In this example, as in all others given above, those pledging their faithfulness to the Lord are in effect saying, "Empowered by, and responding to your grace, we will dutifully obey all your laws. Any moral decision will be

based on our obligation to keep the laws of the covenant."

Thus, this recurring emphasis on their duty to obey all the covenant laws illustrates that the ancient Israelites used a rule deontological method of moral reasoning.

This same distinctive feature of rule deontology is also found in the New Testament. In the gospels one can note at least three different passages where Jesus himself illustrates characteristics of this rule deontological form of moral reasoning. Jesus says,

Anyone who breaks one of the least of these commandments (τῶν ἐντολῶν τούτων) and teaches others to do the same will be called least in the kingdom of heaven, but whoever practices and teaches (ποιῆσῃ καὶ διδάξῃ) these commands will be called great in the kingdom of heaven (Matthew 5:19).⁶⁰

⁶⁰The question, "Does the phrase 'these commandments' (τῶν ἐντολῶν τούτων) refer to the Old Testament law or to the commandments about to be given by Jesus?" is addressed by H. B. Green when he writes, "*These commandments*: the original force of this saying must have had in view the OT law as it stands; but the following verse, and the section it introduces, suggest rather that Mt. takes it to mean the law as reinterpreted by Jesus." H. B. Green, *The Gospel According to Matthew* (Oxford: Oxford University Press, 1975), 81. However, such a separation is actually an artificial dichotomy as Johannes Ylvisaker explains, "Jesus does not in the Sermon on the Mount set up His own Word as a contrast to the testimony of the Old Testament, as some have asserted. For He says expressly that He has not come to destroy the Law or the Prophets (Mat. 5:17). . . . It must not be supposed that the morality of Jesus is not the moral philosophy of the

In this text Jesus is not only reemphasizing the enduring validity of the Old Testament moral law, but he is also

Old Testament. It is a gross mistake to regard Jesus as a new lawgiver. . . .

Through the Word of God's Son on the mountain, our thoughts revert naturally, then, to God's Word on Sinai." Johannes Ylvisaker, *The Gospels*, trans. The Board of Publication of The Norwegian Lutheran Church and Augsburg Publishing House (Minneapolis, MN: Augsburg Publishing House, 1932), 251.

Martin Chemnitz also discusses this same artificial dichotomy "For the fact that He [Christ] says, 'It has been said by them of old time . . . but I say unto you . . .' Matt. 5:21, does not mean that He is opposing His doctrine to Moses and is rejecting and condemning him, . . . or that he is trying to hand down commandments which are better, more perfect, or of greater (*meliora, perfectora + grauiova*) importance than those of Moses For Moses was clearly giving the same interpretation Christ brings back to mind the oldest interpretation which had been given by Moses and the prophets Therefore Christ is asserting by this mode of speaking ("I say to you") that He who promulgated the Decalog possesses the absolutely surest explanation of it." Martin Chemnitz, *Loci Theologici*, trans. J. A. O. Preus 2 vols. (St. Louis, MO: Concordia Publishing House, 1989), 2:405. The Latin references are taken from Martin Chemnitz, *Loci Theologici*, 3 vols (Francoforti ad Moenum, 1591-1595), 2:81a.

Harold Buls also comments on this chapter of Matthew writing "He [Christ] came not to do away with the OT teachings but to bring out their true, original meaning Jesus is not a new law giver, nor is He adding anything to what Moses said He was the author of this law and now is about to explain what He meant when He gave this law through Moses." Harold Buls, *Exegetical Notes ILCW Gospel Texts Series A Festival Season Sundays* (Fort Wayne, IN: Concordia Theological Seminary Press, 1980), 32, 34.

stressing the enduring duty to obey and teach even "the least of these commandments" (μίαν τῶν ἐντολῶν τούτων τῶν ἐλαχίστων). Moral decisions are to be rule deontological because they are based on the obligation to obey all of God's moral commandments.

A similar emphasis is made with Jesus' sermon in Matthew 23.

The teachers of the law and the Pharisees sit in Moses' seat. So you must obey them and do everything they tell you (πάντα οὖν ὅσα ἐὰν εἴπωσιν ὑμῖν ποιήσατε καὶ τηρεῖτε). But do not do what they do for they do not practice what they preach. (Matthew 23:2-3)

In both of the above passages Jesus is stressing the importance of one's duty to obey the law. These passages show that for Jesus, an important element in ethics is one's obligation to obey the Old Testament laws. Insofar as Jesus emphasizes the duty and obligation to obey the laws of God, he is using a rule deontological method of moral reasoning.⁶¹

This same rule deontological method is also prevalent in the writings of St. Paul. This is noticeable both as a

⁶¹One could also add that "Jesus recognizes the Law when He acts as the One who forgives sins. . . . Jesus validates the Law by the judgment implied in His pardon." Gerhard Kittel, ed. *The Theological Dictionary of the New Testament* (Grand Rapids: Eerdmans Publishing Co., 1967), s.v. "νόμος" by Gutbrod.

broad principle which he explains, as well as in specific examples that he uses.

St. Paul uses what has become rule deontology as a broad principle several times in his letter to the Romans. In chapter two of Romans Paul emphasizes the numerous individual moral obligations that are established by the law.

You who preach against stealing, do you steal? You who say that people should not commit adultery, do you commit adultery? You who abhor idols, do you rob temples? You who brag about the law, do you dishonor God by breaking the law? (Romans 2:21b-23)

In the next two chapters Paul reemphasizes this same theme (that is, the numerous obligations of the moral law) in yet another way. Because the moral law has established many duties, St. Paul knows that he has sinned when he fails to meet those duties. Paul's awareness of sin is related directly to the obligations established by the moral law. For this reason Paul writes, "Through the law we become conscious of sin" (Romans 3:20b). In chapter seven he again writes, "I would not have known what sin was except through the law" (Romans 7:7). In all three of these passages St. Paul is stressing the ongoing importance of the moral laws in setting the standard for human behavior. St. Paul also emphasizes that New Testament Christians still have a duty to

obey all the moral laws of the Old Testament when he writes, "Everything that was written in the past was written to teach us" (Romans 15:4). St. Paul emphasizes this again when he writes about the moral failings of the Old Testament Israelites.

Now these things occurred as examples to us to keep us from setting our hearts on evil things as they did. Do not be idolaters, as some of them were; as it is written: "The people sat down to eat and drink and got up to indulge in pagan revelry." We should not commit sexual immorality, as some of them did - and in one day twenty-three thousand of them died. We should not test the Lord, as some of them did - and were killed by snakes. And do not grumble, as some of them did - and were killed by the destroying angel.

These things happened to them as examples and were written down as warnings for us . . . (1 Corinthians 10:6-11a)

To the Corinthians St. Paul even goes so far as to say, "Keeping God's commands (ἐντολῶν) is what counts" (1 Corinthians 7:19). In all of these passages Paul used what is now called the rule deontological method, which emphasizes the obligation to obey all of God's moral laws.

One can also see how this principle is applied when St. Paul uses it in specific situations. St. Paul writes to the Romans, "Do not take revenge, my friends, but leave room for God's wrath, for it is written: 'It is mine to avenge; I will repay,' says the Lord" (Romans 12:19). Here Paul is

specifically saying that New Testament Christians still have an obligation to obey Deuteronomy 32:35.

A similar emphasis can be noted in Paul's letter to the Ephesians. "Children, obey your parents in the Lord, for this is right. 'Honor your father and mother' – which is the first commandment with a promise" (Ephesians 6:1-2).⁶² This emphasis is stressed again in his first letter to the Corinthians

For it is written in the Law of Moses: "Do not muzzle an ox while it is treading out the grain." Is it about oxen that God is concerned? Surely he says this for us, doesn't he? Yes, this was written for us If we have sown spiritual seed among you, is it too much if we reap a material harvest from you? (1 Corinthians 9:9-11)

In these last two passages Paul not only shows that Christians still have a moral duty to obey the fourth

⁶²Long life may be the result of obedience to the fourth commandment but it is not to be construed as the reason for obedience. For any reward from God, including longevity, is always a reward of grace. Francis Pieper explains, "Scripture teaches that the good works of Christians receive a reward (1 Cor.1 3:8), yea, a very great reward (μισθὸς πολὺς - Matt. 5:12; Luke 6:23, 35)

But this reward . . . must be regarded strictly as a reward of grace. The kingdom of Christ is the Kingdom of Grace, and he who hands God a bill for his good works places himself outside the Kingdom of Grace." Francis Pieper, *Christian Dogmatics* 4 vols. (St. Louis: Concordia Publishing House, 1953), 3:52. Thus the fourth commandment, with its promise, is not an example of teleological morality. (Compare footnote 50 above).

commandment, but he even finds a moral implication in Deuteronomy 25:4 (concerning oxen treading grain), which he emphasizes as still being relevant for the New Testament Church. Therefore, Wolfgang Schrage, in reference to Paul's use of the Old Testament, writes:

The Old Testament and its laws are presupposed and enforced as the criterion of Christian conduct. There are instances where Paul as it were instinctively and without further justification presupposes certain conclusions deriving from Jewish thought based on the Torah. [In] debating with gentile Christians [Paul] appeals explicitly (*expressis verbis*) and deliberately to the Old Testament and its Torah.

. . . it follows that for Christians the Old Testament has "greater authority than the customs of everyday economic life" and a natural sense of what is just and proper.⁶³

The distinctive feature of the rule deontological method of moral reasoning is noted in the Gospels as well as the Epistles in that both Jesus and St. Paul emphasized that Christians have a duty or an obligation to obey all the individual moral commandments of Scripture.⁶⁴

⁶³Wolfgang Schrage, *The Ethics of the New Testament*, trans. David Green (Philadelphia: Fortress Press, 1988), 205. This also contains a quote from Heinz-Dieter Wendland, "Die Briefe an die Korinther," *Das Neue Testament Deutsch*. (Göttingen: Vandenhoeck & Ruprecht, 1946) 53.

⁶⁴The capability to be dutifully obedient comes only from God. Because of the grace that is received from him, his people are empowered to faithfully respond. On a

Characteristics of Rule Deontology
in the Writings of Martin Luther⁶⁵

Luther appreciated the importance of the moral laws in the Old Testament just as Jesus and St. Paul. He consistently uses the decalog in order to stress the moral duties and responsibilities for modern Christians. In this way Luther, too, used the rule deontological method of moral reasoning. This can be noted in both a negative and positive way.

Luther illustrates the rule deontological method of

rational level such dutiful obedience may be perceived as an expression of gratitude to God for the multitude of gracious blessings which he has bestowed upon the believer. The psalmist enjoins this gratitude when he writes "Give thanks to the Lord, for he is good; his love endures forever" Psalm 107:1. (See also 1 Chronicles 16:8; Psalms 7:17; 28:7; 30:12; 35:18; 75:1; 100:4; 118:28; 136:1; 1 Corinthians 15:57; 2 Corinthians 2:14; 9:15; 1 Thessalonians 5:18; Revelation 4:9).

However, on the spiritual level such dutiful obedience is more than a mere human expression of gratitude. It is also the very power of God working in and through the "new man" in Christ. St. Paul emphasizes this when he writes, "I have been crucified with Christ and I no longer live, but Christ lives in me" Galatians 2:20. (See also Romans 8:5-14; 2 Corinthians 3:4; Ephesians 3:16).

⁶⁵It is not the purpose of this section to give a detailed account of every aspect of Luther's understanding of the law. The purpose here is much more modest. It is merely to illustrate that the rule deontological method of moral reasoning can also be found in the writings of Luther.

moral reasoning in a negative way with his explanation of the primary (that is, the accusatory or spiritual) function of the law. Luther writes,

Therefore the true function and the chief and proper use of the Law is to reveal to man his sin, blindness, misery, wickedness, ignorance, hate and contempt of God, death, hell, judgment, and the well-deserved wrath of God For since, the reason becomes haughty with this human presumption of righteousness and imagines that account of this it is pleasing to God, therefore God has to send some Hercules, namely, the Law, to attack, subdue, and destroy his monster with full force.⁶⁶

This is the same negative use of the rule deontological method of moral reasoning that was illustrated by St. Paul in Romans 3:20; and 7:7.⁶⁷ This accusatory function of

⁶⁶*Luther's Works*, 55 vols., eds. J. Pelikan and H. T. Lehmann, American Edition in English Translation (Philadelphia: Fortress Press and St. Louis: Concordia Publishing House, 1958-1986), 26:309-10. Hereafter this work is abbreviated as *L. W.* In *Epistolam S. Pauli ad Galatas Commentarius*, [1531] 1535. "Itaque verum officium et principalis ac proprius usus legis est, quod revelat homini suum peccatum, caecitatem, miseriam, impietatem, ignorantiam, odium, contemptum Dei, mortem, infernum, iudicium et commeritam iram apud Deum Quia enim ratio humana opinione iustitiae insolescit et putat se propter eam placere Deo, Ideo oportet Deum mittere aliquem Herculem, scilicet Legem quae monstrum istud toto impetu adoriatur, prosternat et conficiat." *D. Martin Luthers Werke, Kritisch Gesamtausgabe*, 64 Bände (Weimar, 1883-), 40.1:481. Hereafter this work is abbreviated as *W. A.*

⁶⁷See page 49 above.

the law demonstrates the rule deontological method of moral reasoning in that it reveals to the sinner the failure to fulfill the numerous obligations or duties which God has commanded.⁶⁸ Every accusation which the spiritual function of the law makes illustrates a presumption that the individual moral commandments of God are obligatory. When the law accuses the sinner of a particular sin it is emphasizing that a deontological duty has been left unfulfilled. In this way the accusatory function of the law illustrates the rule deontological method of moral reasoning in a negative way.

Luther also illustrated the rule deontological method of moral reasoning in a positive way when the law was used to demand, coerce and drive the "old man" to good works. Luther explained in a homily on 1 Timothy 1:8-11,

One must separate man into two parts and distinguish between them, namely between the old [part] and the new [part] as St. Paul has partitioned him. The new man should not be disturbed with laws; however, continually force the old man on with laws. Do not give him any relief from them

The old man . . . who has no faith, has no pure heart and does not have Christ. He must have the law.

⁶⁸This negative function of the rule deontological method forms a part of the second use of the law mentioned in article six of the Thorough Declaration of the Formula of Concord, "The Law of God is useful that through it men are brought to a knowledge of their sins." *Concordia Triglotta* (St. Louis: Concordia Publishing House, 1921), 963.

He must be continually forced on with works Nor is he inclined to do anything that is good, even less can he actually do what is good. Rather he will have a immoral and wicked life.⁶⁹

To drive the "old man" on with works is a positive use of the rule deontological method because in this way the numerous commandments enumerate the duties which God demands.⁷⁰ In a positive way the deontological duties are listed and commanded. Because of this positive use of the rule deontological method one can distinguish the good works which God commands (which are the only good works) from those

⁶⁹This is the author's own translation. "Diesen brauch recht zuverstehen mustu den menschen yn zwey stuck teilen und die beide wol scheiden, nemlich yn den alten und newen, wie yhn Pau[ulus] geteilt hat. Den newen menschen las nur gar unverworren mit gesessen, Denn alten treibe on unterlas mit gesessen und las yhm nur kein ruge darvon

Der alte mensch . . . der on glauben und nicht von reinem herssen ist und Christum nicht hat, mus das gesess haben und ymmer dar mit wercken getrieben werden er kan auch zu keinem guten geneiget seyn, veil weniger gutes thuen, sondern eitel buberey und boscheit." Predigt Über 1 Timotheus 1:8-11. 18 März, 1525. W. A. 17.1:122-23.

⁷⁰This positive function of the rule deontological method constitutes one aspect of the third use of the law mentioned in article six of the Thorough Declaration of the Formula of Concord. "The Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the [good and] acceptable will of God, Rom. 12,2, [and] in what good works God hath before ordained that they should walk, Eh. 2:10." *Triglotta*, 965-69.

fictitious good works invented by man. Luther explains,

The first thing to know is that there are no good works except those works God has commanded Therefore, whoever wants to know what good works are . . . needs to know nothing more than God's commandments.⁷¹

As much as Luther emphasized the Gospel, the deontological emphasis in the ten commandments was no trifling matter. Luther made this point again in a letter to Peter Baskendorf concerning prayer.

Out of each Commandment I make a garland of four strands. First of all, I take each commandment as a teaching, which is what it really is, and reflect on what our Lord God earnestly demands of me here. Secondly, I make a thanksgiving of it. Thirdly, a confession. Fourthly, a prayer

These are the Ten Commandments treated in a fourfold way – as a doctrinal book, hymnbook, confessional book, and prayer book.⁷²

⁷¹L. W. 44:23. "Czum ersten ist zuwissen, das kein gutte werck sein, dan allein die got gebotenn hat Darumb, wer gute werck wissen . . . der darff nichts anders dan gottis gebot wissen." Von den Guten Werken, 1520. W. A. 6:204.

⁷²Baillie, John; McNeill, John; Van Dusen, Henery, gen. eds. *The Library of Christian Classics*, 26 vols. *Luther: Letters of Spiritual Counsel* ed. and trans. Theodore Tappert (Philadelphia: Westminster Press, 1955), 18:129-30. "Und mache aus einem iglichen Gebot ein gevierdes oder ein vierfaches gedrehetes krensslin, Als: Ich neme ein iglich Gebot an zum ersten als eine lere, wie es denn an im selber ist, und dencke, was unser Herr Gott darinn so ernstlich von mir fordert, Zum andern mache ich eine dancksagung draus, Zum

Luther's reference to the "teaching" (*lere*) of the ten commandments that are "demands" (*fordert*) of God aptly illustrate what has become known as the rule deontological method of moral reasoning.

The deontological method of moral reasoning has been defined and illustrated above. It has been suggested that of the three forms examined, pure act deontology, modified act deontology, and rule deontology, the inspired authors of the Holy Scriptures, as well as Martin Luther, used a method of moral reasoning that contained characteristics in common with rule deontology, which insisted on obedience to pre-established rules.

dritten eine beicht, Zum vierden ein gebet

Das sind die Zehen gebot vierfeltiz gehandelt, nemlich als ein lerebuchlin, als ein sangbuchlin, als ein beicht buchlin, als ein Betbuchlin." Eine Einfältige Weise zu Beten für Eine Guten Freund, 1535. W. A. 38:364-65, 372.

CHAPTER TWO

The Teleological Method Defined and Illustrated

The teleological method of moral reasoning (often referred to as consequentialism and illustrated in utilitarianism) determines the moral option in view of the end result or goal that the moral agent seeks to achieve. William Frankena explains,

A teleological theory says that the basic or ultimate criterion or standard of what is morally right, wrong, obligatory, etc., is the nonmoral value that is brought into being Thus an act is *right* if and only if it or the rule under which it falls, produces, will produce, or is intended to produce at least as great a *balance of good over evil* as any available alternative; an act is *wrong* if and only if it does not do so [emphasis his].¹

Tom Beauchamp and James Childress write that,

Utilitarians maintain that the moral rightness of actions is determined by their consequences, in particular by the maximization of the nonmoral value produced

¹Frankena, *Ethics*, 14. Frankena continues by explaining that "Teleologists have often been hedonists, identifying the good with pleasure and evil with pain. . . . But they . . . have sometimes been non-hedonists, identifying the good with power, knowledge, self-realization, perfection, etc." Frankena, *Ethics*, 15.

by the action. The value produced—such as pleasure, friendship, knowledge, or health—is said to be *nonmoral* because it is the general goal of many human activities, such as art, athletics, and academics, and thus is not a distinctly moral value like fulfilling a moral obligation. A common feature of these theories is that standards of obligation and right conduct depend on and are subordinated to standards of the good.²

Thomas Shannon affirms that,

The ethical theory of consequentialism answers the question "What should I do?" by considering the consequences of various answers. That is, what is ethical is that consequence which brings about the greatest number of advantages over disadvantages or which brings about the greatest good for the greatest number of people. Basically, in this method, one looks to outcomes, to consequences, to the situation, and from that perspective, one decides what is ethical.³

The main emphasis in teleological ethics is not whether an act or rule is consistent with a duty or obligation, as in deontology, but whether or not an act or a rule produces the desired end. The teleologists insist that morality is determined by the results of the action or rule, regardless of any predetermined duty. Teleological theories may use the terms *duty* or *obligation*, but such terms are always defined in light of the desired consequences.⁴

²Beauchamp and Childress, 25.

³Thomas Shannon, *An Introduction to Bioethics*, Second Edition Revised and Updated (New York: Paulist Press, 1978), 20.

⁴An example of this teleological use of the term *duty*

As with deontology above, William Frankena also divides teleology into three subcategories.⁵ Using utilitarianism as a form of teleology, Frankena explains that pure act utilitarianism rejects all rules, modified act utilitarianism uses rules only as helpful guides, and rule utilitarianism insists on the use of rules.⁶ In order to

may be noted in the previous quote wherein Beauchamp and Childress write, "obligations and right conduct depend on and are subordinated to standards of the good." Beauchamp and Childress, 19. Another example is given by C. D. Broad when he writes that teleology is "the doctrine that it is the duty of each to aim at the maximum happiness of all, and to subordinate everything else to this end." C. D. Broad *Five Types of Ethical Theory*. (London: Routledge and Kegan Paul Ltd., 1930), 183. Another example is given when G. E. Moore also explains that, "What is 'right' or what is our 'duty' must in any case be defined as what is a means to good Our 'duty' is merely that which will be a means to the best possible, and the expedient, if it is really expedient, must be the same. We cannot distinguish them by saying that the former is something we ought to do, whereas of the latter we cannot say we 'ought.' In short the two concepts are not, as is commonly assumed by all except Utilitarian moralists, simple concepts ultimately distinct. There is no such distinction in Ethics." George E. Moore, *Principia Ethica* (Cambridge: Cambridge University Press, 1954), 167-68. Such a teleological usage of the term duty is rather rare. Generally speaking the terms "duty" and "obligation" are limited to deontology.

⁵Frankena, "Love and Principle," 207-8.

⁶Ibid., 207-8. The distinction between pure act utilitarianism and rule utilitarianism is also noted by

explain the teleological method of moral reasoning, each one of these three forms will be defined and illustrated.

Pure Act Teleology

William Frankena stresses that pure act teleology has absolutely no use for rules.

Pure act-utilitarianism is the view which has no place whatsoever for such [that is, moral] rules, holding that one is to tell what is one's right or duty in a particular situation simply by an appeal to the principle of utility, that is, by looking to see what action will produce or probably produce the greatest general balance of good over evil.⁷

Beauchamp and Childress explain act teleology as follows:

Controversy has arisen, however, over whether this principle [that is, utilitarianism] is to be applied to particular acts in particular circumstances in order to determine which act is right or whether it is to be applied instead to rules of conduct that themselves determine which acts are right and wrong An act utilitarian simply skips . . . rules and justifies

Beauchamp and Childress, 30-36, Garner and Rosen, 55-82, J. J. C. Smart, "Extreme and Restricted Utilitarianism," chap. in *Contemporary Utilitarianism* (Garden City, NY: Doubleday Co. Inc., 1968), 99-115. This is a revised version of an article originally published in *The Philosophical Quarterly* 6(1956) 344-54. See also the bibliography in J. J. C. Smart and Bernard Williams, *Utilitarianism For and Against* (Cambridge: University Press, 1973), 151-55.

⁷Ibid., 207.

actions by appealing directly to the principle of utility.

The act utilitarian considers the consequences of each particular act The act utilitarian asks, "What good and evil consequences will result from this action in this circumstance?"⁸

Garner and Rosen write that, "The act utilitarian holds that the rightness or wrongness of an action is solely a function of its consequences."⁹

John Klotz emphasizes that,

Under act utilitarianism the rule level is skipped and the utilitarian principle leads directly to judgments regarding individual actions. The act utilitarian asks, for example, "What good or evil consequences will result from this action under these circumstances?"¹⁰

For the purpose of illustrating the method of act teleology this dissertation will use Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (1789).¹¹ Bentham discusses the act teleological method of

⁸Beauchamp and Childress, 25-26.

⁹Garner and Rosen, 55.

¹⁰John Klotz, *Men, Medicine and Their Maker* (University City, MO: Torelion Productions, 1991), 12.

¹¹Jeremy Bentham (1748-1832) was born in London. As a preschooler he studied both Latin and Greek. His father collected scraps of Latin which Jeremy wrote when he was 5. By the time he was 7 he could play several of Handel's sonatas on a miniature violin. He entered Queens College at

his entire system in the first five chapters.

In his opening paragraph he explains that all actions and decisions, including those of morality, are to be determined solely on the basis of whether they produce pain or pleasure.

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine . . . the standard of right and wrong. . . . They govern us in all we do, in all we say, in all we think. . . . The principle of utility recognizes this subjection.¹²

Bentham's principle of utility seeks to organize all human action in such a way as to maximize pleasure and minimize pain.

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question.¹³

Oxford when he was 12. At 16 he received his Bachelor's degree. At 19 he was called to the bar. For more information on the life of Jeremy Bentham the reader may wish to see, Charles Everett, *Jeremy Bentham* (London: Wiedenfeld and Nicolson, 1966) or Charles M. Atkinson, *Jeremy Bentham His Life and Work* (Westport, Connecticut: Greenwood Press, 1970).

¹²*The Works of Jeremy Bentham*, ed. John Bowring, 11 vols. (New York: Russell & Russell, 1962), 1:1.

¹³*Ibid.*, 1. The great stress on "every action

Bentham does not attempt to prove this principle of utility. It is an unprovable first principle. "That which is used to prove everything else, cannot itself be proved: a chain of proofs must have their commencement somewhere."¹⁴

Pleasure, happiness, good, benefit or advantage are all synonyms for Bentham which refer to the end that is to be sought; whereas, evil, pain and mischief are all synonyms for the end that is to be avoided.¹⁵

All our actions ought to be teleologically oriented toward the end of producing pleasure and avoiding pain. Bentham insists that this is the only sense in which the terms *ought*, *right* and *wrong* can be properly used. These moral terms of value have meaning only when they are used within a teleological context. "When thus interpreted the words 'ought,' and 'right' and 'wrong' and others of that stamp [for example, duty and obligation], have meaning, when otherwise, they have none."¹⁶

Bentham explains that on the surface the principle of

 whatsoever" is intended to include both the private actions of individuals as well as the public actions of governments. Ibid.

¹⁴Ibid., 2.

¹⁵Ibid., 1-2.

¹⁶Ibid., 2.

asceticism seems to oppose utility. For the ascetics do not seek that which augments their pleasure. Quite to the contrary, they insist on seeking those interests and activities that enhance their pain. However, they do not disprove the principle of utility by their actions, because their conflict with utilitarianism is only superficial. For the ascetics pain is their pleasure. They seek out their pleasure by means of pain. Thus, "Even this [asceticism] we see is at bottom but the principle of utility misapplied."¹⁷

The other theory that occasionally conflicts with the principle of utility is "sympathy and antipathy." "By the principle of sympathy and antipathy, I mean that principle which approves or disapproves of certain actions, . . . merely because a man finds himself disposed to approve or disapprove of them."¹⁸ With the principle of sympathy and antipathy a judge would pronounce a punishment upon a criminal the severity of which would be in direct proportion to how much the judge disliked the crime. "If you hate much punish much: if you hate little punish little: punish as you hate. If you hate not at all punish not at all."¹⁹

¹⁷Ibid., 6.

¹⁸Ibid., 7-8

¹⁹Ibid., 8.

Bentham explains that the problem with this principle of sympathy and antipathy is that there are so many different reasons (many of which are conflicting) why a person would hate a certain act. One might claim to have a "moral sense" that tells him what is wrong. Another might make the same claim using "common sense." Another might use "rational understanding." Still another might use an "eternal and immutable Rule of Right."²⁰

Many people also refer to the "Law of Nature" with such phrases as "Right Reason," "Natural Justice," "Natural Equity," or "Good Order."²¹ Yet, anyone can call anything they dislike "unnatural." Since they find a certain act repugnant, they believe it is against nature, consequently no one else should practice it.²² "The mischief common to all these ways of thinking and arguing . . . is their serving as a cloke, and pretense, . . . to despotism . . ."²³ These arguments are used by people who simply want to get their own way.

²⁰Ibid., 8 fn.1-4.

²¹Ibid., 9 fn.7.

²²Ibid., 9 fn.9.

²³Ibid. "The principle of sympathy and antipathy is most apt to err on the side of severity." Bentham, 10.

For Bentham it is no different with the use of a theological principle. By a theological principle Bentham means a "principle which professes to recur for the standard of right and wrong to the will of God."²⁴ Yet, the will of God cannot be determined by Scripture, according to Bentham. For Scripture does not help us to organize our political administration,

and even before it can be applied to the details of private conduct, it is universally allowed, by the most eminent divines of all persuasions, to stand in need of pretty ample interpretations; else to what use are the works of those divines?²⁵

According to Bentham, when the theological principle uses the "will of God" for an argument it cannot be referring to God's revealed will in the Scriptures, which can be interpreted in so many diverse ways; it is rather referring to a presumptive will, "that is to say, that which is presumed to be his will on account of the conformity of its dictates to those of some other principle."²⁶ This "other principle," then, is surely to be one of the previous three principles mentioned above (that is, asceticism, sympathy and antipathy,

²⁴Ibid., 10.

²⁵Ibid., 11.

²⁶Ibid.

or the law of nature).

According to Bentham, God's will cannot establish what is right and wrong even though the right is in conformity with God's will. One must first determine what is right (by means of the principle of utility); only then does one know God's will.²⁷

The act teleological thrust of Bentham's utilitarianism is clearly evident not only in his insistence to determine all moral decisions in view of their consequences, but also in his complete rejection of any deontological concept of duty. Thus, he concludes his second chapter by writing, "The only right ground of action that can possibly subsist is, after all the consideration of utility The principle of utility neither requires nor admits of any other regulator than itself."²⁸

Bentham admitted that it is often important to repress some desires; however, this is only done in order to gratify those desires that are more important. The more important desires are determined by the amount of pleasure caused and pain avoided when the desires are fulfilled, and also by the

²⁷Ibid.

²⁸Ibid.

number of people who benefit from the fulfillment of a certain desire. Bentham developed an elaborate system cataloging the various pains and pleasures. For the main emphasis, in the principle of utility, is to choose the action that leads to the greatest happiness for the greatest number of people.

In order to determine which action would produce the greatest good for the greatest number Bentham developed a complex method of hedonic calculus. In chapter four of the *Principles of Morals and Legislation* Bentham explains the seven different categories with which the moral agent can measure the quality of both pain and pleasure. They are: 1.intensity 2.duration 3.certainty or uncertainty 4.propinquity or remoteness 5.fecundity (that is, the likelihood that more of the same will follow) 6.purity (that is, the likelihood that it will not be followed by the opposite sensation) 7.extent (that is, the number of persons affected).²⁹

For a crude example suppose a Benthamite is trying to decide how to spend his recreational time on a particular afternoon. On the one hand, he may take his little boy fishing. The adult Benthamite despises this particular sport

²⁹Ibid., 16.

and estimates that the boredom he experiences spending such an afternoon at the lake is equivalent to 4 units of pain (or -4 units of pleasure). However, his son greatly enjoys fishing with his father at the lake. For the son such an afternoon would create at least 9 units of pleasure. Thus when the 4 units of pain are subtracted from the 9 units of pleasure, the Benthamite discovers that an afternoon of fishing with his son would create a total balance of 5 units of pleasure.

On the other hand, the Benthamite may spend the afternoon alone watching television. Such an afternoon, while relaxing, still would not thrill the Benthamite as much as fishing would thrill his son. Yet 4 units of pleasure could be expected. However, his son would be greatly disappointed. Such a disappointment could produce 9 units of pain (or -9 units of pleasure). Thus when the 9 units of pain are subtracted from the 4 units of pleasure, the Benthamite discovers that an afternoon alone watching television would create a total balance of -5 units of pleasure (or 5 units of pain).

Thus the choice is between fishing that produces 5 units of pleasure or watching television that produces 5 units of pain. Since the first option will produce more

pleasure, it will be preferred as the moral option by the Benthamite.³⁰

In Bentham's method any use of rules is conspicuous by its absence.³¹ Bentham's hedonic calculus precludes the use of rules as a means by which the end is to be achieved. Karl Britton writes,

Bentham is untiring and unsparing in his denunciation of all codes or rules of morality. Their chief use, he held, was to bind men in obedience to their masters, whether lay or clerical/ some rules could perhaps be interpreted as extremely vague and confused expressions of the principle of utility; more often they expressed nothing more than sentiments, superstitions, and interests of different groups. As moral principles they were useless and inapplicable.³²

Thus Bentham's form of utilitarianism, with his hedonic

³⁰This fictitious example simplistically illustrates the principles which Bentham explicates in *An Introduction to the Principles of Morals and Legislation* chapter 4 section 5. *Ibid.*, 16. For a more thorough analysis of Bentham's hedonic calculus, and for a more complex example, the reader may wish to see Everett, 47-57.

³¹"There is a sense in which the act utilitarian advises us to follow a rule, but this rule ('Do all and only those actions which lead to the greatest good for the greatest number') is not one which is justified by appeal to the principle of utility, for it is the principle of utility." Richard Garner and Bernard Rosen, 70.

³²Karl Britton, *John Stuart Mill* (New York: Dover Publications, 1969), 59-60.

calculus, serves as an excellent example of pure act teleology.

Modified Act Teleology

Modified act teleology is a middle category which lies half way between the act teleologist (who have no use for rules) and the rule teleologists (who insist on the use of rules). Modified act teleologists accept a moderate use of rules as summary rules, rules of thumb, or *prima facie* rules.

Often times the teleologists are only classified into two extreme categories: the act teleologists and the rule teleologists. When this is done the middle position of modified act teleology is forced onto one side or the other. For this reason the definition of act teleology is frequently broadened to include those teleologists who accept a modified use of rules.³³ Other authors who classify the teleologists into only two parts find it more convenient to broaden the definition of rule teleology in order to incorporate the middle category of modified act teleologists.³⁴

³³This type of arrangement may be noted in Beauchamp and Childress, 25-32, Garner and Rosen, 55-82, J. J. C. Smart "Extreme and Restricted Utilitarianism."

³⁴This type of arrangement may be noted in David Lyons, *Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1965), 119. "In order to discuss the various types of

This dissertation will follow the less common, yet more discriminating threefold classification as it has been developed by William Frankena. He specifically distinguishes this middle category of modified act teleology (which he illustrates with modified act utilitarianism) from both pure act teleology and rule teleology. Modified act teleology "would allow us to formulate rules as guides They would be rules which say . . . it is always or generally for the greatest good to act in a certain way in such a situation."³⁵

Although John Rawls favors the method of rule teleology (which he calls the practice use of rules) he offers a thorough summary of modified act teleology (which he calls the summary use of rules) in his article "Two Concepts of Rules."³⁶ Rawls explains that the modified act teleologists use rules that are derived from the principle of utility. "I have called this conception the summary view because rules are pictured as summaries of past decisions

rule-utilitarianism I shall distinguish, . . . between *theoretical* (or theory-dependent) rules and merely *cautionary* rules (rules of thumb)."

³⁵Frankena, "Love and Principle," 208.

³⁶John Rawls, "Two Concepts of Rules," *Philosophical Quarterly* 64 (January 1955): 3-32.

arrived at by the *direct* application of the utilitarian principle to particular cases."³⁷

For the modified act teleologist consistent utilitarian decisions on a given problem must precede the formulation of a rule.

The decisions made on particular cases are logically prior to rules We are pictured as recognizing particular cases prior to there being a rule which covers them, for it is only if we meet with a number of cases of a certain sort that we can formulate a rule.³⁸

Such rules are not absolutely necessary in order to achieve the desired moral end. They are merely helpful guides or rules of thumb (*prima facie* rules or summary rules) which may be ignored if the moral agent would determine to resort to act teleology and apply the principle of utility directly to the specific act in question.

The moral agent who is a modified act teleologist would ignore a rule if he determined that the prior decisions which form the basis of the rule were incorrect.

Each person is in principle always entitled to reconsider the correctness of a rule and to question whether or not it is proper to follow it in a given case. As rules are guides and aids, one may ask whether in past decisions there might not have been a mistake in apply-

³⁷Ibid., 19.

³⁸Ibid., 22.

ing the utilitarian principle to get the rule in question.³⁹

One of the most prominent proponents of modified act teleology was Henry Sidgwick, *The Methods of Ethics* (1874) who maintained that the rules used by the utilitarians can be perceived through intuition, as is the general principle of utilitarianism itself. Another very prominent proponent of modified act teleology is J. J. C. Smart, "An Outline of a System of Utilitarian Ethics," (1973), whose main purpose is "to present Sidgwick in a modern dress."⁴⁰ For the purpose of illustrating modified act teleology various portions of Smart's work will be examined.

Smart states his version of the teleological formula when he writes, "The only reason for performing an action A rather than an alternative action B is that doing A will make mankind (or, perhaps all sentient beings) happier than will doing B."⁴¹

³⁹Ibid., 23.

⁴⁰J. J. C. Smart, "An Outline of a System of Utilitarian Ethics," chap. in *Utilitarianism For and Against* (Cambridge: University Press, 1973), 7. Smart's method of updating Sidgwick is basically to replace Sidgwick's cognitivist intuition with a more modern non-cognitivist intuition.

⁴¹Ibid., 30.

Smart admits that one of the main problems with utilitarianism is the impossibility to accurately foreknow all the consequences of one's actions. He asks his readers, "Can we just say: 'Envisage two total situations and tell me which you prefer?'"⁴² Such a simplistic question does not do justice to the complexities that can arise from a moral action. Smart writes, "We cannot say with certainty what would be the various total situations which could result from our actions. Worse still, we cannot even assign rough probabilities to the total situations as a whole."⁴³

This does not mean that the method of utilitarianism is to be discarded. Even though at the present we cannot assign probabilities to future situations such a method must be worked out in the future. "We need a method of assigning numbers to *objective*, not subjective probabilities I do not know how to do this . . . [but] the situation may not be hopeless."⁴⁴

What provides hope for Smart is the fact that there do appear to be some times when such rough probabilities can be

⁴²Ibid., 35.

⁴³Ibid., 38.

⁴⁴Ibid., 41.

made. Smart gives the example of a family who is planning to move. Such a family may weigh the advantages and disadvantages in living in each location. In that way they are assigning rough probabilities to future events.

As we are able to take account of probabilities in our ordinary prudential decisions it seems idle to say that in the field of ethics . . . we cannot do the same thing, but must rely on some dogmatic morality, in short on some set of rules or rigid criteria.⁴⁵

For Smart the rational utilitarian will want to determine the moral option based on that which has the highest probability to maximize happiness. Such a rational utilitarian may still wish to use rules for two different reasons. In the first place the rational utilitarian may not have the time to consider the future ramifications of a particular act. A rule can serve as a convenient shorthand method to help make a quick decision.

We may choose to habituate ourselves to behave in accordance with certain rules, such as to keep promises, in the belief that behaving in accordance with these rules is generally optimistic, and in the knowledge that we most often just do not have time to work out individual pros and cons The [modified] act utilitarian will, however, regard these rules as mere rules of thumb, and will use them only as rough guides. Normally he will act in accordance with them when he has no time

⁴⁵Ibid., 40.

for considering probable consequences.⁴⁶

The second reason why the rational utilitarian would want to use rules is to avoid the possibility of being influenced by personal bias. "He may suspect that on some occasions personal bias may prevent him from reasoning in a correct utilitarian fashion."⁴⁷ During such an occasion the moral agent could depend upon the rule in an attempt to avoid making a prejudicial decision.

For the modified act teleologist one is justified in breaking any such rule of thumb if it was determined that breaking the rule was necessary in order to achieve more good.

If the goodness of the consequences to breaking a rule is *in toto* [that is, short term and long term] greater than the goodness of the consequences of keeping it, then we must break the rule, irrespective of whether the goodness of the consequences of *everybody's* obeying the

⁴⁶Ibid., 42. Smart continues by adding, "There is no inconsistency whatever in . . . [a modified] act-utilitarian's schooling himself to act, in normal circumstances, habitually and in accordance with stereotyped rules He knows that we would go mad if we went in detail into the probable consequences of keeping or not keeping every trivial promise: we will do most good and reserve our mental energies for more important matters if we simply habituate ourselves to keep promises in all normal situations." Ibid., 43.

⁴⁷Ibid., 43.

rule is or is not greater than the consequences of everybody's breaking it. To put it shortly, rules do not matter, save *per accidens* as rules of thumb and as *de facto* social institutions with which the utilitarian has to reckon when estimating consequences.⁴⁸

Smart's use of rules aptly illustrates the modified act teleological use of rules as guides, rules of thumb, or as *prima facie* rules.

Rule Teleology

Unlike pure act teleology which has no use for rules, and modified act teleology which uses rules only as rules of thumb, rule teleology insists on determining the moral option by using a set of rules. Using rule utilitarianism as an example Frankena explains.

Pure rule-utilitarianism holds that one is to tell what is one's right or duty in a particular situation by appeal to some set of rules like, "Keep promises," "Tell the Truth," etc., and not by appeal to the principle of utility. In this respect it is like extreme deontological theories. But, as against all deontological theories, it holds that we are to determine what rules should govern our lives by an appeal to the principle of utility, i.e. by looking to see what rules are such that always acting on them is for the greatest general good. That is, we are never to ask what act will have the best consequences in a particular situation, but either what the rules call for or what rule it is most useful always to follow in that kind of a situation."⁴⁹

⁴⁸Smart, "Extreme and Restricted Utilitarianism," 100.

⁴⁹Frankena, "Love and Principle," 207-8. Frankena

Richard Brandt notes,

"Rule-utilitarianism," in contrast [to act utilitarianism] applies to views according to which the rightness of an act is not fixed by its relative utility, but by conformity with general rules or principles; the utilitarian feature of these theories consists in the fact that the correctness of these rules or principles is fixed *in some way* by the utility of their general acceptance.[emphasis mine]⁵⁰

John Klotz explains,

Under a rule utilitarianism individual actions stem from moral rules which in turn have been derived from utilitarian principles The rule utilitarian asks first "What good or evil consequences will result from this sort of action in general under these sorts of circumstances Rules utilitarians believe that rules themselves have a central position in the making of moral judgments and cannot be disregarded because of the exigencies of a particular situation."⁵¹

There are various types of rule teleology. Each type is determined by "how it conceives of the rules that are so

goes so far as to add, "It may even be obligatory to follow the rule in a particular situation even if following it is known not to have the best possible consequences in this particular case." Ibid. Paul Ramsey disagrees that this last comment should be an essential part of the definition of rule teleology, see Paul Ramsey, *Deeds and Rules in Christian Ethics* (New York: Scribner, 1967), 111.

⁵⁰Richard Brandt, "Toward a Credible Form of Utilitarianism," chap. in *Morality and the Language of Conduct* (Detroit: Wayne State University Press, 1963), 109.

⁵¹Klotz, 12-13.

important to its scheme."⁵²

The first type of rule teleology is actual rule utilitarianism (ARU).

It [actual rule utilitarianism] holds that an action is right if it conforms to the accepted or prevailing moral rules and wrong if it does not, assuming that these rules are those whose acceptance and observance is conducive to the greatest general good.⁵³

A second type of rule teleology is primitive rule utilitarianism (PRU). For primitive rule utilitarianism "an act is right if and only if, it conforms to a set of rules *conformity to which in the case in question would maximize utility.*"⁵⁴

A third type of rule teleology is ideal rule utilitarianism (IRU). David Lyons writes that in ideal rule utilitarianism, "An act is right if, and only if, it conforms to a set of rules *general acceptance of which would maximize utility [emphasis mine].*"⁵⁵ In this case the rules are important because of the utilitarian effect of their general

⁵²Frankena, *Ethics* 2nd edition (Englewood Cliff, NJ: Prentice-Hall, Inc, 1973), 40.

⁵³Ibid.

⁵⁴David Lyons, *Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1965), 139.

⁵⁵Ibid., 140. (See also Frankena, *Ethics*, 40.)

acceptance.

A fourth type of rule teleology is specious rule utilitarianism (SRU). In specious rule utilitarianism "an act is right if, and only if, it conforms to a set of rules *general conformity* to which would maximize utility."⁵⁶ In this case the rules are important because of the utilitarian effect that is generally produced when the moral agent conforms to them. This type of conformity in SRU is more than the mere acceptance in IRU. IRU emphasizes the utilitarian effect of merely accepting a particular rule (that is, in believing that a rule is good); whereas SRU emphasizes the utilitarian effect of generally acting on a rule and obeying it.⁵⁷

Actual rule utilitarianism (ARU) and primitive rule utilitarianism (PRU) are not necessarily mutually exclusive. Elements of both can be found in the following two examples of John Austin and John Mill.

It will also be shown with these two examples how the necessary rules in rule teleology offer an opening through which the rules of rule deontology can be used along with the

⁵⁶Ibid., 137. (See also Frankena, *Ethics*, 40.)

⁵⁷See also David Lyons, 115-23.

principle of utility. Both Mill and Austin maintain that one may be a utilitarian and still believe that moral laws are given by God. In this way it will be shown that the two methods of moral reasoning, deontology and teleology, need not be kept separate, nor when they are brought together do they necessarily create confusion. Rather, they can be united into one comprehensive system within which each method has a well defined, predetermined, and distinctive function. The first example is from John Stuart Mill.⁵⁸

In his book *Utilitarianism* (1861) Mill completely accepts Bentham's definition of utility and uses it as the foundation for his own method of moral reasoning.

"Utility" or "the greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the

⁵⁸John Stuart Mill (1806-1873) was born in London. He was privately educated by his father, James Mill, until 1826. "His father began teaching him Greek at an age when most children are still learning to lisp their native tongue. At eight, Latin and arithmetic were begun; logic at twelve, and political economy at thirteen Until his fourteenth year John Mill was kept from all contact with the outside world, except for his father's own friends." Karl Britton, *John Stuart Mill* (New York: Dover Publications, 1969), 11-12. For more information on the life of John Stuart Mill the reader may wish to see Michael St. John Packe, *The Life of John Stuart Mill* (New York: Capricorn Books, 1954) or John Stuart Mill, *Autobiography* (London: Oxford University Press, 1952).

reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.⁵⁹

Mill maintains that the ideal goal of utilitarianism is summarized by Jesus in the golden rule.

In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. "To do as you would be done by," and "to love your neighbor as yourself," constitutes the ideal perfection of utilitarian morality.⁶⁰

For Mill the goal expressed in utilitarianism is the same goal Jesus teaches in the golden rule.

Mill further emphasizes that a utilitarian may hold that God has also revealed rules or specific moral absolutes which also lend themselves to explaining the principle of utility.

A utilitarian who believes in the perfect goodness and wisdom of God necessarily believes that whatever God has thought fit to reveal on the subject of morals [rules, specific moral absolutes, etc.] must fulfill the requirements of utility in a supreme degree He can use it [that is, divine revelation] as the testimony of God to the usefulness or hurtfulness of any given course of action.⁶¹

⁵⁹John Stuart Mill, *Utilitarianism* (Indianapolis, IN: The Bobbs Merrill Co., Inc., 1975), 10.

⁶⁰*Ibid.*, 22.

⁶¹*Ibid.*, 28.

Although Mill mentions this as a possibility, he does not put much stock in it himself.⁶² Yet he mentions it here to show that such a belief would not necessarily be contrary to utilitarianism.

Mill explains that the principle of utility is only the first principle in ethics; whereas, the moral rules of common sense that embody the wisdom of the ages are the secondary principles of morality. These secondary principles, not only summarize past wisdom gained from moral reflection and experience, but they also serve as the necessary means by which the first principle of utility is achieved. Mill writes,

Again, defenders of utility often find themselves called upon to reply to such objections as this — that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness [this is no doubt a reference to the frequent criticism directed toward Bentham's complex hedonic calculus] . . . People talk as if commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another he had to begin considering for the first time whether murder or theft are injurious to human happiness . . . mankind must by

⁶²He continues by writing that, "Christian revelation was intended . . . to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right Rather than to tell them, except in a very general way, what it is." Ibid.

this time have acquired positive beliefs as to the effect of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better It is a strange notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveler respecting the place of his ultimate destination [that is, the primary principle of utility] is not to forbid the use of landmarks and direction-posts on the way [that is, the secondary principle of specific moral rules]. The proposition that happiness is the end and aim of morality does not mean that no road ought to be laid down to that goal.⁶³

For Mill, these secondary rules are more than mere *prima facie* rules. Even though the content of such rules may be subject to change and revision, such rules are still necessary as the means by which the end is achieved. Such secondary rules are not only "landmarks and direction-posts" but they are the very "road" itself.⁶⁴ Even when a new "road" is paved and moral rules are revised or improved, the same principle remains at work. The secondary rules are the necessary means by which the primary goal is achieved.

Mill claims that this is not peculiar to the relationship between rules and utility. Any moral philosophy that rests on a fundamental principle will require secondary prin-

⁶³John Mill, 30-31.

⁶⁴Ibid.

ciples.

Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by; the *impossibility* of doing without them, being common to all systems, can afford no argument against any one in particular; but gravely to argue as if no such secondary principles could be had . . . is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.⁶⁵

For Mill the rules that comprise the secondary principles are so important that most of the time they alone would be used in determining the moral option. The primary principle of utility is far too abstract to be directly applied in a practical way in most situations. The main use of the primary principle of utility is to serve as a judge to arbitrate in the conflict of a moral dilemma, that is, when two secondary rules conflict with one another. Mill explains,

If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all; while in other systems, the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry We must remember that *only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to*

⁶⁵Ibid., 32.

[emphasis mine]. There is no case of moral obligation in which some secondary principle is not involved; and if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognized.⁶⁶

It has been shown that for Mill rules are more than mere guidelines or rules of thumb used for convenience and discarded at will. Rules are the necessary means by which the goal of utility is accomplished. The only time the moral agent applies the primary principle of utility directly is in the rare occasions when two secondary rules conflict. For Mill there is never a time when at least one secondary rule is not involved.⁶⁷ In this way John Mill shows himself to be a rule utilitarian who illustrates the moral method of rule teleology.⁶⁸

A second rule utilitarian who illustrates the use of rule teleology is John Austin.⁶⁹ He provides a unique

⁶⁶Ibid., 33.

⁶⁷Ibid.

⁶⁸For more information concerning John Mill as a rule utilitarian see J. O. Urmson, "The Interpretation of the Moral Philosophy of J. S. Mill," *The Philosophical Quarterly* 3(1953): 33-39.

⁶⁹John Austin (1790-1859) was born in London. Austin became a member of the bar in 1818. For more biographical information on John Austin the reader may wish to see Wilfrid

element to the method of rule teleology with his strong emphasis on divine law. Wilfrid E. Rumble writes,

One of the most notable elements of Austin's utilitarianism is the conspicuous role of Divine Law Austin's use of Divine law also clearly differentiates his ethical theories from either Bentham's or J. S. Mill's. In their interpretations the principle of utility is logically, and explicitly, independent of the law of God. The relationship between the two concepts is quite different if the words of John Austin are taken at their face value.

Divine law is the stated foundation of his ethical system.⁷⁰

With his use of divine law John Austin shows that the deontological emphasis of Scripture need not conflict with teleology; rather, they both fit together to form a complete method of moral analysis. John Austin does not confuse or mix together deontology with teleology, but he works each one in conjunction with the other, giving each one a specific role.

Austin begins his discussion by distinguishing between two different kinds of divine law. The revealed laws of God are those laws which are specific commands that God has given to mankind through the use of language. These laws revealed

E. Rumble, *The Thought of John Austin* (London: The Athlone Press, 1985), 1-59.

⁷⁰Ibid., 65.

in language either come directly from God himself or from servants whom he has chosen. Austin writes,

With regard to the laws which God is pleased to reveal They are *express* commands: portions of the *word* of God: commands signified to men through the medium of human language; and uttered by God directly, or by servants whom he sends to announce them.⁷¹

The second category of divine law is the unrevealed law. These are the laws which are not revealed in human language but are available to mankind through nature. These commonly have been referred to as natural law.

Such of the laws of God as are unrevealed are not unfrequently denoted by the following names or phrases: "the law of nature;" "natural law;" "the law manifested to man by the light of nature or reason;" "the laws, precepts, or dictates of natural religion."⁷²

Austin continues by explaining that unrevealed laws are important because they fill up the gap left by the revealed law.

These laws [that is, unrevealed laws of nature] are binding upon us (who have access to the truths of Revelation), in so far as the revealed law has left our duties undetermined. For, though his express declarations are the clearest evidence of his will, we must look for many of the duties, which God has imposed upon

⁷¹John Austin, *Lectures on Jurisprudence* 2 vols (London: John Murray, 1885), 1: 104.

⁷²*Ibid.*

us, to the marks or signs of his pleasure, which are styled the *light of nature* It was not the purpose of Revelation to disclose the *whole* of those duties. Some we could not know, without the help of Revelation; and these the revealed law has stated distinctly and precisely. The rest we may know, if we will, by the light of nature or reason; and these the revealed law supposes or assumes. It passes them over in silence, or with a brief and incidental notice.⁷³

Some people, like Joseph Butler, believe they have access to this unrevealed revelation through their own innate common sense or conscience. According to Austin these people are deluding themselves. If man had a conscience that contained some sort of "innate practical principles" of the unrevealed law there would be no uncertainty about how one should act. Yet it is known from experience that there are times when the moral agent is confused. An unwed, pregnant teenager may be confused as to whether or not she should have an abortion. The physician and relatives of an elderly terminally ill patient may be confused as to whether or not they should initiate extraordinary means of treatment in order to prolong the patient's life. Such confusion illustrates the lack of any natural moral conscience that could determine the moral option by way of direct access to the principles of unrevealed law.⁷⁴ Concerning those who believe

⁷³Ibid.

⁷⁴Wilfrid E. Rumble, *The Thought of John Austin*, 66.

they have a natural moral conscience Austin writes, "Their assumption is groundless. They are battering . . . a misconception of their own whilst they fancy they are hard at work demolishing the theory which they hate."⁷⁵

Austin believes there is only one way that man has access to the unrevealed laws of God in nature. That is through the principle of utility. "The benevolence of God, with the principle of general utility, is our only index or guide to his unrevealed law."⁷⁶

Austin explains his view of the principle of utility and how it may be used to determine the unrevealed laws of God.

God designs the happiness of all his sentient creatures. Some human actions forward that benevolent purpose, or their tendencies are beneficent or useful. Other actions are adverse to that purpose, or their tendencies are mischievous or pernicious. The former, as promoting his purpose, God has enjoined. The latter, as opposed to his purpose, God has forbidden. He has given us the faculty of observing; of remembering; of reasoning; and, by duly applying those faculties, we may collect the tendencies of our actions. Knowing the tendencies of our actions, and knowing his benevolent purpose, we know his tacit commands.⁷⁷

⁷⁵John Austin, 1: 113.

⁷⁶Ibid., 1: 106.

⁷⁷Ibid.

These "tacit commands" of God's unrevealed law are not directed to specific isolated cases. These "tacit commands" are general *rules* that are to be consistently obeyed in every applicable situation. Referring to these tacit commands of God's unrevealed law Austin writes:

Most of his commands are general or universal. The useful acts which he enjoins, and the pernicious acts which he prohibits, he enjoins or prohibits . . . not by commands which are particular, or directed to insulated cases; but by laws or rules which are general, and commonly inflexible.⁷⁸

In this way, for Austin, rules are necessary for the determination of the moral option. Some rules are revealed directly, other rules are made known indirectly by the principle of utility, but in either case they are not just mere rules of thumb, or helpful summary rules, or *prima facie* rules. All of the moral rules, revealed and unrevealed, serve a utilitarian purpose. "The greatest possible happiness of all his sentient creatures is the purpose . . . of those laws."⁷⁹ For this reason they are the necessary means by which the moral option is determined. In this way John Austin clearly illustrates the method of rule teleology.⁸⁰

⁷⁸Ibid., 1: 108-109.

⁷⁹Ibid., 1: 110.

⁸⁰In one place (1:118-122) Austin does mention that

For Austin these tacit rules made known to the moral agent by means of the principle of utility work together with the revealed rules. In a situation where one of God's revealed laws directly applies the moral agent has a duty to obey God's revealed law. However, if the moral agent encounters a situation in which no revealed moral law of God can be directly applied, then the (teleological) principle of utility must be used to determine God's unrevealed law (that is, the general happiness or good for that kind of situation).

John Austin summarizes this method with these words,

In so far as the laws of God are clearly and indisputably revealed, we are bound to guide our conduct by the plain meaning of the terms [the deontological element]. In so far as they are not revealed, we must resort to another guide: namely, the probable effect of our conduct on that *general happiness or good* [the teleological element] which is the object of the Divine Lawgiver in all his laws and commandments [that is

there may be extremely rare cases in which the moral agent may find it necessary to break a moral rule and apply the principle of utility directly to a specific situation if, "the evil of observing the rule might surpass the evil of breaking it" (John Austin, 1:118). However, he strongly maintains that such cases are exceptions to the usual method and are extremely rare. He also adds that, "In this eccentric or anomalous case, the application of the principle of utility would probably be beset with . . . difficulties [and] . . . might well perplex and divide the wise, and the good, and the brave." Ibid., 1:119.

revealed and unrevealed].⁸¹

For Austin, God is the source of the laws be they tacit or revealed. None of these laws are concoctions invented by man. The unrevealed laws of God do not have their source in the principle of utility. They have their source in God (just as the revealed laws do). However, they are made known to man through the principle of utility.

In each of these cases [that is revealed and unrevealed rules] the *source* of our duties is the same; though the *proofs* by which we know them are different. The principle of general utility is the *index* [that is, the means by which they are known] to many of these duties; but the principle of general utility is not their *fountain* or *source*. For duties or obligations arise from commands and sanctions. And commands, it is manifest, proceed not from abstractions, but from living and rational beings [emphasis his].⁸²

For both Austin and Mill rules are more than mere helpful rules of thumb which explain *prima facie* duties. Rules are a necessary and essential part of utilitarianism. In this way they have shown themselves to favor a rule teleological method of moral reasoning.

Their insistence on the importance of rules illustrate that rule deontology and rule teleology can be brought

⁸¹Ibid., 1:110.

⁸²Ibid.

together to form one comprehensive system of moral analysis. For Austin and Mill, the rules that are used in rule teleology need not be derived from the principle of utility as a pure form of rule utilitarianism would insist. However, Mill allows and Austin insists that the rules used in rule utilitarianism may have their source in God. In this way their method of rule teleology is a combination of Actual Rule Utilitarianism and Primitive Rule Utilitarianism. Their rule teleology is then joined together with rule deontology into one coherent hybrid system. In such a comprehensive system each method, deontology and teleology, has its own unique function and serves in its own peculiar way.

John Austin has shown that such a comprehensive system may include the following four points:

1. All absolute moral rules are from God (rule deontology).
2. Their purpose is for the greatest good of all his sentient creatures (rule teleology).
3. "In so far as the laws of God are clearly and indisputably revealed, we are bound to guide our conduct by the plain meaning of the terms [rule deontology]."⁸³
4. "In so far as they are not revealed, we must resort another guide: namely, the probable effect of our conduct on that *general happiness* or good which is

⁸³Ibid.

the object of the Divine Lawgiver in all his laws and commandments [rule teleology]. "84

John Stuart Mill has shown that such a comprehensive system may include the following two points.

1. Individual rules serve as the necessary means, or road the moral agent must travel, in order to achieve the goal of accomplishing the greatest good (rule teleology).
2. The goal of utility (that is the greatest good for the greatest number) can serve as the arbitrator when two duties of rule deontology conflict with one another and create a moral dilemma (rule teleology).

In these six points above Mill and Austin not only demonstrate the necessary function of rules in rule teleology (a function which sets rule teleology apart from pure act teleology and modified act teleology) but they also show that rule deontology and rule teleology can be brought together and incorporated into one comprehensive system of ethical analysis with each method performing its own special function.

Characteristics of Rule Teleology in the Holy Scriptures

It is the main purpose of this section of the dissertation to examine various elements of rule teleology in the Holy Scriptures. However, characteristics of rule teleology

⁸⁴Ibid.

from several theologians such as Luther, Chemnitz and Gerhard will also be briefly noted, in order to show their teaching to be consistent with Scripture. It will be shown that Scripture combines its rule teleology with rule deontology in a hybrid method analogous to certain elements previously noted in John Austin and John Mill.

In the act teleology of Jeremy Bentham the teleological element is the principle of utility (that is, the greatest happiness for the greatest number). Likewise, a similar emphasis on utility as the teleological element in moral reasoning was also emphasized in the modified act teleology of J. J. C. Smart, as well as in the rule teleology of John Mill and John Austin.

However, as far as ethics is concerned, the teleological element in the Scriptures is love (or what some call 'agapism'). William Frankena writes, "Agapism is the view which assigns to the 'law of love' the same position that utilitarianism assigns to the principle of utility."⁸⁵ Just as the principle of utility is the final "guiding goal" or

⁸⁵William Frankena, "Love and Principle in Christian Ethics," 208. This comparison between utilitarianism and agapism is mentioned at this point only to emphasize their formal (that is, their structural or methodological) similarity. It is not intended to insinuate any similarity with regard to content.

"directive principle" for utilitarianism, so the principle of love (or agapism) is the "guiding goal or directive principle" for theological ethics.⁸⁶

Paul Ramsey asks,

But what of "salvation"? Is not "salvation" the end for which Christians quest? What of rewards in the kingdom of heaven? What of man's everlasting and supernatural good, the souls life with God *in the hereafter*; man's "chief end," glorifying God and enjoying him *forever*? Is not "salvation" itself a supreme value which Christians seek with earnest passion, each first of all for himself?⁸⁷

To answer his own rhetorical question Ramsey quotes from Luther's *Bondage of the Will*. "Nay, if they should work good in order to obtain the Kingdom, they would never obtain it, but would be numbered rather with the wicked, who, with an evil and mercenary eye, seek the things of self even in God."⁸⁸ Thus Ramsey concludes,

⁸⁶Frankena continues explaining agapism by writing that agapism "allows no basic ethical principles other than or independent of the 'law of love.' It can take any of three main forms: pure act-agapism, modified act agapism, and pure rule agapism." *Ibid.*, 208.

⁸⁷Paul Ramsey, *Basic Christian Ethics* (New York: Charles Scribner's Sons, 1950), 133.

⁸⁸Martin Luther, *Bondage of the Will*, trans. H. Cole (London: Atherton, 1931), 192 quoted in Paul Ramsey, *Basic Christian Ethics*, 134. *L. W.* 33:152. *W. A.* 18:694.

'Salvation' cannot be the goal or aim of Christian endeavor, the highest good among all goods upon which the Christian draws his sights, . . . for *faith is effective in love which seeks only the neighbor's good* (emphasis his).⁸⁹

Without using the specific term (love) Luther illustrates the use of love as the guiding principle of the Christian life in his 1520 treatise "The Freedom of a Christian." He writes,

Therefore he [the Christian] should be guided in all his works by this thought and contemplate this one thing alone, that he may serve and benefit others in all that he does, considering nothing except the need and the advantage of his neighbor.⁹⁰

The entire purpose for the Christian's life here on this earth is to help those in need. Luther explains,

We have no other reason for living on earth than to be of help to others. If this were not the case, it would be best for God to kill us and let us die as soon as we are baptized and have begun to believe.⁹¹

⁸⁹Ramsey, 135-36.

⁹⁰Martin Luther, *L. W.* 31:365. "Ideo in omnibus operibus suis ea debet opinione esse formatus et huc solum spectare, ut aliis serviat et prosit in omnibus quaecunque fecerit, nihil ante oculos habens nisi necessitatem et comoditatem proximi." *Tractatus de Libertate Christiana*, 1520. *W. A.* 7:64.

⁹¹*L. W.* 30:11 "Das wyr auff erden leben, das geschicht nyrgent umb, denn das wyr ander leutten auch helfen sollen. Sonst were es das best, das uns Gott so bald

Luther compares the ethical life of a Christian to a channel or a tube whose end or purpose is merely to pass along that which has been poured into it. In his church postil based on Titus 3:4-7, Luther writes:

A man is placed between God and his neighbor as a medium (*mittell*) which receives from above and gives out again below, and is like a vessel or tube (*gefess oder rhor*) through which the stream of divine blessings must flow without intermission to other people.⁹²

With the analogy of the tube Luther explains that it is the purpose or goal of Christian morality merely to pass along to others the love that one has previously received from God. Anders Nygren expounds further on Luther's view as follows: To Luther,

divine love employs man as its instrument and organ.

wurgete und sterben liesse, wenn wyr getaufft weren und hetten angefangen zu glewben." Epistel S. Petri gepredigt und ausgelegt. Ersts Bearbeitung, 1523. W. A. 12:267. For Luther, a good work is good only insofar as it benefits the neighbor. See Appendix II: Luther on the Purpose of Good Works.

⁹²This English translation is provided by Phillip S. Watson in, Anders Nygren, *Agape and Eros*, trans. Philip S. Watson (Chicago: The University of Chicago Press, 1982), 734-35. "Der mensch Tzwischen Gott unnd seynem nehisten gesetzt wirt alss eyn mittell, das da von oben empfehet und unten widder aussgibt unnd gleych eyn gefess oder rhor wirt, durch wilchs der brun gotlicher gutter on unterlass fliessen soll ynn andere luett." Kirchenpostille 1522, Epistel in der Frue Christmess. Tit. 3, 4-7. 10.1.1:100.

The Christian is set between God and his neighbor. In faith he receives God's love, in love he passes it on to his neighbor. Christian love is, so to speak the extension of God's love The love which he can give is only that which he has received from God. Christian love is through and through a Divine work All that a Christian possesses he has received from God, from the Divine love; and all that he possesses he passes on in love to his neighbor. He has nothing of his own to give. He is merely the tube, the channel through which God's love flows.⁹³

In this way Luther is emphasizing that it is the goal, purpose (or τέλος) of Christian morality to share God's love with others. Luther especially emphasized this, when, in his sermon on Luke 14:1-11 he explained that all of the individual moral commands (that is, what this dissertation has labeled as deontological obligations) are established for the sole purpose of serving the principle of love. That is, they

⁹³Anders Nygren, *Agape and Eros*, trans. Philip S. Watson (Chicago: The University of Chicago Press, 1982), 734-35. Luther also stresses that in filling this function, as a channel that passes along God's love to others, Christians themselves become, in a sense, 'Christs' to one another. In his 1520 treatise "The Freedom of a Christian," Luther writes, "Hence, as our heavenly Father has in Christ freely come to our aid, we also ought freely to help our neighbor through our body and its works, and each one should become as it were a Christ to the other that we may be Christs to one another Surely we are named after Christ, not because he is absent from us, but because he dwells in us, that is, because we believe in him and are Christs one to another and do to our neighbors as Christ does to us." *L. W.* 31:367-68. (*W. A.* 7:66).

help to guide and direct the Christian toward that goal of love. Luther writes,

All laws, divine or human, bind us only as far as love permits. For Christians, love must always make the final decision in the interpretation of all laws . . .

It is even a principle of canon law that if any law runs counter to love, it should be set aside as soon as possible. This, in a word, is stated both of divine and human commandments. The reason for this is that all laws have been enacted for the sole purpose of setting up the principle of love as Paul also reminds us in Romans when he says "Love is the fulfillment of the Law" (Romans 13:8,10)

Therefore, since all laws should help to establish the principle of love, they must cease immediately that they run counter to love.⁹⁴

Here Luther illustrates that this teleological

⁹⁴This English translation is taken from, *Luther For the Busy Man* Edited and translated by P. D. Pahl. (Adelaide, Australia: Lutheran Publishing House, 1974), 338. "Alle Gesetze, göttliche und menschliche, nicht weiter binden, denn die Liebe geht. Die Liebe soll sein eine Auslegung aller Gesetze Wie denn in des Pabstes Buch auch steht: Wenn ein Gesetz wider die Liebe laufen will, so soll es bald aufhören. Und das ist kurzum von göttlichen und menschlichen Geboten gesagt. Ursache, denn alle Gesetze sind gegeben, allein dass sie Liebe aufrichten sollen; wie Paulus Röm. 13, 8.10. sagt: 'Die Liebe ist des Gesetzes Erfüllung' Dass allein die Gesetze allzumal Liebe aufrichten, so müssen sie alsobald aufhören, wenn sie wider die Liebe laufen wollen." Martin Luther, "Am Siebenzehnten Sonntage nach Trinitatis (Lk. 14: 1-11)" *Luthers Sämtliche Schriften*, St. Louis Edition 23 vols. (St. Louis: Concordia Publishing House, 1882), 11:1677-78. This sermon was preached on the Seventeenth Sunday after Trinity 1522.

principle of love is to be the final determining factor for the Christian's moral decisions. Luther does not eliminate the deontological emphasis on the individual commandments. Rather he emphasizes that they are important, because their sole purpose (*ursache*) is to set up or establish (*aufrichten*) the way love behaves in specific situations. Any law, divine or human, that does not serve this purpose or lead to this goal is to be set aside as soon as possible (*so soll es bald aufhören*).

Luther stresses this same idea in his 1523 "Prefaces to the Old Testament" where he writes,

Therefore faith and love are always to be mistress of the law and to have all laws in their power. For since all laws aim at faith and love, none of them can be valid, or be a law if it conflicts with faith or love

Christ also says in Matthew 12:13, that one might break the sabbath if an ox had fallen into a pit . . . How much more ought one boldly to break all kinds of laws when bodily necessity demands it, provided that nothing is done against faith and love. Christ says that David did this very thing when he ate the holy bread, Mark 3 [2:25-26].⁹⁵

⁹⁵L. W. 35:240-41. "Denn syntemal alle gesetz auff den glauben und liebe treyben, sol keyns nicht mehr gelten noch eyn gesetze seyn, wo es dem glauben odder der liebe will zu widder geratten.

. . . Denn also sagt auch Christus Matth. 12. das man den Sabbath brechen mocht, wo eyn ochs ynn eyn gruben gefallen war Wie viel mehr sol man frisch allerley

For Luther, love determines how, when, and which divine laws are to be applied to a specific situation. In a sermon based on Matthew 22 Luther wrote,

This commandment of love pervades all law and all law must be implemented by love. Because love is the rule and mistress of all law. All the laws must guide themselves according to love.⁹⁶

Again Luther writes,

When the law contradicts love, it ceases and must not be a law any longer For this is why one uses the law so that love can be shown. But wherever the keeping of the law cannot be done without injury to one's neighbor, then God would have us abolish the law and take it away.⁹⁷

gesetz brechen, wo es leybs nott foddert, so anders dem glauben und der liebe nichts zu widder geschicht. Wie Christus sagt, das David than hat, da er die heyligen brod ass Marci. 3." W. A. (Deutsche Bibel) 8:18.

⁹⁶This is my own translation from Luther's sermon for September 30, 1526. "Dis gebot liebe ist gezogen durch alle gesetz und alle gesetz müssen gehen durch die liebe. Denn sie ist ein regel und meisterin aller gesetz; welche sich alle müssen lencken nach der liebe." W.A. 20:510. This sermon was preached on September 30, 1526.

⁹⁷My translation of Luther's Summerpostille, Evangelium am 18. Sonntag nach Trinitatis. Matth. 22, 34-36. "Wenn das gesass wider die liebe tringet, so horet es auff unnd soll kain gesass mer sein . . . Denn darumb gebraucht man der gesasse, auff das die liebe an inen beweiset were, wenn sie aber one verlessung des nechsten nicht küden gehalten werden, so wil Got, man soll sie auffheben und wegnemen." W. A. 10.1.2:403. In his

Luther also found that St. Paul emphasizes this teleological element of love when he writes, "The goal (τέλος) of this command is love (ἀγάπη)" (1 Timothy 1:5). In his lectures on Timothy (1527-1528) Luther explains,

The aim of our charge looks to this goal [in order] that you do not doubt, etc. This is the aim of all charges and laws—of God as well as of man—in all the world Were a Carthusian monk to wear a hair shirt for a hundred years, he would not realize his aim, he would not know how to please God If a Carthusian keeps his rule, he still is afraid it is not enough, that is, it is not the be-all-and-end-all of certainty, that the rule does not have an end, that the rule does not mean what he is striving for and what he stands in, and that the law thus does not come to an end and make no further demands.

What is the "aim of our charge"? Love. This is the full thunder clap against a human doctrine that cannot reflect love from a pure heart, etc. Paul gives a beautiful description: a faith from an unpretending heart is the tree, or root. Its fruit is love.⁹⁸

Churchpostil for the 4th Sunday after Epiphany, based on Romans 13:8-10, Luther discussed, at length, the relationship between love and the other numerous commands of the law. See Appendix III: Luther on the Relationship Between Love and the Law.

⁹⁸Luther, *L.W.* 28:224-25. "Huc spectat 'finis praecepti', ut non dubites u. Omnium praeceptorum et legum, quae sunt in orbe terrarum quam dei quam hominis. . . . Carthusianus si centum annos gestaret cilicium, non novit finem, non scit deo placere. . . . Si vero Carthusianus servat regulam, tamen timet, ne satis i.e. summa summarum et certitudo, das ein end hat praeceptum und das das praeceptum meint hoc, quod quaerit, in quo stat, finitur lex ita, quod

With this explanation, Luther is stressing that all of the individual moral commands (that is, what this study has labeled as the rule deontological duty of the Christian moral agent) have love as their fruit, that is, goal, or purpose.

Martin Chemnitz viewed the teleological element of this passage in a similar way. In his *Loci Theologici* Chemnitz writes,

In order that by a sure and certain method we can set up a list of the sins as well as the good works included under each of the commandments, we must first determine the definite and general goal for each of God's precepts. Then we must consider of what things this goal consists, and what things are joined with it and appointed for it. Likewise [to be considered are] the contraries, which are in conflict with this purpose or impede it For Paul says of the entire Decalog in I Tim. 1:5, "The purpose of the commandment is love which comes from a pure heart and a good conscience and a sincere faith." He adds, v.7 " . . . teachers of the Law who do not draw their lectures from this purpose and direct them to this end have turned aside and do not understand either what they are talking about or what they are affirming."⁹⁹

non ultra exigit. Quid est? 'Charitas.' Das sind mol tonitrua contra doctrinam humanam quae non potest praestare charitatem de corde puro u. Paulus pulchre describit: fides non simulata ex corde arbor vel radix est, fructus illius charitas." W.A. 26:9-10.

⁹⁹Chemnitz, *Loci Theologici*, trans. J. A. O. Preus 3 vols. (St. Louis: Concordia Publishing House, 1989), 2:359. "Ut autem expedita + certa methodo institui possit catalogus, quae tum peccata tum bona opera sub quolibet praecepto compre-

John Gerhard affirms that love is the τέλος of the law when he comments on this same passage.

It is particularly beneficial to consider the end and goal of each [commandment], for from the end one can easily pass judgment about the middle. The whole goal of the Law "is love that issues from a pure heart and a good conscience." I Tim. 1:5.¹⁰⁰

Walter Bauer lists three ways in which τέλος may be used to mean end.¹⁰¹ The first definition is end in the

hendantur, constituendus est primo certus aliquis + generalis finis, cuiuslibet praecepti. Deinde consideretur in quibus rebus finis iste consistat, quae cum illo sint coniuncta + ad eum ordinata: Item contraria quae cum illo fine pugnant, vel eum impediunt Paulus enim de toto Decalogo I Timoth. 1 v.5.6. +7, inquit: finis praecepti est charitas, de corde puro, + conscientia bona, + fide non ficta. Et addit, Doctores Legis, qui non ex hoc fine deducunt suas enarrationes, + eo dirigunt, non intelligere nec de quibus loquantur, nec de quibus affirmant." Martin Chemnitz, *Loci Theologici*, 3 vols. Editi Nomine Haeredum, (Opera Et Studio Polycarpi Lesieri: Francoforti ad Moenum excudebat Ioannes Spies, 1591-1595), 2:306.

¹⁰⁰John Gerhard, *The Theological Commonplaces of John Gerhard* trans. Richard Dinda, 1971. Unpublished. Located in the Concordia Seminary library St. Louis, MO. MFCH 81-1: G12-102. "Ad veram cujusque praecepti sententiam investigandam valde prodest finem ac mediis facile potest fieri iudicium. *Totus legis finis est caritas de corde puro et conscientia bona et fide non ficta.* I Tim. 1, v. 7." John Gerhard, *Loci Theologici*, Ed Preuss ed. 10 vols. (Berolini: Sumtibus Gust. Schlawitz, 1863), 3:24.

¹⁰¹Walter Bauer, *A Greek-English Lexicon*, 2d ed., trans. William Arndt and F. Wilber Gingrich (Chicago: The

sense of "termination" or "cessation." The second definition is end in the sense of the "last part, close" or "conclusion." The third definition is end in the sense of "goal" or "outcome." Of these three ways of understanding τέλος this third definition as "goal" or "outcome" best expresses the idea of τέλος as it is used with respect to the teleological method of moral reasoning. It was noted above that the emphasis in teleological reasoning is on the goal or outcome of one's moral action. It is under this third definition of τέλος as "goal" or "outcome" that Walter Bauer has listed 1 Timothy 1:5 as an example. In this way Bauer is also emphasizing that this passage uses the concept of love in a teleological way.

Likewise St. Paul emphasizes that love is the moral τέλος after which Christians should strive when he writes, "Follow the way of love (Διώκετε τὴν ἀγάπην) . . ." (1 Corinthians 14:1).

For the definition of διώκω Walter Bauer lists four

University of Chicago Press, 1979), 811. This following discussion concerning τέλος is also in agreement with Walter Bauer, *Griechisch-deutsches Wörterbuch* 6ed. edited by Kurt Aland and Barbara Aland (Berlin: Walter de Gruyter, 1988), 1617-18. This discussion excludes the use of τέλος as an adverbial expression as well as the more rare usages such as "rest," "remainder," "tax," or "custom duties."

possibilities.¹⁰² The first definition listed is "hasten, run, press on." The second definition listed is "persecute." The third definition listed is "drive away, drive out." The fourth definition listed is "run after, pursue, strive for, seek after, aspire to."¹⁰³ Of these four possible definitions of διώκω this fourth definition "run after, pursue, strive for, seek after, aspire to," best expresses the role of the teleological element in moral reasoning. It has been shown that in the teleological method of moral reasoning the moral import of a particular act is determined by the goal which is pursued. It is under this fourth definition of διώκω that Bauer has listed 1 Corinthians 14:1 as an example. In this way Bauer is pointing out that he understands this passage to mean that love (that is, a life of love, the expediting of love, or the flowing of God's love through us) is to be the goal for which Christians are to "pursue," "strive," "seek" or "aspire."

Commenting on this passage Richard Lenski emphasizes the same interpretation.

The translation is simple and perfect. After what has

¹⁰²Walter Bauer, *A Greek-English Lexicon*, 201. The following discussion of διώκω is also in agreement with Walter Bauer, *Wörterbuch zum Neuen Testament* 6 Auflage (1988), 404.

¹⁰³Ibid.

been said about the value of love [in 1 Corinthians 13] only one admonition is in place: "Pursue love!" In the classics we have διώκειν with objects such as "honors," "pleasures," "the good," etc. . . . Paul thus very properly bids the Christian "pursue love We pursue love when we set our hearts earnestly to practice love."¹⁰⁴

Lenski stresses the teleological aspect of love when, in writing on Matthew 22:40 ("All the Law and the prophets hang on these two commandments.") he states,

These two [commandments of love] are the nail from which all else written in the Old Testament [including the individual moral laws] hang suspended. Take away this nail, and everything would fall in a heap. It would lose its true meaning, significance, and *purpose* (emphasis mine)!¹⁰⁵

Martin Luther, Martin Chemnitz, John Gerhard, Richard Lenski, and Walter Bauer all held that the New Testament teaches that love is the τέλος of every individual moral command.¹⁰⁶

¹⁰⁴Richard Lenski, *Interpretation of I and II Corinthians* (Minneapolis, MN: Augsburg Publishing house, 1937), 575.

¹⁰⁵Richard Lenski, *Interpretation of St. Matthew's Gospel* (Minneapolis, MN: Augsburg Publishing House, 1943), 883.

¹⁰⁶Thomas Aquinas also emphasized that love is the end or purpose of the ten commandments when he wrote, "Omnia praecepta decalogi ordinantur ad dilectionem Dei et proximi. Et ideo praecepta caritatis non fuerunt connumeranda inter praecepta decalogi, sed in omnibus includuntur." *Summa Theologiae* Blackfriars edition (New York: McGraw-Hill Book

The emphasis in this section, on love being the end of the law, does not in any way detract from St. Paul's statement that "Christ is the end (τέλος) of the law" (Romans 10:4). This statement of St. Paul's holds true in several respects.¹⁰⁷ In this section it is merely being shown that

Co., 1964), 2a 2ae 44:1.3. He also emphasizes this same idea in 2a 2ae 110.4 (Blackfriars 41:164) Augustine mentions that love is the purpose of all the commandments of God when he writes, "Omnia igitur praecepta divina referuntur ad charitatem, de qua dicit Apostolus: Finis autem praeceptis est charitas . . . [1 Tim. 1:5] Omnis itaque praecepti finis est charitas; id est, ad charitatem refertur omne praeceptum . . . Charitas quippe ista Dei est et proximi: et utique in his duobus praeceptis tota Lex pendet et Prophetarum (Matth. xxii, 40)." Augustini, "Enchiridion ad Laurentium sive De Fide, Spe et Charitate," J. P. Migne ed. *Patrologiae: Patrum Latinorum* (Paris, 1887), 40:288.

¹⁰⁷Christ is the end of the law in at least four different ways: 1) He is the perfect fulfillment of the law. "Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them" (Matthew 5:17). 2) He is the goal to which the law directs sinners. "So the law was put in charge to lead us to Christ that we might be justified by faith" (Galatians 3:24). 3) He brings an end to the condemnation of the law. "Therefore, there is now no condemnation for those who are in Christ Jesus, because . . . Christ Jesus . . . set me free from the law of sin and death. For what the law was powerless to do . . . God did by sending his own Son" (Romans 8:1-3). 4) He abrogated the ceremonial and political elements of the law. "It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery . . . I declare to

love is the end of the law in so far as the intended consequences, or purposeful result of fulfilling one's deontological duties is the expedition, flowing, or manifestation of that love which God has given us.¹⁰⁸

Nor does this emphasis, on the individual deontological duties serving as the means by which one strives to achieve this goal, detract from the powerful role of the Gospel in Christian living. Whereas, the Gospel is necessary because it empowers, strengthens and motivates one to live a truly Christian moral life; it is only by the instruction of

every man who lets himself be circumcised that he is obligated to obey the whole law For in Christ Jesus neither circumcision nor uncircumcision has any value. The only thing that counts is faith expressing itself through love" (Galatians 5:1,3,6).

¹⁰⁸This assertion, that love is the end of the law, does not contradict the Scriptural teaching that the goal or purpose of the Christians life is to glorify God (Matthew 5:16; 1 Corinthians 10:31; 1 Peter 4:11). To glorify God is the spiritual goal of the Christian life; whereas, serving the needs of the neighbor in love is the temporal or ethical goal of the Christian life. For more information concerning the purposes that are served by good works see Martin Chemnitz, *Loci Theologici*, Concordia 1989 edition 2:586-88; 627-30. Polycar Lyser 1591-1595 edition 3:55-58; 150-61. John Gerhard, "Selections Translated From the *Loci Theologici* by John Gerhard" trans. Charles Paulson. Unpublished, 1982 pages 30-34. This is located in the Concordia Seminary Library, St. Louis, MO. BT736 G4213. Berolini 1863 edition 4:11-15.

the law that the Christian learns which actions actually constitute a God pleasing life.

For the Law says indeed that it is God's will and command that we should walk in a new life, but it does not give the power (Kraft/vires) and ability (Vermögen/facultatem) to begin, and do it; but the Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, Gal. 3, 14, renews the heart. Thereafter the Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the [good and] acceptable will of God, Rom. 12,2, in what good works God hath before ordained that they should walk, Eph. 2, 10.¹⁰⁹

¹⁰⁹Concordia Triglotta, "Thorough Declaration of the Formula of Concord," VI, 11-12. Martin Chemnitz also emphasizes the ongoing importance of the law for the life of the Christian when he writes, "There is a use for the Law in the regenerate. It is threefold: (1) It pertains to doctrine and obedience that the regenerate should know . . . what kinds of works are pleasing to God, so that they do not devise new forms of worship . . . (2) The Law shows the imperfection and uncleanness which still clings to their good works . . . (3) There is also a use for the Law in the regenerate that it may contend against and coerce their old man . . . Therefore these weak beginnings [of the new obedience of the regenerate] must not only be encouraged by the earnest entreaties of the Gospel, but also fostered by the precepts, exhortations, warnings, and promises of the Law. For we experience that the new obedience is not so voluntary a thing as a good tree which brings forth its new fruit without any command or exhortation." Chemnitz, *Loci Theologici*, trans. J. A. O. Preuss, II: 441 (Polycarpi Leiseri: Francoforti ad Moenum, II:272-73.)

Likewise, John Gerhard also stresses the didactic use of the law for Christians when he writes, "As to the fact that the Holy Spirit controls and leads the reborn, He does

The Scriptural method of moral analysis contains characteristics of both deontology and teleology. The teleological element emphasizes that the expedition of Divine love is to be the final goal or result of all moral activity.¹¹⁰ The deontological element emphasizes the means by which this τέλος is to be achieved in a particular situation. In this way both methods fit together in a hybrid method that joins rule deontology and rule teleology. Together these methods serve an instructional function and comprise the didactic (that is, the third) use of the law.

The teleological element of moral reasoning in the Scriptures, may be classified as a form of rule teleology which incorporates the individual deontological duties (that is, rule deontology) as the means by which one strives for not do this immediately but uses the Word as the means. Therefore one must seek from the Law the norm for good works in which the reborn walk. All of Ps. 119 relates to this." Gerhard, *Theological Commonplaces*, trans. Richard Dinda. Concordia Seminary Library G12-435. (*Loci Theologici* II:106).

¹¹⁰This didactic function of the teleological element which comprises part of the third use of the law is an example of the positive use of the teleological element. There would also be a negative use of this teleological element which comprises part of the second use of the law. In this second use of the law the teleological element of love stands to accuse and condemn the Christian for his failure to achieve this goal.

the *τέλος* of love. In this way Scripture combines a form of rule teleology (which is analogous to the Actual Rule Utilitarianism and Primitive Rule Utilitarianism of John Mill and John Austin) with a form of rule deontology. At least three parallels can be drawn.

First, all the individual absolute moral rules are from God. John Austin mentions this in his emphasis that God is the source of both the tacit and revealed absolute moral commands. Likewise, Scripture stresses this point in its emphasis that all the various deontological duties, which humankind is obligated to obey, come from God.

Second, these individual absolute moral rules are not an end in themselves. They are the indispensable means, the road or the way by which the end is accomplished. John Mill mentions this in his explanation of the essential role of secondary principles. John Austin also mentions this when he explains that the purpose of all God's laws is the happiness of his sentient creatures. Likewise, Scripture also makes this point when it declares that the end of the law is love.

Third, this teleological principle is applied to serve as an arbitrator when two absolute rules conflict within a moral dilemma. John Mill emphasizes this when he specifically writes that only when secondary principles conflict

should the first principle of utility be used. Likewise, Scripture illustrates this point when it states that love is to be the moral end after which Christians should strive. Thus, in a conflict situation the greater evil is that which least expedites love.¹¹¹

This emphasis on rule teleology in Scriptures merely attempts to show that Scripture uses a hybrid form of rule teleology and rule deontology. In this way Scripture does not limit itself to only one method of moral reasoning; rather, it joins rule deontology together with rule teleology to form a unique, and comprehensive method of moral analysis.

Summary and Conclusion of Part One

It has been the purpose of this first chapter to define and illustrate both deontology and teleology and thereby show that the Scriptural method of moral reasoning is a unique hybrid combination of both forms of moral reasoning.

Deontology was defined as that method of moral reasoning which determines the moral option in view of certain duties which the moral agent is obligated to fulfill. It was noted that there are three different forms of deontology.

¹¹¹A more detailed examination of "the lesser evil" in conflict situations will be given below in Part Two.

Pure act deontology does not use pre-established rules. The duty of the moral agent is determined anew in each specific situation through such immediate ways as conscience or intuition. Modified act deontology accepts the use of pre-established rules only to a certain qualified extent. They relate one's *prima facie* duties. These do not express absolute duties, but are mere helpful summaries of the wisdom of the ages. Such rules may be used and obeyed in so far as they are helpful to the moral agent. Rule deontology insists that moral rules must be used, because they express the absolute duty of the moral agent. It was shown that Scripture uses rule deontology in its emphasis on one's absolute duty to obey all of the moral commandments of God.

Teleology was defined as that method of moral reasoning which determines the moral option in view of a specific goal or result that the moral agent is trying to achieve. It was also noted that there are three different forms of teleology which parallel the use of rules in deontology. Pure act teleology does not use pre-established rules. The moral agent is to determine the moral option simply by deciding what action is most conducive to accomplish the desired end. Modified act teleology accepts a qualified use of rules. Rules used in this way are *prima facie* or summary

rules which can be used by the moral agent only in so far as they are helpful in accomplishing the desired goal. Rule teleology insists on the use of rules. Rules are essential because they are the necessary means, the road or the way, in which the goal can be achieved.

It was shown that Scripture uses a hybrid form of rule teleology and rule deontology when it teaches that love is the end of the law (1 Timothy 1:5). The absolute moral rules that Scripture uses for its rule teleology are the very moral rules it obligates humankind to obey in its rule deontology. These rules are not an end in and of themselves, but are used as a means to incarnate or practice love in specific situations. Thus does Scripture join together rule deontology and rule teleology into a unique, hybrid, comprehensive system which contains at least three points.

1. All individual moral rules in the Scriptures are from God. Humankind has an absolute duty to obey each and every one.

2. These individual moral rules are not an end in themselves; rather, they are the indispensable means by which the love of God flows through a Christian and into a specific situation.

3. Only in a situation of a moral dilemma, when two of

God's absolute moral laws come into conflict with one another, can the principle of love be applied directly in order to determine the lesser of two evils.¹¹²

This Scriptural method of moral analysis has been identified (as a hybrid form of rule deontology and rule teleology). It will be the task of part two to compare and contrast various methods of current theological ethics with this method that has been derived from Scripture.

¹¹²To this list of three, a hypothetical fourth point may be added. 4. If there should ever be an occasion when there is no revealed moral law that can be applied directly to a situation, then the moral option must be determined by directly choosing which action best expedites love. However, due to the broad range of God's moral laws and due to their extensive application to life that Luther illustrated in his explanations to the ten commandments in his Large Catechism and in his 1520 "Treatise of Good Works," the author of this dissertation is inclined to agree with John Mill who stated that there is never a situation in which some moral rule does not apply. John Mill, *Utilitarianism* 33. Utilitarian calculations should not be confused with quantitative agapistic analysis. See Appendix IV: Utilitarian Calculations Versus Quantitative Agapistic Analysis.

PART 2

A Case For Conflicting Absolutism

The purpose of this section is to examine, from another perspective, the role of deontology and teleology in theological ethics. The previous examination, in part one above, was developed within the conceptual framework provided by William Frankena. The investigation in this part uses the insights from the previous chapter; however, it takes place within the context of the current debate among three contrasting, and mutually exclusive, ethical methodologies, non-conflicting absolutism, hierarchicalism, and conflicting absolutism.¹ These methods are similar in some respects. All three methods accept that Holy Scriptures contain absolute moral commands which reveal God's holy will, establish the deontological duties of the Christian, and guide the Christian in his daily life. However, they differ extensively in their understanding of how these deontological duties are to be used. This difference becomes

¹This debate is currently underway among various members of the Evangelical Theological Society.

especially evident when these three methodologies explain their interpretation of a moral dilemma.

The term "moral dilemma" can be used in a number of ways.² In this dissertation the phrase "moral dilemma" refers to any situation in which the moral agent is confronted with contradictory and mutually exclusive obligations. This definition is given by Terrance C. McConnell when he writes that,

A *genuine moral dilemma* is a situation in which an agent ought to do each of two acts, both of which he cannot do. That is, he ought to do A and he ought to do B, but he cannot do both A and B.³

²See E. J. Lemmon, "Moral Dilemmas," *Philosophical Review* 71 (1962): 139-58. Lemmon explains that there are at least three different types of moral dilemmas. The first type is present when the moral agent "both ought to do something and ought not to do that thing." *Ibid.*, 148. The second type of moral dilemma may be recognized when "there is some, but not conclusive, evidence that one ought to do something, and there is some, but not conclusive, evidence, that one ought not to do that thing." *Ibid.*, 152. The third type of moral dilemma is "the kind of situation in which the agent has to make a decision of a recognizably moral character though he is completely unprepared for the situation by his present moral outlook. This case differs from the last in that there the question was rather of the applicability of his moral outlook to his present situation, while here the question is rather how to create a new moral outlook to meet unprecedented moral needs." *Ibid.*, 156.

³Terrance C. McConnell, "Utilitarianism and Conflict Resolutions," *Logique and Analyse* 24 (1981): 245.

In a Christian context this would involve a situation in which the moral agent is confronted with two absolute moral commands (that is, two deontological duties) from God in such a way that compliance to one moral absolute necessitates non-compliance or disobedience to the other moral absolute.⁴ In this way there is an existential conflict between two commands.

Non-conflicting absolutists deny that any genuine moral conflict can actually exist within the life of the Christian. They maintain that such apparent conflicts actually dissolve under proper investigation.

Hierarchicalists accept the existence of genuine moral conflicts; however, they believe that the absolute moral commands of God (that is, the numerous deontological duties) can be prearranged in a hierarchical order. In a conflict situation the moral agent is to choose the greater good. In such a dilemma the moral agent is inculpable for not doing

⁴The term "absolute" is used in this dissertation to refer to any moral law that is more than merely *prima facie*. Obedience is not optional. It is required. It is not, "obey this if you like," It is rather, "Obey this or you will die" (confer Ezekiel 18:20). An absolute law is a universally obligatory moral norm. It is "free from conditions or reservations; unreserved, unqualified [and] unconditional." The Oxford English Dictionary second edition 20 vols (Oxford: Clarendon Press, 1989), 1:48 definition 12a.

the lesser good.

Conflicting absolutists also accept the existence of genuine moral conflicts. They believe that, within a given situation, the absolute moral commands of God must be arranged in a hierarchical order. In a conflict situation the Christian is to do the lesser evil, incur the culpability, and then look to Christ for forgiveness.⁵

Each one of these three models are defined and illustrated by their most current proponents. It will be shown that, of these three options, conflicting absolutism offers the most Scriptural approach to understanding and using the deontological and the teleological elements in theological ethics.⁶

⁵The first one to define, label and contrast these different methodologies was Norman Geisler, *Ethics: Alternatives and Issues* (Grand Rapids, MI: Zondervan Publishing House, 1971), 1-270.

⁶One may be inclined to think that moral dilemmas are mere insignificant abnormalities and any extensive discussion of them in a prolegomenon exaggerates their importance. However, Helmut Thielicke writes, "Theological ethics usually makes the mistake of taking the 'Normal case' as its standard for measuring reality. The result is the illusion that by providing certain Christian directives we have actually solved the problems. In ethics, however, the situation is similar to that in medicine. The problems do not arise with the ordinary cases, but with the borderline cases (*Grenzfälle*), those involving transitions or complications. It is

the abnormal rather than the normal case which brings us up against the real problems. Hence the real test even in respect of foundational principles, is whether an ethics has been proved in the crucible of the borderline situation (*Grenzsituation*) and emerged with even deeper insights." Helmut Thielicke, *Theological Ethics*; 3 vols. trans. John Doberstein (Grand Rapids: Eerdmanns, 1979), 1:578. The German references are from *Theologische Ethik*, 3 Bände (Tubingen: J. C. B. Mohr, 1955-1964), 2.1:202. "An example will show how correct Thielicke is in this regard. Seldom, if ever, is a pastor consulted concerning an ethical issue that is a clear-cut choice between right and wrong. Thus, probably no one has ever seriously approached his pastor to ask, 'My neighbor insists on playing his stereo loudly late into the night; may I shoot him?'" Frank, Morgret, "The Law and the Gospel in Ethical Decision-Making," *Consensus* 10 (October 1984), 19.

CHAPTER THREE

Non-conflicting Absolutism¹

The numerous absolute moral commands, which were shown in chapter one above to compose the deontological element in theological ethics, are often understood as "non-conflicting absolutes." According to this view the moral commandments are absolute in that they admit no exceptions. They are all to be enforced in every applicable situation. They are also "non-conflicting" in that there is never a situation wherein the Christian moral agent is forced to break one absolute command in order to keep another.

In the situation of a so called "moral dilemma" two

¹This view has also been called "unqualified absolutism" or "the third alternative view." The most detailed presentation of this position is Robert Rakestraw, "Ethical Choices: A Case For Non-Conflicting Absolutism," *Criswell Theological Review* 2 no. 2 (Spring 1988): 237-67. Modified forms of this view are also promoted in: John M. Frame, *Medical Ethics: Principles, Persons and Problems* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1988), 7-32. William Luck, "Moral Conflicts and Evangelical Ethics: A Second Look at the Salvaging Operations," *Grace Theological Journal* 8 no. 1 (Spring 1987), C. Gordon Olson, "Norman Geisler's Hierarchical Ethics Revisited," *Evangelical Journal* 4 no. 1 (Summer 1986): 3-14.

absolute commands may seem to conflict, but this is only an outward, superficial, appearance. They do not conflict in actuality. The moral agent may be misled into thinking that it is necessary to break one of the absolute moral commands in order to keep another, but, in reality, that is never truly the case. There is no such thing as a genuine moral dilemma. There is always a third alternative out of every apparent dilemma, which does not involve breaking one of God's absolute moral commands. The alternative might not be readily apparent. It might not be easy or painless. However, there is always a way to avoid sin.

One of the most complete and systematic presentations of non-conflicting absolutism has been given by Robert Rakestraw in his article "Ethical Choice: A Case For Non Conflicting Absolutism."² In this article Rakestraw mentions at least seven major tenets that are important to non-conflicting absolutism. The following critical examination of these seven tenets reveals both the strengths and the

²Rakestraw, 239-67. Robert Rakestraw was born in 1943. He was ordained in 1967 and served as a pastor in the Southern Baptist Convention. He received his Ph.D. in Theology from Drew University in 1985. He currently teaches theology and Christian ethics at Bethel Theological Seminary in St. Paul, Minnesota. Edmund Santurri has also held this view. See Appendix V: Edmund Santurri and Helmut Thielicke on the Question of Genuine Moral Dilemmas.

weaknesses of this particular ethical methodology.

The first tenet of non-conflicting absolutism emphasizes that the moral absolutes which God has given to humankind in the Scriptures are extensions of the one all encompassing absolute of love. Rakestraw explains,

NCA [Non-Conflicting Absolutism] builds its entire structure upon the foundational principle that there are numerous absolutes given by God. . . . These absolutes are derived from the Hebrew-Christian Scriptures after careful exegesis and interpretation. . . . All moral absolutes are extensions of the one all-encompassing absolute: love for God with all one's being and love for neighbor as oneself (Matt 22: 34-40).³

This first tenet of non-conflicting absolutism agrees with the analysis of the deontological element of theological ethics given above, in chapter one. In chapter two it is also emphasized that the numerous absolute moral commands which God reveals in the Scriptures are used to bring the love of God into a specific situation. In this first tenet the non-conflicting absolutists are emphasizing the same points, by saying that all of the moral absolutes in Scripture are extensions of the one all-encompassing absolute of love.

The second tenet of non-conflicting absolutism stresses that the numerous absolute moral commandments,

³Rakestraw, 247-48.

mentioned in tenet number one above, never actually come into direct conflict with one another.

Divinely given moral absolutes never truly conflict, although there are occasions when they appear to conflict. NCA holds that there will never be a situation in which obedience to one absolute will entail disobedience to or the setting aside of another absolute.⁴

This second tenet is unique to the non-conflicting absolutists. Representing the hierarchicalists, Norman Geisler has gone to great lengths in his attempt to prove the falsehood of this tenet. In 1981 Norman Geisler wrote *Options in Contemporary Christian Ethics*,⁵ wherein he attempted to point out that moral dilemmas are illustrated in the Scriptures on at least six different occasions. In the summer of 1986 Carl Gordon Olson, seeking to support this second tenet of non-conflicting absolutism, responded to Geisler's criticism in his article "Norman Geisler's Hierarchical Ethics Revisited."⁶ In the fall of 1986 Geisler defended his views

⁴Ibid., 248.

⁵Norman Geisler, *Options in Contemporary Christian Ethics* (Grand Rapids, MI: Baker Book House, 1981), 1-121. Norman Geisler was born in 1932. He was ordained into the ministry of the Independent Church in 1956. He is presently director of Quest Ministries, Lynchburg, Virginia.

⁶C. Gordon Olson, "Norman Geisler's Hierarchical Ethics Revisited," *Evangelical Journal* 4(1986): 3-14. Carl

against Olson in "A Response to Olson's Critique of Ethical Hierarchicalism."⁷ Then again in 1989 Geisler also published *Christian Ethics: Options and Issues*.⁸ Part of this book continues his criticism of Olson and again seeks to refute this second tenet of non-conflicting absolutism. The following examination of the discussion between Geisler and Olson, given below, helps to explain this second tenet.

The first illustration, with which Geisler attempts to show a conflict between two moral absolutes in the Scripture, is Abraham's near sacrifice of Isaac (Genesis 22). Geisler maintains that in this account one can clearly note a conflict between murder and obedience to God.

First, the Abraham and Isaac story (Gen. 22), contains a real moral conflict. "Thou shalt not kill" is a divine moral command, and yet God commanded Abraham to kill his son, Isaac."⁹

Gordon Olson was born in 1930, received his Th.M. from Dallas Theological Seminary in 1955. He was ordained into the ministry of the Reinhart Bible Church of Dallas, Texas, in 1955. He has served as a missionary to Pakistan and pastor of Mansfield Baptist Church, New Jersey.

⁷Norman Geisler, "A Response to Olson's Critique of Ethical Hierarchicalism," *Evangelical Journal* 4(1986): 82-87.

⁸Norman Geisler, *Christian Ethics Options and Issues* (Grand Rapids, MI: Baker Book House, 1989), 1-335.

⁹Geisler, *Options*, 84. One might be inclined to

Olson responds that this conflict is only apparent and not real at all.¹⁰ Olson maintains that there are many places in Scripture, this story being one of them, where killing is not immoral because it is in compliance with a command from God. Olson lists other examples such as killing in a just war against an evil aggressor (Genesis 14:14-16) and capital punishment (Genesis 9:6 and Deuteronomy 19:21).¹¹ Olson concludes that, "The cause of the offering of Isaac . . . was also a justifiable life-taking since it was by a direct command of God. Hence there was no conflict of absolutes."¹²

object to Geisler's insistence that this story contains a moral dilemma on the grounds that God graciously called a halt to the sacrifice before it was actually committed. Thus the dilemma in sacrificing Isaac never actually took place. However, Geisler answers that objection. "The fact that Abraham was not required to go through with the act does not eliminate the reality of the moral conflict, since the *intention* to perform an act with moral implications is itself a morally responsible act (cf. Matt. 5:28)." Ibid. 85.

¹⁰Olson, 6.

¹¹Ibid.

¹²Ibid. This argument, which emphasizes that God can renounce a previously given command and give a contrary command in an exceptional situation is not new to Olson. It is also mentioned by the following: Bernard of Clairvaux (1090-1153), "Necessarium deinde, quod inviolabile nominavi,

illud intelligo, quod non ab homine traditum, sed divinitus promulgatum, nisi a Deo qui tradidit, mutari omnino non patitur: ut, exempli causa, *Non occides, Non moechaberis, Non furtum facies* (Exod. XX, 13-15), et reliqua illius tabulae legiscita: quae, etsi nullam prorsus humanam dispensationem admittunt, nec cuiquam hominum ex his aliquid aliquo modo solvere, aut licuit, aut licebit; Dominus tamen horum quod voluit, quando voluit solvit, sive cum ab Hebraeis Aegyptios spoliari (Exod. III, 22), sive quando prophetam cum muliere fornicaria misceri praecepit (Ose. I, 2)." J. P. Migne, ed. *Patrologiae: Patrum Latinorum*, 221 vol. (Parisiis, 1855-1881), 182:864. Hereafter this is abbreviated as *Migne P. L.*

Duns Scotus (1266-1308), "Haec strictissime dicuntur de lege naturae. . . non potest esse dispensatio et de istis. . . ."

Et non est sic loquendo universaliter de omnibus praeceptis secundae Tabulae Non enim est necessaria bonitas in his quae ibi praecipuntur ad bonitatem finis ultimi

De praeceptis autem primae tabulae secus est, quia illa immediate respiciunt Deum pro obiectoEt per consequens in istis non poterit Deus dispensare." Allen B. Wolter, ed. *Duns Scotus on the Will and Morality* (Washington D. C.: The Catholic University of America Press, 1986), 276.

William of Ockham (circa 1280-1349), "Et ideo ipso quod Deus vult hoc, (hoc) est iustum fieri Unde si Deus causaret odium in voluntate alicuius sicut causa totalis, sicut semper causat sicut causa partialis, neuter peccaret: nec Deus, quia ad nihil obligatur; nec alius, quia actus ille non esset in potestate sua." Guillelmi de ockham, *Opera Philosophica et Theologica*, Rega Wood ed. Editiones Instituti Franciscani 7 vols. (St. Bonaventurae, N.Y.: Universitatis S. Bonaventurae, 1984), 7:198.

Martin Luther (1483-1546) "Also kan und pflegt auch der geyst zu weylen werck zu thun, die an zusehen sind, als seyden sie widder alle gottis gepott. Aber sie sind nur widder die gepott der andern taffelln, die uns zum nehisten weysen und nach den ersten dreyen gepotten ynn der ersten

Geisler defends his first illustration against Olson by pointing out that it will not suffice simply to say that the sacrifice of Isaac was an exception to the command against murder (as is a just war and capital punishment). The mere fact that an exception has to be made shows that there is a conflict.¹³ Geisler makes a compelling point in his answer to Olson. Olson is begging the question when he tries to remove the tension between two conflicting commands simply by asserting that there can be no tension since they are both commanded by God. Olson is attempting to support this second tenet by basing it on the unity and simplicity of

taffeln, die uns zu Gott weysen." *D. Martin Luthers Werke, Kritisch Gesamtausgabe*, 64 Bände (Weimar, 1883 –), 17.2: 54, hereafter abbreviated as *W. A.*

This line of thought is contrary to that of Thomas Aquinas who emphasized that, "Praecepta autem decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est; praecepta autem secundae Tabulae continent ipsum ordinem justitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum; secundum hanc enim rationem sunt intelligenda praecepta decalogi. Et ideo praecepta decalogi sunt omnino indispensabilia." Thomas Aquinas *Summa Theologiae* Blackfrairs edition 60 vols. (New York: McGraw-Hill Book Co., 1964), 29: 90-92.

¹³Norman Geisler, "A Response to Olson's Critique of Ethical Hierarchicalism," *Evangelical Journal* 4 (Fall, 1986): 86. Geisler, *Christian Ethics: Options and Issues* (Grand Rapids: Baker Book House, 1989), 117-118.

God's essential will (that is, God's will as it exists in and of itself). However, such a task is not possible for two reasons.

In the first place the essential will of God has not been completely revealed to man. Insofar as it remains hidden (*voluntas abscondita*) it is far beyond the realm of human comprehension. It cannot be used by Christians to define doctrine or determine practice. St. Paul emphasizes this when he exclaims,

Oh, the depth of the riches of wisdom and knowledge of God! How unsearchable his judgments, and his paths beyond tracing out! Who has known the mind of the Lord? Or who has been his counselor (Romans 11:33-34).¹⁴

God's will can only be studied and applied insofar as he has revealed it to humanity (that is, in the *voluntas revelata*). That which is not revealed must remain a mystery. Luther writes,

God must therefore be left to himself in his own majesty, for in this regard we have nothing to do with him, nor has he willed that we should have anything to do with him. But we have something to do with him insofar as he is clothed and set forth in his Word, through which he offers himself to us. . . . It is our business, however, to pay attention to the word and leave that inscrutable will alone, for we must be guided

¹⁴All scripture passages in English are from the New International Version, unless otherwise noted.

by the word and not by that inscrutable will. After all, who can direct himself by a will completely inscrutable and unknowable? It is enough to know simply that there is a certain inscrutable will in God, and as to what, why, and how far it wills, that is something we have no right whatever to inquire into, hanker after, care about, or meddle with, but only to fear and adore.¹⁵

In the second place, humans are incapable of understanding the unity and simplicity of God's essential will because even that which has been revealed (*voluntas revelata*) has been revealed in parts in order to accommodate the temporal limitations of human thought. Franz Pieper explains,

There can be no division and classification of God's will as far as God's essence is concerned. In Him there is only one will, and this is identical with his

¹⁵*Luther's Works*, 55 vols., edd. J. Pelikan and H. T. Lehmann, American Edition in English Translation (Philadelphia: Fortress Press and St. Louis: Concordia Publishing House, 1958-1986), 33:139-40. Hereafter this is abbreviated as *L. W.* "Relinquendus est igitur Deus in maiestate et natura sua, sic enim nihil nos cum illo habemus agere, nec sic voluit a nobis agi cum eo. Sed quatenus indutus et proditus est verbo suo, quo nobis sese obtulit, cum eo agimus. . . .

Nunc autem nobis spectandum est verbum relinquendaque illa voluntas imperscrutabilis. Verbo enim nos dirigi, non voluntate illa inscrutabili oportet. Atque adeo quis sese dirigere queat ad voluntatem prorsus imperscrutabilem et incognoscibilem? Satis est, nosse tantum, quod sit quaedam in Deo voluntas imperscrutabilis. Quid vero, Cur et quatenus illa velit, hoc prorsus non licet quaerere, optare, curare aut tangere, sed tantum timere et adorare." Luther, *W. A.* 18:685-86.

essence. But because of our finite comprehension Scripture itself teaches us to . . . distinguish between God's first, or antecedent, and second, or consequent, will (*voluntas prima, sive antecedens, et voluntas secunda, sive consequens*).¹⁶

¹⁶Franz Pieper, *Christian Dogmatics* Trans. Theodore Engelder, 4 vols. (St. Louis: Concordia Publishing House, 1950), 1: 454. "Was die Einteilungen des göttlichen Willens betrifft, so ist auch hier wieder daran zu erinnern, dass sie ihren Grund in dem beschränkten menschlichen Auffassungsvermögen haben. In Gott ist der Wille einer und mit Gottes Wesen identisch. Aber nach Gottes Selbstoffenbarung in seinem Wort können wir unterscheiden: 1. Gottes ersten und zweiten Willen (*voluntas prima* oder *antecedens* und *voluntas secunda* oder *consequens*)." Franz Pieper, *Christliche Dogmatik* 4 vol. (St. Louis: Concordia Publishing House, 1917), 1: 558-59. Others also emphasized this distinction:

St. Chrysostom, "θέλημα πρῶτον τὸ μὴ ἀπολέσθαι ἡμαρτηκότας. θέλημα δεύτερον, τὸ γενομένου κακοῦ ἀπολέσθαι." J. P. Migne, ed. *Patrologiae: Patrum Graecorum*, 161 vols. (Paris, 1857-1866), 62:13. Hereafter this is abbreviated as *Migne P. G.*

John of Damascus (347?-407), "Ὁ θεὸς προηγουμένως θέλει πάντας σωθῆναι, καὶ τῆς βασιλείας αὐτοῦ τυχεῖν. . . . Ἀμαρτάνοντας δὲ θέλει κολάζεσθαι, ὡς δίκαιος. Λέγεται οὖν, τὸ μὲν πρῶτον, προηγουμένον θέλημα, καὶ εὐδοκία, ἐξ αὐτοῦ ὄν. τὸ δὲ δεύτερον ἐπόμενον θέλημα, καὶ παραχώρησις, ἐξ ἡμετέρας αἰτίας. . . . Τῶν δὲ ἐφ' ἡμῖν, τὰ μὲν ἀγαθὰ προηγουμένως θέλει, καὶ εὐδοκεῖ. Τὰ δὲ πονηρὰ, καὶ ὄντως κακὰ, οὔτε προηγουμένως, οὔτε ἐπομένως θέλει. παραχωρεῖ δὲ τῷ αὐτεξουσίῳ." *Migne, P.G.* 94:968-69.

St. Thomas Aquinas (1225?-1274), "Unde potest dici quod iudex justus antecedenter vult omnem hominem vivere, sed consequenter vult homicidam suspendi. Similiter Deus antecedenter vult omnem hominem salvari, sed consequenter vult quosdam damnari secundum exigentiam suae justitiae." *Summa Theologiae*, 1a.19,6.

Leonard Hutter (1563-1616), "Est vero Distinctio hec Voluntatis Dei in Antecedentem + Consequentem introducta in Ecclesiam, propter ea Scripturae locaque Voluntatem Dei non

Semper fieri aut impleri testantur. Exempli gratia: Matth. 23,37. Quoties volui congregare filios tuos, sicut gallina pullos suos sub alis, + nolulistis. Et I. Tim. 2,4. Deus vult omnes homines salvari. . . .

Tandem consideratione fidei. Nam in Voluntate προηγουμένη Fides attenditur, tanquam pars ordinis, quem Deus, quantum quidem in se est, observatum cupit. In Voluntate έπομένη eadem attenditur, non hoc solum modo, quo Deus ordinem suum ab hominibus observatum cupit. sed quatenus ordo iste actu ipso observatur credendo, vel non observatur, non credendo: Qud licet ratione hominum in tempore demum fiat: Deo tamen. Praescientiae ratione, suit praesentis simum, quippe cui per naturam, aeternitatis, nihil est futurum, sed in, simplicissimo τω νϋν omnia, ab aeterno sunt praesentissima. Ultmae hujus differentiae respectu, Voluntas consequens, finem suum, semper assequitur, vel ad salutem, vel ad damnationem: Voluntas vero Antecedens non item." Leonharto Hüttero, *Loci Communes Theologici* (Wittenbergae, 1619), 783, 794-95.

John Gerhard (1582-1637), "Distinguit autem haec divisio non ipsam per se voluntatem, quae in Deo una et indivisa est, sicut et una essentia; sed geminum istius respectum. In antecedente voluntate respectus habetur mediorum ad salutem, prout ex parte Dei ordinata sunt et omnibus offeruntur. In consequente voluntate respectus habetur eorundem mediorum, sed prout ab hominibus acceptantur vel negliguntur." Ioannis Gerhardi, *Loci Theologici*, 10 vols. (1609-1622 repr., Berolini: Sumtibus Gust. Schlawitz, 1865), 2:61.

David Hollaz (1648-1713), "Voluntas DEI dicitur Antecedens + consequens non (1) ratione temporis (2) Nec ex parte ipsius voluntatis divina. . . . (3) Dicitur voluntas DEI antecedens + consequens ab ordine rationis nostrae diversos volendi actus in DEO pro diversa objectorum consideratione distinguentis." M. Davidis Hollazii, *Examen Theologicum* (Stargardiae Pomeranorum, 1707), 4.

John Quenstedt (1617-1688), "Antecedens fertur in hominem, qua miser est, non habita ratione circumstantiarum

John Bair explains further that,

The free will of God is distinguished as . . . *first or antecedent*, by which He wills something from Himself alone, or entirely from His own inclination, without any regard being had to the circumstances; and *second or consequent*, by which He wills something with a consideration of the circumstances, or in consideration of a cause or condition.¹⁷

Millard J. Erickson gives the following example.

God's will in the ultimate sense (W 1) would be the fully good. Yet God's will (W 2) is that man should do what most nearly approximates that complete good.

For example, it may be God's will [W 1 primary will] that no human life should ever have to be taken. This would be the good. Yet, given our world in which men are characterized by greed, avarice, hatred, and fear, I may find myself called upon to take the life of another to defend myself or to protect the lives of my children. It may, in this case, be God's will (W 2) that I kill this man. . . . This distinction between

in Objecto: Consequens vero versatur circa hominem cum certis circumstantiis, quatenus scil. is fidelis vel incredulus est." Johanne Quenstedt, *Theologia Didactico-Polemica* 4 vols. (Wittenbergae, 1685), 3:2.

¹⁷Heinrich Schmid, *Doctrinal Theology of the Evangelical Lutheran Church* Third Edition trans. C. A. Hay and H. E. Jacobs (Minneapolis: Augsburg Publishing House, 1961), 127-28, citing John Baier, *Compendium Theologiae Positivae* (Lipsiae: Apud Thomas Fritsch, 1717), 194. "Voluntas DEI libra distinguitur in *primam* seu antecedentem, qua vult aliquid ex se solo, seu ex nativa sua inclinatione praecise, necdum habita ratione circumstantiarum: + *secundam*, seu *consequentem*, qua aliquid vult, consideratis circumstantiis, seu intuitu alicujus causae aut conditionis." Ibid.

God's will (W 1) and (W 2) is an important one. For a Christian to discuss the morality of war, for instance, without observing this distinction invites confusion.¹⁸

According to God's primary will, he wills that there would be no sin, nor suffering, nor death. God's primary will is best exemplified when one considers the perfect blessedness of the lives of Adam and Eve in the garden of Eden prior to the fall.

However, since sin and death have now come into the world they present circumstances and conditions which God takes into consideration when he wills specific deeds in the daily lives of individuals. This secondary will of God may conflict with his primary will, as in the case of Abraham's offering of Isaac.

According to God's primary will there is to be no murder. Yet, within the temporary situation of the testing of Abraham, God, according to his secondary will, commanded that murder should be done. Thus Geisler is correct in pointing out that this story does illustrate a conflict between two commands of God. It is a conflict between his primary and secondary will.

¹⁸Millard J. Erickson, *Relativism in Contemporary Christian Ethics* (Grand Rapids, MI: Baker Book House, 1974), 143-44.

However, this does not necessarily mean that this story can be used, as Geisler attempts, to prove that such conflicts still confront Christians today. Geisler fails to take into consideration the uniqueness of this particular event. For here was the spiritual father of all believers.¹⁹ He was living at a time when God revealed his will directly to people of his choosing.²⁰ He was undergoing a special trial to test his faith.²¹ There is no justification for using this particular, unique, event to substantiate the existence of moral conflicts today.

On the one hand, there are elements in the lives of the prophets and the apostles that are worthy of imitation. They serve as examples to be followed.²² Yet on the other

¹⁹"So, then, he is the father of all who believe but have not been circumcised, in order that righteousness might be credited to them. And he is also the father of the circumcised who not only are circumcised but who also walk in the footsteps of the faith that our father Abraham had before he was circumcised" Romans 4:11-12. "Understand, then, that those who believe are children of Abraham" Galatians 3:7.

²⁰"In the past God spoke to our forefathers through the prophets at many times and in various ways, but these last days he has spoken to us by his Son" Hebrews 1:1-2.

²¹"Some time later God tested Abraham" Genesis 22:1a. "By faith Abraham, when God tested him, offered Isaac as a sacrifice" Hebrews 11:17a.

²²"We do not want you to become lazy, but to imitate

hand, there are certain elements which are unique to the lives of the prophets and apostles. Insofar as their uniqueness is concerned they do not serve as examples to be imitated. They establish no precedent upon which to base any future action. Least of all do they constitute a foundation for theological ethics. Luther explains,

Whatever the case may be, one must adhere to the rule that the deeds of the saints should not be imitated or taken as examples. It is not logical to say that because Abraham, Augustine and Peter did this, "I must do it." But this is a valid argument: God says and commands this; therefore, it must be done. For the Word is a reliable rule which cannot deceive. Thus the jurists, too, say that an action is not a law, just as a law is not an action.²³

Luther also explains that,

In order to reveal His power and wisdom, God does many things contrary to the rule; He does so through heroes, whom He himself calls in a special way, although these heroes are rare and few. Others must adhere to the norm and rule, because, if they want to imitate those heroes,

those who through faith and patience inherit what has been promised" Hebrews 6:12.

²³Luther, *L. W.* 3:259-60. "Caeterum, ut ut sit, regula tenenda est, quod sanctorum facta non imitanda, nec trahenda sunt in exemplum. Non enim sequitur: Abraham, Augustinus, Petrus hoc fecit, ergo mihi quoque faciendum est. Haec autem consequentia valet: Deus hos dicit et iubet, ergo faciendum est. Verbum enim est regula certa, quae fallere non potest. Sic Iure consulti quoque dicunt, factum non esse ius, sicut nec ius est factum." Luther, *W.A.* 43:61.

who deviate from the rule, they stumble disgracefully. Such deeds are praised because they are done by heroes and "wonder men," but nobody can successfully imitate them.²⁴

The uniqueness of the story of Abraham's near sacrifice of Isaac sets it apart from all other stories. Abraham is a "wonder man." Abraham cannot be used as an example to completely imitate. Nor can one expect the circumstances of the story (that is, a conflict between a command of God's primary will and a command of his secondary will) to necessarily be repeated. Even though this story contains a conflict between two of God's commands, as Geisler maintains, it nevertheless, cannot show that such conflicts necessarily exist today. It therefore does not serve Geisler's intended purpose. It does not refute the second tenet of non-conflicting absolutism, which maintains that in this day moral absolutes do not conflict.²⁵

²⁴L.W. 3:262. "Deus ut ostendat potentiam et sapientiam suam, multa facit contra regulam per homines Heroicos, quos ipse singulariter vocat, quanquam rari et pauci sunt. Reliqui arte et regula utantur necesse est, quod si heroicos illos, qui a regula discedunt, imitari volent, turpiter impingent. Laudantur igitur talia, quia ab heroicis et miraculosis fiunt, sed nemo ea foeliciter potest imitari." Luther, *W. A.* 43:62-63.

²⁵Although this particular example of Abraham's near sacrifice of Isaac fails to show that there are still conflicts between the commands of God's primary will and

Geisler's second illustration with which he attempts to show a conflict between two of God's absolute moral commands, and thereby refute the second tenet of non-conflicting absolutism, is the suicide of Samson (Judges 16:23-31). Geisler maintains that Samson had divine approval for his self inflicted death.²⁶ Since such approval is contrary to the commandment against murder, this story would illustrate a conflict between two divine commands.

Olson responds by saying that the story of Samson's suicide contains no actual conflict. For in this case there was no explicit command from God for Samson to kill himself. This suicide was a decision Samson made completely on his own. Scripture does not say that Samson did a God-pleasing

those of his secondary will today, there are other examples below which illustrate that such conflicts do still occur. The contention here against Geisler is not that such conflicts do not exist today. It is rather, that he has not chosen a good example to prove his point.

²⁶Geisler, *Options*, 85. Augustine also believed that Samson had divine approval for his suicide. In *De Civitate Dei* 1:21 he writes "Nec Samson aliter excusatur, quod se ipsum cum hostibus ruina domus oppressit, nisi quia spiritus latenter hoc jusserat, qui per illum miracula faciebat." Migne, *P. L.* 41:35. Martin Luther also seemed to hold the same view. "[Samson] qui spiritus instinctu et impulsu fecit omnia, etiam in ipsa morte." Luther, *W. A.* 44:785. (*L. W.* 8:281).

thing when he committed suicide.²⁷

In Geisler's "Response to Olson" he does not answer this criticism. Likewise, in his later work, *Christian Ethics*, Geisler makes no effort to respond to Olson's point. He simply repeats this same argument concerning the divine approval of Samson's death.²⁸

Olson makes a compelling point here. Although Olson did not mention it, he could also have pointed out that in order to understand the ethical implications in the suicide of Samson it is helpful to distinguish, as Geisler has failed to do, between God's general concurrence (*concursum generalis*), which enables all acts to occur regardless of their morality, and his moral will (*voluntas moralis*) which expresses the specific moral actions which he demands of humanity. Just because God gave Samson the power to commit suicide does not mean that God agreed with, or was pleased by, this act. God also gives to all criminals their power to burglarize, maim, or kill (that is, his *concursum generalis*); yet, he certainly disapproves of their actions according to his moral will (*voluntas moralis*). Thus the account of Samson's

²⁷Olson, 6.

²⁸Geisler, *Christian Ethics*, 118.

suicide does not help Geisler prove the existence of divine conflicts, because it does not contain a conflict between two of God's absolute moral commands. This story does not help him in his attempt to disprove the second tenet of non-conflicting absolutism.

Geisler's third illustration with which he attempts to show a conflict between two of God's moral commands is the case of Jephthah and his daughter (Judges 11:30-40). In this passage Jephthah vows to God,

If you give the Ammonites into my hands, whatever comes out of the door of my house to meet me when I return in triumph from the Ammonites will be the Lord's, and I will sacrifice it as a burnt offering. Judges 11:30-31

After his victory he returned home and "who should come out to meet him but his daughter. . . . She was an only child" (Judges 11:34). Geisler maintains that in this story Jephthah is torn between keeping a vow to God (Ecclesiastes 5:1-4) and obeying the commandment against murder (Exodus 20:13).²⁹

Olson responds that once again, as in the case of Samson, there is no explicit command from God here. God does not tell Jephthah to sacrifice his daughter (as he told Abraham to sacrifice his son). Nor did God command Jephthah

²⁹Geisler, *Options*, 85.

to make such a careless vow. There is no conflict here because neither the vow nor the sacrifice was commanded.

Olson could also have pointed out that there is no conflict in this story because the vow which Jephthah made, was in fact, sinful, and contrary to God's will from the very beginning. Through Moses God had already established the details of an elaborate sacrificial system.³⁰ God had specifically commanded that burnt offerings were to be either a bull a sheep a goat or a bird.³¹ According to God's command, these were the only animals that were to be offered in burnt sacrifices. The Israelites had no authority to change this. Moses specifically told them, that with respect to God's law, they were not to "add to it or take away from it" (Deuteronomy 12:32).³²

However, in the days of the judges, the Israelites were not careful to be so faithful to God's laws. Twice the author of the book of Judges states that it was a time when "everyone did as he saw fit" (Judges 17:6; 21:25). When Jephthah made his foolish vow, to offer "whatever comes out of the door of my house as a burnt offering" (Judges 11:31),

³⁰See Leviticus 1-7.

³¹Leviticus 1:5-14

³²This same emphasis is in Deuteronomy 4:2.

he was not obeying a command from God. He was doing "as he saw fit." He was breaking away from the sacrificial system which God had given them, and inventing his own good works contrary to the will of God.³³ Since this vow was a human invention, unauthorized by God, it cannot be construed as a divine command that conflicts with the fifth commandment.

The same can be said with regard to the fulfilling of this vow. The sacrifice of the daughter was also without

³³This is not unlike the fictitious good works practiced by the monks of the middle ages which Luther so strongly condemned in his "Von Den Guten Werken" (W. A. 6:202-76) and "De Votis Monasticis Martini Lutheri Iudicium," (W. A. 8:573-669). In the "Praefatio Martini Lutheri Vetus Testamentum" he also wrote, "Praeter haec autem hoc quoque observandum est, Mosen adeo diligenter hunc populum legibus circumscrisisse, ut prorsus nullum locum relinqueret, aut novi cuiusdam operis, aut alterius religionis excogitandae. . . .

. . . Sic igitur omnia instituit, ut certum verbum haberent, Deum omnia ipsorum opera probare. Non enim Deus illa opera probat, quae sine certo suo verbo et mandato a nobis fiunt. Nam in .IIII. et .XIII. Deuteronomii capite sic inquit, vos nihil neque addetis neque detrahetis legi maeae, et in .XII. monet eos, ne faciant, quae ipsis recta videntur. David preterea in psal., item prophetae omnes de hac una re queruntur, quod populus se talibus operibus Deo commendare studeat, quae ipsi excogitassent, non quae dei verbum prescripsisset, Neque enim ferre hoc Deus potest, ut quidquam instituamus, quantumvis bonum in speciem, quod ipse non ante mandaverit. Nam opera nihil aequè commendat atque obedientia, si quis verbum sequatur." *D. Martin Luthers Werke, Kritische Gesamtausgabe, Die Deutsch Bibel* 12 vols. (Wiemar, 1906-1961), 5:5, hereafter referred to as *W. A. D. B.*

divine authorization. It was also directly contrary to God's law which prohibited child sacrifices. Moses wrote

You must not worship the Lord your God in their way, because in worshipping their gods, they do all kinds of detestable things the Lord hates. They even burn their sons and daughters in the fire as sacrifices to their gods" (Deuteronomy 12:30).³⁴

Both Jephthah's vow and his sacrifice were made without divine authorization. They were both sinful human inventions contrary to God's will. Geisler claims that, "The Scripture appears to approve of Jephthah keeping the oath to kill."³⁵ However, this is completely unsubstantiated by Scripture. There is nothing in the text that even remotely hints at such an idea.

Thus Olson is correct when he states that this story contains no conflict of divine moral absolutes. This text cannot be used to refute the second tenet of non-conflicting absolutism.

Geisler's fourth illustration with which he attempts to show a conflict between two moral absolutes, is the case

³⁴This point is repeated. "Let no one be found among you who sacrifices his son or daughter in the fire. . . . Anyone who does . . . is detestable to the Lord." Deuteronomy 18: 10-12.

³⁵Geisler, *Options*, 85; idem, *Christian Ethics*, 118.

of the Hebrew midwives (Exodus 1) and the case of Rahab (Joshua 2). In both of these stories, Geisler maintains, one can note a conflict between lying and showing mercy.

In the case of the Hebrew midwives Pharaoh commanded the midwives, Shiphrah and Puah, to kill all of the newborn male Israelites (Exodus 1:15-16). However, they refused to obey. They let the children live. When they were asked why, they responded by lying, "Hebrew women are not like Egyptian women, they are vigorous and give birth before the midwives arrive" (Exodus 1:19). Geisler maintains that the midwives were confronted with a conflict of moral absolutes.³⁶

Because of their similarity, Geisler discusses the case of the Hebrew midwives together with the case of Rahab the prostitute (Joshua 2). Rahab hid two Israelite spies on the roof of her house in Jericho. When asked concerning their whereabouts she protected them by lying. "Yes, the men came to me, but. . . . I do not know which way they went. Go after them quickly. You may catch up with them" (Joshua 2:4-5). In both of these cases Geisler maintains one can note an absolute conflict between "lying and not helping to save a life (that is, not showing mercy)."³⁷ Thus, Geisler claims

³⁶Geisler, *Options*, 86.

³⁷*Ibid.*

that these examples refute the second tenet of the non-conflicting absolutists which holds that moral absolutes never truly conflict.

Olson responds by separating the two stories and discussing them individually.³⁸ With respect to the Hebrew midwives, Olson points out that one must carefully distinguish between two different actions. The first action of the midwives was to disobey the Egyptian government. In this case the government was commanding something contrary to the law of God (that is, the death of the innocent male Israelites). The midwives were placed in a situation where they had to obey God rather than man.³⁹ For this brave act they were commended by God. "So God was kind to the midwives. . . . And because the midwives feared God, he gave them families of their own" (Exodus 1:20-21).

³⁸Olson, 6-7.

³⁹Scripture teaches that, "Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves" (Romans 13:1-2). However, when the government misuses this delegated authority by commanding something contrary to God's will, then Scriptures also plainly teach that "We must obey God rather than men" (Acts 5:29).

The second action of the midwives was to lie when they were called to give an account of their actions. Olson says this lie was unnecessary. He explains,

The commendation was for disobeying Pharaoh's command, which was a delegated authority misused by him. There are two separate actions here which must be distinguished. They disobeyed Pharaoh and were blessed for it. When called to account, they could (and possibly should) have acknowledged their disobedience (as Daniel and his companions did centuries later).⁴⁰

Geisler attempts to answer this by writing,

Olson wrongly concludes that the Bible does not commend the Hebrew midwives for deceiving Pharaoh when the text explicitly says following their deception that "because the midwives feared God, that He (God) established households for them (Ex. 1:21). It is sheer isogesis to claim that God blessed them in spite of their lie."⁴¹

Once again in his latter work Geisler also reemphasizes that, "Nowhere in the text does God ever say they were blessed only for their mercy and in spite of their lie. Indeed, the lie was part of the mercy shown."⁴²

Contrary to what Geisler claims, the Biblical text clearly shows that there were at least two separate actions.

¹⁷The midwives, however, feared God (וַתִּירָאֵן הַמִּיּוֹלֶטֶת)

⁴⁰Olson, 7.

⁴¹Geisler, "Response to Olson," 85.

⁴²Geisler, *Christian Ethics*, 122.

(אֶת־הָאֱלֹהִים) and did not do what the king of Egypt had told them to do; they let the boys live. ¹⁸Then the king of Egypt summoned the midwives and asked them, "Why have you done this? Why have you let the boys live?"

¹⁹The midwives answered Pharaoh, "Hebrew women are not like Egyptian women; they are vigorous and give birth before the midwives arrive."

²⁰So God was kind to the midwives and the people increased and became more numerous. ²¹And because the midwives feared God, (בְּיִרְאָה הַמִּיֻּלָּדִת אֶת־הָאֱלֹהִים) he gave them families of their own. (Exodus 1:17-20)⁴³

The first action, along with the rationale for doing it, is stated in verse seventeen, "The midwives, however, feared God (וַתִּירְאֵן הַמִּיֻּלָּדִת אֶת־הָאֱלֹהִים) and . . . they let the boys live." In verse eighteen Pharaoh calls on the midwives to give an account of their actions. "Why have you done this? Why have you let the boys live?"

The second action of the midwives is then related in verse nineteen. They lie to the king in an attempt to justify their previous disobedience.⁴⁴ "Hebrew women are not

⁴³All Hebrew references are taken from the *Biblia Hebraica Stuttgartensia* W. Rudolph et H. P. Rüger et alii eds., Editio secunda emendata (Stuttgart: Deutsche Bibelgesellschaft, 1984).

⁴⁴It is possible that this might not have been a lie. If this statement by the midwives is true, then, there is no conflict of moral absolutes, see John Murray, *Principles of Conduct* (Grand Rapids: Eerdmans Publishing Co. 1957), 141, and Olson, 6.

like Egyptian women: they are vigorous and give birth before the midwives arrive." The midwives did not say this because they feared God. They said this because they feared the wrath of Pharaoh.

God's response, and the reason for his response, is then given in verses twenty and twenty-one. "So God was kind to the midwives. . . . And because the midwives feared God (כִּי־יִרְאוּ הַמִּיִּלֹּת אֶת־הָאֱלֹהִים) he gave them families of their own."

Verses seventeen and twenty-one both contain the phrase "The midwives feared God." That specific phrase, in verse seventeen relates the reason for the first action of the midwives, (that is, their saving the male children). That same phrase used in verse twenty-one explains why God blessed them with families. This identical phrase, used twice, clearly links God's blessings in verse twenty-one back with the saving of the male Israelite children in verse seventeen. It is the fear of God and the consequent saving of the children, (that is, their faith expressing itself through love⁴⁵), that is commended. There is no commenda-

⁴⁵"For in Christ Jesus neither circumcision nor uncircumcision has any value. The only thing that counts is faith expressing itself through love" Galatians 5:6.

tion for the lie that they told to Pharaoh. This lie seems to have been a weakness on their part. Walter Kaiser writes,

They (the midwives) are praised for outright refusal to snuff out male infant lives. Their reverence for life reflected a reverence for God. . . . The juxtaposition of the account of their lie to Pharaoh in Exodus 1:19 with the statement that God dealt well with them in verse 20 might appear to imply an endorsement of their lie. But this suspicion cannot be sustained in the text, for twice it attributes the reason for God's blessing them to the fact that they feared ["believed"] God [vv. 17 and 21].⁴⁶

Thomas Aquinas similarly notes that,

The midwives were not in fact rewarded for their lie, but for the fear of God and the good-heartedness behind it; notice that Exodus says pointedly, "And because the midwives feared God he built them houses." The ensuing lie, however, was not deserving of reward.⁴⁷

Augustine also emphasizes this point when he writes that, "It was not their lie but their faith and fear of God as well as their mercy toward the Israelite babies which pleased the Lord."⁴⁸

⁴⁶Walter Kaiser, *Toward Old Testament Ethics* (Grand Rapids, MI: Zondervan Corporation, 1983), 273.

⁴⁷Thomas Aquinas, *Summa Theologiae* 60 vols. Blackfriars edition. (New York: McGraw-Hill Book Co., 1964), 2a 2ae.110,3. "Ad secundum dicendum quod obstetrices non sunt remuneratae pro mendacio, sed pro timore Dei et benevolentia ex qua processit mendacium. Unde signanter dicitur *Exod. I, Et quia timuerunt obstetrices Deum, aedificavit illis domos. Mendacium vero postea sequens non fuit meritorium.*" Ibid.

⁴⁸John Gerhard, *Theological Commonplaces* Trans.

Thus Olson is correct in insisting that there are two separate actions. Contrary to Geisler's claim, the duty to be merciful, which was fulfilled in the first action, in no way conflicted with the duty to tell the truth, which was left unfulfilled in the second action. This story does not disprove the second tenet of non-conflicting absolutism.

With respect to Rahab (Joshua 2) Olson believes that the situation is somewhat different. In this case Joshua had sent two spies into Jericho. Rahab hid these two men on the roof of her house. When the king of Jericho asked for the spies she protected them by lying. "I don't know which way they went. Go after them quickly. You may catch up with them" (Joshua 2:5). Here it seems that Rahab did indeed show mercy to the spies by means of her lie.

However, Olson suggests that there are two possible answers.⁴⁹ In the first place it is possible that the king

Richard Dinda page 332. Unpublished. Located in the Concordia Seminary library, St. Louis, Missouri MFCH 81-1. This is a translation of Ioannis Gerhardi, *Loci Theologici* Ed. Preuss edition 10 vols. (Berolini: Gustav Schlawitz, 1863), 3:79. We have been unable to determine the specific location from which this quote was taken. "Non mendacium ipsarum, sed fidem et timorem Dei ac misericordiam erga Israëliticos infantes Domino placuisse." Gerhardi, 3:79.

⁴⁹Olson, 7.

was misusing the authority that had been delegated to him by God. If this were the case then Rahab would have been under no obligation to comply with his command, to reveal the location of the spies. She, like the midwives, would be obligated to obey God, and show mercy, rather than to obey man, and be an accessory to murder.⁵⁰ Olson maintains that if the Jericho government lost the legitimacy of its rule it had no right to the truth. In this way there would have been no moral conflict for Rahab. For delegated authority is not absolute. It cannot bind the moral agent in a dilemma of absolute obligations, when it contradicts the will of God.

Secondly, Olson suggests that, if the Jericho government was not misusing its delegated authority then Rahab should not have lied. She could have protected the spies by some other means.

There certainly were other options. She could have asked a question, "Do you think that I would hide Israelite spies?" This might have been an adequate diversion without lying.⁵¹

Olson claims that if this were the case, then Scripture's commendation of Rahab was only for her faithfulness and fear

⁵⁰See footnote thirty-nine above.

⁵¹Olson, 7.

of God, and not for her lie.⁵²

Walter Kaiser stresses a similar point when he writes,

But the areas of Rahab's faith must be strictly observed. It was not her lying that won her this divine recognition; rather it was her faith – she "believed in" the Lord God of the Hebrews. . . . The evidence of her faith was seen in the works of receiving the spies and sending them out another way. . . . But her lying was an unnecessary accouterment to both of the above approved responses.⁵³

John Murray also emphasizes that one should not confuse the lying of Rahab with her good deeds. These must be distinguished. He explains,

It is strange theology that will insist that the approval of her faith and works in receiving the spies and helping them to escape must embrace the approval of all the actions associated with her praiseworthy conduct.⁵⁴

Augustine also points out that Rahab performed good works that were not part of the lie.

Rahab in Jericho received hospitably the men of God who were strangers, because she ran a risk in receiving them, because she believed in their God, because she hid

⁵²Ibid. Rahab's words do contain a beautiful confession of faith when she says "For the Lord your God is God in heaven above and on the earth below" Joshua 2:11b.

⁵³Walter Kaiser, *Toward Old Testament Ethics*, 272.

⁵⁴John Murray, *Principles of Conduct* (Grand Rapids, MI: Eerdmans Publishing Co., 1957), 138.

them carefully where she could, because she gave them most reliable counsel about another way of going back—for all these reasons may she be praised and imitated. . . . But, the fact that she lied is not wisely proposed for imitation, even if . . . God was mindful to reward those good deeds of hers and clement in pardoning this bad one.⁵⁵

The New Testament seems to support this same argument. It also separates Rahab's lie from the other actions of love which proceeded from her faith. The New Testament makes no mention of her lie. However, the letter to the Hebrews specifically commends her for her faith and for welcoming the spies. "By faith the prostitute Rahab, because she welcomed the spies, was not killed with those who were disobedient" Hebrews 11:31. James commends Rahab for giving lodging to the spies and for sending them off in another direction. "In the same way, was not even Rahab the

⁵⁵Augustine, "Against Lying," *The Fathers of the Church* 85 vols. edited by Roy J. Deferrari et alii., translated by Harold B. Jaffee et alii (New York: Fathers of the Church Inc., 1947-1991), 16:170. "Proinde Raab in Jericho, quia peregrinos homines Dei suscepit hospitio, quia in eorum susceptione periclitata est, quia in eorum Deum credidit, quia diligenter eos ubi potuit occultavit, quia per aliam viam remeandiconsilium fidelissimum dedit, . . . imitanda laudetur. Quad autem mentita est . . . non tamen imitandum sapienter proponitur: quamvis Deus illa bona memorabiliter honoraverit, hoc malum clementer ignoverit." Augustine, "Contra Mendacium," *Migne P. L.* 40:542-43.

prostitute considered righteous for what she did when she gave lodging to the spies and sent them off in a different direction?" James 2:25. In these two verses any reference to Rahab's lie is conspicuously absent. Thus the New Testament distinguishes her lie from her commendable faith and consequent good works.

In his initial response to Olson, Geisler does not respond to Olson's first suggestion, that the Jericho government may have lost the legitimacy of its authority and consequently was not entitled to the truth. Nor does he consider the possibility, that one might distinguish between Rahab's lie and her faith active in her other works of love. In his initial response to Olson there is no discussion of Rahab at all. Such an omission is rather conspicuous by its absence.⁵⁶

In Geisler's latter book he writes,

It was by means of the lie that Rahab's mercy was expressed and the spies were saved. . . . There was no formal separation between the lie and the act of mercy. And a mere formal distinction will not suffice as an explanation, since in actuality there was only one act.⁵⁷

⁵⁶Geisler, "Response to Olson."

⁵⁷Geisler, *Christian Ethics*, 88-89.

Here again the possibility that there was no dilemma, because the Jericho government may have lost the legitimacy of its authority is completely ignored. His response to Olson is inadequate. Olson suggested that even if the government had not lost its divine legitimacy there is still no dilemma. Rahab's duty to be merciful to the spies did not conflict with her duty to tell the truth; since these were separate actions. Geisler responds simply with, "And a mere formal distinction will not suffice as an explanation since in actually there was only one act."⁵⁸ The quotes given above from the New Testament, Augustine, John Murray and Walter Kaiser all show that there is much more here than a mere superficial distinction.

For Rahab not only believed in the God of Israel, but that faith was put into loving action in a variety of ways. She welcomed the spies, gave them information about the mindset of the people (Joshua 2:10-11), sent the spies to her roof, and then directed them safely out her window. All of

⁵⁸Ibid. It is difficult to determine what Geisler has against "formal distinctions" since they are essential in the correct understanding of theology (for example, among the persons of the Trinity as well as between the two natures of Christ). However, in this context he seems to use the phrase to refer to some distinction that is trivial and superficial, such as, "Guns don't shoot people, people shoot people." For the sake of discussion we will accept his use of this phrase.

these can be more than merely formally distinguished from her lie. In the first place, her faith provided the motivation for the performance of these works of love. There is more than a mere superficial distinction between one's motivation and the act that is performed. In the second place, these actions listed above are clearly temporally distinct from her lie. Contrary to what Geisler claims there is more here than just one act.

Once again Geisler's illustration does not serve his intended purpose. The story of Rahab does not illustrate a conflict between two moral absolutes. It does not refute the second tenet of non-conflicting absolutism.

Geisler's fifth illustration with which he attempts to show a conflict between two moral absolutes, and thereby discredit the second tenet of non-conflicting absolutism, is the so called "moral conflict of the cross."⁵⁹ Geisler claims that at Calvary one can clearly see a moral conflict between two absolute principles. "The two moral principles are: (1) The innocent should not be punished for sins he never committed (Ezek. 18:20), and yet (2) Christ was punished for our sins (Isa. 53; I Peter 2:24;3:18; II Cor. 5:21)."⁶⁰

⁵⁹Geisler, *Options*, 86.

⁶⁰Geisler, *Options*, 86.

Olson responds that there is no real conflict here because, in the first place, "Christ went voluntarily to the cross . . . [and] the victim of injustice is in no way violating any absolute principle of morality by voluntarily submitting to injustice."⁶¹ In the second place, quoting Rakestraw, Olson adds, "The moral conflict of the cross is 'completely outside the realm of practical Christian ethics and is unique in history.'"⁶²

Geisler attempts to defend this fifth illustration against Olson's criticism by writing,

Olson sees no moral conflict in the Cross because he is not looking deep [sic] enough. The Cross is not simply a conflict between justice and mercy. According to the Scripture God punished an innocent person (Christ) for the guilty Olson seems totally unaware of this point.⁶³

Both Olson and Geisler miss the main point concerning the conflict of Calvary. To be sure, from the human perspec-

⁶¹Olson, 7.

⁶²Olson, 7-8. This contains a quote from Rakestraw, 47.

⁶³Geisler, "Response to Olson," 85. See also *Christian Ethics*, 119 where he repeats this same argument adding the following analogy, "This is like saying it was not immoral for Jim Jones to order the Jonestown suicide because his followers did it willingly!" Ibid.

tive, there appears to be a conflict at Calvary within God's will; however, it is a conflict between the law and the gospel. It is not a conflict within the law between two legal absolutes. Olson is incorrect when he assumes that the conflict is resolved simply because Christ willingly submitted himself to die.⁶⁴ Likewise, when Geisler says, "The two moral principles are: (1) the innocent should not be punished for sins he never committed . . . and yet (2) Christ was punished for our sins,"⁶⁵ he is forgetting that the second principle he lists is not a legal moral principle at all; but rather, it is the foundation of the Gospel. Christ's death on Calvary cannot serve as an example of a legal conflict between two absolute moral commands.

The sixth and final illustration Geisler gives, in an attempt to show a conflict of moral absolutes, and thereby refute the second tenet of non-conflicting absolutism, is a conglomeration of Bible stories which show a conflict between obedience to civil government and obedience to God. He writes,

⁶⁴However, we would agree with his statement, from Rakestraw, emphasizing that the uniqueness of the event places it outside the realm of Christian ethics.

⁶⁵Geisler, *Options* 86.

Sixth, there are numerous cases in Scripture in which there is a real conflict between obeying God's command to submit to civil government and keeping one's duty to some other (higher) moral law. For example, the Hebrew midwives disregarded Pharaoh's command to kill all male infants (Exod. 1); the Jewish captives disregarded Nebuchadnezzar's command to worship the golden image of himself (Dan. 3); Daniel disregarded Darius's [*sic*] command to pray only to the king (Dan. 6). In each case there was plainly no other alternative; those involved had to follow one or the other of the two commandments. Even the unqualified absolutists [that is, non-conflicting absolutists] admit the unavoidability of the conflict, since he reduces one command (the civil one) to a lower level. This maneuver, however, does not take away from the fact that (1) both are commands from God with moral implications, and (2) the situation was personally unavoidable.⁶⁶

Olson does not specifically respond to this sixth point of Geisler. Olson must have thought it was unnecessary to explicitly respond to this since he had already discussed that the divine command to obey delegated authorities is not absolute. When the civil government commands one to do that which is contrary to God's Word, one is no longer obligated to obey that government. One must obey God rather than man (Acts 5:29). A government which loses the legitimacy of its rule in this fashion cannot bind a moral agent in a dilemma of two moral absolutes.

Geisler is aware of this. He mentions in the above

⁶⁶Ibid., 87.

quote that, "The unqualified absolutist . . . reduces one command (the civil one) to a lower level."⁶⁷ Then he continues with, "This maneuver, however, does not take away from the fact that (1) both are commands from God with moral implications, and (2) the situation was personally unavoidable."⁶⁸

First, placing delegated authority on a secondary, non-absolute level, is not a "maneuver" of the non-conflicting absolutists. It is plainly Scriptural. Second, the two responses which he gives to this, while factually true, add nothing to the discussion. Granted, the examples he gives show situations which were "personally unavoidable." They also contained conflicting "commands from God." However, as long as one of the two commands is not an absolute, there is no absolute moral dilemma. In the six illustrations which Geisler gives, in his attempt to show the existence of absolute moral conflicts, none of them have succeeded.

The second tenet of non-conflicting absolutism, that claims "Divinely given moral absolutes never truly conflict,"⁶⁹ would seem to remain firmly intact. However, other

⁶⁷Ibid.

⁶⁸Ibid.

⁶⁹Rakestraw, 248.

examples show that such conflicts do indeed occur. Such conflicts may be arranged into at least two different categories, bioethical conflicts and social conflicts.

In bioethics one may note at least three different types of absolute moral conflicts. The first type is a conflict concerning the application of the fifth commandment, "You shall not murder" (Exodus 20:13).⁷⁰ On some occasions a

⁷⁰Contrary to a minimalist interpretation of the law, which would apply each commandment in a very narrow sense, Jesus favors a maximal interpretation of the law which applies each commandment in the broadest possible way. This is exemplified in his interpretation of the fifth commandment when he says, "You have heard that it was said to the people long ago, 'Do not murder, and anyone who murders will be subject to judgment.' But I tell you that anyone who is angry with his brother will be subject to judgment. Again anyone who says to his brother, 'Raca,' is answerable to the Sanhedrin. But anyone who says, 'You fool!' will be in danger of the fire of hell." Matthew 5:21-22. Jesus also exemplifies this maximal interpretation of the law in his explanation to the sixth commandment. "You have heard that it was said, 'Do not commit adultery.' But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart." Matthew 5:27-28.

Luther also emphasized this maximal interpretation of the fifth commandment in his *Grosser Katechismus* when he wrote, "Zum andern ist auch dieses Gepots schuldig nicht allein, der da Böses tuet, sondern auch, wer dem Nächsten Guts tuen, zuvorkommen, wehren, schützen und retten kann, dass ihm kein Leid noch Schaden am Leibe widerfahre, und tuet es nicht." *Die Bekenntnisschriften Kirche* (Göttingen: Vandenhoeck + Ruprecht, 1986), 608.

Calvin also followed the maximal interpretation of this commandment in his *Institutes* where he writes, "In summa

conflict may occur between the lives of two individuals. This is illustrated in the case of the therapeutic abortion. An obstetrician who is confronted with an ectopic pregnancy may be forced to sacrifice the life of the embryo in order to save the life of the mother.⁷¹ Also pregnant women who have certain kidney problems can die of uremic poisoning if the pregnancy is not terminated.⁷²

ergo violentia omnis et iniuria, ac omnino quaevis noxa, qua proximi corpus laedatur, nobis interdicitur. Ac proinde iubemur, si quid in opera nostra ad tuendam proximorum vitam subsidii est, . . . depellendis noxis excubare; si quo in discrimine sunt, praebere manum auxiliarem." *Ioannis Calvinii Opera Quae Supersunt Omnia*, ed. Guilielmus Baum, Eduardus Cunitz, and Eduardus Reuss, vol. 30 *Corpus Reformatorum* (Brunsvigae: C. A. Schwetschke et Filium, 1864), 294.

This maximal understanding of the law is accepted by the author of this dissertation and assumed throughout this study.

⁷¹There are approximately 75,000 ectopic pregnancies per year in the United States. Half of these are spontaneously aborted during the early stages of pregnancy. Induced abortions are performed on the other half to save the life of the mother. James Childress, "Ethics, Public Policy and Human Fetal Tissue Transplantation Research," *Kennedy Institute of Ethics Journal* 1 (June 1991): 97, citing Dorothy Vawter, et alii. "The Use of Human Fetal Tissue: Scientific, Ethical, and Policy Concerns." A Report of Phase 1 of an Interdisciplinary Research Project conducted by the Center for Biomedical Ethics, January 1990, University of Minnesota.

⁷²Thomas Garrett, Harold Baillie, and Rosellen Garrett, *Health Care Ethics Principles + Problems* (Englewood

Those who recognize the fetus as having a serious right to life must face and resolve not only the conflict of rights but the emotional turmoil and anguish of being in what is often a no-win situation No matter what choice is made, great evil follows. . . . This seems to be part and parcel of the human condition. . . . Regardless of what decision has been made, she ought to act with sorrow, knowing that a real good has been sacrificed. . . . no matter what you do, a great evil will result.⁷³

Due to the very structure of these situations the moral agent finds herself in a tragic, "no-win" situation. No matter which decision is made a life will be taken and the fifth commandment will be broken.⁷⁴

Cliffs, NJ: Prentice Hall, 1989), 148. "In other cases, the pregnancy might not lead to death but could threaten serious and permanent impairment of the woman's health. Thus, a woman with diabetes might lose her sight if the fetus is carried to term." Ibid.

⁷³Ibid., 149. "When something less than the woman's life is at stake, it seems simple to resolve the conflict since a serious right to life ought to take precedence over a right to some lesser good, such as one's eyesight This may be true in many cases, but in other cases such as analysis is simplistic the woman must consider the good of the family who might have a blind . . . mother if the fetus is carried to term." Ibid.

⁷⁴This conflict, and the others mentioned below, will evoke questions concerning the distinction between actions that are intended and actions that are unintended. This distinction is discussed below with respect to the theory of double effect in tenet number six of non-conflicting absolutism. The reader may wish to consult that at this point.

The second bioethical conflict is between telling the truth and showing mercy. Scripture demands truthfulness.⁷⁵ Yet it also demands that we show mercy.⁷⁶ If a merciful action is understood as that type of action exemplified by the good Samaritan,⁷⁷ and if lying is understood as an intentional deception,⁷⁸ then there are situations when such merciful promotions of healing conflict with telling the truth. Such a conflict is especially prevalent in the

⁷⁵"You shall not give false testimony against your neighbor." Exodus 20:16. "Do not lie. Do not deceive one another." Leviticus 19:11. "Do not lie to each other." Colossians 3:9. "Therefore each of you must put off falsehood and speak truthfully to his neighbor." Ephesians 4:25.

⁷⁶"For I desire mercy, not sacrifice." Hosea 6:6. "And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God." Micah 6:8. "Blessed are the merciful for they will be shown mercy." Matthew 5:7. "Be merciful, just as your Father is merciful." Luke 6:36.

⁷⁷After telling this parable Jesus asked, "'Which of these three do you think was a neighbor to the man who fell into the hands of robbers?'

The expert in the law replied, 'The one who had mercy on him.'

Jesus told him, 'Go and do likewise.'" Luke 10:36-37.

⁷⁸Qua propter ille mentitur, qui aliud habet in animo, et aliud verbis vel quibuslibet significationibus enuntiat." Augustine "De Mendacio" *Migne P. L.* 40:488.

medical use of placebos.⁷⁹ This is illustrated in the following example.

A sixty-five-year-old retired army officer had several abdominal operations for gallstones, postoperative adhesions, and bowel obstructions. Because of chronic abdominal pain, loss of weight, and social withdrawal, he voluntarily entered a psychiatric ward. Although he had had a very productive military, teaching, and research career, he was now somewhat depressed and unkept and had poor hygiene. Furthermore, he and his wife had curtailed their social activities because he could not control his pain without assuming awkward and embarrassing postures. He relied on six self-administered injections each day of Talwin (Pentazocine), which he believed to be essential to control his pain. He quoted the early literature to support his claim that Talwin is nonaddictive; later studies, however, indicated that it is addictive. Having used this medication for more than two years, he had so much tissue and muscle damage that he had difficulty finding injection sites. His goal for therapy was to "get more out of

⁷⁹"The therapeutic use of placebos merits special attention because it is common in medicine and usually involves deception or incomplete disclosure of information. A *placebo* (from the Latin for "I shall please") is a substance or procedure that the health-care professional believes to be pharmacologically or biomedically inert for the condition being treated. Studies indicate that placebos relieve some symptoms of approximately thirty-five percent of patients who suffer from such conditions as angina pectoris, cough, anxiety, depression, hypertension, headache, and the common cold Fundamental moral questions appear in the use of placebos without the patient's knowledge or consent, where the physician engages in nondisclosure, incomplete disclosure, or deception." Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 3d ed., (Oxford: Oxford University Press, 1989), 93.

life in spite of my pain."

This psychiatric ward included behavior therapy programs, daily group therapy, ward government, and social activities, and the staff ignored pain behaviors in order to avoid reinforcing them. Their positive procedures included relaxation techniques, covert imagery, and cognitive relabeling. Although the patient had voluntarily admitted himself to this ward, where adjustment in medication was a clear expectation, he refused to allow direct modification of his Talwin dosage levels on the grounds that his experience showed that the level of medication was indispensable to controlling his pain. After considerable discussion with colleagues, the therapists decided to withdraw the Talwin over time without the patient's knowledge by diluting it with increasing proportions of normal saline. Although the patient experienced nausea, diarrhea, and cramps, he thought that these withdrawal symptoms were actually the result of Elavil (Amitriptyline), which the therapists had introduced to relieve the withdrawal symptoms. While the therapists did not use Elavil to deceive the patient, it served that purpose, for he blamed it for his discomfort. The staff had informed the patient that his medication regime would be modified but had not given him the details.

After three weeks of saline injections, the therapists explained what had been done. At first, the patient was incredulous and angry, but he asked that the saline be discontinued and the self-control techniques continued. When he was discharged three weeks later, he reported that he experienced some abdominal pain but that he could control it more effectively with the self-control techniques than previously with the Talwin. A follow-up six months later showed that he was still using the relaxation techniques and had resumed social activities and part-time teaching.⁸⁰

⁸⁰Ibid., 406-407. The conflict between truth and

In this case study the physicians knew that it was in the best interest of the patient to gradually withdraw him from the use of the pain killer, Talwin (Pentazocine), to which he had become addicted. They mercifully sought a way whereby he could control his pain and resume a more active life. However, they realized that intentional deception was necessary if they were to succeed. In this way they were confined within a dilemmatic situation. Either they would show mercy and help the patient, in which case it would be necessary to break God's absolute command against lying; or they would speak the truth to the patient and thereby fail to comply with God's absolute command to show mercy. There is no third alternative. There is no way to avoid sin in such a conflict situation.⁸¹

mercy is not confined to the use of placebos. For an example of such a conflict that is not caused by placebos the reader may see case six in Beauchamp and Childress, *Principles of Biomedical Ethics*, 407-408.

⁸¹In the field of bioethics the conflict between truth and mercy is often discussed in terms of patient autonomy (especially with respect to disclosure and consent) conflicting with beneficence, occasioning the problem of paternalism. For more information concerning this conflict, particularly with respect to the use of placebos the reader may wish to see A. Shapiro, "Attitudes Toward the Use of Placebos in Treatment," *Journal of Nervous and Mental Disease*, 130 (1960): 200-211, H. Brady, "The Lie that Heals:

A third type of bioethical conflict occurs when there is opposition between God's absolute law to show mercy and his absolute law not to kill. This may occur with the terminally ill patient who is suffering unbearable pain. This is illustrated in the following case that came before the English courts in 1989. In this case "Baby C" had become a ward of the court. The judge asked one of the nation's foremost pediatricians to examine "Baby C." Below is an excerpt from his report.

The records revealed that at birth she had a much more serious condition than the usual type of hydrocephalus. The detailed investigations which were done showed that there was not merely a blockage of cerebro-spinal fluid within the brain, but that the brain structure itself was poorly formed. . . . [C's] appearance is of a tiny baby. Although she is 16 weeks old, she is the size of a 4 week baby apart from her head, which is unusually large by way of being tall and thin-squashed because of sleeping on her side. She lies quiet until handled and then she cries as if irritated. Her eyes move wildly in an uncoordinated way and she does not appear to see. (Her pupils do not respond to light so it is most unlikely that the mechanism for vision is present). She

The Ethics of Giving Placebos," *Annals of Internal Medicine* 97 (1982): 112-118, D. Knapp, and R. J. Michock;; "Placebos: Who's Being Fooled?" *American Pharmacy* 24 (1984): 4-5, Mary C. Rawlinson, "Truth-Telling and Paternalism in the Clinic: Philosophical Reflections on The Use of Placebos in Medical Practice," chap. in *Placebo: Theory, Research and Mechanisms* (New York: Guilford Press, 1985). Carol A. VanKirk and Edward D. Schreck, "Truth-Telling and Placebos: A Conflict of Duties," *Listening* 22 (Winter 1987): 52-64.

did not respond to very loud noises that I made, though the nurses said that she sometimes seems startled to their loud noises. However, my impression was that she did not hear, or had very poor hearing. She holds her limbs in a *stiff flexed position*. More detailed examination suggested that she had generalized spasticity of all her limbs as a result of the brain damage. The only social response she makes is the irritable crying when handled, though sometimes she can be pacified by stroking her face. She does not smile and does not respond in any other way. The only certain evidence of her feeling or appreciating events is the report of her quietening when her face is stroked. Thus she does not have the developmental skills and abilities of a normal new born baby. It is inconceivable that appreciable skills will develop, bearing in mind that there had been no progress during the past four months. She has severe brain damage. She is very thin and has not gained weight despite devoted nursing care at [the hospital]. She is receiving regular small doses of the sedative Chloral. If she does not receive that she cries "as if in pain", though the carers are unsure where the pain originates. I do not believe that there is any treatment which will alter the ultimate prognosis, which appears to be hopeless. She has massive handicap as a result of a permanent brain lesion. Her handicap appears to be a mixture of severe mental handicap, blindness, probably deafness and spastic cerebral palsy of all four limbs. In addition, although given a normal amount of food, her body is not absorbing or using it in the normal way so that she is not growing. . . . In the event of her acquiring a serious infection, or being unable to take feeds normally by mouth I do not think it would be correct to give antibiotics, to *set up intravenous fusions or nasal-gastric feedings regimes*. Such action would be prolonging a life which has no future [One must bear] in mind the balance between short-term gain and

*needless prolongation of suffering.*⁸²

In this case study the pediatrician mercifully suggests that the dying of baby C not be prolonged. He writes,

In the event of her acquiring a serious infection, or being unable to take feeds normally by mouth I do not think it would be correct to give antibiotics, to set up intravenous fusions or nasal-gastric feeding regimes. Such action would be prolonging a life which has no future.⁸³

However, such a merciful action, which refuses to prolong the suffering of this terminally ill infant, also fails to "do him [her] good, prevent, resist evil, defend and save him [her], so that no bodily harm or hurt happen to him [her],"⁸⁴ and is thus guilty of breaking the fifth commandment.

On the other hand the physicians could obey the fifth commandment and "defend and save him [her] so that no bodily

⁸²*All England Law Reports*, Peter Hutchesson, ed. (London: Butterworths, 1989), 2: 785.

⁸³*Ibid.*

⁸⁴Luther, *Concordia Triglotta "The Large Catechism"* (St. Louis: Concordia Publishing House, 1921), 635. Luther adds, "Darumb heisset auch Gott billich die alle Mörder, so in Nöten und Fahr Leibs und Lebens nicht raten noch helfen, und wird gar schrecklich Urteil über sie gehen lassen am jüngsten Tage." *Die Bekenntnisschriften* 608-609.

harm or hurt happen to him [her]."⁸⁵ However, they would then fail to show mercy and would be prolonging the suffering of this terminally ill child.⁸⁶ Once again, as with the other two examples given above, there is no third alternative. There is no way to avoid sin. Thus the Christian is confronted with an insoluble moral dilemma.

Upon examining society at large, one may note at least two different ethical problems which often involve moral dilemmas. These are the problems of divorce and the just war. Helmut Thielicke discusses these problems within the context of "God's compromises with the world" and the distinction between God's proper will and his alien will (*'der aliena und der propria voluntas*).⁸⁷

⁸⁵Luther, *Concordia Triglotta*, 635.

⁸⁶This conflict between mercy and murder is usually discussed in bioethics in terms of withdrawing or withholding ordinary or extraordinary care and occasions the problem of euthanasia. For more bibliographical information on the bioethical problems discussed in this section the reader may wish to see, *The Hastings Center's Bibliography of Ethics, Biomedicine, and Professional Responsibility* (Frederick, MD: University Publications of America, Inc., 1984), and LeRoy Walters and Tamer Joy Kahn, eds., *Bibliography of Bioethics* published annually by the Kennedy Institute of Ethics (Washington DC: Georgetown University, 1975, -), Samuel Southard, ed., *Death and Dying: A Bibliography Survey* (New York: Greenwood Press, 1991).

⁸⁷Helmut Thielicke, *Theological Ethics* trans. John W.

Thielicke's distinction, between the proper will and the alien will of God, corresponds to the distinction, between God's primary will and his secondary will, that was made above. Thielicke identifies the primary will of God as being his proper will. That was the original "true will of God" ("*eigentlichen Willen Gottes*").⁸⁸ However, due to the present sinful state of the world, it cannot tolerate this proper will of God.

The world would be broken and consumed by the "true" will of God represented in the plan of creation. It would wither before the immediacy of the divine majesty. Hence God relativizes his own demand in order that man may live, in order that man may be granted the *kairos* of God's ongoing salvation history.⁸⁹

Thielicke explains that the motive behind this relativization of God's law is not a weakness on the part of God. This alien or secondary will of God is not improper

Doberstein, vol. 1., *Foundations* (Grand Rapids, MI: Eerdmans Publishing Co., 1979), 567-77, 655-660. *Theologische Ethik* vol. 2. 1. (Tübingen: J. C. B. Mohr, 1955), 190-201, 314-320.

⁸⁸Thielicke, *Ethics*, 1:567. *Ethik*, 2.1:190.

⁸⁹Thielicke, *Ethics* 1:569. "Die Welt würde am 'eigentlichen' Willen Gottes, wie ihn der Schöpfungsentwurf repräsentiert, zerbrechen und verbrennen. Sie müsste an der Unmittelbarkeit der göttlichen Majestät sterben. So relativiert Gott seine eigene Forderung, um den Menschen leben zu lassen und ihm den Kairos seiner weiterlaufenden Heilsgeschichte zu gönnen." *Ethik*, 2.1:192.

(*uneigentlichen*) in the sense of being depraved (*depravierten*). Nor does it essentially contradict the divine motive of the primary will.

The motive behind the alien will of God is rather that of his condescending love. . . . For this reason the alien will cannot be regarded dynamically as compromise. It must rather be understood soteriologically as divine condescension. . . .

Consequently, when we have to do with God's alien will, we are not dealing with an impropriety stemming from weakness. On the contrary, we are dealing with an expression of God's true being, with his patience and grace.⁹⁰

In this way the distinction between the proper and the alien will of God does not present a division or a dichotomy within the essence of the divine nature itself. Thielicke explains that this distinction is analogous to the distinction between law and gospel.

It is a movement like that between the Law and the Gospel, where again I cannot objectively see and fix the unity. Theologically I cannot make the unity of God an

⁹⁰Thielicke, *Ethics*, 1:657. "Das Motiv der voluntas Dei aliena ist vielmehr seine sich herabneigende, auf den Fortbestand, auf den Kairos des Empörers bedachte Liebe. Die voluntas aliena darf darum nicht dynamisch als Kompromiss, sondern sie muss soteriologisch als Kondeszendenz Gottes verstanden werden. . . .

Es geht folglich in dem alienum des göttlichen Willens nicht um eine Uneigentlichkeit aus Schwäche, sondern es geht um eine Äusserungsform seines eigentlichen Wesens, nämlich um Geduld und Gnade." *Ethik*, 2.1:316.

objective matter in which the author of the Law and the author of the Gospel are seen to be identical; I can only believe in this unity.⁹¹

One example of the condescension of God's secondary will may be noted in the divine attitude change concerning divorce. It is God's primary will that husband and wife live together.⁹² However, in an adulterous situation, God's secondary will graciously allows for divorce.⁹³ In an abusive case where one's life is in danger, or where the lives of one's children are at stake, God's secondary will

⁹¹Thielicke, *Ethics*, 658-59. "Es ist mit dieser Bewegung ähnlich wie mit der Bewegung zwischen Gesetz und Evangelium: auch hier kann ich die Einheit von beidem nicht gegenständlich sehen und fixieren. Ich kann Gott theologisch nicht als eine Einheit konstruieren und gegenständlich machen, in welcher der auctor des Gesetzes und des Evangeliums in seiner Identität sichtbar ist; aber ich glaube ihn als diese Einheit." *Ethik*, 2.1:318.

⁹²"But at the beginning of creation God 'made them male and female.' 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.' So they are no longer two, but one. Therefore what God has joined together, let man not separate. . . . Anyone who divorces his wife and marries another woman commits adultery against her. And if she divorces her husband and marries another man, she commits adultery" Mark 10:6-9,11. "A wife must not separate from her husband" 1 Corinthians 7:10b.

⁹³"I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery" Matthew 19:9.

may even demand a divorce. Thieliicke explains,

This alteration [in God's will] is most clearly seen when Jesus sets aside the divine permission of Mosaic divorce (Matt. 19:7; Mark 10:4). He points out that "from the beginning" of creation it was not so. Divorce does not correspond to the true [that is, primary] will of God or the true plan of creation but is simply a concession of the divine patience to the "hardness" of men's hearts which sometimes makes divorce indispensable (Matt. 19:8; Mark 10:6).⁹⁴

God's secondary will may allow, or even require, a woman to get a divorce in order to save her life from an abusive husband; yet, at the same time his primary will

⁹⁴Thieliicke, *Ethics*, 571. "Am deutlichsten tritt diese Alteration zutage, wenn Jesus zwar die göttliche Erlaubtheit des mosaischen Scheidebriefes einräumt, wenn er aber gleichzeitig darauf hinweist, dass "von Anfang der Schöpfung" so nicht gewesen sei, dass es darum auch dem eigentlichen Willen Gottes und dem eigentlichen Schöpfungsentwurf nicht entspreche, sondern nur eine Konzession der göttlichen Geduld an die menschliche "Herzenshärte" sei, die unter bestimmten Umständen der Ehescheidung eben nicht entraten könne." *Ethik* 2.1:194. Thieliicke continues by adding, "Würde aber das Schöpfungsgebot, gemäss dem Mann und Weib einander endgültig zugeordnet sind, ungebrochen aufrechterhalten, so würde das in der Welt der Schwäche und der σκληροκαρδία zu unerträglichen Zuständen führen. Das radikale Schöpfungsgebot würde in dieser Welt und auf dieser Ebene nur Schrecken und Chaos stiften. Die Welt ist dem göttlichen Entwurf so entfremdet, dass sie an ihm zerbrechen und zugrunde gehen müsste, wenn Gott nicht die Gnade seines sich akkommodierenden Eingehens über das Recht seines ursprünglichen Anspruches triumphieren liesse." Thieliicke, *Ethik*, 2.1:194.

condemns such action, because divorce, no matter how necessary it may be, is still less than the perfection which God's primary will desires. She too must repent. For her divorce illustrates that she, by her very action of divorce, is participating in (and thereby sharing the guilt of) a marriage which is less than what God's primary will demands.

The second example of a social problem that involves a moral dilemma is the problem of the just war. This also may be analyzed in terms of a conflict between the primary and secondary will of God.

It is God's primary will that humankind live together in peace and harmony.⁹⁵ Yet, God's secondary will may allow or even demand one to participate in a just war.⁹⁶

⁹⁵The pacifists emphasize God's primary will when they mention such passages as, "Blessed are the peacemakers for they will be called sons of God" Matthew 5:9. "If it is possible, as far as it depends on you, live at peace with everyone (πάντων ἀνθρώπων)" Romans 12:18. "Finally my brothers, good-bye. Aim for perfection, listen to my appeal, be of one mind, live at peace (εἰρηνεύετε). And the God of love and peace will be with you" 2 Corinthians 13:11. "Make every effort to live in peace with all men (Εἰρήνην διώκετε μετὰ πάντων)" Hebrews 12:14a. All Greek references are taken from the *Novum Testamentum Graece*, Eberhard Nestle and Kurt Aland, eds. 26 edition (Stuttgart: Deutsche Bibelgesellschaft, 1979).

⁹⁶Luther and the other advocates of the just war theory emphasize God's secondary will when they point out

With this duality in mind a Christian soldier may serve in the military with a clear conscience. For in this sinful world the vocation of the soldier is needed. It is an important service of love.⁹⁷ However, that cannot be the

that participation in a just war is not contrary to God's will. Luther writes, "Auff die weysse haben das schwerd gefuret alle heyligen von anfang der willt, Adam mit seynen nachkomen. Also furet es Abraham, da er Lot, seynes bruders son, erredtet und schlug die vier konige, Gen. 14. so er doch gantz und gar eyn Euangelisch man war. Also schlug Samuel, der heylige prophet den konig Hagag, .1. Reg: .15. Unnd Elias die propheten Baal, 3. Reg: .18. Also habens gefurt Mose, Josua, die kinder Israel, Samson, David und alle konige und fursten ym allten testament. Item Daniel und seyne gesellen Ananias, Asarias und Misael zu Babylonem. Item Joseph ynn Egypten und so furt an.

Ob aber yemand wollt furgeben, das allte testament sey auff gehalten und gelt nicht mehr, darumb kunde man den Christen solch exempel nicht furtragen, Antwort ich: das ist nicht also. Denn S. Paulus .1. Cor: .10. spricht: "sie haben die selbige geystliche speysse essen unnd tranck getruncken von dem felss, der Christus ist, wie wyr, das ist, sie haben eben den selben geyst und glawben an Christum gehabt, den wyr haben, und eben so wol Christen gewessen als wyr. Darumb, woran sie recht than haben, dar thun alle Christen recht von anfang der weltt biss ans ende." Luther, *W. A.* 11:255-56. (*L. W.* 45:96-97.)

⁹⁷Luther writes, "Obs nu wol nicht scheineth, das wurgen und rauben ein werck der liebe ist, derhalben ein einfeltiger denckt, Es sey night ein Christlich werck, zyme auch eym Christen nicht zy thun: So ists doch ynn der warheit auch ein werck der liebe. Denn gleich wie ein guter artzt, wenn die seuche so bese und gros ist, das er mus hand, fus, ohr odder augen lassen abhawen odder verderben, auff das er

last word. For the soldier, by his very action in battle, is culpable and stands accused of participating in a situation that is less than what God's primary will demands. Thieliicke writes,

What is involved is that will of God which has voluntarily restricted itself in face of the fallen world. This is why a Christian in the armed forces, while he may with a "good conscience" champion his cause so far as this is possible, risking his life for his country and

den leib errette, so man an sihet das gelied, das er abhewet, scheint es, er sey ein gewlicher, unbarmhertziger mensch. So man aber den leib ansihet, den er wil damit erretten, so findet sichs ynn der warheit, das er ein trefflicher, trewer mensch ist und ein gut, Christlich (so veil es an yhm selber ist) werck thut. Also auch wenn ich dem krige ampt zu sehe, wie es die bosen strafft, die unrechten wurget und solchen jamer anrichtet, scheint es gar ein unchristlich werck sein und aller dinge widder die Christliche liebe. Sihe ich aber an, wie es die frumen schutzt, weib und kind, haus und hoff, gut und ehre und friede damit erhelt und bewaret, so sind sichs, wie kostlich und Gottlich das werck ist, und wercke, das es auch ein bein odder hand abhewet, auff das der gantze leib nicht vergehe. Denn wo das schwerd nicht werete und fride hielte, so muste es alles durch unfride verderben, was ynn der welt ist. Derhalben ist ein solcher krieg nicht anders denn ein kleiner, kurtzer unfriede, der eym ewigen unmeslichem unfriede weret, Ein klein ungluck, das eym grossen ungluck weret." Luther, W. A. 19:625-26. (L. W. 46:96).

"Denn das ist auch ein beruff, der aus dem gesetz der liebe her quillet." Luther, W. A. 19:657. (L. W. 46:131).

"Und ynn solchem krieg ist es Christlich und eyn werck der liebe, die feynde getrost wurgen, rauben und brennen und alles thun, was schedlich ist, biss man sie uberwinde nach kriegs leufften." Luther, W. A. 11:277. (L. W. 45:125).

for his wife and children, can never simply "approve" of war. He knows that even a war which – given things as they are – is "just," must always stand in need of forgiveness.⁹⁸

The social problems of divorce and the just war, as well as the bioethical conflicts examined above, illustrate that actual moral dilemmas do occur in modern society. There are times when the moral agent is confronted with two opposing laws of God in such a way that he must break one in order to keep the other. Contrary to the second tenet of non-conflicting absolutism there are times when there is no third alternative and sin becomes unavoidable.

The third tenet of non-conflicting absolutism stresses that there may be exceptions and qualifications to God's absolute commands, but such exceptions or qualifications are always part of the command itself. They are not projected onto the absolute command from the outside. Robert Rakestraw writes, "NCA does recognize qualifications and even exceptions, but these are always *within the absolute itself!* They

⁹⁸Thielicke, *Ethics*, 655. "Dass es nämlich um den sich beschränkenden Willen Gottes angesichts der gefallen Welt geht. Darum kann auch der christliche Soldat, der im Rahmen des Möglichen mit gutem Gewissen seine Sache vertritt und der mit seinem Leben für Vaterland, Weib und Kind einsteht, den Krieg nie einfach "bejahen." Er wird vielmehr um die Vergebungsbedürftigkeit selbst des rebus sic stantibus "gerechten" Krieges wissen." Thielicke, *Ethik*, 2.1:314.

are *part of the absolute* and are therefore *not exceptions to the absolute.*"⁹⁹

Rakestraw illustrates this with the example that children are to obey their parents. He claims that built into this absolute principle is the exceptional clause, "except when they command that which is known to be contrary to God's revealed truth."¹⁰⁰ Rakestraw emphasizes that the moral agent must distinguish between two different "categories or kinds (not 'levels') of absolutes."¹⁰¹ The first category concerns direct obedience to God; whereas, the second category concerns obedience to those "whose authority has been delegated to them by God."¹⁰² This distinction is of the utmost importance.

Examples of the first category include prohibitions against lying, murder, adultery, and the commands to be patient and kind to others. The second category

⁹⁹Rakestraw, 249. See also Olson, 8-9.

¹⁰⁰Rakestraw, 249.

¹⁰¹Ibid. In order to avoid leaning toward hierarchicalism Rakestraw intentionally points out that these are not to be considered "levels"; however Olson, a modified non-conflicting absolutist has no problem using that term, see Olson 8. This is their main distinguishing characteristic.

¹⁰²Rakestraw, 249.

includes such matters as obedience to parents, governmental officials, and local church leaders.¹⁰³

At this point non-conflicting absolutism emphasizes that there can never be moral conflicts between these two categories of authority because, "The absolute is defined in such a way that obedience is to be rendered [to the secondary category] only when human demands do not violate clear Scriptural prohibitions and instructions."¹⁰⁴ In this way any apparent conflict is easily resolved by simply remembering that one is to obey God rather than man (Acts 5:29).

Geisler criticizes this tenet by refusing to accept the fact that the absolute laws of Scripture can contain their own qualifications and exceptions. He maintains that any law ceases to be absolute if it has any kind of qualification or exception whatsoever. Geisler writes,

Unqualified absolutism does not need a thousand qualifications to kill it; it can die "a death by one qualification." As Kant acknowledged, even one exception to a rule proves the rule is not genuinely universal.¹⁰⁵

It is theoretically possible for an absolute rule to contain a qualification and still remain absolute. Such a

¹⁰³Rakestraw, 249-50.

¹⁰⁴Rakestraw, 250.

¹⁰⁵Geisler, *Christian Ethics* (Grand Rapids, MI: Baker Book House, 1989), 91.

qualification would only be a clarification of the absolute rule. In the example given above the absolute rule would not be "children obey your parents." The absolute rule would be "children obey your parents, unless they command that which is contrary to God's Word." Contrary to Geisler's claim, there is no reason to presume that this latter rule, that contains the exceptional clause, cannot be absolute.¹⁰⁶ It would simply mean that there are to be no exceptions to the rule that "children are to obey their parents, unless their parents command that which is contrary to God's Word." Geisler's criticism does not negate this third tenet.

There are, however, two major problems with this third tenet of non-conflicting absolutism. On the one hand, if the laws concerning obedience to God, and obedience to those with delegated authority, are both considered to be absolute, then non-conflicting absolutism dissolves into a kind of hierarchicalism as soon as it gives precedence to the former over the latter. It does not matter that Rakestraw goes out of his way to call them "categories" rather than "levels." When he gives precedence to one category over the other he has

¹⁰⁶It was mentioned above that by the term "absolute" we mean a rule that is more than prima facie. An absolute law (or rule) demands universal obedience in all times and in all places, without exceptions.

developed a hierarchy. As Geisler writes,

The only way one can know which moral law should be qualified is if he has knowledge of which is higher and which is lower. But this is a form of graded absolutism [or hierarchicalism], not unqualified absolutism [or non-conflicting absolutism].¹⁰⁷

On the other hand, non-conflicting absolutism could resolve the dilemma by reclassifying the laws concerning obedience to delegated authorities. If such laws were no longer viewed as absolute, but merely *prima facie*, then they could not create a moral dilemma with any absolute law. For the *prima facie* law would give way to any absolute law. If this option were chosen, then they would have to choose a different example with which to emphasize the role of qualifications and exceptions within absolute laws. This is precisely what Olson has done. He writes, "The qualifications (or better definitions) of murder . . . exclude capital punishment, self defense, and killing in war."¹⁰⁸

However, the non-conflicting absolutists will look in vain for any Scripture passages (that is, any clear *sedes doctrinae*) where the fifth commandment is clearly revoked or suspended for the sake of capital punishment, self-defense or

¹⁰⁷Ibid., 92.

¹⁰⁸Olson, 8.

killing in a just war. These three situations may be allowed by God. In some cases they may even be commanded by God, according to his secondary will. However, nowhere in Scripture is there ever the remotest reference that the fifth commandment is revoked or suspended because God, according to his secondary will, allowed or commanded capital punishment, self-defense, or a just war. It is an unscriptural human assumption to take for granted that such a suspension or revocation consistently occurs, or has ever occurred, in such situations. This third tenet, in the form it is presented by Rakestraw and Olson cannot be maintained without becoming hierarchical, or unscriptural.

The fourth tenet in non-conflicting absolutism is that the moral agent is not responsible for whatever evil may come as a result of his obedience to the law. Rakestraw explains that, "The person who obeys a clear ethical absolute in a situation of apparent conflict is not morally accountable for whatever evil may be done by others in response to such obedience."¹⁰⁹ Rakestraw gives the example of lying to save a person's life. He claims that in order to save a life one may speak a half-truth or deceive by speaking unrelated truths, but the moral agent must not lie. He explains the

¹⁰⁹Rakestraw, 251.

rationale behind this by quoting Erwin Lutzer.

The Christian believes that his responsibility is obedience and that the consequences of moral action are then in the hands of God. If refusing to commit adultery or even telling the truth . . . causes others to die, this also is within the providence of God.¹¹⁰

Geisler criticizes this point by emphasizing its failure to be concerned about sins of omission. Geisler writes,

Unqualified absolutists believe there is no real moral dilemma in the case of lying or permitting murder. They believe there is only one moral obligation in this situation - to tell the truth. The only other duty, they say belongs to the person threatening to do the killing. He is responsible for what he does with the truth we give him. But is this over-looking the fact that there is also a duty to save innocent lives, to show mercy? In short is there a real conflict between truthfulness and mercifulness? In other words, the choice is really between an act of commission and one of omission. And a sin of omission can be just as much a sin as a sin of commission (James 4:17).¹¹¹

Geisler makes a compelling point here. He could also have mentioned Luther's explanation to the fifth commandment in the Large Catechism, wherein he writes, "Therefore God

¹¹⁰Rakestraw, 251-52, citing Erwin Lutzer, *The Morality Gap* (Chicago: Moody Press, 1972), 110.

¹¹¹Geisler, *Christian Ethics*, 89-90. "Anyone, then who knows the good he ought to do and doesn't do it, sins." James 4:17.

also rightly calls all those murderers who do not afford counsel and help in distress and danger of body and life, and will pass a most terrible sentence upon them in the last day."¹¹² In view of the importance of sins of omission, this fourth tenet of non-conflicting absolutism cannot be maintained. For the moral agent is not only responsible for his actions, but he is responsible for his inactions as well. The following tenet is directly related to this.

The fifth tenet in non-conflicting absolutism can be viewed as the direct cause of the fourth tenet above. It holds that Christian ethics must be deontological. Rakestraw writes,

NCA is primarily and essentially deontological. . . . NCA stresses duties rather than results. We follow a given norm first of all because it is good in itself to do so, not primarily because it appears that it will produce good effects.¹¹³

Likewise, Olson also explains, "It is an absolute not to murder; but it is not an absolute to save a life. . . . We

¹¹²Luther, *Concordia Triglotta*, 635. "Darumb heisset auch Gott billich die alle Mörder, so in Nöten und Fahr Leibs und Lebens nicht raten noch helfen, und wird gar schrecklich Urteil über sie gehen lassen am jungsten Tage." *Die Bekenntnisschriften*, 608-609.

¹¹³Rakestraw, 252.

must not decide ethical matters on a teleological basis."¹¹⁴

This fifth tenet is mistaken on two accounts. In the first place, just as in the fourth tenet above, it minimizes the importance of sins of omission. Geisler observes,

Olson contends that "it is an absolute not to commit murder; [yet adds in the same sentence!] but it is not an absolute to save a life" (p. 12). What significant moral difference is there between a sin of commission (which takes an innocent life), and one of omission (which willfully allows that life to be taken)?¹¹⁵

In the second place, this overemphasis on the deontological element does not give adequate attention to the teleological element in Christian ethics that was noted to be so important in chapter two above. For these two reasons this fifth tenet must be rejected.¹¹⁶

¹¹⁴Olson, 12.

¹¹⁵Geisler, "Response to Olson," 83, citing Olson, 12. In some cases, there may be a "significant moral difference" between actively taking a life and passively allowing a life to die (for example, when extraordinary treatment is withheld from the terminally ill); however, the difference does not lie in that the former action breaks an absolute law, whereas, the latter inaction does not. The entire fifth commandment is absolute, both in what it forbids and in what it commands. The difference lies in the degree, or in the extent, to which the moral agent is involved in the death.

¹¹⁶The fourth and fifth tenets seem to illustrate that a lack of teleological awareness in ethics leads to a failure to recognize sins of omission.

The sixth and final tenet in non-conflicting absolutism is the principle of double effect.

In cases of ethical conflict where it appears that a given action will produce two effects, one desirable and one undesirable, it may be permissible to perform the action as long as the undesirable effect is not directly intended. Such matters as wounding or killing a person in self-defense and surgery to save the life of an expectant mother, when the fetus will surely die as a result of the surgery, are typical cases in which the principle of double effect may be applicable.¹¹⁷

Traditionally, the principle of double effect emphasizes that an act is morally justified if it meets four criteria. First, the action which causes the evil must be morally good. Second, the intention must be focused toward the performance of the good effect and not the evil effect. Third, "The good effect must precede or at least be simultaneous with the evil effect."¹¹⁸ Fourth, the good effect must proportionately outweigh the evil effect.

The importance of the intention of the moral agent, noted by Rakestraw and emphasized as the second of the four criteria of the theory of double effect mentioned above, was also stressed by Peter Abelard. He refers to the morality of the same act performed at two different times, with different

¹¹⁷Rakestraw, 252.

¹¹⁸Rakestraw, 252.

intentions.

In fact we say that an intention is good, that is, right in itself, but that an action does not bear anything good in itself but proceeds from a good intention. Whence when the same thing is done by the same man at different times, by the diversity of his intention, however, his action is now said to be good, now bad.¹¹⁹

Thomas Aquinas discusses the intentions of the moral agent who effects two separate results from one causative action.

A single act may have two effects, of which one alone is intended, whilst the other is incidental to that intention. But the way a moral act is to be classified depends on what is intended, not on what goes beyond such an intention, since this is merely incidental thereto.¹²⁰

This distinction later became one of the basic principles in the theory of double effect.¹²¹

¹¹⁹D. E. Luscombe, ed. *Peter Abelard's Ethics* (Oxford: Clarendon Press, 1971), 53. "Bonam quippe intentionem, hoc est, rectum in se dicimus, operationem uero non quod boni aliquid in se suscipiant, sed quod ex bona intentione procedat. Vnde et ab eodem homine cum in diuersis temporibus idem fiat, pro diuersitate tamen intentionis eius operatio modo bona modo mala dicitur." Ibid., 52.

¹²⁰Aquinas, *Summa 2a2ae* 64.7. "Dicendum quod nihil prohibet unius actus esse duos effectus, quorum alter solum sit in intentione, alius vero sit praeter intentionem. Morales autem actus recipiunt speciem secundum id quod intenditur, non autem ab eo quod est praeter intentionem, cum sit per accidens." Ibid., 40-42.

¹²¹See Joseph Mangan, "An Historical Analysis of the

Principle of Double Effect," *Theological Studies* 10(1949): 41-61. In traditional Roman Catholic moral theology the evil that is unintended in a conflict situation may be classified as part of the physical evil of nature (*malum naturae sive physicum*) if it meets the other criteria traditionally delineated in the theory of double effect. This category of physical evils also contains such evils as error, poverty, sickness, pain and death. This is distinguished from any evil that is intended. Such intended evil is a moral evil or sin (*malum moral sive peccatum*). The application of this distinction and the reevaluation of its place within the theory of double effect has led to a very lengthy (25 year) and extremely complex debate between the "traditionalists" and the "proportionalists." The debate has its origin in Peter Knauer, "La détermination du bien et du mal moral par le principe du double effet," *Nouvelle revue théologique* 87 (1965): 356-76. Put very simply, at the risk of distorting the position, the proportionalists, which include Lisa Cahill, Charles Curran, Joseph Fuchs, Louis Janssens, Richard McCormick, Franz Scholz, Bruno Schüller, Edward Vacek, redefine the *malum naturae* as a "pre-moral evil" (Fuchs), "non-moral evil" (Schüller), or an "ontic evil or pre-moral disvalue" (Janssens). In the event of a moral conflict, they are willing to place an action in this category as long as the fourth and final criteria of the theory of double effect is met. That is, as long as there is "proportionate" (McCormick) or "commensurate" (Knauer) reason to substantiate the act. If the good effect outweighs the evil effect an action is considered justified. It need not meet the other three criteria of the principle of double effect. The Traditionalists, which included John Finnis, Germain Grisez, Paul Ramsey and Paul Quay emphasize the importance of all four criteria in the theory of double effect. They accuse the proportionalists of dissolving the theory of double effect into nothing more than an end justifies the means doctrine. For a more complete analysis of this debate the reader may wish to see the following: Lisa Cahill, "Teleology, Utilitarianism and Christian Ethics,"

However, contrary to the Roman Catholic tradition, and the claims of the non-conflicting absolutists, the distinctions made in the theory of double effect do not help resolve moral conflicts. Nor do they absolve the moral agent from culpability. For any infraction of God's law is a sin, regardless of whether or not it meets any humanly devised

Theological Studies 42 (1982): 601-629. Charles E. Curran and Richard A. McCormick, eds. *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition* (New York: Paulist Press, 1979). Germain Grisez, "Critique of the Proportionalists Method of Moral Judgment," chap in *The Way of the Lord Jesus* vol. 1. (Chicago, Franciscan Herald Press, 1983), 141-71. Bernard Hoose, *Proportionalism: The American Debate and Its European Roots* (Washington DC: Georgetown University Press, 1987). Louis Janssens, "Ontic Evil and Moral Evil," *Louvain Studies* 4 (1972): 115-56. Richard A. McCormick, *Notes on Moral Theology 1965 through 1980* (Washington DC: University Press of America, 1981), 1-13, 305-32, 529-44, 638-52, 648-723. Richard A. McCormick, *Notes on Moral Theology 1981 through 1984* (Washington DC: University Press of America, 1985), 1-16, 49-71, 110-113, 165-73. Richard McCormick "Notes on Moral Theology," *Theological Studies* 46 (1985): 55-64. 47 (1989): 76-88. 50 (1989): 9-11. Richard McCormick and Paul Ramsey eds. *Doing Evil to Achieve Good: Moral Choice in Conflict Situations* (Chicago, Loyola University Press, 1978). Ronald H. McKinney, "The Quest For an Adequate Proportionalist Theory of Value," *Thomist* 53 (January 1989): 56-73. Jean Porter, "Moral Rules and Moral Actions: A Comparison of Aquinas and Modern Moral Theology," *The Journal of Religious Ethics* 17 (Spring 1989): 123-49. Paul M. Quay, "The Disvalue of Ontic Evil," *Theological Studies* 46 (1985): 262-86. Edward V. Vacek, "Proportionalism: One View of the Debate," *Theological Studies* 46 (1985): 287-314.

pre-established conditions. There are no conditions enumerated in the Scriptures whereby an infraction of God's law need not be considered a sin. The invention of such preconditions is merely a human attempt to avoid the condemnation of the law.¹²²

God expects all of his moral laws to be fully obeyed. This point is made throughout the Scriptures. "You have laid down precepts that are to be fully obeyed" Psalm 119:4. By using the word "fully" (ἄνωγ) the psalmist stresses that each command is to be "exceedingly, greatly" or "very" much obeyed.¹²³ Our Lord emphasized that even the smallest of the commandments were to be taught and obeyed. "Anyone who breaks one of the least (μίαν . . . τῶν ἐλαχίστων) of these commandments and teaches others to do the same will be called

¹²²The history of this method of attempting to excuse ourselves from the condemnation of the law goes all the way back to the garden of Eden. When God asked Adam, "Have you eaten from the tree that I commanded you not to eat from?" The man said, "The woman you put here with me – she gave me some fruit from the tree, and I ate it." (Genesis 3:11-12). Here Adam attempts to avoid culpability by emphasizing certain aspects of the situation. For God, however, there were no excuses.

¹²³Francis Brown, S. R. Driver, and Charles A. Briggs, eds. *Hebrew and English Lexicon of the Old Testament* Corrected Impression edition (Oxford: The Clarendon Press, 1952), 547.

least in the kingdom of heaven." Matthew 5:19a. The smallest of commandments are not to be ignored for the sake of more important issues.

Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices – mint, dill and cummin. But you have neglected the more important matters of the law – justice, mercy and faithfulness. You should have practiced the latter, *without neglecting* (μὴ ἀφιέναι) *the former* (emphasis mine). Matthew 23:23.

St. Paul also emphasized that condemnation comes as a result of breaking any of God's laws. "Cursed (ἐπικατάρατος) is everyone who does not continue to do everything (πάντων) written in the Book of the Law" Galatians 3:10. James stresses that to violate one commandment is the same as violating all the commandments "For whoever keeps the whole law and yet stumbles at just one point (ἐν ἐνί) is guilty of breaking all of it" James 2:10.

Scripture offers no excuses for the violation of God's laws. The law does not contain such comfort. It stands firm in its absolute uncompromising demands. It threatens complete condemnation for all who disobey. This point is repeatedly made in the Lutheran Confessions when it emphasizes that "*Lex semper accusat nos, semper ostendit iratum*

Deum."¹²⁴ Luther also made this point when he wrote,

No. What is demanded in God's commandments, whether it is small or great, must be observed. We must not judge importance according to works, but by the commandment. You must not determine whether the work . . . must be observed or relaxed, but only whether it is commanded. If it is commanded, there can be no relaxation, no matter *what the situation may be*, for Christ says: "Not an iota, not a dot, will pass from the law" [Matt. 5:18]; it must all be accomplished. (emphasis mine)¹²⁵

Augustine also emphasizes that there can be no such thing as a "just sin" when, with respect to lying, he writes.

He who says that there are some just lies must be regarded as saying nothing else than that there are some just sins, and consequently that some things which are unjust are just. What could be more absurd? . . . Therefore, let some be called great sins and others small sins, for such is the case, and not as the Stoics would have us think, who maintain that all are alike. to say that certain sins are unjust and certain ones just is equivalent to saying that certain iniquities are unjust and certain ones just. Yet, John the Apostle

¹²⁴*Die Bekenntnisschriften*, 218. Confer pages 167, 185, 194, 199. 217, 221, 270.

¹²⁵Luther, "The Gospel For the Festival of The Epiphany," (1522) *L. W.* 52:265. "Nit also, lieber mensch. Es sey kleyn oder gross, was yn gottis gepotten ist begriffen, soll und muss gehalten werden. Man muss hie nit nach den wercken, sondern nach dem gepott richten; nitt mustu sehen, ob das werck . . . gehalten oder ungehalten ist, ssondern nur darauff, obs gepotten sey. Ists gepotten, sso ist keyn nachlassen mehr da, es sey wie es wolle, denn Christus sagt: Nit eyn iota odder tuttel sol von dem gesetz vorgehen, es muss alles geschehen." *W. A.* 10.1.1: 699.

says, "Everyone who commits sin commits iniquity also; and sin is iniquity [1 John 3:4]." Therefore sin cannot be just.¹²⁶

The use of the principle of double effect by the non-conflicting absolutists, is a tacit recognition of the existence of conflict situations. Within a moral dilemma this theory may be helpful, if used correctly; however, it can not dissolve the conflict, excuse the lesser evil, or remove the culpability from the moral agent. This sixth and final tenet of non-conflicting absolutism cannot be maintained by anyone who wishes their doctrine to be Scripturally based.

In conclusion, this examination of non-conflicting absolutism has shown that five of its six tenets are untenable. The first tenet, that is, the only one which is firmly grounded in Scripture, stressed that God has given many absolute laws that are extensions of love. The second tenet

¹²⁶Augustine, "Against Lying" vol. 16 *The Fathers of the Church* 15.31.

"Nihil autem judicandus est dicere, qui dicit aliqua justa esse mendacia, nisi aliqua justa esse peccata, ac per hoc aliqua justa esse quae injusta sunt: quo quid absurdius dici potest? Unde enim est peccatum, nisi quia justitiae contrarium est? Dicantur ergo alia magna, alia parva esse peccata; quia verum est, nec auscultandum Stoicis qui omnia paria esse contendunt: dicere autem quaedam injusta, quaedam justa esse peccata, quid est aliud quam dicere quasdam esse injustas, quasdam justas iniquitates? cum dicat apostolus Joannes, *Omnis qui facit peccatum, facit et iniquitatem; et peccatum iniquitas est.* (I Joan. III, 4)?" Migne 40:539.

emphasized that these absolute laws never conflict. It was pointed out that, while Norman Geisler's criticism of this tenet is insufficient, other examples from bioethics and society do illustrate that such moral conflicts do occur. The third tenet emphasized that exceptions or qualifications may be contained within God's absolute commands. However, it was shown that such qualifications either turn non-conflicting absolutism into hierarchicalism or rely on unscriptural assumptions concerning divine revocation of lesser evils. The fourth tenet held that the moral agent is not responsible for whatever evil may come as a result of his obedience. However, it was pointed out that this ignores the gravity of sins of omission. The fifth tenet stressed that ethics must be deontological. It was shown that this ignores the essential teleological aspect of ethics emphasized in chapter two. The sixth and final tenet of non-conflicting absolutism uses the principle of double effect. This was shown to contradict the Scriptural principle that the law always accuses. Therefore, non-conflicting absolutism must be rejected as a Biblical method of theological ethics.

CHAPTER FOUR

Hierarchicalism¹

The numerous absolute moral commands, that compose the deontological element in Christian ethics, are arranged by the hierarchicalists in a specific hierarchical order. They believe it is inevitable that there will be conflicts between higher and lower ranking commandments. When such conflicts occur the moral agent is to follow the higher law. In such a

¹This view is also called "graded absolutism," or "the theory of the greater good." Its major proponents are Charles Hodge, *Systematic Theology* reprint edition 3 vols. (Grand Rapids, MI: Eerdmans, 1989), 3:437-44, and Norman Geisler, *Ethics: Alternatives and Issues* (Grand Rapids: Zondervan Publishing House, 1971), 114-36. Geisler, *The Christian Ethic of Love* (Grand Rapids: Zondervon Publishing House, 1973), 73-75. Geisler, "Biblical Absolutes and Moral Conflicts," *Bibliotheca Sacra* 131 no. 523 (July - September 1974): 219-28. Geisler, "In Defense of Hierarchical Ethics," *The Trinity Journal* 4(September 1975): 82-87. Geisler, "Conflicting Absolutism," *Bulletin of the Evangelical Philosophical Society* 2(1979): 1-7. Geisler and Feinberg, *Introduction to Philosophy* (Grand Rapids: Baker Book House, 1980), 413-27. Geisler, *Options in Contemporary Christian Ethics* (Grand Rapids: Baker Book House, 1981), 81-101. Geisler, "A Response to Olson's Critique of Ethical Hierarchicalism," *Evangelical Journal* 4(Fall, 1986): 82-87. Geisler, *Christian Ethics: Options and Issues* (Grand Rapids: Baker Book House, 1989), 113-132.

situation, the hierarchicalists claim that, the moral agent incurs no guilt for not having performed the lesser good. He is inculpable and need not repent. A closer examination of the four basic tenets of hierarchicalism will show both its strengths and its weaknesses.

The first tenet of hierarchicalism is the same as for non-conflicting absolutism. There are many absolute moral commandments in the Scripture. Each one is an expression of love. Geisler writes,

The law of love summarized but does not antiquate the many moral laws contained in the Old Testament and which are restated in the New Testament. . . . In brief the love commandments do not replace the Ten Commandments; they only reduce them to their common essence, love. The two commandments of love merely summarize the many moral laws. . . . The laws spell out love in its many spheres. Each commandment is love put into operation in a given sphere of human relationship.²

The hierarchicalists understand that the Biblical command to love does not contradict or replace the many other individual moral commandments that constitute the deontological element in Christian ethics. The individual moral commandments in Scripture are just as authoritative and as absolute today as ever before. This tenet is in basic agreement with the first part of this dissertation insofar as both

²Geisler, *The Christian Ethic of Love*, 50-51.

agree that, love is a summary of the moral law.

The second tenet of hierarchicalism is a direct contradiction of the second tenet of non-conflicting absolutism. Hierarchicalism holds that there are inevitable conflicts that arise between the different absolute commands. The great length to which Geisler goes in order to illustrate this tenet, was examined above within the discussion concerning the second tenet of non-conflicting absolutism. Although it was shown above that his examples were insufficient, other examples were given which adequately illustrate the validity of this tenet. Thus this tenet may be approved without repeating the discussion here.

The third tenet of hierarchicalism emphasizes that God's moral laws can be ranked in a specific hierarchical order in which the higher laws take precedence over the lower laws. Geisler explains,

Not all moral laws are of equal weight. Jesus spoke of the "weightier" matters of the law (Matt. 23:23) and of the "least" (Matt. 5:19) and the "greatest" commandments (Matt. 22:36). He told Pilate that Judas had committed the "greater sin" (John 19:11).³

In one of his early works Geisler maintained that "both other Christian options [that is, non-conflicting abso-

³Ibid., 82.

lutism and conflicting absolutism] admit the truth of this same point."⁴ However, such unity was short lived. Later Olson criticized this tenet when he wrote,

Geisler Does Not Show the Scriptural Basis for Putting All Absolutes in an Ordered Sequence. . . . Although he claims that a hierarchy of God's attributes is not essential to his system, such a hierarchy would be necessary to avoid the charge that his listing of norms is merely arbitrary.

In God's acts of interventions in the world, no such hierarchy of attributes is discernible. Sometimes we see God's mercy coming to the fore; at other times we see God's holiness and justice How can a system be built upon such a dubious hierarchy? And we must insist that there be a parallel between such a dubious hierarchy of divine attributes and a hierarchy of norms—otherwise it can be shown that those norms are not rooted in God's attributes. Then we are reduced to a subjective man-ordered hierarchy as critics of Geisler have pointed out.⁵

Geisler makes a valid point in his initial explanation of a hierarchical ordering of the moral commands in Scripture. The following Scripture passages indicate the presence of some type of hierarchy:

Anyone who breaks one of the least (μίαν . . . τῶν ἐλαχίστων) of these commandments and teaches others to do the same will be called least in the kingdom of heaven. (Matthew 5:19a)

⁴Ibid., 83.

⁵C. Gordon Olson "Norman Geisler's Hierarchical Ethics Revisited," *Evangelical Journal* 4 (Summer 1986): 9-10.

One of them, an expert in the law, tested him with this question: "Teacher, which is the greatest (μεγάλη) commandment in the law?" Jesus replied, "Love the Lord your God with all your heart and with all your soul and with all your mind." This is the first (πρώτη) and greatest (μεγάλη) commandment. (Matthew 22:35-38)

Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices – mint, dill and cummin. But you have neglected the more important (βαρύτερα) matters of the law – justice mercy and faithfulness. (Matthew 23:23)

Therefore the one who handed me over to you is guilty of a greater (μειζονα) sin. (John 19:11)⁶

Augustine also writes of some sins being worse than others.

Some will ask whether in view of what we have been saying any thief at all is to be ranked on a par with one who steals for the sake of mercy. Who would maintain this? But, of the two, the latter is not good because the former is worse. He who steals for lust is worse than he who steals for mercy. . . . But both are sins, although the one is so much less serious and the other so much more serious that theft committed for lust is considered less serious than debauchery committed to help someone. Within a given class, to be sure, those sins are less serious which appear to be committed with good intent. Nevertheless, they may be found to be more serious than the graver sins of another class. For example, avarice is more serious than stealing for mercy and debauchery than being wanton for mercy; yet, to commit adultery for mercy is more serious than to steal for avarice.⁷

⁶Neither Olson nor Rakestraw discuss these passages.

⁷Augustine, "Against Lying," *The Fathers of the Church* 85 vols. edited by Roy J. Deferrari et alii translated by

Luther also emphasizes a hierarchy of God's laws when he writes about greater and lesser sins.

This is why disobedience is a sin worse than murder, unchastity, theft, dishonesty, all that goes with them. There is no better way we can learn the difference between greater and lesser sins than from the order of God's commandments, although there are also distinctions within the works of each individual commandment. Who does not know that it is a greater sin to curse than to be angry, that to strike is worse than cursing, and that to strike father and mother is worse than striking anyone else?⁸

Harold B. Jaffee et alii (New York: Fathers of the Church Inc., 1947-1991), 16:145-46. "Dicet aliquis: Ergo aequandus est fur quilibet ei furi qui misericordiae voluntate furatur? Quis hoc dixerit? Sed horum duorum non ideo est quisquam bonus, quia peior est unus. Peior est enim qui concupiscendo, quam qui miserando furatur. . . . Sunt autem utraque peccata, quamvis alia leviora, alia graviora; ita ut levius habeatur furtum quod concupiscendo, quam stuprum quod subveniando committitur. In suo quippe genere aliis ejusdem generis peccatis leviora fiunt, quae bono animo videntur admitti; cum tamen ipsa alterius generis peccatis ipso suo genere levioribus inveniantur esse graviora. Gravius est enim avaritia, quam misericordia furtum facere; itemque stuprum gravius est luxuria, quam misericordia perpetrare: et tamen gravius est adulterare misericordia, quam furari avaritia." Augustine "De Mendacio" J. P. Migne, ed. *Patrologiae: Patrum Latinorum*, 221 vols. (Parisiis, 1855-1881), 40:529-30. Hereafter this work will be abbreviated as *Migne P. L.*

⁸Luther, "Treatise on Good Works," 1520 *L. W.* 44:81. "Darumb auch ungehorsam grosser sund ist dan todschlag, unkeuscheit, stelen, betriegen, und was darinnen mag begriffen werden. Dan der sund unterscheidt, wilch grosser sey dan die ander, kundenn wir nit basz erkennen, dan ausz

Luther stressed this same point again when he wrote, "The first, second, third, fourth, fifth, sixth, seventh commandments follow each other in a precise order. It is a greater sin to kill than to fornicate or to commit adultery. It is worse to commit adultery than it is to steal."⁹

On another occasion Luther also wrote,

Now, the six [commandments] following, refer to our neighbor. See the wonderful and appropriate order. The prohibitions begin with the greatest and continue to the least. For the greatest offense is to kill a human. Then next is the violation of a spouse. Third, is to steal one's belongings. Those who are unable to be harmful in this way, harm with their speech. Thus, the fourth offense is to harm one's good reputation. If they cannot do any of these, they at least damage their neighbor in their heart, by coveting his possessions.¹⁰

der ordnung der gebot gottis, wie wol ein iglich gebot fur sich selb auch unterscheidt in seinen wercken hat: dan wer weysz nit, das fluchen grosser ist dan zurnen, schlagen mehr dan fluchen, vatter unnd mutter schlagen mehr dan einen gemeinen menschen?" W. A. 6:250.

⁹This is my own translation. "Das erste, ander, dritte, vierte, fünfte, sechste und siebente Gebot gehen fein ordentlich auf einander. Grösser Sünde ists tödten denn huren und ehebrechen: schwerer ists ehebrechen denn stehlen." *D. Martin Luthers Werke, Kritische Gesamtausgabe, Tischreden G. Bände* (Wiemar, 1912-1921), 1 no.88.

¹⁰This is my own translation. "Iam sex sequentia respiciunt proximum. Et vide mirum et aptum ordinem. Incipit enim prohibitio a maiori usque ad minimum. Nam maximum damnum est occisio hominis: deinde proximum violatio coniugis, Tercium ablatio facultatis. Quod qui in iis nocere

Franz Pieper makes this same point from a different perspective.

As to their degree, Scripture itself distinguishes between grievous and less grievous sin Scripture clearly distinguishes degrees in sinning. . . .

When we divide sins into *peccata cordis, oris, operis* (thoughts, words, deeds), we classify them, as a rule, according to degree. But that is not always the case. A secretly harbored implacability may be a more grievous sin than a word or deed prompted by a sudden burst of passion.¹¹

Thielicke emphasizes the importance of distinguishing different degrees of sin when he writes,

He [the Christian] knows that here in this world there

non possunt, saltem lingua nocent: ideo quartum est laesio famae. Quod si in iis non prevalent omnibus, saltem corde ledunt proximum cupiendo quae eius sunt, in quo et invidia proprie consistit, de quibus videbimus." Luther, "Decem Praecepta Wittenbergensi Predicata Populo," 1518. *W. A.* 1:461.

¹¹Francis Pieper, *Christian Dogmatics*, 4 vols., Trans. Theodore Engelder et al., (St. Louis, Mo: Concordia Publishing House, 1950-1953), 1:567-68. "Auf den Grad gesehen, unterscheidet die Schrift selbst zwischen schweren und weniger schweren Sünden. . . . Unterscheidet die Schrift klar Grade im Sündigen. . . . Die Einteilung der Sünden in *peccata cordis, oris, operis* ist in der Regel, aber nicht in jedem einzelnen Fall eine Gradeinteilung. Eine im Herzen still gehegte Unversöhnlichkeit kann eine schwerere Sünde sein als ein in plötzlich aufwallender Leidenschaft ausgestossenes böses Wort oder auch vollbrachtes Werk." Franz Pieper, *Christliche Dogmatik*, 4 vol. (St. Louis, MO: Concordia Publishing House, 1924), 1:678-80.

is no perfect righteousness, but he does not therefore draw the conclusion that everything is under the same condemnation and that everything is thus equally permissible, as though there were no quantitative distinction between reprehensible and less reprehensible, between good and less good possibilities. . . . [the] ethical decision has in fact a great deal to do with the quantitative problem and that scale of value cannot be eliminated in the name of some abstract ("qualitative") alternative. The weighing of quantitative distinctions is certainly demanded.¹²

¹²Thielicke, *Ethics*, 1:501. "Er weiss, dass hier keine Gerechtigkeitsgestalt zu haben ist – auch wenn er daraus nicht die Folgerung ziehen kann: also sei alles in gleicher Verdammnis und alles auch gleichermassen erlaubt, also gebe es auch kein quantitatives Abwägen zwischen verwerflichen und weniger verwerflichen, zwischen guten und weniger guten Möglichkeiten mehr für ihn. . . . Dass die ethische Entscheidung es sehr wohl mit dem Quantitäten-Problem zu tun hat und dass ihr eine Eliminierung der Werteskala im Namen abstrakter ('qualitativer') Alternativen verboten ist. Darum ist das erwähnte 'Abwägen' sehr wohl gefordert." Thielicke, *Ethik*, 2.1:82

This "abstract ('qualitative') alternative" to which Thielicke is referring is the *justitia imputativa* which is the believer's through faith in Christ. This must not be confused with the *justitia effectiva*. Thielicke explains the difference. "Wir sind erlöste Kinder Gottes, aber es gibt unerlöste Bereiche in uns.

"Der *Schein* des Widerspruchs ergibt sich nur daraus, dass in beiden Satzteilen eine andere *Optik* gebraucht ist. Wenn ich nämlich sage: 'Wir sind erlöste Kinder Gottes', dann spreche ich von Gottes gnädigem Annehmen und von der wirklich Ereignis gewordenen Gemeinschaft mit ihm (*justitia imputativa*). Spreche ich aber von den unerlösten Bereichen in mir, so denke ich daran, dass ich nun meinerseits-indem ich den Blick von dem Handeln Gottes auf mein eigenes Handeln und Nachvollziehen zurückwende, also auf die *justitia*

God's absolute laws are equal in their absolute demand for obedience and in their threat of complete condemnation for disobedience; yet, this equality does not preclude the existence of a hierarchy. Luther explains,

Looked at from the point of view of the character of substance (which is not susceptible of degrees) one sin is no more a sin than is another. However, one may be greater or stronger than another, just as one substance may be larger than another; and yet a fly is just as much a substance as is a man, and a weak man as a strong man.¹³

In this third tenet the hierarchicalists make a compelling point when they insist on the possibility of ordering God's absolute commands. However, Geisler makes a false distinction when, in his response to Olson, he claims that the hierarchy of moral absolutes must stem from God's attributes and not from his essence. There is no such distinction. God's attributes constitute his essence. There is only one divine unity. Pieper explains,

effectiva richte-noch im Verzuage damit bin, alle meine Lebensbereiche und Ich-Sektoren auf diese Tatsache zu beziehen." Thielicke, *Etik* 1:220-21.

¹³Luther, "Against Latomus" 1521 *L. W.* 32:202. "Nec unum magis peccatum quam aliud iuxta proprietatem substantiae, quae non suscipit magis neque minus, licet unum sit maius et fortius alio, sicut et substantia una maior quam altera, non enim minus substantia est musca quam homo, nec minus homo infirmus quam robustus." *W. A.* 8:88.

In God, essence and attributes are not separate, but the divine essence and the divine attributes are absolutely identical, because God is infinite and above space (I Kings 8:27) and time (Ps. 90:2, 4). Were we to assume that there are parts to God, we would ascribe finitude to the infinite God and thereby erase the difference between God and man. Therefore the Augsburg confession says: God is "without parts" (Trigl. 43, I, 3). On the basis of Scripture the Lutheran dogmatists have maintained that objectively, that is, in God, essence and attributes are absolutely identical.¹⁴

Yet, in spite of Geisler's confusion here, his point is still well taken when he states that the hierarchy does not exist in God, but only in his laws. The criticism of Olson does not refute this third tenet of hierarchicalism.

The fourth and final tenet of hierarchicalism stresses that in a conflict situation the moral agent is to observe the hierarchical ordering of God's absolute moral commands and do the greater good. In performing the greater good, the moral agent incurs no guilt for failing to do the lesser good. Geisler explains,

¹⁴Pieper, *Christian Dogmatics* 1:428. "In Gott sind Wesen und Eigenschaften nicht Stücke oder Teile, sondern schlechthin eins, weil Gott unendlich ist, erhaben über Raum (I Kön. 8, 27) und Zeit (Ps. 90, 2,4). Wollten wir Stücke oder Teile in Gott annehmen, so würden wir den unendlichen Gott verendlichen und so den Unterschied zwischen Gott und den kreaturen aufheben. Die Augsburgische Konfession sagt im ersten Artikel Von Gott (De Deo): 'ohne Stück.'" Pieper, *Christliche Dogmatik* 1:524.

God does not hold the individual responsible for personally unavoidable moral conflicts, providing they keep the higher law. There are a number of ways of seeing the truth of this point.

First, logic dictates that a just God will not hold a person responsible for [not?] [sic] doing what is actually impossible. And it is actually impossible to avoid the unavoidable. . . .

Second, one is not morally culpable if he fails to keep an obligation he could not possibly keep without breaking a higher obligation. . . .

Third, the Bible included many examples of persons who were praised by God for following their duty in conflict situations.¹⁵

Here Geisler attempts to offer three ways of seeing the truth of this fourth tenet. However, none of these is convincing. The first way, which emphasizes logic, overlooks the fact that human logic does not "dictate" to God what he will or will not do. God's ways far surpass the ways of human understanding. As God explains through the prophet Isaiah, "For my thoughts are not your thoughts neither are your ways my ways, declares the Lord. As the heavens are higher than the earth, so are my ways higher than your ways and my thoughts than your thoughts." Isaiah 55:8-9. The second way Geisler mentions is merely a restating of his position and proves nothing. The third way Geisler mentions is an overstatement, relying on examples that have already

¹⁵Geisler, *Options*, 87-88.

been examined and rejected above. It was shown that even though God is pleased insofar as a moral agent fulfilled a higher duty, God can also be simultaneously displeased insofar as the moral agent failed to fulfill a lesser duty.

Geisler also attempts to explain that, because of the hierarchy, all the absolute moral commands of God are absolute in a qualified sense. Geisler writes,

If lower ethical norms can be transcended by higher ones without incurring guilt for not following the lower ones, then it follows that these lower norms are not universal in the broadest sense of the word. They are universal only in their context. They are valid on *their particular relationship* but not on all relationships. . . . [Therefore] not all absolutes are absolutely absolute. . . . In fact . . . ethical hierarchicalism is, a form of contextual absolutism.¹⁶

Rakestraw answers that, with the above explanation, Geisler must not actually believe that moral absolutes are truly absolute. It makes no sense to say an absolute is not absolutely absolute. Rakestraw explains,

If as we believe, an absolute is a universally-binding moral norm . . . then we must maintain that . . . we cannot disobey, lay aside, or transcend any of these divine absolutes. To say that an absolute is to be followed only within its own context or sphere, as H [hierarchicalism] does, is a way of [merely] theoretically retaining the absolute status of the moral norm. . . . The statement . . . "not all absolutes are

¹⁶Geisler, *Ethics: Alternatives and Issues*, 132.

absolutely absolute" fatally weakens the binding character of God's ethical norms and, in practice, shifts the locus of authority from the divine lawgiver to the moral agent.¹⁷

Geisler responds to this criticism by explaining that these absolutes are still absolute in three ways, even though they are not universally binding.

First, the lower command is not really broken when the higher command is followed. Just as a magnet does not break the law of gravity in attracting a nail The overriding duty to keep the higher law simply renders it unnecessary for us to perform the demands of the lesser command.

Second . . . there are no exceptions to absolute moral laws, only exemptions from obeying them in view of higher ones. So its universalness is not contradicted by an exception.

Third, the command remains absolute even when it is not followed. . . . God never ceases to manifest absolutely what is absolutely right. However, in unavoidable clashes, God does not demand obedience to lower laws, nor does he exact personal culpability for failing to do so.¹⁸

Geisler's response does not adequately answer the problem suggested by Rakestraw. In the first place, the analogy with the magnet misses the point, because the point of comparison lies in the nail, not in the magnet. When the nail is attracted upward by a magnet the nail certainly is

¹⁷Rakestraw, 255, citing Geisler, *Ethics: Alternatives and Issues*, 132.

¹⁸Geisler, *Christian Ethics*, 129.

breaking or violating (that is, failing to conform to) the law of gravity. Similarly, whenever God's laws are violated, or whenever the moral agent fails to conform to them, they are broken. Geisler cannot rightly claim that "the lower commandment is not really broken."¹⁹

In the second place it does not help Geisler to insist on exemptions rather than exceptions. For Geisler,

an exception would violate the universality and absoluteness of a moral law, whereas an exemption does not. If there is an exception, then the law is not absolute. . . . An exception means that lying as such is sometimes right, under certain circumstances. Not so with an exemption. Lying as such is always wrong. . . . In an exception, the general rule is not binding on that particular case, and so there is no real conflict. . . . [Whereas] an exemption only eliminates the individual's culpability in not performing the demands of that lower law; it in no way changes either the basis or the nature of the law as an absolute in its domain.²⁰

In a certain sense this distinction is valid. Given these definitions it appears that non-conflicting absolutists would be more inclined to employ exceptions (that attempts to dissolve the conflict); whereas, hierarchicalists would utilize exemptions (that attempts to remove the culpability).

It has been pointed out above that it may be possible

¹⁹Ibid.

²⁰Geisler, *Christian Ethics*, 127-28.

for an absolute law to contain an "exceptional" phrase as a clarification.²¹ However, it has also been shown that there can be no exemptions from culpability. The moral agent bears the guilt for any violation of God's law, regardless of the circumstances.

In the third place it has also been emphasized above that God demands obedience to all his moral laws, even the "lesser" ones.²²

With respect to this fourth and final tenet Geisler also appeals to the principle of double effect.

Graded absolutism [hierarchicalism] is similar to the principle of double effect, which states that when two results – a good result and an evil result – emerge from one act, the individual is held responsible only for the good one he intended, and not the evil one which necessarily resulted from the good intention.²³

It was shown above, with respect to the sixth tenet of non-conflicting absolutism, that any use of the principle of double effect, which attempts to remove culpability from the

²¹The example given above was "children obey your parents, unless they command that which is contrary to God's Word."

²²This point was made above by emphasizing Psalm 119:4, Matthew 5:19; 22:36; 23:23 and John 19:11.

²³Geisler, *Christian Ethics*, 126-27. See also *Options*, 96-97.

moral agent, contradicts the Scriptural principle that the law always accuses (*lex semper accusat*). This misuse of the principle of double effect was a major weakness in non-conflicting absolutism. As Geisler uses it here, it is also a major weakness in hierarchicalism. Thus because of Geisler's non-absolute understanding of moral absolutes (that erringly allows for exemptions) and because of the misuse of the principle of double effect, this fourth and final tenet of hierarchicalism cannot be maintained.

In order to summarize the discussion of hierarchicalism it is helpful to recall the following points. The first tenet is Scriptural in that it points out that God has given many absolute laws that are extensions of love. The second tenet of hierarchicalism stated that conflicts do occur between God's absolute moral demands. This tenet was examined in conjunction with the second tenet of non-conflicting absolutism. This second tenet of hierarchicalism was shown to be valid, in spite of the fact that Geisler did not choose the best examples to prove his point. The third tenet emphasized that God's moral absolutes can be ordered in a hierarchical fashion. This tenet was also shown to be in agreement with Scripture. The fourth tenet stressed that no guilt is incurred when a lower law is broken in order to keep a higher

law. This was shown to be incongruous with Scripture because it was a misuse of the principle of double effect. Therefore hierarchicalism is found to be in error in one of its four major tenets. It too must be rejected as a Biblical method of theological ethics.

CHAPTER FIVE

Conflicting Absolutism¹

The conflicting absolutists recognize that the numerous moral commandments that compose the deontological element

¹This view has also been called "ideal absolutism" and "the lesser of two evils view." Its major proponents include: Edward J. Carnell, *Christian Commitment* (New York, NY: The Macmillan Co., 1957), 223-30. James Childs, "The Third Use of the Law and Constructive Ethics," *Currents in Theology and Mission* 2 (Fall 1975): 35-40. Walter Kaiser, "The Weightier and Lighter Matters of the Law: Moses, Jesus and Paul," chapter in *Current Issues in Biblical and Patristic Interpretation*, ed. Gerald F. Hawthorne (Grand Rapids, MI: Eerdmans, 1975), 176-92. Erwin W. Lutzer, *The Morality Gap* (Chicago, IL: Moody Press, 1972), 98-113. According to his later writings Lutzer no longer holds this view. John W. Montgomery in John W. Montgomery and Joseph Fletcher, *Situation Ethics True or False?* (Minneapolis, MN: Bethany Fellowship, 1972). James I. Packer, "Situations and Principles," chapter, in *Law, Morality and the Bible*, eds., Bruce Kaye and Gordon Wenham (Downers Grove, IL: Intervarsity Press, 1978), 151-67. Franklin E. Payne Jr., *Biblical/Medical Ethics: The Christian and the Practice of Medicine* (Milford, MI: Mott Media, Inc., Publishers, 1985), 54-69. However, it is noted by Frame, 9 fn 2, that Payne no longer holds this view. Helmut Thielicke, *Theological Ethics: 3 vols.* ed., William Lazareth, trans. John Doberstein (Grand Rapids, MI: Eerdmans, 1979) 1:482-667. Translated and abridged from *Theologische Ethik; 3 Bände* (Tübingen: J. C. B. Mohr, 1951-1964), 2.1:56-327.

in theological ethics can be arranged in a hierarchical order. They also insist that there will be times when there are conflicts between the higher and lower ranking commandments. When such conflicts occur the moral agent is to break the lesser of the two commandments, that is, do the lesser of the two evils. In such a situation the moral agent accepts his culpability, confesses his sin and looks to Christ for forgiveness.

The main tenets of conflicting absolutism have already been implicitly mentioned in the criticisms of the other two methods above. It remains for this section merely to explicitly list them and to answer some of the more frequent objections which they evoke.

The first tenet of conflicting absolutism is the same as that for non-conflicting absolutism and hierarchicalism. There are many absolute moral commands in the Scripture. Each one is an expression of love. James Childs writes, "They are absolutes that lay claim on me as definitions of how love behaves in various circumstances of life. . . . They are expressions of obligations which embody love definitively."² These numerous moral commands are important

²Childs, 38. Childs prefers not to call the moral laws of Scripture "prescriptive absolutes." He fears

because they "inform *agape* and give expression to it."³ This is the only tenet that is held in common by all three methods under discussion.

The second tenet of conflicting absolutism coincides with hierarchicalism in its fundamental disagreement with non-conflicting absolutism. Conflicting absolutism insists that unavoidable conflicts will exist among moral absolutes. This point was discussed under the second tenet of non-

(without due cause) that such a label will lead to legalism and turn the Scriptures into a rule book. He would rather understand the moral laws of Scripture as "general absolutes" that require "*prima facie*" duties. However, he does not use the term "*prima facie*" in quite the same way it was defined and illustrated above in chapter one. For Childs moral laws "are more than just mere guides: that is, they are not subject to subjective reinterpretation or dismissed. . . . [B]y this term [*prima facie*] I mean more than that these norms are just a summary of the collective opinion of past ethical reflection on given questions In that they do embody love, they participate in its absolute character and, therefore, even accuse us in our failure while they provide direction." Ibid. Since this article was published Childs has revised some of his terminology. See *idem*, *Christian Anthropology and Ethics* (Philadelphia: Fortress Press, 1978), 177-78. Thus the difference between Childs' views and those of the author of this dissertation seem to be more semantic than substantive.

³Ibid. Perhaps this could lead to an understanding of love as the formal norm in ethics and the numerous moral laws as the concrete material norm in ethics, confer Louis Janssens, "Norms and Priorities in a Love Ethics," *Louvain Studies* 6 (Spring 1977): 207-238.

conflicting absolutism and need not be repeated here.

The third tenet of conflicting absolutism agrees with hierarchicalism insofar as both methods hold that there are higher and lower laws among God's absolute moral commandments. Both hierarchicalism and non-conflicting absolutism emphasize that the moral commandments given in Scripture can be arranged in a hierarchical order.⁴ However, the two views are not identical. Geisler, representing the hierarchicalists, seeks to construct a hierarchy that is static and unchanging. For Geisler certain laws always take precedence over other laws. This has led him to construct the following hierarchy of duties:

1. Love for God is to take precedence over love for man.
2. Life-saving is to take precedence over telling the truth. ("A person not promoting non-loving activity is more worthy of the respect of love than one who is promoting non-loving activity.")⁵
3. People must take precedence over things.
4. Many people must take precedence over a few people.
5. Actual people must take precedence over potential people. ("A fully developed person is of greater worth

⁴The Scriptural substantiation for the hierarchical ordering of the moral commandments was given above in the discussion concerning the second tenet of hierarchicalism. It need not be repeated here.

⁵Geisler, *The Christian Ethic of Love* (Grand Rapids: Zondervan Publishing House, 1973), 80.

than an embryo.")⁶

6. Potential persons must take precedence over actual things.

7. Complete persons must take precedence over incomplete persons. ("A person with complete mental and physical abilities is more valuable than one without.")⁷⁸

The hierarchy of the conflicting absolutists is dynamic and flexible, depending upon the variables within the situation. The moral agent is to determine the lesser evil, not by consulting a prearranged list of duties, but, by asking, 'What best serves the need of my neighbor?' Or "How can I best express the love of God in this situation?" In this way the teleological element of love functions to determine the lesser of the two evils. The two methods of theological ethics, the deontological method and the teleological method, are brought together to create one complete hybrid system.

⁶Ibid., 83. Geisler latter changed his mind on this point when he became convinced that an embryo is an actual person, see Geisler, "A Response to Olson's Critique of Ethical Hierarchicalism," *Evangelical Journal* 4(Fall, 1986): 86.

⁷Geisler, *The Christian Ethic of Love*, 85. This statement is nonsensical without a detailed analysis of the following questions: More valuable to whom, one's friends and family, or society at large? By what criteria is such value determined? Are the criteria to be arranged in a hierarchical order? Who determines the criteria? Geisler discusses none of these questions.

⁸Ibid., 76-87.

In one situation a particular commandment may take precedence over another commandment; however, in a different situation the order may be reversed. Thus the hierarchy must be flexible and dynamic not static. Franz Pieper points out this flexibility when he writes

When we divide sins into *peccata cordis, oris, operis* (thoughts, words, deeds), we classify them, as a rule according to degree. But that is not always the case. A secretly harbored implacability may be a more grievous sin than a word or deed promoted by a sudden burst of passion.⁹

Here Pieper shows that even though there is a hierarchy it is not static. Usually sinful actions are more grievous than sinful thoughts; however, in the particular situation where one has harbored an evil thought, perhaps over a long period of time, that could be more grievous than a sudden sinful act done on the spur of the moment.

Thielicke also refers to this flexibility when he writes,

⁹Francis Pieper, *Christian Dogmatics*, 4 vols., trans. Theodore Engelder et al., (St. Louis, MO: Concordia Publishing House, 1950-1953), 1:568. "Die Einteilung der Sünden in *peccata cordis, oris, operis* ist in der Regel, aber nicht in jedem einzelnen Fall eine Gradeinteilung. Eine im Herzen still gehegte Unversöhnlichkeit kann eine schwerere Sünde sein als ein in plötzlich aufwallender Leidenschaft ausgestossenes böses Wort oder auch vollbrachtes Werk." Franz Pieper, *Christlich Dogmatik*, 4 vols. (St. Louis MO: Concordia Publishing House, 1924), 1:679-80.

Decisions cannot be made a priori. . . .

To decide ethical questions in advance is possible only within the framework of an illusory natural law which pictures the world as an orderly construct, permeated by eternal norms laid down at creation, the structure of which may be demonstrated. . . . The world then becomes a hierarchical cosmos, and in principle every case which arises and every decision which may be required can be prejudged morally by reason of the hierarchy of values. This type of cosmic order presupposes a specific interrelationship between the original state and the fallen world, between creation and sin. . . . This relationship is determined by the fact that sin violates creation only in a very peripheral way. In Reformation thought, on the contrary, the world is seen to be so totally permeated by both creation and sin that we are prevented from. . . espousing the illusion of hierarchical cosmos of natural law. It is only logical, then, that on the Reformation view there can be no advance decisions. . . . decisions must be made within the framework of each existing situation. The ethics of Law is replaced by a kind of "situational ethics."¹⁰

¹⁰Thielicke, *Evangelical Ethics*, 1:648, 650. "Es keine apriorischen Vorweg-Entscheidungen geben könne. . . .

Dass solche Vorweg-Entscheidungen immer nur im Rahmen eines Naturrechtsphantoms möglich sind, das uns die Welt als ein geordnetes, von ewigen, der Schöpfung entstammenden Normen durchzogenes und in seiner Struktur aufweisbares Gebilde erscheinen lässt. . . . Dann wird die Welt zum hierarchischen Kosmos und dann lässt sich im Prinzip jeder eintretende casus und jede von ihm geforderte Entscheidung infolge der möglichen Rangstufung der Werte moralisch präjudizieren. Die so verstandene Weltordnung setzt eine ganz bestimmte Inbeziehungsetzung von Urstand und gefallener Welt, von Schöpfung und Sünde voraus. . . . Diese Beziehung ist dadurch bestimmt, dass die Sünde nur in höchst peripherer Weise die Schöpfung verletzt, während für das reformatorische Denken die Welt eine totale gegenseitige Durchdringung von

Thielicke's use of the phrase "situational ethics" should not be misconstrued. He does not use the phrase the same way Joseph Fletcher uses it in his popular book *Situation Ethics*.¹¹ Joseph Fletcher has no respect for the third use of the law. It is an essential aspect of Fletcher's brand of situational ethics to reject any instructional use of the law. In this sense Fletcher can say he is allergic to the law.¹² However, Thielicke has a very high regard for the instructional use of the law. He writes,

'The Law is to be retained in the third place in order that the saints may know what works God requires for the exercise of obedience to him.' . . . It has . . . a regulative significance. . . . The Law does not *make* the new man, but it does *exercise* him and shows him the full range of relationships in which his newness is relevant. . . .

[St. Paul] stands in relation to the Law no longer as a servant but as a free man. He still respects it as

Schöpfung und Sünde zeigt, die es verbietet. . . der naturrechtlichen Illusion eines hierarchischen Kosmos zu kommen. Es ist darum nur logisch, dass von hier aus keine Vorweg-Entscheidungen möglich sind.

. . . dann kann die Entscheidung immer nur im Rahmen der jeweils zuständigen *Situation* gefällt werden, dann gibt es also allein so etwas wie 'Situationsethik/ und kein 'Gesetzesethos.'" Thielicke, *Etik*, 2.1: 305-308.

¹¹Joseph Fletcher, *Situation Ethics* (Philadelphia, PA: The Westminster Press, 1966).

¹²*Ibid.*, 152-53.

a declaration of the will of God.¹³

Thielicke is not a "situational" ethicist in the same vein as Joseph Fletcher. When Thielicke mentions that, "Decisions cannot be made a priori,"¹⁴ and ethics must be, "situational ethics"¹⁵ he is referring only to conflict situations.

Thielicke emphasizes this, when, after using the term "situation ethics" he writes,

What this term means is best illustrated once again by the borderline situation of extreme conflict. . . . It thus makes good sense that we should conclude our discussion of the borderline situation with this investigation.¹⁶

¹³Thielicke, *Ethics*, 1:134, 136. "'Lex retinenda est, ut sciant sancti, quatenus opera requirat Deus, in quibus obedientiam exercere erga Deum possint.' . . . In diesem Sinne hat es eine *regulative* Bedeutung Das Gesetz macht nicht den neuen Menschen, sondern es übt ihn und zeigt ihm die Beziehungsfülle, in der nun diese Neuheit des Menschen akut ist.

. . . [St. Paul] verhält sich zu ihm nicht als Knecht, sondern als Freier. Er achtet es nach wie vor als eine Willenskundgebung Gottes." Thielicke, *Ethik*, 1:224-27. This quote contains the debated passage from Luther's "Second Disputation Against the Antinomians" 1538 *W. A.* 39.1:485.

¹⁴Thielicke, *Ethics*, 1:648.

¹⁵*Ibid.*, 1:650.

¹⁶Thielicke, *Ethics*, 1:650. "Was dieses Stichwort bedeutet, ist wiederum genauestens an der Konflikt- und Grenzsituation zu klären. . . . Es ist deshalb sinnvoll, wenn wir mit dieser Untersuchung das Kapitel über die Konflikt-

Outside of a conflict situation God's will is clear, decisions can be made *a priori*, right and wrong can be easily distinguished. However, inside a conflict situation the Christian moral agent has no such certainty. The situation becomes more complex. No *a priori* decision can be made. From within the conflict situation the moral agent should attempt to consider every pertinent variable. For example, in a bioethical decision concerning the initiation or withdrawal of extraordinary treatment, the moral agent should consider the tension among cost, risks, pain and benefits to the patient.¹⁷ Only after such factors have been prayerfully considered can one begin to construct the hierarchy based on the available options. The moral agent is then in a position to choose the lesser evil (or, that which most expedites love) for that situation. In this way love serves as the arbitrator between conflicting moral laws.¹⁸

situation beschliessen." Thieliicke, *Ethik*, 2.1: 308.

¹⁷For more information on making this type of decision the reader may wish to see Robert Wier, *Abating Treatment with Critically Ill Patients* (Oxford: Oxford University Press, 1989) and Cynthia B. Cohen, ed., *Casebook on the Termination of Life-Sustaining Treatment and the Care of the Dying* (Briarcliff Manor: The Hastings Center, 1988). This also contains a lengthy bibliography.

¹⁸James I. Packer writes, "We may agree with the

The fourth tenet of conflicting absolutism stresses that in a conflict situation the moral agent is to observe the hierarchical order and do the lesser evil. In performing this lesser evil, the moral agent does incur guilt for which he needs to repent and trust in Christ for forgiveness. It was emphasized above, in the critical response to the sixth tenet of non-conflicting absolutism (concerning the principle of double effect), that God demands all of his moral laws to be obeyed. There is never a time when an infraction of God's law does not constitute a sin. The argument given above along with the substantiating Scriptural references need not be repeated here. However, it may be added that this clearly distinguishes conflicting absolutism from both hierarchicalism and the situational ethics of Joseph Fletcher, both of which attempt to remove the lesser evil completely from the category of evil by calling it a lesser good. They thereby eliminate the recognition of culpability and the need for repentance. In doing this, situationalism and hierarchical-

situationists that love for persons must arbitrate between the conflicting claims of moral principles, that doctrinaire decisions in such cases will not make the best of a bad job, and that unwillingness to face the situations full complexities and insensitivity to the variety of rules and claims that apply, will lead straight into ironclad Pharisaic legalism." James I. Packer, "Situations and Principles," 164.

ism attempt to remove from God's law its terrifying and condemning thrust. In this way the second use of the law is seriously impeded. Isaiah wrote, "Woe to those who call evil good" (Isaiah 5:20). When evil goes unnoticed the moral agent fails to recognize his need for Christ. James I.

Packer explains,

We shall reject Fletcher's grotesque idea that in such situations adultery, fornication, abortion, suicide and the rest, if thought the best course (which arguably in Fletcher's cases they might be . . .), thereby become good: which valuation, as Fletcher himself emphasized, leaves no room for regret at having had to do them. Instead, we shall insist that evil remains evil, even when, being the lesser evil it appears the right thing to do; we shall do it with a heavy heart, and seek God's cleansing of our conscience for having done it.¹⁹

In this respect Geisler is in the same position as Fletcher. Both seek to remove the evil, in a conflict situation, completely from the category of evil and transpose it into something good; whereas, the Scriptural solution to evil is Jesus Christ.

Within a moral dilemma there is no guarantee that the Christian will choose correctly. Serious, dedicated, intelligent Christians will have differing opinions over which act is truly the lesser evil in a particular dilemma. Yet, the midst of a moral dilemma is no place for timidity. Once the

¹⁹Ibid.

situation has been recognized, the options considered and the guilt confessed, then action must take place even though it be sin. The sinful structure of the dilemma may even cause one to "hunger and thirst for righteousness" (Matthew 5:6). In such situations, one must have the courage to "sin boldly, but believe and rejoice in Christ even more boldly, for he is victorious over sin."²⁰

A Critique of the Most Common Objections
to Conflicting Absolutism

Some critics claim that conflicting absolutism is an absurd method because its emphasis on the lesser evil obligates the moral agent to sin. Geisler writes,

According to conflicting absolutism, in real moral conflicts we have a moral duty to do the lesser of two evils. That is, one is morally obligated to do evil. But how can there ever be a moral obligation to do what is immoral? It seems a morally absurd claim.²¹

²⁰*Luther's Works*, 55 vols., edd. J. Pelikan and H. T. Lehmann, American Edition in English Translation (Philadelphia: Fortress Press and St. Louis: Concordia Publishing House, 1958-1986), 48:282. Hereafter this work will be abbreviated as *L. W.* "Esto peccator et peccata fortiter, sed fortius fide et gaude in Christo, qui victor est peccati, mortis et mundi." *D. Martin Luthers Werke, Kritische Gesamtausgabe, Brieswechsel*, 18 Bände (Wiemar, 1930-1985), 2:372.

²¹Geisler, *Christian Ethics: Options and Issues* (Grand Rapids: Baker Book House, 1959), 103.

Conflicting absolutism does not obligate the moral agent to sin when there is a sinless alternative. However, it directs the moral agent to the lesser evil only when the alternative is a greater evil. In such conflict situations it remains consistent in categorizing evils as evils.

This same objection was emphasized by Joseph Fletcher when he debated John W. Montgomery at San Diego State College on February 11, 1971. However, Fletcher did not grasp Montgomery's answer.

Fletcher: "Aren't you in effect telling us that in your ethics we are sometimes morally obliged to do what is wrong, and does that make any sense in terms of ethical analysis? [Applause from audience] . . .

Montgomery: What I'm saying is that it may be necessary to choose a lesser of evils. But such a choice still remains an evil.

Fletcher: And isn't the logical import of the lesser evil doctrine precisely that sometimes we might be morally obliged to do what is wrong?

Montgomery: The point that I'm trying to make is that because something is a lesser evil doesn't somehow transmute it into a good. But that's what happens in situationalism. Lesser evils disappear from the class of evils; and a person sticks in his thumb and pulls out a plum and is able to achieve moral vindication. I don't believe that this should be allowable within the framework of theological ethics.²²

²²Fletcher and John W. Montgomery, *Situation Ethics: True or False? A Dialogue Between Joseph Fletcher and John Warwick Montgomery* (Minneapolis, MN: Bethany Fellowship, 1972), 69-70.

On the one hand, the absurdity of which Geisler and Fletcher speak does exist. It is the absurdity of living in a sinful world.²³ Yet, on the other hand, when there is no sinless alternative, it is not absurd for the moral agent to choose the lesser rather than the greater of two evils.

A second criticism has been directed at both conflicting absolutism and hierarchicalism concerning their insistence that divine absolutes can conflict. Olson claims that Scripture proves that "the believer is never forced to choose between obedience to two absolutes since God will provide a way of escape."²⁴ He quotes Paul's first letter to the Corinthians.

No temptation (πειρασμός) has seized you except what is common to man. And God is faithful; he will not let you

²³This absurdity was noted by the French existentialists. For example see Albert Camus *Le Mythe de Sisyphe* (Gallimard, 1942) Trans. as *The Myth of Sisyphus* (London: Hamish Hamilton, 1955) "The Linchpin of Camus' argument in *The Myth of Sisyphus* is the notion of the World's absurdity, and the world is called absurd Camus conceives the great yearning of the human spirit to be for some evidence of the world's being governed by principles of coherence and intelligibility: To his dismay, however things do not dovetail into one another in such a way as to give us any sense of their being established order." Nathan A. Scott Jr., *Mirrors of Man in Existentialism* (New York, NY: Collins, 1978), 133-34.

²⁴Olson, 10-11.

be tempted (πειρασθῆναι) beyond what you can bear. But when you are tempted (πειρασμῷ) he will also provide a way out so that you can stand up under it.
(1 Corinthians 10:13)

However, Geisler points out that, "First Corinthians 10:13 is only a promise for victory in temptation – not a guarantee of intervention to avoid moral conflicts."²⁵ This passage is referring only to standing firm against an individual temptation. It says nothing concerning the conflict of two moral absolutes. Such a conflict is not to be confused with a temptation. A temptation is an enticement to follow Satan. Richard Trench points out "*Perazein* is applied to the solicitations and suggestions of Satan (Matt. 4:1; 1 Cor. 7:5; Rev. 2:10) that always are made with a malicious hope."²⁶ Also, Bauer, Arndt and Gingrich define "*πειρασμός* not only as temptation but also as "enticement to sin."²⁷

Such "solicitations," "suggestions" and "enticements" are completely lacking in the moral dilemma wherein one must

²⁵Geisler, *Christian Ethics*, 90.

²⁶Richard Trench, *Synonyms of the New Testament*, ed. Robert G. Hoerber (Grand Rapids, MO: Baker Book House, 1989) 295.

²⁷Walter Bauer, *A Greek-English Lexicon of the New Testament* trans. William F. Arndt and F. Wilber Gingrich. Second Edition Revised and Augmented (Chicago, IL:University of Chicago Press, 1979), 640.

choose between two absolutes. Thus a moral dilemma is not a temptation. This passage from First Corinthians, used by not-conflicting absolutists to criticize conflicting absolutism and hierarchicalism, is inapplicable to this situation.

A third criticism directed against conflicting absolutism is a Christological argument developed by the hierarchicalists. Geisler claims that if moral conflicts are part of our existence in this world, and if Christ was in this world, then Christ must necessarily have faced moral conflicts wherein he was forced to do the lesser evil. However, Scripture clearly maintains that Christ was sinless (2 Corinthians 5:21 and Hebrews 4:15). Therefore the sinlessness of Christ illustrates that one is not culpable for doing the lesser evil.²⁸

Geisler's argument has one major flaw. Moral conflicts are part of our existence in this world and Christ did come into the world, yet it does not necessarily follow that Christ had to face moral dilemmas. Surely it is possible that he was providentially spared from encountering moral dilemmas in order that he might retain the status as the "lamb without blemish or defect" (1 Peter 1:19).

²⁸Geisler, *Christian Ethics*, 106-110.

This is analogous to the relationship between Christ and original sin. Original sin (like moral dilemmas) is part of our existence in this world. Christ did come into the world. Yet that earthly existence did not necessitate his participation in original sin (nor does it necessitate his participation in moral dilemmas).

Geisler responds to this answer by writing,

It may be that God providentially spared Jesus from facing moral conflicts in order to preserve his sinlessness. But if this is the case, then the Christian may ask why he, too is not spared from them if he is faithful to God It would be special pleading to declare that the providential way out applies only to Christ but not to other servants of God who are faithful to his will.²⁹

Geisler assumes that if Jesus was providentially spared from moral dilemmas then it necessarily follows that Christians today should also be providentially spared from such conflicts. However the latter does not necessarily follow from the former. It takes no "special pleading" to call attention to Jesus' unique purpose on earth. His mission in this world was to be the sinless sacrifice offered on behalf of sinners (Hebrews 9:14, 10:10-14 and 1 Peter 1:19). In order to accomplish this mission he was providentially spared from original sin. He could also have been

²⁹Ibid., 107.

providentially spared from moral conflicts. A Christian today does not have the task of being the sinless redeemer of humanity. Therefore a Christian, unlike Christ, is not spared from original sin nor from moral dilemmas.³⁰

A fourth criticism directed against the conflicting absolutists is another christological argument. This criticism claims that if Christ never encountered moral dilemmas, as conflicting absolutists maintain, then he cannot serve as a moral example for his followers. Whereas Scripture maintains that Christ is our moral example. Geisler writes,

If Christ is our complete moral example then he must have faced morally conflicting situations in which both alternatives were sinful. But if Christ never sinned, then Christ never faced them. Hence we have no example from Christ to follow in some of life's most difficult moral decisions. But does not Hebrews say he was "tempted in every way, just as we are" (4:15)? Does not Paul exhort us to be followers of Christ (1 Cor. 11:1-2)? But how can we follow him in ethical dilemmas if he never faced them?³¹

It is helpful to examine two points from the above quote. First, Geisler writes that Christ is "our complete

³⁰Geisler does not discuss the possibility that Christ could have used his divine wisdom to recognize and avoid situations that were likely to lead to moral dilemmas.

³¹Ibid., 109-110.

moral example."³² On the one hand, Christ himself said that the example he established should be followed by others. He told his disciples, "I have set you an example that you should do as I have done for you" John 13:15. Paul also exhorts his readers to follow the example of Christ. "Follow my example as I follow the example of Christ" 1 Corinthians 11:1. Peter also stresses this same point. "To this you were called, because Christ suffered for you, leaving you an example, that you should follow in his steps" 1 Peter 2:21. Such passages point out that Christians are to follow Christ in his exemplary love. Christ showed the world what real love is by his perfect obedience to the law. Thus, it is his love that is to emulated. "Be imitators of God, therefore, as clearly loved children and live a life of love, just as Christ loved us and gave himself up for us as a fragrant offering and sacrifice to God" Ephesians 5:1-2.

On the other hand, this does not mean that Christ is our complete moral example in the sense that Geisler maintains. In many respects Christ did not set a moral example for the husband, for the soldier, or for the civil magistrate. This was not his purpose. There was a higher purpose to his life than merely setting moral examples for everyone

³²Ibid.

to follow. Certain aspects of Christ's life were intended to be, and should be understood as, unique to his person and work. Luther writes,

You ask: Why did not Christ . . . bear the sword?
 Answer: You tell me, why did Christ not take a wife, or become a cobbler or a tailor . . . ? Christ pursued his own office and vocation. . . . For each one must attend to the duties of his own calling.

Therefore, . . . Christ . . . had to manifest himself wholly in connection with the estate and calling which alone expressly served his kingdom. . . . This was and had to be Christ's peculiar function as the Supreme King in this kingdom. Since not all Christians, however, have this same function (although they are entitled to it), it is fitting that they should have some other external office by which God may also be served.³³

Because of Christ's unique vocation not every aspect of the Christian's life can be found in Christ's life, nor can (or

³³Luther, "Temporal Authority: To What Extent It Should Be Obeyed," (1523) *L. W.* 45:100-101. "So sprichstu: Warumb hatts denn Christus . . . nicht gefuret? Antwort: sage myr, warumb hatt er nicht auch eyn weyb genomen oder ist ein schuster oder schneyder worden? . . . Christus hat seyn ampt und stand gefuret. . . . Denn eyn iglicher muss seyns beruffens und wercks wartten.

Darumb . . . Christus . . . musste sich allerdinge beweyssen mit solchem stand und werck, die eygentlich nur alleyne zu seynem reych dienen. . . . Wilchs Christus eygentlich ampt gewesen ist unnd seyn musste als des ubersten konigs ynn dem selben reych. Nu aber nicht alle Christen das selb ampt haben (wie wol sie es haben mugen), ists billich, das sie sonst eyn anders eusserlich haben, da mit auch Gott gedienet mag werden." *D. Martin Luthers Werke, Kritische Gesamtausgabe*, 64 Bände (Weimar, 1883-), 11:258-59.

Hereafter this work is abbreviated as *W. A.*

should) the Christian follow every aspect of Christ's life. Christ is our complete moral example insofar as he completely manifested the fullness of love through his perfect obedience of the moral law; however, he did not provide a multitude of examples upon which Christians are to base every aspect of their lives. Thus Christ can still serve as a moral example without having had to encounter moral dilemmas.

The second point in Geisler's quote that deserves careful examination is his reference to Hebrews 4:15 emphasizing, "that Christ was 'tempted in every way, just as we are.'"³⁴ Geisler's response to the non-conflicting absolutists use of 1 Corinthians 10:13, given above in answer to the second criticism, applies here to his own use of Hebrews 4:15. Geisler pointed out that a "temptation" is not the same as a "moral conflict."

First Corinthians 10:13 stressed that God will enable Christians to withstand temptations (but it does not say anything about delivering Christians from moral dilemmas). Similarly Hebrews 4:15, that Geisler now mentions, stresses that Christ withstood every temptation (but it does not say anything about Christ confronting moral dilemmas). Therefore, just as 1 Corinthians 10:13 cannot be properly used by

³⁴Geisler, *Christian Ethics*, 110.

the non-conflicting absolutists to show that Christians are delivered from moral dilemmas, neither can Hebrews 4:15 be properly used by Geisler to show that Christ faced moral dilemmas. It was shown above in answer to the second criticism that a moral conflict is not a temptation.

Summary and Conclusion of Part Two

To summarize the discussion on conflicting absolutism it is helpful to recall the following points. The first tenet stresses that there are numerous moral absolutes given by God which are summarized by love. This is in agreement with both non-conflicting absolutism and hierarchicalism. The second tenet stresses that due to the sinful condition of the world there are times when two or more of God's absolute laws will conflict with one another. This tenet contradicts the view of non-conflicting absolutism. It agrees with hierarchicalism, but it is not supported well by the arguments the hierarchicalists gives. It is shown that one of the best ways to recognize this conflict is to have a thorough understanding of the distinction between God's primary will and his secondary will. The third tenet emphasizes that the absolute moral laws of God can be arranged in a hierarchical order. This tenet also conflicts with non-

conflicting absolutism. Hierarchicalism agrees with this tenet; however, it constructs a static hierarchy. The hierarchy of conflicting absolutism is flexible and dynamic, based upon the needs of the neighbor in a given situation. The fourth and final tenet of conflicting absolutism stresses that in a conflict situation the moral agent is to observe the hierarchical order of God's commands and do the lesser evil. In performing this lesser evil the moral agent incurs guilt for which he needs to repent. This entire tenet is rejected by the non-conflicting absolutists due to the previous disagreement in the third tenet concerning the existence of any hierarchy of absolutes. The first half of this tenet is accepted by the hierarchicalists; whereas, the second half is not. When the hierarchicalists refer to the lesser evil as the greater good, for which no guilt is incurred, they are attempting to transmute an evil into a good and thereby disregard the serious nature of the threat of God's law. Thus, of the three methods discussed, conflicting absolutism is the only Scriptural alternative.

CONCLUSION

Part one examines both the deontological and teleological elements in theological ethics. It is shown in this first part that the basic method of normative theological ethics used in the Scriptures contains certain characteristics found in rule deontology. That is, humankind has an unqualified duty to obey every absolute moral command from God. Yet, it is also emphasized that certain characteristics of rule teleology are found in the Scripture. In the event of a moral dilemma the end principle of love must be applied directly to the situation in order to determine the lesser of two evils.

Part two examines that, contrary to the claim of the non-conflicting absolutists, such moral dilemmas are indeed real. Contrary to the hierarchicalists, such moral dilemmas cannot be dissolved by placing them in a hierarchical order. Nor does a good intention relieve the moral agent of culpability. Thus in the final analysis this dissertation, which seeks to construct a prolegomenon for normative theological ethics, proposes the following four steps the

moral agent is to consider in determining the moral option:

1. The moral agent is to search the Scriptures in order to determine which duties are relevant to the situation. If there is only one absolute moral command of God that applies to the situation then this is to be followed, not as an end in itself, but, because such obedience is the means by which God would have his love flow through the moral agent and into the situation in order to help the neighbor in need.

2. If more than one absolute moral command of God can be applied to the situation, the moral agent must determine the lesser evil. This can only be done by prayerfully examining all the variables involved in the situation. In a bioethical decision concerning the initiation or withdrawal of treatment this may include considering cost, benefit, pain, risk, and effectiveness of the treatment. Then the moral agent must prayerfully seek to determine that option which best serves the need of his neighbor. The moral agent may ask at this point, "How can I best express, or incarnate, God's love in this situation?"

3. After the decision is carried out the moral agent is to recognize his culpability, repent and look to Christ for forgiveness.

4. The moral agent can thank and praise God that, even though there is no guarantee that the best option was chosen, he can still rest secure in the forgiveness that he has in Christ Jesus.

These four steps are merely a proposed beginning toward the development of a Scriptural method of normative theological ethics. Future study still needs to be done to determine whether or not it is possible to establish a specific procedure by which the moral agent can determine the lesser of two evils within a given situation. If that is possible, what might such a method be?

APPENDIX I

BIBLICAL TESTIMONY CONCERNING THE PRESENT INVALIDITY OF THE OLD TESTAMENT CEREMONIAL AND POLITICAL LAWS

Even in the Old Testament days God made it known that his way of dealing with his people would not be the same forever. "'The time is coming,' declares the Lord, 'when I will make a new covenant with the house of Israel and with the house of Judah. It will not be like the covenant I made with their forefathers'"(Jeremiah 31:31-32).¹

This change is made even more clear in the New Testament. Jesus himself spoke of contradicting the ceremonial laws when he said, "What goes into a man's mouth does not make him 'unclean,' but what comes out of his mouth, that is what makes him 'unclean'" (Matthew 15:11).

God also showed to Peter in the vision of Acts 10:9-16 that the ceremonial distinctions are no longer relevant.

About noon the following day as they were on their

¹All Biblical quotes are from the New International Version.

journey and approaching the city, Peter went up on the roof to pray. He became hungry and wanted something to eat, and while the meal was being prepared, he fell into a trance. He saw heaven opened and something like a large sheet being let down to earth by its four corners. It contained all kinds of four-footed animals, as well as reptiles of the earth and birds of the air. Then a voice told him, "Get up, Peter. Kill and eat."

"Surely not, Lord!" Peter replied. "I have never eaten anything impure or unclean."

The voice spoke a second time, "Do not call anything impure that God has made clean."

This happened three times, and immediately the sheet was taken back to heaven.

Therefore, at the Jerusalem council, when the Judaizers said, "The Gentiles must be circumcised and required to obey the law of Moses" (Acts 15:5b) Peter clearly spoke out against such Old Testament ceremonial legislation by saying,

God, who knows the heart, showed that he accepted them by giving the Holy Spirit to them, just as he did to us. He made no distinction between us and them, for he purified their hearts by faith. Now then why do you try to test God by putting on the necks of the disciples a yoke that neither we nor our fathers have been able to bear? No! We believe it is through the grace of our Lord Jesus that we are saved, just as they are. (Acts 15:8-11)

Paul also emphasizes the invalidity of the Old Testament ceremonial and political laws in his letter to the Galatians, in which he scolds the Galatians for turning to the Old Testament ceremonial laws. He emphasizes his point

by denying the importance of circumcision, one of the most important ceremonial regulations of all.

It is for freedom that Christ has set us free. Stand firm, then and do not let yourselves be burdened again by a yoke of slavery. . . . For in Christ Jesus neither circumcision nor uncircumcision has any value. The only thing that counts is faith expressing itself through love. (Galatians 5:1-6)

In a similar vein Paul wrote to the Colossians.

Therefore do not let anyone judge you by what you eat or drink, or with regard to a religious festival, a New Moon celebration or a Sabbath day. These are a shadow of the things that were to come; the reality, however, is found in Christ. (Colossians 2:16-17)

Likewise the author of the letter to the Hebrews writes,

If perfection could have been attained through the Levitical priesthood (for on the basis of it the law was given to the people), why was there still need for another priest to come – one in the order of Melchizedek, not in the order of Aaron? For when there is a change of the priesthood, there must also be a change of the law. He of whom these things are said belonged to a different tribe, and no one from that tribe has ever served at the altar. . . .

The former regulation is set aside because it was weak and useless. (Hebrews 7:11-13, 18)

And again he writes in reference to Jeremiah 31 saying, "By calling this covenant 'new,' he has made the first one obsolete; and what is obsolete and aging will soon disappear" (Hebrews 8:13).

Thus the ceremonial and political laws, which were intended only for ancient Israel for a certain limited time, must be distinguished from the moral law that is intended for all people until Christ returns.

APPENDIX II

LUTHER ON THE PURPOSE OF GOOD WORKS

In his Church Postil for the First Sunday in Advent based on Matthew 21:1-9 Luther explains that the purpose of all good works is to benefit the neighbor. The following English excerpts are from John Nicholas Lenker, ed *The Precious and Sacred Writings of Martin Luther*, 31 vol. (Minneapolis: The Luther Press, 1903-1910), 10:17-58. A German edition may be found in *D. Martin Luthers Werke*, Kritische Gesamtausgabe. 64 Bände. (Weimar, 1883-), 10.1.2:21-62.

"We receive Christ not only as a gift by faith, but also as an example of love toward our neighbor, whom we are to serve as Christ serves us. Faith brings and gives Christ to you with all his possessions. Love gives you to your neighbor with all your possessions. These two things constitute a true and complete Christian life

"If you have ears to hear and a mind to observe, pray, listen and learn for God's sake what good works are and mean. A good work is good for the reason that it is useful and

benefits and helps the one for whom it is done; why else should it be called good! For there is a difference between good works and a great, long, numerous, beautiful works. When you throw a big stone a great distance it is a great work, but whom does it benefit?: If you can jump, run, fence well, it is a fine work, but whom does it benefit? Whom does it help, if you wear a costly coat or build a fine house?

“And to come to our Papists’ work, what does it avail if they put silver or gold on the walls, wood and stone in the churches? Who would be made better, if each village had ten bells, as big as those at Erfurt? Whom would it help if all the houses were convents and monasteries as splendid as the temple of Solomon? Who is benefited if you fast for St. Catherine, St. Martin or any other saint? Whom does it benefit, if you are shaved half or wholly, if you wear a gray or a black cap? Of what use were it if all people held mass every hour? What benefit is it if in one church, as at Meissen, they sing day and night without interruption? Who is better for it, if every church had more silver, pictures and jewelry than the churches of Halle and Wittenberg? It is folly and deception, men’s lies invented these things and called them good works; they all pretend they serve God thus and pray for the people and their sins, just as if they

helped God with their property or as if his saints were in need of our work. Sticks and stones are not as rude and mad as we are. A tree bears fruit, not for itself, but for the good of man and beast, and these fruits are its good works

"Hence direct all the good you can do and your whole life to the end that it be good; but it is good only when it is useful to other people and not to yourself

"A man is to live, speak, act, hear, suffer and die for the good of his wife and child, the wife for the husband, the children for the parents, the servants for their masters, the masters for their servants, the government for its subjects, the subjects for the government, each one for his fellowman, even for his enemies, so that one is the other's hand, mouth, eye, foot, even heart and mind. This is a truly Christian and good work, which can and shall be done at all times, in all places, toward all people. You notice the Papist's works in organs, pilgrimages, fasting, etc., are really beautiful, great, numerous, long, wide and heavy works, but there is no good, useful and helpful work among them and the proverb may be applied to them: It is already bad

"Thus faith blots out sin in a different manner than

love. Faith blots it out of itself, while love or good works prove and demonstrate that faith has done so and is present, as St. Paul says, 1 Cor. 13,2: "And if I have all faith, so as to remove mountains, but have not love, I am nothing." Why? Without doubt, because faith is not present where there is no love, they are not separate the one from the other."

APPENDIX III

LUTHER ON THE RELATIONSHIP BETWEEN LOVE AND THE LAW

The following translation is from John Nicholas Lenker, ed. *The Precious and Sacred Writings of Martin Luther*, 31 vols. (Minneapolis: The Luther Press, 1903-1910), 8:56-75. A German edition is found in *D. Martin Luthers Werke*. Kritische Gesamtausgabe. 64 Bände. (Weimar, 1883-), 17.2:88-104.

Fourth Sunday After Epiphany

Text: Romans 13,8-10.

“Owe no man anything, save to love one another: for he that loveth his neighbor hath fulfilled the law. For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not covet, and if there be any other commandment, it is summed up in this word, namely, Thou shalt love thy neighbor as thyself. Love worketh no ill to his neighbor; love therefore is the fulfilment of the law .’. . .

“We will look at the command to love, in the Law of God. Innumerable, endless, are the books and doctrines

produced for the direction of man's conduct. And there is still no limit to the making of books and laws. Note the ecclesiastical and civil regulations, the spiritual orders and stations. These laws and doctrines might be tolerated, might be received with more favor, if they were founded upon and administered according to the one great law—the one rule or measure—of love; as the Scriptures do, which present many different laws, but all born of love, and comprehended in and subject to it. And these laws must yield, must become invalid, when they conflict with love.

“Of Love's higher authority we find many illustrations in the Scriptures. Christ makes particular mention of the matter in Matthew 12,3-4, where David and his companions ate the holy showbread. Though a certain law prohibited all but the priests from partaking of this holy food, Love was empress here, and free. Love was over the Law, subjecting it to herself. The Law had to yield for the time being, had to become invalid, when David suffered hunger. The Law had to submit to the sentence: 'David hungers and must be relieved, for Love commands, Do good to your needy neighbor. Yield, therefore, thou Law. Prevent not the accomplishment of this good. Rather accomplish it thyself. Serve him in his need. Interpose not thy prohibitions.' In connection with this

same incident, Christ teaches that we are to do good to our neighbor on the Sabbath; to minister as necessity demands, whatever the Sabbath restrictions of the Law. For when a brother's need calls, Love is authority and the Law of the Sabbath is void.

"Were laws conceived and administered in love, the number of laws would matter little. Though one might not hear or learn all of them, he would learn from the one or two he had knowledge of, the principle of love taught in all Every word in this epistle lesson proves Love mistress of all law.

"Further, no greater calamity, wrong and wretchedness is possible on earth than the teaching and enforcing of laws without love. In such case, law, are but a ruinous curse, making true the proverbs, 'summum jus, summa injustitia,' 'The most strenuous right is the most strenuous wrong' and again, Solomon's words (Ec 7,17), 'Noli nimium esse justus,' 'Be not righteous overmuch'

"In the conception, the establishment and the observance of all laws, the object should be, not the furtherance of the laws in themselves, not the advancement of works, but the exercise of love. That is the true purpose of law, according to Paul here, 'He that loveth his neighbor

hath fulfilled the law.' Therefore, when the law contributes to the injury rather than the benefit of our neighbor, it should be ignored. The same law may at one time benefit our neighbor and at another time injure him. Consequently, it should be regulated according to its advantage to him. Law should be made to serve in the same way that food and raiment and other necessaries of life serve. We consider not the food and raiment themselves, but their benefit to our needy neighbor. And we cease to dispense them as soon as we perceive them no longer add to his comfort.

"Suppose you were to come across an individual foolish enough to act with no other thought than that food and clothing are truly good things, and so proceed to stuff a needy one with unlimited food and drink unto choking, and to clothe him unto suffocation, and then not to desist. Suppose to the command, 'Stop, you have suffocated, have already over-fed and over-clothed him, and all is lost effort now,' the foolish one should reply: 'You heretic, would you forbid good works? Food, drink and raiment are good things, therefore we must not cease to dispense them; we cannot do too much.' And suppose he continued to force food and clothing on the man. Tell me, what would you think of such a one? He is a fool more than foolish; he is more mad than

madness itself. But such is about the character of our ecclesiasts today, and of those who are so blind in the exercise of law as to act as if works were the only requisite, and to suffocate body and soul, being ignorant that they make works superior to love, and a maid to her matron. Such perversion prevails to an extent distressing to think of, not to mention hearing and seeing it, or more, practicing and permitting it ourselves

"The commandment of love suspends every commandment, yet it perpetuates all. Its whole purpose is that we may recognize no commandment, no work, except as love dictates.

"As life on earth apart from works is an impossibility, necessarily there must be various commandments involving works. Yet Love is supreme over these requirements, dictating the omission or the performance of works according to its own best interest, and permitting no works opposed to itself.

"To illustrate: A driver, holding the reins, guides team and wagon at will. If he were content merely to hold the reins, regardless of whether or no the team followed the road, the entire equipage—team, wagon, reins and driver—would soon be wrecked; the driver would be lying drowned in a ditch or a pool, or have his neck broken going over stumps

and rocks. But if he dextrously regulates the movement of the outfit according to the road, observing where it is safe and where unsafe, he will proceed securely Were he, in his egotism, to drive straight ahead, endeavoring to make the road conform to the movement of the wagon, at his pleasure, he would soon see how beautifully his plan would work.

“So it is when men are governed by laws and works, the laws not being regulated according to the people. The case is that of the driver who would regulate the road by the movements of the wagon. True, the road is often well suited to the straight course of the wagon. But just as truly the road is, in certain places, crooked and uneven, and then the wagon must conform to the course and condition of the road. Men must adapt themselves to laws and regulations wherever possible and where the laws are beneficial. But where laws prove detrimental to men’s interests, the former must yield. The ruler must wisely make allowance for love, suspending works and laws. Hence, philosophers say prudence—or circumspection or discretion as the ecclesiasts put it—is the guide and regulator of all virtues

“Love is true discretion; love is the driver and the true discretion in righteous works. It always looks to the

good of the neighbor, to the amelioration of his condition; just as the discretion of the world looks to the general welfare of the governed in the adjustment of political laws

“Faith is ever the actor, and love the act. The law requires the act and thus forces the actor to be changed. The Law is then fulfilled by the act, which, however, the actor must perform. Thus Paul rejects the fancies of the sophists, who in the matter of love would make a distinction between the external work and the inner affection, saying: ‘Love is an inner affection that loves our neighbor when in our heart we wish him well.’ Its expression in works, however, they call the fruit of love. But we will not discuss this idea. Note, Paul terms love not only an affection, but an affectionate good act. Faith and the heart are the actor and fulfiller of the Law. Paul says, ‘He that loveth his neighbor hath fulfilled the law.’ And love is the act, the fulfilling; for he says, ‘Love is the fulfilment of the law.’

“Another question arises: How can love for our neighbor be the fulfilment of the Law when we are required to love God supremely, even above our neighbor? I reply: Christ answers the question when he tells us (Mt 22, 39) the second

commandment is like unto the first. He makes love to God and love to our neighbor the same love. The reason for this is, first: God, having no need for our works and benefactions for himself, bids us to do for our neighbor what we would do for God. He asks for himself only our faith and our recognition of him as God. The object of proclaiming his honor and rendering him praise and thanks here on earth is that our neighbor may be converted and brought into fellowship with God. Such service is called the love of God, and is performed out of love to God; but it is exercised for the benefit of our neighbor only.

“The second reason why God makes love to our neighbor an obligation equal to love to himself is: God has made worldly wisdom foolish, desiring henceforth to be loved amid crosses and afflictions. Paul says (1 Cor 1,21), ‘Seeing that in the wisdom of God the world through its wisdom knew not God, it was God’s good pleasure through the foolishness of the preaching to save them that believe.’ Therefore, upon the cross he submitted himself unto death and misery, and imposed the same submission upon all his disciples. They who refused to love him before when he bestowed upon them food and drink, blessing and honor, must now love him in hunger and sorrow, in adversity and disgrace. All works of love,

then, must be directed to our wretched, needy neighbors. In these lowly ones we are to find and love God, in them we are to serve and honor him, and only so can we do it. The commandment to love God is wholly merged in that to love our neighbors.

"These facts restrain those elusive, soaring spirits that seek after God only in great and glorious undertakings. It stops the mouths of those who strive after greatness like his, who would force themselves into heaven, presuming to serve and love him with their brilliant works. But they miss him by passing over him in their earthly neighbor, in whom God would be loved and honored. Therefore, they will hear, on the last day, the sentence (Mt 25, 42), 'I was hungry, and ye did not give me to eat,' etc. For Christ laid aside his divinity and took upon himself the form of a servant for the very purpose of bringing down and centering upon our neighbor the love we extend to himself. Yet we leave the Lord to lie here in his humiliation while we gaze open-mouthed into heaven and make great pretensions to love and service to God

"Love being the chief element of all law, it comprehends, as has been made sufficiently clear, all commandments. Its one concern is to be useful to man and not

harmful; therefore, it readily discovers the way

"Love is the chief virtue, the fountain of all virtues. Love gives food and drink; it clothes, comforts, persuades, relieves and rescues. What shall we say of it, for behold he who loves gives himself, body and soul, property and honor, all his powers inner and external, for his needy neighbor's benefit, whether it be friend or enemy; he withholds nothing wherewith he may serve another

"It is the nature of false, carnal, worldly love to respect the individual, and to love only so long as it hopes to derive profit. When such hope ceases, the love also ceases. The commandment of our text, however, requires of us free, spontaneous love to all men, whoever they may be, and whether friend or foe, a love that seeks not profit, and administers only what is beneficial. Such love is most active and powerful in serving the poor, the needy, the sick, the wicked, the simple-minded and the hostile; among these it is always and under all circumstances necessary to suffer and endure, to serve and do good

"He [a Sovereign] is under obligation, according to this commandment, not to extend a measure of help, but to serve that neighbor with all he has and all he controls. If he loves him as God here commands him to do, he must give the

beggar preference over his crown and all his realm; and if the beggar's necessity requires, must give his life. He is under obligation to love his neighbor, and must admit that such a one is his neighbor

"But how strange it would seem to us to behold kings and queens, princes and princesses, serving beggars and lepers, as we read St. Elizabeth did! Even this, however, would be a slight thing in comparison with what Christ has done. No one can ever equal him in the obedience wherewith he has exalted this commandment. He is a king whose honor transcends that of all other kings; indeed, he is the Son of God. And yet he puts himself on a level with the worst sinners, and serves them even to dying for them. Were ten kings of earth to serve to the utmost one beggar, it would be a remarkable thing; but of what significance would it be in comparison with the service Christ has rendered? The kings would be put to utter shame and would have to acknowledge their service unworthy of notice.

APPENDIX IV

UTILITARIAN CALCULATIONS VERSUS QUANTITATIVE AGAPISTIC ANALYSIS

In part one, under the topic of act teleology, the utilitarian calculations of Jeremy Bentham are discussed. In the second part, included in the topic of choosing the lesser of two evils, a type of quantitative agapistic analysis is mentioned. That is, in a moral dilemma the moral agent is to weigh all the variables, consider all the pertinent options and make a quantitative decision as to which option best expresses, or incarnates, the love of God. Such a quantitative agapistic analysis should not be confused with the utilitarian calculations of Jeremy Bentham. There are three important differences.

First the utilitarianism of Bentham, which seeks the greatest good for the greatest number, would weigh the importance of one human life against such an abstract social value as the quality of life. For the utilitarian an abortion may be considered moral if it increases the quality

of the life of the parents. This would be especially evident if the child to be aborted were handicapped in such a way that it was determined to have very little happiness or quality to its own life. In this way utilitarian calculations err in reducing human worth to having merely an instrumental value. However, a quantitative agapistic analysis recognizes that each individual is infinitely valuable because it is a soul created, redeemed and sanctified by God. Such divine dignity (that is, alien righteousness) bestowed upon each individual gives them a worth that far transcends their social utility.

The second problem with utilitarian calculation is that it views the good (that is, benefit, advantage or pleasure) of the moral agent as equal in importance to the good of those around him. This is contrary to the quantitative agapistic analysis in which the focus is solely on the good of the neighbor.

The third problem with utilitarianism is that, like hierarchicalism, it seeks to dissolve all moral dilemmas on one hierarchical scale. In the case of a conflict the moral option is chosen by virtue of its location on the scale. That is, the utilitarian would choose that option which best brings about the greatest good for the greatest number. In

this way every dilemma is believed to be solved. Contrary to quantitative agapistic analysis, it leaves no room for the recognition that sin is a necessary result of the moral dilemma. It fails to recognize both the need for repentance and the necessity of forgiveness in Christ Jesus. Thus utilitarian calculation is not the same as quantitative agapistic analysis.

APPENDIX V

EDMUND SANTURRI AND HELMUT THIELICKE

ON THE QUESTION OF GENUINE

MORAL DILEMMAS

Edmund Santurri has written a detailed argument which attempts to disprove the existence of genuine moral dilemmas.¹ The capstone of his argument is a severe criticism of Helmut Thielicke's interpretation of "The Borderline Situation."² This appendix is a defense of Thielicke's view against those criticisms of Santurri.

Santurri begins by offering a fair, and generally impartial, summary of Thielicke's view. Thielicke's views concerning borderline situations (that is, moral dilemmas) is explained in chapter two above and need not be repeated at length here; however, the following quote highlights those basic elements with which Santurri disagrees. Santurri writes,

¹Edmund Santurri, *Perplexity in the Moral Life: Philosophical and Theological Considerations* (Charlottesville, Vir.: The University Press of Virginia, 1978).

²*Ibid.*, 181-200.

As Thielicke sees it, only in such disruption [that is, the disruption of moral perplexity perceived as dilemmatic] is the authentic structure of the world disclosed, namely, its extreme disorder, its fallenness. Preoccupation with normal cases of moral experience, that is, those in which our general principles provide unambiguous guidance, tends to obscure this fact about the world. Only when our principles fail to serve in this manner do we come to experience in our moral lives what the Bible and Reformation theology teach – that the world is entirely broken by sin. . . .

. . . What Thielicke objects to . . . is the operative presumption [of Thomistic natural law, with which Santurri agrees] that moral perplexity is purely and simply an epistemological problem. Such a presumption reflects, according to him, a fundamental misunderstanding of the significance of moral conflict, which is said to depict essentially a defect in the moral order itself rather than a defect in our perception of that order. In other words, moral perplexity is first and foremost for Thielicke an ontological rather than an epistemological problem. . . . Thus Thielicke resists any purely epistemological interpretation of moral conflict. . . .

If moral conflict is merely a problem of epistemology, there is in principle a resolution to such conflict in every case despite our occasional failures to discern the conditions of such resolution, then the way is open for the agent to escape morally unscathed provided that she hits on the correct answer either by extended ethical reflection or by sheer luck. Yet for Thielicke admitting this possibility of a way out betrays a failure to take seriously the fact that this world is one in which the autonomous achievement of objective righteousness is impossible Thus Thielicke can say that belief in the adjudicability of moral conflict even as a matter of principle "is only a variation of that righteousness by the Law which feeds on the illusion that man is capable of satisfying the

claim of God."³

The first objection Santurri raises concerns the relationship between Thielicke's and Santurri's understanding of sin. Santurri suggests that sin may be defined as "a moral violation *willfully* embraced" (emphasis mine).⁴ Thus a legal violation that is thrust upon the moral agent, by external circumstances, against his will, would not, according to Santurri, constitute a sin. A moral agent in the midst of such a perplexing situation would not be confronted with a true dilemma.⁵ However, it is pointed out in part two that it does not matter whether or not the moral agent intends to sin. Nor does it matter whether or not the moral agent is responsible for the creation of the dilemmatic situation. It is emphasized in part two above that sin is

³Ibid., 182-184. This contains a quote from Helmut Thielicke, *Theological Ethics* 3 vols. trans. John Doberstein (Grand Rapids: Eerdmans Publishing Co., 1979), 1:xviii.

⁴Ibid., 191.

⁵Thielicke addresses this problem by emphasizing collective responsibility or "communal guilt" (*Gesamtschuld*) for the situation itself. In that way guilt cannot be avoided, and a dilemmatic situation exists (Thielicke 1:602). However Santurri rejects such a concept as communal guilt "unless the guilt can be tied in one way or another to a specific dereliction of duty on . . . [each] individual's part." (Santurri, 194.)

any violation of God's moral law. There are no excuses. Any effort to justify one's sin, by arguing that it was unintentional, or that one is not the cause of the problem, is a weak attempt to become righteous by the Law.

A second problem Santurri has with Thielicke's position is that the position seems to predicate to God an unwillingness to adjust to history. Santurri writes,

The intriguing thing about Thielicke's position . . . is that it seems to make moral dilemmas partially a function of God's unwillingness to adjust entirely to history. If irresolvable conflict is the product of a system of moral principles whose content is designed only for a pre-lapsarian world and if these principles reflect God's commands, then dilemmas are partly the product of God's failure to modify these commands for the conditions of historical existence.⁶

According to Santurri's view one is not to construe God as a being who is unwilling to adjust to history. Since

⁶Santurri, 198. Santurri notes that, "Thielicke does allow, up to a point, for God's adjusting his commands to meet the exigencies of the fallen world For Thielicke these divine concessions never completely resolve the moral conflict. On the one hand, they do establish new moral directives that are genuinely obligatory. Violence in defense of the innocent, for example, is not simply permissible; it is required - to deny this is fanatical. On the other hand, the new directives cannot extinguish the binding force of the created order left behind; rather, they call for a 'compromise' of that order, a compromise that 'stands in need of forgiveness' (TE 1:567). The upshot is that, while God adjusts his mandates for the fallen world, the accommodations are partial at best." Santurri, 198.

this construal is assumed by Thielicke's view, his view must be rejected.

Santurri fails to recognize that God has made adjustments for nature's fall into sin. In his infinite wisdom he chose not to relax the legal demands of his initial will; rather, he became incarnate, suffered and died on the cross so that the world could have forgiveness for its failure to meet the perfect standards established by his primary will. Contrary to Santurri's view, moral dilemmas do not depend on a God who is unwilling to adjust to the fall of nature. They are only dependent on a God who refuses to adjust to the fall of nature by modifying his initial commands. God did make adjustments for sin. Yet his adjustment (that is, offering forgiveness through Christ) is much more gracious than a mere modifications of his original commands. In this way an adjustment is made, his original will remains completely unchanged and moral dilemmas become a necessary part of living in a sinful world.

A third problem Santurri has with Thielicke's view of moral dilemmas is that it insinuates that God is inconsistent. Santurri writes, "To the extent that he requires sinful actions for the sake of the world's preservation, God also commands things that are simply

inconsistent with other things he commands."⁷

In the first place it would be inconsistent of God if he would modify his original commands and make them less stringent.⁸ In the second place there is consistency, even in a moral dilemma, in so far as both commands are oriented toward the same goal or *τέλος*. Both commands seek to be the means by which God's love flows through the moral agent and into the life of the neighbor in need. Also, the dilemmatic situation is not due to any inconsistency on the part of God or his laws. It is due solely to the sinful structure of the fallen world. God and his laws have remained consistent; however, nature has not. It is man's sinful existence within a fallen nature that creates moral dilemmas. Thus Santurri is mistaken when he insists that moral dilemmas must be based

⁷Ibid., 199. In another portion of the book Santurri writes, "In the case of theological voluntarism, accepting the existence of dilemmas would mean attributing incoherence to the divine will, thereby admitting God's practical irrationality." Ibid., 5.

⁸This is precisely what Santurri claims God has done. He writes, "Indeed, God may will any of these things [that is, something which conflicts with his original will], but in so doing he always overrides one or more of his [original] desires." Ibid., 207. Thus Santurri, just as Norman Geisler, makes the unbiblical assumption that the commands of God's secondary will preempt, or cancel out those of his primary will. Thus it is Santurri, and Geisler, who are guilty of ascribing inconsistency to God.

on inconsistent commands from God.

Santurri's criticism of Thielicke's view of moral dilemmas is unfounded and cannot stand up to close scrutiny.

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