

11-1-1969

Situationism and Law in Christian Ethics

Paul Jersild

Saint Xavier College, Chicago

Follow this and additional works at: <https://scholar.csl.edu/ctm>



Part of the [Religious Thought, Theology and Philosophy of Religion Commons](#)

Recommended Citation

Jersild, Paul (1969) "Situationism and Law in Christian Ethics," *Concordia Theological Monthly*. Vol. 40, Article 65.

Available at: <https://scholar.csl.edu/ctm/vol40/iss1/65>

This Article is brought to you for free and open access by the Print Publications at Scholarly Resources from Concordia Seminary. It has been accepted for inclusion in Concordia Theological Monthly by an authorized editor of Scholarly Resources from Concordia Seminary. For more information, please contact seitzw@csl.edu.

Situationism and Law in Christian Ethics

PAUL JERSILD

It is betraying no secret if one ventures to say that the law is faring badly in most current discussions of Christian ethics. The advent of situation ethics has brought an extreme polarizing of love and law, with the result that Christian ethics is often characterized as an ethic of love in opposition to an ethic of rules or laws. This polarization has been salutary in its judgment of moralism and legalism in the ethical thinking of church people. But it has also created an oversimplified kind of antithesis between love and law that leaves us with an inadequate picture of their relationship in Christian ethics. Attention has been called to this fact by several writers, notably James Gustafson in his article, "Context Versus Principles: A Misplaced Debate in Christian Ethics."¹ Our pur-

pose in these pages is to focus on the question of law in Christian ethics and consider in what sense we can speak of the "law of God." This question is raised in a quite critical manner in situation ethics, and for that reason we shall discuss the subject in relation to this approach, and particularly in relation to the work of Joseph Fletcher. Our concern is to present a theological basis for the law—a basis that is notably lacking in situation ethics—and seek to clarify the relationship between love and law in the Christian understanding.

To focus on the Gospel as the motivating source of the Christian life is of course altogether proper. Christian ethics is a Gospel ethic in that the Gospel not only gives new life to a person but calls him to manifest that life in compassionate concern for his neighbor. St. Paul's letter to the Galatians states the keynote of the Christian life in terms of freedom and the Spirit-filled life bestowed by the Gospel, and such a life he understands in contrast to life lived under law. However, the motif of judgment associated with God's demanding will cannot be removed from an understanding of the Christian life without flattening the significance of that Gospel. The reality of Gospel after all is conveyed just as emphatically in the concept of forgiveness as it is in the concept of love. Forgiveness as the radical action of God that restores a man to his rightful self, making all things new, is at the core of Christian life. And such a concept, which brings out the existential signifi-

¹ *Harvard Theological Review*, 58 (April 1965), 171 ff. This article is reprinted in the series edited by Dean Peerman and Martin Marty, *New Theology No. 3* (New York: The Macmillan Company, 1966). Gustafson goes on to say that not only writers associated with contextualism but also those who are placed under the "principles" side of the debate differ significantly among themselves, and that this casting of the issue as one of "situation" versus "principles" forces an unfair polarization of two dimensions that are in fact necessarily brought together in making ethical judgments. See his article, "Moral Discernment in the Christian Life," *Norm and Context in Christian Ethics*, Gene Outka and Paul Ramsey, eds. (New York: Charles Scribner's Sons, 1968), pp. 17 to 36.

The author, who formerly taught in the religion department of Luther College, Decorah, Iowa, has recently joined the Graduate Theology Faculty of Saint Xavier College in Chicago, Ill.

cance of the Gospel, is based on the supposition that God holds man to account, confronting him in judgment as well as in love. This means that the concept of law has an important role to play in understanding the Christian life, a role that fails to come to expression in situation ethics.

One important factor in accounting for this negative stance toward law is the theology and ethics of Karl Barth, a prominent figure in the development of situation ethics. Barth makes a dichotomy between the law of man and the law of God, the latter being derived exclusively from Jesus Christ, who constitutes both the law and Gospel of God.² Laws of society have no relation to God's law but stand as human inventions. God's law in Christ is the hortatory form of the Gospel, and as such it lays a joyful, salutary claim on us, for it is a claim already fulfilled by Jesus Christ. The law of man, on the other hand, confronts man with the demand that he satisfy it and constitutes a burden for him as well as a temptation to self-righteousness. Luther's order of Law-Gospel is reversed, because God does not confront us in the demands of life prior to or apart from the Gospel. This view is implicit in Fletcher's work *Situation Ethics*.³ It is a Gospel ethic of love that in a radical manner displaces the laws of men, which bear no relation to the will of God but stand as human generalizations that possess no imperative character in themselves. "Love is

the only norm"⁴ means that moral obligation derives exclusively from the Gospel, not from the law. God is operative in love but not in law.

In addition to this historical-theological factor, the situationist's critique of law finds support in the character of law itself. Laws are applicable to the universal, "abstractable" dimensions of the moral situation but incapable of dealing with the uniqueness inherent in every situation because of the uniqueness of individuals and their relationships to each other. Historically the situationist sees the ethics of Christianity as having been predominantly an ethic of law or of absolute rules, that is, principles that are both categorical and universally valid. But the situation, he says, is never universal; it is particular and must be dealt with in all its particularity. Consequently the use of law in any prescriptive sense becomes impossible if one is guided by the situation in arriving at moral decisions. The "antilaw" bias is seen quite clearly in the writings of Fletcher, where any adherence to law other than his own quite provisional use of it is seen as legalism. In a typical oversimplification he maintains that there are "only three alternative routes" in making moral decisions: the legalistic, the antinomian, and the situational.⁵ This relegates into the legalist camp anyone who affirms that rules of behavior can bear more weight than what is implied in Fletcher's view of them as "generalizations" or "illuminators" that

² See Karl Barth, "Gospel and Law," in *Community, State, and Church: Three Essays*, ed. Will Herberg (New York: Doubleday Anchor Books, 1960), pp. 71—100, and *Church Dogmatics*, II, 2 (Edinburg: T. & T. Clark, 1957), ch. 8.

³ Joseph Fletcher, *Situation Ethics* (Philadelphia: The Westminster Press, 1966).

⁴ See chapter 4 of *Situation Ethics*.

⁵ *Situation Ethics*, p. 17. The same claim is made by the late James Pike in his book, *You and the New Morality* (New York: Harper and Row, 1967), p. 4, where he catalogs all ethics as either legalistic ("Code ethics"), antinomian, or existential.

may or may not possibly help us in facing moral decision.

Without denying the important insights of situation ethics, the whole thrust of this approach makes evident the need of developing a strong theologically based understanding of the law. Too easily the law becomes the whipping boy in the attempt to counteract legalism within the church, but we dare not treat it in such a cavalier fashion. The profundity of this concept is to be seen in relation to the first article of the Creed, which plays no discernible role in situation ethics. Fletcher maintains that there are two approaches to a theological defense of law: the Roman Catholic advocacy of natural law and the Protestant attempt to derive in literalistic fashion a set of rules from Scripture.⁶ He understands both as attempts to arrive at a set of commandments that are universally valid, and he rejects both of them as expressions of legalism.

There are other resources within the Reformation tradition, however, from which an understanding of law can be gained. Insights of Reformation theology provide a viable understanding of law in the context of the providential sovereignty of God and can provide a meaningful picture of the character of human life that is lived under and claimed by that sovereignty. No consideration of the Gospel or the Christian life is adequate that does not perceive it within this larger context of divine sovereignty, or the context of law.

* * *

Out of the Reformation tradition, and

⁶ *Situation Ethics*, pp. 21 and 75 ff. Fletcher deals with Anglican attempts at a natural law ethic in ch. 4 of *Moral Responsibility* (Philadelphia: The Westminster Press, 1967).

quite decisively in the theology of Martin Luther, we see the conviction that God speaks to man in two ways, through law and Gospel. In regard to the law, this is to say that the reality of the divine Presence impinges on human life in one's experience of being *held to account* (Rom. 3:19) for what one does and who one is in his relation to other human beings and the world about him. Man cannot live without life calling him to account. He is responsible to himself for what he does to his life, as well as responsible to those whose lives his own touches in the variety of relationships that existence thrusts upon him. His accountability is but the other side of his freedom. Because man is free, his actions and—in a larger sense—his life constitute the response he makes in his freedom to the world in which he lives. His freedom and therein the necessity to *respond* to life is that which is given and cannot be evaded.

We might call this understanding of God's law the "law of life," by which we mean simply that life confronts us with a multitude of demands and obligations that compel us to respond in our freedom. That response can be *responsible* or *irresponsible*, it can lead to the enlarging and uplifting of one's life and the enhancement of one's freedom, or it can have a destructive effect on one's life as well as the lives of others and restrict rather than enhance one's freedom. What one has *done*, what one has *been*, is decisive for the possibilities of response in the present and future. The Scriptural dictum "What a man sows, that shall he also reap" brings out this character of life. The law of life holds us to our past and restricts our freedom—sometimes quite painfully—in dealing respon-

sibly in the present. In calling us to account, the law of life indicts us in our loss of integrity. The Christian reads the demands of life as the means by which God speaks to man, calling him to account and therein calling him to himself as the ethical question raises the issue of life's meaning and the possibility of responsible selfhood.

This definition of God's law as the law of life is a definition of law not in terms of content but in terms of the effect that law has on one's life. Gerhard Ebeling points out that this is Luther's position as he develops it in his understanding of the conscience.⁷ Law is experienced in the claim that our conscience places on us in response to the demands of life. It is not a matter of the conscience perceiving what is right and what is wrong, giving us knowledge of God's law in the sense of a specific imperative for each occasion. It was not used by Luther in this sense. For him, man's response to the law of life is not in terms of *knowing* it but *hearing* it. What men will regard the content of the law to be will differ from time to time and place to place, but the function of the conscience for Luther is seen in the claim that life makes on us and the *question* of one's life that is inherent in such a claim: "Where do you stand?"⁸

⁷ Gerhard Ebeling, *Word and Faith* (Philadelphia: Fortress Press, 1963), pp. 277-78. See also his "Theology and the Evidentness of the Ethical," *Translating Theology into the Modern Age*, Vol. II of *Journal for Theology and the Church*, Robert W. Funk, ed. (New York: Harper and Row, 1965).

⁸ In *Theology and Culture* (New York: Oxford University Press, 1959), pp. 135 ff., Paul Tillich makes a similar point in his distinction between the conditioned contents of various systems of morality and the unconditional moral

That understanding of God who confronts us in the demands and obligations that life imposes on us finds no place among proponents of situation ethics. Their understanding of law is exclusively in terms of prescribed rules of conduct, and their primary interest is to contrast an ethic based on such principles with the situational character of Christian ethics.⁹ In his book *Christian Morals Today*, John A. T. Robinson reveals more appreciation than is typical among situationists for the importance of law in the sense of codes of behavior that form a "net" or framework of conduct that provides social order.¹⁰ But his understanding of such codes receives no theological support, and the emphasis lies on love as the opposite pole to law. This opposition of love to law is carried to such an extreme by situationists that the God of the Gospel is separated from the world of human ethical reflection, which seeks to come to terms with the ethical demands of life. As in the case of

command that is transmitted through them and that he sees as involving the self-affirmation of our essential being. The demand of life, transmitted in codes of behavior, calls us "to ourselves," and this is an unconditional call.

⁹ Paul Lehmann eschews any reference to the will of God in which it is understood as "preceptual" (see his *Ethics in a Christian Context* [New York: Harper and Row, 1963], pp. 77-78). He speaks of the divine activity in the world in the context of politics, where God is engaged in "humanizing" man, an activity that Lehmann understands as soteriological. In Barthian fashion he telescopes the activity of God that we have designated as law into that activity we call Gospel. This means that there is no room for understanding the activity of God in the demands of life that stand behind the moral wisdom of society as embodied in her laws and principles of conduct.

¹⁰ J. A. T. Robinson, *Christian Morals Today* (Philadelphia: The Westminster Press, 1964), p. 12.

Barth, the activity of God is understood exclusively in terms of the Gospel, and that means a dichotomy between man's demands (law) and God's demands (Gospel), so that the two are not properly related. The Gospel imperative to love is not understood as the fulfillment of what life demands of us but is seen only as the polar opposite to all activity carried out according to law.¹¹

* * *

In speaking of law over against the Gospel we have been referring to the "demands of life" and the experience all men encounter of being held to account in their relations to their neighbor (wife or husband, children, creditor, employer, person next door) as well as corporate society (institutions, city, nation). When one moves from the law as demand to positive laws—the codified laws of society—as well as to specific principles and rules of conduct that are part of the ethos of one's society, then a problem arises as to whether one can identify all such laws and rules

of conduct as mirroring the demands of life and thereby embodying responsible action before God. The racial struggle in our own country provides but one example of the fact that law is often the tool of a group within society that uses the law to maintain its position of supremacy and power, thus using the law to enforce an unjust rather than a just order of society. Can we speak of such laws as reflecting the divine demand? Obviously we cannot, and sooner or later it is discernible whether a given law is in fact serving the cause of justice and order or whether it is a means of perpetuating an injustice against a less privileged group. In such cases one can maintain, together with proponents of nonviolent resistance, that in the name of justice and human integrity we must resist the implementation of such laws in a way that demonstrates respect for law and the true intent of law. Man's laws as well as man himself stand under the sovereignty of God, which means that man's laws as well as man himself are subject to divine judgment.

¹¹ While rejecting the Barthian critique of the law-Gospel dialectic in Lutheran theology, we do not deny the validity of critical evaluations of Luther's position that point out the antithesis this schema implies in the nature of God Himself and His governance of the world. Both the law and the Gospel as well as its correlative teaching of the two kingdoms are in danger of being used as hardened formulas that overlook the unity of the Christian view of God as Creator, Redeemer, and Perfecter of His world. We would stress the providential character of the law, which calls man to himself, as well as the fact that love is the fulfillment of the law, not just the antithesis of law. The sovereignty of God expresses itself in both demand and promise, judgment and redemption, and the drama of this dialectic is enacted throughout the breadth and depth of human experience, and is not subject to being neatly capsulized or limited in any given formula.

The words of Jesus "Do unto others as you would have them do to you" can be regarded as a summation of what life demands of us and consequently the criterion by which rules of conduct can be judged. However, what "you would have them do to you" in given situations in different cultures is not a uniform matter; we find variety as to what constitutes moral obligation from one society to another. This variety becomes obvious as one moves from general principles, which are abstract in character, to the realm of casuistry. The common humanity of man is mirrored in the general applicability of such commandments as those, for example, in the Second

Table of the Ten Commandments,¹² which mirror "the facts of life" in prohibiting those kinds of actions that would ultimately destroy rather than further the life of the community. As one moves down the ladder from general principle to specific applications of it in concrete situations, the influence of the particular culture with its understanding of God and man and the structure of its social order take on increased importance in shaping what constitutes acceptable action. Speaking of the "law of God" as we have done here thus does not mean that we may expect to find uniformity in the rules of conduct from one society to another. The demands of life can be understood and codified in a variety of ways.¹³

Furthermore, our concern to give a theological basis to the laws of society cannot be understood as endowing every rule of conduct or even certain particular ones with the sanctity of "God's will" in such a manner that they are regarded as "absolutes" in the sense of being unbreakable. Laws and principles are man's response in

meeting the demands of life, and their obligatory character rests in their effectiveness in meeting that demand and directing him to a course of action that furthers a just order and enhances the welfare of his fellowmen. It may be that in given situations a rule of conduct must be taken absolutely seriously—that is, treated as absolutely unbreakable—in order to ensure a responsible course of action. But one cannot discuss the question whether there are "absolutes" in a theoretical fashion, as is usually done. We agree with Fletcher when he says: "Our obligation is relative to the situation, but obligation in the situation is absolute."¹⁴ We disagree with the inference he makes from this fact, namely, that the situation bestows upon rules of conduct their imperative and normative character. This implies an atomized view of life that follows quite logically from stressing the uniqueness of each situation. It is as though we jump from situation to situation with no imperatives to guide us except as one may arise out of a situation.¹⁵ Situationism drains pre-

¹² In his *Ethics* (New York: The Macmillan Company, 1962), p. 305, Bonhoeffer speaks of the "providential congruity between the contents of the second table and the inherent law of historical life itself."

¹³ Many of the "natural law" theories have merit in recognizing what we would call the "common humanity" of man but invariably suffer by proceeding on the basis of premises that are so broad concerning this "nature of man" that the consequences entailed by the premises cannot be reconciled with the variety and complexity of human conduct. The Reformation concept of "orders of creation" also seeks to illumine the structures of life but is in danger of being understood in too static a fashion or even in such a way as to give divine sanction to a particular social, political, and economic order. See Bonhoeffer's discussion in *Ethics*, pp. 254 ff.

¹⁴ *Situation Ethics*, p. 27. Such a statement as this poses a difficulty that is common in Fletcher's work, which suffers from a lack of careful statement. Does he mean here that there are rules of conduct that become absolute in the situation (the context would so indicate), or is he speaking simply of love, which is his only absolute? He is not willing to identify love with the intent of law, so it cannot be both.

¹⁵ This feature of discontinuity in Christian ethics, which is present whenever the singular character of each historical moment is emphasized, is criticized by Douglas Sturm in his article, "Naturalism, Historicism, and Christian Ethics: Toward a Christian Doctrine of Natural Law," in *The Journal of Religion* (Chicago: University of Chicago Press, January 1964), and reprinted in *New Theology No. 2*, Martin Marty and Dean Peerman, eds. (New York: The Macmillan Company, 1965), pp. 77—96.

cisely that imperative or obligatory character from rules that enables them to serve effectively as guidelines in anticipating and shaping a situation in which moral decision is called for.

Fletcher distinguishes between two different ways in which law is understood. On the one hand it is regarded as an absolute that should never be broken, and on the other hand it can be regarded as an empirical generalization with no inherent imperative quality.¹⁶ The situationist rejects the first understanding and adopts the second, with the result that ethical principles are regarded as "cautious generalizations" that possess value in providing guidelines for behavior but do not carry imperative force in themselves. This two-fold understanding is an oversimplification, because it does not in fact mirror the way in which ethical rules or principles function. One can discern a third point of view in our attitude toward the law, which stands between the two "extremes" defined by Fletcher, of law as either an "absolute"

Sturm points out the necessity of continuity and structure in Christian ethics and defines the Christian view of love as the natural law of human action, a permanent, immutable principle of action that takes full account of the transient and the particular. Our concern is to recognize the demand of God that is implicit in the historical and the changing, and to relate the Christian view of love to that demand as the fulfillment of what God requires of us.

¹⁶ Fletcher distinguishes among law, rule, and principle. He defines laws and rules as imperatives that are regarded as universally applicable and absolute in character, while principles are usable as guidelines that may or may not be helpful to us in a given situation. Since he maintains that the only law is the law of love, all the "thou shalt not's" of society he would define as principles, not possessing the character of an imperative. See *Situation Ethics*, pp. 31 ff.

or a "maxim." This viewpoint recognizes the law as an *imperative* for which too much is claimed if it is regarded as an "absolute" in every instance, but for which too little is claimed if it is seen only as a "maxim" or "generalization" that may be helpful as a guideline. Such rules of behavior, for example, as "You shall not lie" or "You shall not commit adultery" or "You shall not steal" express obligations that reflect the character of community life and the demands it places on us in our relationship with our neighbor. These rules bear an imperative quality because they reflect the claim our neighbor makes on us in virtue of his humanity. To refuse to recognize such rules as bearing imperative force is to refuse to take my neighbor seriously, for the rule embodies the right of my neighbor over against myself, just as it embodies my right over against him. Each of the above prohibitions mirrors a claim that each man makes on his neighbor, that his right to the truth, to his wife, or to his property not be violated.

It is necessary then to make the distinction that situationists do not make, between "imperatives" and "absolutes." In moving from rule as "cautious generalization" to rule as categorical imperative with absolute validity at all times and places, the situationist rules out the possibility of recognizing rules that bear an imperative quality because they reflect a claim that our neighbor or a larger unit of society may have on us. This fact can be recognized without calling such imperatives "absolutes," a word that has muddied the waters in this debate. There may be many Christians, as Fletcher maintains, who "hang on to certain eternally invariable rules of conduct as absolutely valid and

universally obliging regardless of the situation,"¹⁷ but it would be difficult to find a student of Christian ethics who would deny that the situation or context has a bearing on the application of rules of conduct. This does not mean, however, that rules do not possess an imperative force that compels one to heed them. It may be—it will always be debatable—that "You shall not kill" is to be understood as an "absolute," that is, it is not and never can be a morally responsible act to take the life of another, whatever the circumstance. Most Christians, however, would allow for exceptions to this rule, but this does not mean that the rule serves as no more than a maxim for our behavior. "You shall not kill" carries imperative force, it *obligates* us to heed the personhood of our neighbor. It is not a rule that we can choose to heed or not to heed in the sense that we are fully sovereign over the rule. Rather, if the circumstance leads us to take a life as the only alternative open to us in carrying out a morally responsible act—say, to defend our children from an intruder—what we do bears an "in spite of" character. The necessity of taking a life does not, in other words, deny the claim that my neighbor has on me that his life is not mine to take. Whether one is arguing euthanasia or the right of self-defense, this assumption is fundamental.

It should thus be clear that to insist on the imperative character of general rules of conduct that enhance the welfare of society and whose validity is not bestowed or cancelled by the situation, we do not mean that the situation has no bearing on

the moral decision one makes. Nor is it right to infer from this position that moral decision on the part of the Christian is simply a matter of reacting to burdensome pressures of obligation. That which distinguishes the Christian's own self-awareness and his own stance in life is the fact that the sovereignty of God is expressed not only in the calling of men to account for their lives but in the redemptive act of the life, death, and resurrection of Jesus Christ. All of life is now recognized by the Christian as bearing the imprint of the cross, calling him to the discipleship of freedom, which pattern is seen in the life of Christ. Thus life confronts the Christian in terms of law and Gospel, judgment and redemption, and in his own moral response to life this dialectic is both expressed and experienced continuously.

* * *

Though law as the demands of life stands in antithesis to Gospel in its calling man to account and bearing an implicit judgment on man in his failure to live responsibly, the dialectical relationship of law to Gospel is seen in the fact that law is also fulfilled by the Gospel. This means that the law of God as life's demands looks for that response in man which the Gospel bestows: faith in God and love of one's neighbor in the freedom which that faith inspires. Man attempts to live responsibly in light of the law of life by creating a social order in which justice shall rule through man's responsible use of his freedom. But that kind of life in freedom is first realized where there is love, which casts out fear and which enables one to be something for his neighbor. From a Christian perspective then, the intent of the law is fulfilled in that love which seeks

¹⁷ In his "Reflection and Reply," in *The Situation Ethics Debate*, Harvey Cox, ed. (Philadelphia: The Westminster Press, 1968), p. 250.

the welfare of one's neighbor.¹⁸ The exhortation to love that is implicit in the Gospel is not to be identified with the law's demand, for it is based on the redemptive act of God in Jesus Christ and finds its motivation in that event; and yet the exhortation to love does fulfill what the law demands of us. Because the Christian knows God as the Father of our Lord Jesus Christ, he understands the character of the responsible life to be more than observing "the letter of the law," which is the minimal concern to satisfy the external demands of moral obligation. On the contrary, he can now interpret the law as directives that point him to the needs of his neighbor. The Golden Rule, which we noted above as a summary of what life demands of us, becomes for the Christian a commandment to love. This Christian understanding of the law is beautifully illustrated in Luther's *Treatise on Good Works*, where the negative prohibition of each commandment becomes a positive directive for serving one's neighbor.¹⁹

The fact that the intent of the law is fulfilled by the Gospel exhortation to love means that we cannot divorce law from love in the either/or fashion that is popular among exponents of situation ethics. The common practice of situationists is to construct cases where general principles of conduct stand in the way of responding to the needs of one's neighbor in a spirit of *agape*.²⁰ In this way the inadequacy of

rules of conduct is made clear, and the alternative to acting according to rules is to act out of love for one's neighbor. Is it not more accurate to place the conflict between law and love in the kind of motive one has in carrying out an ethical action rather than as a conflict between what is actually done? *Agape* leads one to act *not because of* the law but because of his neighbor's need. The distinction here between acting according to the law and acting out of love is the distinction between carrying out the law for the sake of the law, which is legalism, or for the sake of the neighbor, which is to act in love. The situationist would rather understand the conflict between law and love to be one that requires the *putting aside* of the law in order that one might act in love. It is quite true that love may often lead a person to go beyond what people think is required of him, but this is not rejecting or putting aside the obligation of the law. To put aside moral principles generally involves a situation so dire that few of us will ever likely find ourselves in it. The cases that Fletcher cites to demonstrate the conflict between law and love more often than not demonstrate this point as well. What impresses one about Fletcher's cases is that they are intended to give us a "slice of life," real human situations that cannot be subsumed under the law, when actually they are classic examples of highly unusual situations such as the mother who must have herself impregnated to gain liberty from a concentration camp, or the seaman who must throw his fellow sailors overboard in order to save the women and children in an overcrowded lifeboat. In

¹⁸ Gal. 5:14; Rom. 13:8-10; Matt. 22:34-40 and parallel verses.

¹⁹ *Works of Martin Luther* (Philadelphia: A. J. Holman, 1915), I, 184 ff.

²⁰ Joseph Fletcher is highly adept at doing this. See Paul Ramsey, *Deeds and Rules in Christian Ethics* (New York: Charles Scribner's

Sons, 1967), ch. 7: "The Case of Joseph Fletcher and Joseph Fletcher's Cases."

any event, his citing of exceptions to a moral rule does not disprove the general validity of the rule or the fact that it bears an imperative character but rather calls into question a slavish or legalistic adherence to it without reference to the situation.

To sum up our argument, we have maintained that the sovereignty of God, which calls man to account, is mirrored in the law and rules of conduct of a society, whose function is to serve that society by maintaining a just order in which the rights of men, however defined by that society, are protected. We have claims over against one another, and in acting responsibly in light of those claims we are acting responsibly before God. This is to say that God confronts us in the law as well as in the Gospel, in the obligations of life as well as in the experience of grace and forgiveness. The demands of life embodied in the law not only stand over against the

Gospel message in their inherent judgment of man in his refusal to live responsibly; they also find a fulfillment in the Gospel in that the wholeness and integrity of life that is demanded of us is bestowed by the Gospel through forgiveness. This Gospel in turn bears the exhortation to love as we have been loved, and this *agape* love is the Christian's response in seeking to meet the claims that his neighbor places on him. Love may put aside a given law, but only where it stands in the way of achieving the law's intent of a just social order. Situation ethics in effect identifies God with the Gospel but removes Him from the law, and consequently removes Him from the moral wisdom of society. Its polemic against rules fails to recognize the imperative character of commandments that mirror the demands that life places on us — the "unrecognized demand of God."

Chicago, Ill.