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MORAL CONFLICTS AND EVANGELICAL ETHICS: A SECOND LOOK AT THE SALVAGING OPERATIONS

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Many evangelical ethicists have rightly reacted to Joseph Fletcher's situationalism while wrongly choosing the ground from which to respond. Having conceded to Fletcher the reality of moral conflict among the laws of God, these ethicists must embrace incoherent ethical systems that deal with the wrongly imported moral conflict by introducing what amounts to a situationalism of their own. In particular, examination of the greater good alternative of Norman Geisler and the lesser evil alternative of Erwin Lutzer reveals their failure to avoid situationalism. Their failure substantiates the concept that one cannot have a coherent plural absolutism and yet admit to the conflict of (absolute) moral rules. Since the Scriptures stand solidly behind the presence of a plurality of absolute moral rules, the evangelical ethicist must reject the possibility of real moral conflict.

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INTRODUCTION

JOSEPH Fletcher thought that he had exposed the folly of any system of morality that was composed of more than one universal obligation. In his *Situation Ethics*, he argued that traditional, orthodox morality (which he called "legalism") entangled itself in its own rules.[1] Said Fletcher,

> as statutes are applied to actual situations, something has to give; some latitude is necessary for doubtful or perplexed consciences. Inexorably, questions arise as to whether in a particular case the law truly applies

[1]Joseph Fletcher, *Situation Ethics: the New Morality* (Philadelphia: Westminster, 1966) 123.

(doubt), or as to which of several more or less conflicting laws is to be followed (perplexity).[2]

"Nothing in the world causes so much conflict of conscience," continued Fletcher, "as the continual, conventional payment of lip service to moral 'laws' that are constantly flouted in practice because they are too petty or too rigid to fit the facts of life."[3]

To illustrate the inadequacies of multi-ruled morality, Fletcher strewed his pages with case studies of "perplexity" which he called the "penumbra."[4] And he concluded from their presentation that, "prefab code morality gets exposed as a kind of neurotic security device to simplify moral decisions."[5]

Following the publication of Fletcher's *Situation Ethics*, there was a flurry of activity on the part of Evangelicals. Most of their concern centered around the confutation of Fletcher's positive proposal: situationism. But the negative challenge of Fletcher was largely ignored, perhaps because Evangelicals felt that doubt and perplexity of conscience were by-products of the fallen state of the world, and therefore insufficient to call divine obligation into question. Yet in ignoring the question of the conflict of conscience, Evangelicals were also ignoring the challenge that their ethics is incoherent or inconsistent when it tries to comprehend the ethical "gray areas" that perplex the conscience. They failed to see the full thrust of Fletcher's argument, namely, plural (absolute) rules + their conflict in application = an incoherent (and therefore unacceptable) system. Were Evangelicals blasting Fletcher's system without defending their own? Could it be that the battle against situationalism, effective as it was, was being fought from the wreckage of the sunken ship of traditional morality?

In the early 1970s several evangelical scholars concluded that Fletcher's torpedoes of moral conflict had indeed severely damaged the usual (if not traditional) evangelical ethical ship. These Evangelicals reiterated their acceptance of a system of plural universal rules and agreed with Fletcher that in this sinful and fallen world those rules sometimes come into conflict. These scholars began to reconstruct the ethical ship, and from their salvaging operations two distinct methodologies soon appeared in print. The first way to salvage evangelical ethics is known as hierarchicalism or the greater of goods alternative. Its major exponent has been Norman L. Geisler who set forth his position in three books (*Ethics: Alternatives and Issues*, *The Christian Ethics of Love*, and *Options in Contemporary*

[2]Ibid., 21.
[3]Ibid., 137–38.
[4]Ibid., 135.
[5]Ibid., 137.

Christian Ethics), and an article ("Biblical Absolutes and Moral Conflicts").[6]

The second system is called ideal absolutism or the lesser of evils alternative. Although this second view was set forth and rejected by Geisler, it was adopted by Erwin Lutzer (*Morality Gap: An Evangelical Response to Situation Ethics*)[7] and John Warwick Montgomery (*Situation Ethics, True or False*).[8]

Elsewhere I have argued that both of these positions are invalid due to equivocation with regard to the crucial concept of moral conflict.[9] I argued that the only kind of moral conflict which need concern Evangelicals is the kind where one law of God requires an action that another law of God prohibits. Cases of alleged moral conflict were analyzed (especially those from the Bible) and it was found that in all cases it was possible to act in a way that did not violate a command. Thus it was concluded that salvaging operations such as Geisler's and Montgomery's were not necessary since their basic premise that God's laws actually foster moral conflict was open to question. My purpose here is to show how both these systems come to ruin because they accept the alleged reality of moral conflicts.

THE GREATER GOOD ALTERNATIVE

Geisler sets forth his view as follows:

> Love is never caught on the horns of a dilemma. There are levels and spheres of love and one is always higher than another. Each love command is absolute in its area. But when that area overlaps with another area, then the lower responsibility of love should be subordinated to the higher. . . . Each of the absolute commandments of the Bible is absolutely binding on the relationship it specifies. There are no exceptions. . . . However, when one of these relationships, which are wrong in themselves, overlaps with another area, then one's duty to the lower may be suspended in view of his responsibility to do the higher. There are no exceptions to absolute commands but there are some

[6] *Ethics: Alternatives and Issues* (Grand Rapids: Zondervan, 1971); *The Christian Ethic of Love* (Grand Rapids: Zondervan, 1973); *Options in Contemporary Christian Ethics* (Grand Rapids: Baker, 1981); and "Biblical Absolutes and Moral Conflicts," *BSac* 131 (1974) 219–28.

[7] *Morality Gap: An Evangelical Response to Situation Ethics* (Chicago: Moody, 1972). Lutzer has since, privately, abandoned this position.

[8] Joseph Fletcher and John Warwick Montgomery, *Situation Ethics, True or False* (Minneapolis: Bethany, 1972).

[9] William F. Luck, "Ethical Decisions: Non-Conflicting Absolutism" (unpublished paper presented at the spring meeting of the midwestern section of the Evangelical Theological Society [1974]).

exceptions (*sic*) in view of higher priorities of love. There is always a greater good.[10]

At first blush this system seems splendid. It is not so naive that it refuses to accept alleged moral conflicts that Scripture and experience "amply manifest." It is not so unscriptural as to deny the plurality of commandments. And it offers its followers a way to act in conflict so as not to be guilty of breaking a commandment. In short, Geisler seems to accept both of Fletcher's premises (multiple commandments and conflicts) and yet deny his conclusion (normative incoherence). How does Geisler do it?

He does it with linguistic mirrors. How can anyone resolve an irresolvable conflict of laws (one requiring what another prohibits)? A moral conflict, like an ordinary language dilemma, that can be resolved is not really a moral conflict in the first place. It may have seemed to the perplexed and unreflective mind to be a real conflict, but reflection reveals that there is a way of escape. If there is a way to resolve the moral conflict on the normative level, then the conflict is only apparent.

This can be put another way. Without irresolvable conflict there is no need to devise a methodology to handle conflict. On the other hand, if it is irresolvable then no method can be devised that will resolve the normative incoherence. Since Geisler's resolution involves the exempting of obligation, it is a normative resolution and therefore reveals that the supposed conflict of norms cannot have been irresolvable in the first place. And since resolvable conflicts are only *prima facie* conflicts, Geisler cannot really be serious about being a conflict theorist. He must be a cripto-non-conflicting absolutist.

If all this is so obvious, how has Geisler's hierarchicalism managed to stay afloat? The answer lies in Geisler's use of "linguistic mirrors." The impression is given that both of the conflicting rules do apply throughout the situation while the obligation of one of them is not binding upon the person in the situation. Thus, according to the methodology, there are two kinds of rules: those that both apply to the situation and bind the person in the situation and rules that apply to the situation but do not bind the person in the situation. It is the latter of these rules (which Geisler refers to as the "lower law") that is analytically improper. There simply is no such thing as a non-binding, yet applicable moral rule. Obligation is part of the denotative meaning of a rule or law. A rule is a statement of obligation. Remove the obligation and you are left with a string of words or at most a descriptive sentence, but not a moral rule.

At this point the hierarchicalist may protest that his system never completely eliminates the obligation of either of the conflicting laws.

[10]Geisler, "Biblical Absolutes," p. 226. The second "exceptions" should read "exemptions." It was a typographical error according to Geisler.

He will protest that the obligation of the lower rule is superseded but not eliminated or abolished.[11] He will no doubt suggest an analogy from Newtonian physics:

> To borrow an illustration from the natural realm, there are no exceptions to the law of gravity for physical bodies but a nail may be exempt from "obeying" the law of gravity by its "obedience" to the higher physical force of a magnet.[12]

In other words, the lower of the conflicting rules retains its obligation, it is just that that obligation is not as strong as the obligation of the higher of the conflicting laws.

The problem here is that the hierarchicalist has been led astray by a poor analogy. The force of gravity is measurable, but moral obligation is not. It is a wrong way of speaking, for example, to say, "We are more obligated to love God than men." We should say, "We are obligated to love God more than men." A rule either obliges or it does not. There are no degrees of obligation.

But even if there were such a thing as a stronger law conflicting with a weaker law, the illustration actually undermines hierarchicalism. For if the weaker law is binding in the situation at all, then for it to be ignored is for it to have been disobeyed. And, if in a situation of conflict one of the laws has to be disobeyed, then guilt is incurred and the choice of the "greater good" is at one and the same time the choice of the "lesser evil." The obedience of the higher law is the disobedience of the lower law. And this is the very coherence problem that Fletcher waved at the old system. In short, if both commands bind, then their conflict is normative incoherence. If one of the commands does not bind, then there is no conflict (see Appendix A).

Thus, it is evident that the hierarchical system cannot get where it wants to go. If it alters the obligation, it resolves the irresolvable conflict by denying the conflict. If it does not alter the obligation, it retains normative incoherence. Hierarchicalism is indeed caught between a rock and a hard place. The system has to move one way or the other. Either it has to deny the reality of moral conflict or it has to accept the charge of being an incoherent system. Insofar as the theory pretends normatively to resolve[13] the irresolvable,[14] it is analytically absurd.[15]

While the above criticism raises doubt as to whether or not hierarchicalism really accepts moral conflicts, a second criticism raises

[11]Geisler, *Ethics*, 130.

[12]Ibid., 19.

[13]Cf. ibid., 72, 134.

[14]Ibid., 118.

[15]In *Options* (p. 99) Geisler attempts to answer this criticism by explaining what he meant by "irresolvable" in *Ethics* (p. 118). It is certainly proper for him to clarify what

the question whether or not the method allows its proponents to accept more than one universal moral rule. By definition, an absolute rule is a rule that does not admit of exceptions. That is to say that there is no condition under which an absolute rule is not binding.[16] In the case of moral conflicts, Geisler does not argue that one "absolute" rule has an exception, but that the person facing the conflict is

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he "really" meant, and to show where he may have been misunderstood. However, his clarification is, unfortunately, a study in shifting linguistic sand. In his first paragraph he offers as synonyms for "irresolvable" the terms "real" and "inevitable." Using these he belittles his critics by saying that they cannot be serious in suggesting that a conflict that can be "ultimately resolved" is not "real and inevitable." But then that was not the criticism. Geisler is the one who used the terms "irresolvable" and "resolvable." If he equivocates he can hardly hold his critics responsible, but he makes it worse by confusing his own meanings in *Ethics*. In that book on p. 118, it is clear that Geisler does not mean either real or inevitable by "irresolvable." The issue there is not whether the conflict is real or inevitable, but whether it can be resolved by showing one of the alleged duties to be not applicable or both able to be obeyed at the same time. That is the meaning Geisler gives to "irresolvable" in paragraph two, and that is the meaning assumed in the criticism. The issue is not whether a real conflict can be resolved or whether an inevitable conflict can ultimately be resolved. No one denied that there are real conflicts such as that between good and evil, but then it is not proper to use a word like "irresolvable" of such a conflict. If Geisler has made a bad choice of terms in *Ethics*, his critics can hardly be blamed for taking his word according to its normal use.

But this too is not the issue, for given Geisler's second paragraph definition of "irresolvable," it seems that he did not make a mistake in choosing the term to describe what he sees as the essence of the nature of the conflict. Says he, "We say that the conflict was 'irresolvable' only in the sense that there was no 'give' in the force of the commands. Neither law 'backed down'; both continued to demand with the same absoluteness that is theirs by virtue of their grounding in God" (*Options*, p. 99). That is what is meant in this paper by "normative" irresolvability. In other words, one cannot find a way to understand one or both of the commands not to be binding and applying in the situation. But then Geisler proceeds to tell us that, "God intervenes in love and exempts a man from the demands of a command which cannot be kept without breaking a higher command." In other words, God removed the demand so that it does not have the same absoluteness that it had by virtue of its grounding in his nature. Note that while this is close to saying that God simply does not hold us guilty for not keeping the lesser demand, Geisler must steadfastly deny that it is only a matter of removed guilt. He must say that it is the "demands" that are exempted. He insists on a "normative" resolution, not just *fiat* forgiveness. If there is no normative resolution, then the commands remain in normative conflict. If this is the result, Fletcher is right and Geisler is just a conflicting absolutist with an easy as well as a forgiving God. On the other hand, since Geisler admits that there is a normative resolution (the exempting process) he reveals that he is not logically serious about the conflict having been other than *prima facie* in the first place. If this is the case, then Geisler is simply a confused non-conflicting absolutist. The latter is probably the case. In any case, the critic does not deny that there are real *prima facie* conflicts of norms (i.e., conflicting general rules), but only that Geisler is surely wrong in insisting on non-*prima facie* conflict of duty that can be normatively resolved.

[16]Cf. Geisler, *Ethics*, 131: "the absolute norms always apply; there are no exceptions."

exempt from the obligation to obey the lower "absolute" rule. The reason for the exemption is the presence of a higher "absolute" rule. In other words, the presence of a higher rule creates a condition in which the lower rule does not apply. Thus, it is seen that there is a condition in which the lower rule does not apply. Hence, the lower rule cannot be an absolute, and exemption and exception are two sides of the same coin.

Since in the hierarchicalist system all laws lower than the highest law are laws subject to an exempting process, only one law in the hierarchicalist system can be an absolute (see Appendix B). As such it is unacceptable to Evangelicals who find that Scripture teaches the plurality of absolutes. Geisler himself asserts this.[17] And it is interesting that in order to make the system acceptable to himself and others, Geisler resorts to coining such terms as "contextual absolutism" and "local universals."[18] These terms only obscure this important fact: since not all of the Ten Commandments can be the "highest law" on the hierarchy, only one of them can be an absolute.[19] And, if they are not absolutes, what are they? Well, at best they are general rules, at worst they are mere maxims. Evangelicals cannot accept such an ethic.[20]

Though Geisler's hierarchicalism claims many absolute moral rules, it can have only one. His attempts to argue otherwise reveal,

[17]Ibid., 74ff. Geisler's system is not like Fletcher's single absolutism, since Fletcher's absolute (love) is formal and Geisler's is substantive.

[18]Ibid., 132.

[19]Geisler ("Biblical Absolutes," [p. 227]), notes the "hierarchy of the Ten Commandments," but denies that such a hierarchy leaves at least nine commandments mere general rules.

[20]Geisler realizes that his system is open to criticism on this point. In *Ethics* he returns to the issue several times, apparently never really satisfying himself (cf. p. 132). And in "Biblical Absolutes" he found it necessary to bolster the sagging point with three new arguments (cf. p. 227). Each of these arguments is designed to show how lower-than-highest laws can justifiably be called "absolutes." First, he says, "they are absolutely binding as such on the particular relationship toward which they are directed." This means that they are absolutely binding when not in conflict with a higher rule. But any general rule is binding as such, but not binding when it comes to a situation that includes an exempting-condition. Second, he says, "when there is a conflict, it is an absolutely binding ethical obligation to follow the higher law revealed by God in His Word." But this is a *non sequitur*. The obligation to follow the higher law is a rule-governing rule. The fact that the rule-governing rule is absolute does not in the slightest make any of the rules that it governs absolutes. Third, Geisler says, "implied in the above is the truth that God has established absolutely the very order of commandments based upon their proximity to His very nature as holy and loving." This also is a *non sequitur*. The fact that the order of rules is absolute does not make each rule absolute. None of these arguments establishes that lower laws are absolutes. At best they establish that Geisler's form of absolutism has only one absolute. For a similar criticism, cf. Lutzer, *Morality Gap*, 102ff.

upon analysis, an unacceptable one-absolute absolutism that would at times annul even the greater of the commandments.[21]

There are many more criticisms[22] against this salvaging operation. It is, however, sufficient to have shown that the system is self-contradictory. Furthermore, restatements of the system fare no better than its original formulation.

[21]Cf. Matthew 5:19.

[22]The following are some of the other criticisms that could be developed more. (1) The Scripture rejects any attempt to excuse non-compliance with lower rules on the basis of higher rules (cf. Matthew 5:19; 23:23; etc.). (2) Hierarchicalism is based upon an inadequate, neoplatonic (thing-centered) axiology in which values are *nonmoral* (cf. *Ethics*, pp. 115ff.); with this axiology there is no way, e.g., to show whether lying is more or less valuable an act. (3) The hierarchy of laws is said to represent a hierarchy of values. Geisler never offers his readers a list of either. Instead, he gives two slightly different lists of principles by which the reader evidently is to draw up his own lists. But the principles themselves need to be hierarchically arranged before they are useful. All this tells the reader that it is most difficult—if not impossible—to determine what the greater-good is (cf. *Ethics*, 115-21; and *Love*, 76-87). This criticism reveals that hierarchicalism is impractical. (4) The system claims to be a pure deontology (duty centered ethics), but it seems actually to be a crypto-teleology (consequence ethics). What the hierarchicalist has done is to locate the nonmoral conditions that make situations (consequences) good, hinted at their hierarchical order (the order of intrinsic values), and stated that there must be a hierarchy of laws that represents the hierarchy of values (cf. *Ethics*, 114-15). But in a truly deontological system, the rules themselves have moral value. In Geisler's system the rules have only relative (moral?) value. In short, Geisler is really more concerned about the production of nonmoral good consequences than he is about the following of moral rules. The rules are always subordinate to the principles which identify good consequences. This is true of all teleologies. Consider the sad case of the rule not to bear false witness (*Ethics*, 18, and "Biblical Absolutes," 226). For Geisler, a false witness, which is prohibited by a commandment, is said to be a good action if it is done "for the sake of life-saving." Unless Geisler is a motivist (which type of ethical thinking he rejects [cf. *Ethics*, 22]), he is saying that the action of lying is sometimes a good (when it contributes to the saving of life) and sometimes wrong (whenever life-saving is not at issue). In other words, lying is a relative good and the command not to lie is a relative command. The rightness or wrongness is determined by the situation (and consequences) and not by the rule. Put another way, lying is a contributory good (cf. W. Frankana's *Ethics*) but not an intrinsic wrong. (In fact, is it possible for a neoplatonic thinker to be serious about intrinsic wrong?) Geisler, then, is at best an inconsistent "rule-utilitarian." Part of the problem in pinning Geisler down on this issue is that he is resolving two very different types of conflict (see my "Ethical Decisions," where it is argued that alleged instances of moral conflict are either contingency conflicts [where the breach of one law only leads to the keeping of another law] or necessary conflicts [where the breach of one law is the keeping of another law]). In that paper it was held that none of the latter type had been found. Geisler himself makes such a distinction in *Ethics*, 94-95. Most of the time Geisler is dealing with the former type which are always resolved by teleological calculations. The rest of the time he is simply confused, and does not see that one of the supposedly conflicting rules is not an absolute. For a similar criticism, cf. Lutzer, *Morality Gap*, 104. (5) The concept of a hierarchy is incompatible with the concept of the conflict of rules. Rules on one level can only conflict with rules on the

THE LESSER-EVIL ALTERNATIVE

Lutzer's formulation of the basic argument of the lesser of evils position is as follows:

> the majority of genuine moral conflicts arise because of previous sinful actions. A man may make a foolish vow to kill another man. Now he is forced either to break his promise or become a murderer. In either case he is sinning. Here he must choose between the lesser of two evils. . . . Having violated one instruction, he became entangled and therefore *had* to sin. In this case two universals were clearly in conflict, but only because one universal had already been broken. Many other similar illustrations could be given where an individual had to sin, but ideally such situations need not occur . . . if no universals were previously broken.[23]

Of course, this is not to deny that sin must be confessed to a merciful God.

As in hierarchicalism, the lesser of evils position accepts moral conflict as a given that must be resolved. But whereas in hierarchicalism the resolution was normative and accomplished by following the situation-governing rule (i.e., when in moral conflict obey the higher law and receive an exemption from the lower law), in the lesser evil view the resolution in no way attempts to resolve the normative incoherence, i.e., resolving the irresolvable. The lesser evil alternative offers a different sort of resolution, a mere pragmatic one. It simply tells the person caught in conflict which moral obligation to follow and which to disobey, and leaves the morality and immorality up to the rules themselves.[24] Normative incoherence is not resolved, but left behind.

There have been many criticisms of this system, but most of them have missed the mark.[25] Three criticisms, however, merit discussion. First, the lesser of evils position is incoherent. Indeed, that is the

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same level. If each rule is on a different level, no conflict is possible (and the picture of overlapping does not picture what Geisler thinks it does). On the other hand, if two rules are on the same level (and hence able to conflict) then the hierarchy is simply incomplete (see Appendix C).

[23]Lutzer, *Morality Gap*, 107.

[24]The rule-governing rule of the lesser of evils position could be phrased as follows: when in moral conflict, minimize evil. It is not clear if *this* rule involves a moral obligation such that violating it actually involves violation of two moral rules: *this* rule and the rule prohibiting the greater evil. Probably only the latter carries such a moral obligation.

[25]Geisler himself raises three criticisms in his writings. (1) "It is inconsistent with the nature of an all-loving God to hold a man guilty for doing the unavoidable" ("Biblical Absolutes" p. 224). The point here is that the lesser evil view destroys the

very essence of Fletcher's criticism. It is better to struggle with showing how commands really do not conflict than to admit normative incoherence.

Second, if the system of morality is normatively incoherent, the system reflects badly upon the author of the system, in this case God himself. If Biblical ethics is like a coat that is seen by the light of alleged moral conflicts to be tattered and torn, surely it would be just to question the ability of the tailor. Cannot God devise a system of ethics that is harmonious not only in abstraction but also in application?

The response to this criticism is that it is the finite nature of the world and the fallen condition of man that accounts for the conflicts of God's laws.[26] But neither finitude nor fallenness are sufficient to absolve God of responsibility. Finitude will no more make the laws of God susceptible to conflict than the incarnation made the attributes of God susceptible to confusion.[27] And while fallenness certainly

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basis of responsibility and denies that *ought* implies *can*. However, it is not clear from Scripture and systematic theology that *ought* does imply *can*. The biblical way of putting the matter of responsibility seems to be that guilt results from sinful action and that sinful actions are intentional actions that are against the will of God. Lutzer distinguishes between actions that are intentional/unavoidable and those that are unintentional/unavoidable (*Gap*, 108). Then, too, it is not clear that lesser evil methodology does deny that *ought* implies *can*. According to the view, a person ought to obey each of the conflicting rules, and he can do each. The problem comes when one says that according to the view a person ought to do both (at the same time). The view does not hold that it is possible to do both at the same time. But is this just a semantic problem? (2) "There is a most serious problem this view raises with regard to the sinlessness of Christ. We are informed that Christ is our moral example. . . . Further we are assured that He is our complete moral example. He faced all the kinds of moral situations that we will face. He is 'one who in every respect has been tempted as we are, yet without sinning' (Heb. 4:15). But if there are real moral conflicts and Jesus faced them, then sinning was inevitable for him too. He must have sinned. But the Bible says clearly that He never sinned in word, thought or deed (cf. I Peter; I John). It follows, then, that there are no situations where a lesser evil is called for" ("Biblical Absolutes," 225). However, Geisler has eisegeted the text. The text is referring to all kinds of physical temptations, not to all kinds of ethical situations. It is doubtful that Geisler can show that moral conflicts are physical or that they are even kinds of temptations. (3) This system holds men guilty for doing their moral best ("Biblical Absolutes," 225). Not so at all. It holds men guilty for intentionally doing moral evil.

[26]Both Lutzer and Geisler adopt this argument. For Lutzer's version see *Gap*, 107. For Geisler's version see "Biblical Absolutes," 224; *Love*, 76; and *Options*, 73–80.

[27]There is no better illustration of this point than the one Geisler uses in *Love*, 76, to prove the opposite point. Says Geisler, "The pyramid of principles emerge as the light of God's unchanging love passes through the prism of human experience thereby casting a spectrum or order of God's laws." In fact, God's love and harmonious rules pass through the prism of finitude and form a spectrum of laws that, like the colors of the spectrum, do not overlap or conflict.

accounts for the disobedience of God's laws, it is not at all clear how it makes possible the conflict of God's laws. God's laws are of two kinds: those that he can fashion by his will, and those that come necessarily from his nature. He can formulate those that come from his will so that they do not conflict with each other or with those from his nature. And those that come from his nature remain harmonious.[28] To say that God's laws come into conflict with each other is to impugn the integrity and ability of God to devise an ethic that is internally consistent and coherent.

But there is a far more telling criticism against the lesser evil alternative. In a case of supposed moral conflict, each of the conflicting rules is obliging moral evil as well as moral good. To take the case of Jephthah, the command to keep one's promises to God (Eccl 5:5) also (according to Lutzer's methodology) obliges Jephthah to murder/sacrifice his daughter. On the other hand, the obligation not to commit sacrifice/murder (Exod 20:13) is also obliging Jephthah to break his promise to God. And it seems such is the case in every alleged instance of moral conflict. Command A obliges an action that is evil according to command B, and command B obliges an action that is evil in reference to command A. To put it bluntly, in situations of moral conflict, God is obliging one to commit moral evil.[29] It will do no good to evade the issue by running to the condition that enabled or caused the conflict (viz., the fallen state of the world and the sinful choices of men). Nor will it do to run to the fact that each of the commands also commands moral good. Nor will it do to protest that God has made a way to resolve it all by telling us to minimize evil. The fact remains: if there is a true moral conflict, such that one command obliges action that another command prohibits, then God requires moral evil. And any God who requires moral evil is himself a devil and not the God of evangelical and biblical faith.[30]

[28]Lutzer says that sinful choices bring about entanglement, but if one analyzes the commands that conflict in such cases, one finds that at least one of the commandments involves promise-keeping or the obedience of human authority. And such duties are not, in the biblical use, "absolutes." Nor are they—except in a general, or relative, sense—a part of the Ten Commandments.

[29]Fletcher made this point when he debated another lesser evil theorist, John Montgomery. Geisler has a convoluted form of the criticism in his "Biblical Absolutes," 225. But Geisler does not realize that this criticism is just as valid against his own position. Without the obligation to do moral evil there would be no conflict for anybody. The point at which this criticism of the lesser evil position should be leveled is not at the obligation to do the lesser evil—where Geisler seems to place it—because that rule-governing rule directs its obligation only to the minimization and not to the actualization of evil.

[30]Lutzer's most recent statement in print on this topic can be found in his *The Necessity of Ethical Absolutes* (Grand Rapids: Zondervan, 1981).

CONCLUSION

Both of the salvaging operations fail to save the day for evangelical ethics. This second look at them reveals that Fletcher was right, one cannot have a coherent plural absolutism and admit to the conflict of (absolute) moral rules. The lesser-evil alternative impugns the wisdom and morality of God by making him the author of a confused system of ethics that sometimes obliges men to do moral evil. The greater good view is impossible as stated and unacceptable when restated as a one-absolute absolutism (see Appendix D).

The way to refute Fletcher is to deny one of his premises. Either the plurality of (absolute) moral rules or the conflict of rules must be eliminated. Since Scripture stands solidly behind the plurality of rules, evangelical ethics has no choice but to reject the reality of moral conflict.

Fletcher realized that the refining of ethics (which he called *casuistry*) was possible.[31] He just prematurely abandoned the ship. He found the course of casuistry hard sailing. Confusing the ship of biblical rules with the barnacles of human rules, he simply decided to float his own boat. It follows that the salvaging business is unnecessary for Evangelicals. The only way to improve evangelical ethics is through the serious exegesis of Scripture.

APPENDIX A

It is difficult to know exactly what Geisler means by exemption. The meaning is obscured by metaphors such as "dethroned." However, there are only five ways of looking at the issue. First, by means of exemption Geisler is removing all of the obligatoriness from the sentence that was up to that point a moral law. Second, the exempting process removes only part of the obligatoriness of the law. Third, the methodology leaves each law with its original obligatoriness (i.e., all that it ever had). Fourth, and following upon the third, the exemption removes the concept of guilt while not affecting the obligatoriness. Fifth, exemption eliminates the punishment while not affecting obligatoriness or guilt.

Geisler cannot mean the latter because he denies that guilt is incurred by the disobeying of the lower law. Yet it is not clear that he really means that guilt is removed without some removal of obligation. Geisler (*Ethics*, 115, 130) says that the person not obeying the lower law breaks it. If he is serious about breaking the lower law,

[31]Fletcher, *Situation Ethics* 19. Fletcher's experience was with the Catholic and Jewish perversions of casuistry. His criticism at this point moves off into a straw-man argument.

then he might hold the fourth view. However, he is inconsistent on this point and seems to conclude that "when a lower principle or norm is suspended, it is not really broken" (*Ethics*, 130). Now if the lower law is really broken, then the concept of exemption (suspension) must involve the affecting of obligation. Therefore he cannot hold the fourth view. Nor can he hold the third, which also assumes that the obligation of the rule is not in any way affected. And in the body of this article it has been argued that whether he adopts the second view (as he seems to do on page 19 of *Ethics*) or the first view (as he seems to do on page 18 of *Ethics*) he holds a view that is analytically impossible.

One might note that the concept of exemption is related to the concept of immunity. Perhaps Geisler is thinking in terms of a disease model of obligation where the obligation may be present but cannot affect the person inoculated. If so, then it must be argued that this idea involves improper analogy. When disease is present in a body, but inoculation prevents the adverse effects, there is no parallel to morality except perhaps in the sense that the mere presence of a rule (with its obligation) need not effect obedience (because the person has been inoculated by original sin; "ought" does not imply "does"). Moral obligation is *sui generis*. Moral obligation is not like the obligation of nature's laws. One cannot have a rule that obliges but from which one is immune. The closest thing to what Geisler wants is the situation in civil law where a statute that prohibits travel on public streets faster than 55 miles per hour is justifiably not kept by emergency vehicles. But most correctly, the rule is seen as a general rule that admits such exceptions.

APPENDIX B

In retrospect, hierarchicalism may be said to have more than one absolute. It is possible to distinguish between a "simple" absolute and a "complex" one. A simple absolute is one that is entirely substantive. For example, "You shall not murder." This and only this is what is meant by an absolute. In discussing this sort of rule, Geisler often confuses it with a "general rule," which has the same form, e.g., "You shall not kill." Only ethical reflection (consideration of exempting-conditions/exceptional cases) will reveal whether the rule in question is general or truly absolute. In a revealed system, this means consideration of exceptional cases revealed in the text of Scripture, etc.

A general rule such as "You shall not kill," with an appendage of a heuristic or "rule-governing" clause, i.e., "except when killing is necessary to adhere to a higher rule," produces, in the totality of clauses, what might be called a complex absolute. This is correct if the defined exceptions, in principle, are inclusive. Geisler's system has

a great number of these complex (and partly substantive) "absolutes." But he never speaks of such an inclusion as an absolute, but only of the substantive portion as absolute. The closest Geisler comes is when he responds to a criticism that his absolutes are not really absolute. He says that "the very gradation of values by which the conflicts are resolved is absolute. For example, it is absolutely established in accordance with the nature of God that in an unavoidable conflict between God and parent one must put God first" (*Options*, 94.). But in any case, this complex sort of absolute is really nothing more than a general rule with inclusively stated exceptions. Geisler confusedly calls the general rule in all these complex rules absolutes. That is denotatively incorrect, for it is that portion of the rule which is qualified by the appended clause. Indeed the very strangest thing in the whole debate is Geisler's apparent inability to recognize the difference between a general rule and an absolute. It is as if his apologetic against those who admit only to general rules (chap. 3 of *Ethics*) has poisoned him from ever using the term in his own ethics. In fact, those who try to draw the distinction and do the careful sort of definitional work required in properly limiting the meaning of an offense term (e.g., lying) receive his sharp criticism. Of Murray he speaks harshly, referring to Murray's ethical refinement as trying to salvage his absolutism by "stipulative redefinition." Yet the same sort of redefinition is going on in Geisler, it is just that in Geisler the definition being altered is the term "absolute" itself. Murray is coming to a possible (and it is hoped, biblically correct) definition of lying. Geisler is coming to an impossible definition of absolute.

APPENDIX C

Hierarchicalism is a confused conglomeration of several different methodologies all pulling against each other but held together by the misuse of terms. Below are the different systems that Geisler could hold if he were to restate his method eliminating contradicting elements and clarifying key terms.

Non-conflicting plural absolutism could be derived by seeing that any resolution eliminates moral conflicts. The concept of irresolvable conflict ("Biblical Absolutes," 224 *et passim*) must be softened to *prima facie* conflict. And, he must be willing to argue that at least two of the absolutes are not subject to the exempting process. This system could be acceptable to evangelicals if Geisler would preserve at least 13 absolutes: (1) the Ten Commandments, (2) the "first and greatest of the commandments and the second like unto it," and (3) the obligation to love.

Single (non-conflicting) absolutism could be derived from the admission that only one moral rule is truly absolute (vis-a-vis the

exempting process). He would still have to admit that moral conflicts are only *prima facie*. The existence of a hierarchy eliminates the possibility of moral conflict. This system, which seems to be the most logical restatement of what he wants, should be unacceptable to Evangelicals.

The lesser of evils position could be derived by his realizing that the retaining of the concept of moral conflict necessitates the obligation to do evil as well as the obligation to do good. To adopt this position the hierarchy must be dumped at least at some point so as to allow moral conflict. This position is unacceptable to Evangelicals since it implies that God obliges moral evil.

In addition to the above, it should be noted that unless Geisler puts more stress upon the intrinsic value of the rule rather than upon the nonmoral values that actions produce, his system will be little different than that of rule utilitarianism. In fact, unless he adopts some form of nonconflict theory, he must revert to some form of teleological calculation. Anthony Flew points out in his *Encyclopedia of Philosophy* article on "Means and Ends" that normative conflict can only be resolved by teleology. Lutzer realizes this and his talk of choosing to do the action that has the least evil consequences evidences it. Geisler's seven principles in *Ethics* are like the sort of reasoning that goes into a utilitarian calculation.

APPENDIX D

There is an element of truth that underlies each of these unacceptable systems. First, they both arise from the perplexity and doubt of which Fletcher spoke. There are times when it seems that one must go against one of the commands of God. This occurs when one is not sure whether or not a command applies to the situation. It is the job of the biblical ethicist to formulate the best system possible for such people. The need for such formulative efforts is crucial. It is a sad commentary upon the evangelical subculture that so little systematizing has been done in recent years. It is not sufficient to present biblical ethics as a jumble of rules and regulations (liberally sprinkled with culturally relative rules) and let it go at that. Evangelicals need a sound presentation of the system of ethics that is restricted to what the Bible says and implies.

Second, from hierarchicalism one can rightly learn that there is a hierarchy of love's laws. Seeing this may well make one more sensitive to those weightier matters of the law (the inward moral virtues) that need constant attention lest mere outward obedience of the ceremonial elements crowd them out. And, to appreciate the beautiful architecture of the scriptural norms, another hierarchy is needed, one of considerable scope (the "greatest/first" commandment includes but

is of wider scope than the "second-like-unto-it"). There is also a need to consider the hierarchy of sins—that some actions are worse than others—in order that one may exercise special care not to practice that which is abominable to God. Finally, Evangelicals need to think on the hierarchy of good consequences so that within the bounds of the (deontological) rules they may strive to produce the greatest amount of good for the greatest number of neighbors. But hierarchy does not imply conflicts. The very same passages in Scripture that talk of hierarchy also caution against the thought that the keeping of the lower removes obligation to the higher or that the keeping of the higher removes the necessity of following the lower.

Third, from the lesser evil alternative, Evangelicals must face the unhappy fact that in a fallen world, men are sometimes faced with the necessity of choosing among evil actions. But the evil that one may be obliged to do is not moral evil but rather physical evil. For example, there may be forced upon a nation the unhappy choice of submission to a foreign tyrant or the military defense of the nation. Both are physical evils. But to the nation faced with the choice of just war or submission, neither action would be intrinsically evil in the moral sense. God does oblige physical evil (e.g., capital punishment, war, etc.) but not moral evil.