

## MORALITY AND ROLE OBLIGATIONS\*

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### *Introduction*

Contemporary moral theory standardly conceives of the moral domain as being, in the words of Jay Wallace, “a set of self-standing . . . obligations, which are not grounded in any antecedent relationship that the parties to them have with each other.”<sup>1</sup> So understood, morality is the realm of what we owe to each other by virtue of our each being one person among others, all of whose lives are of value and all of whose lives are of equal value. Because this viewpoint abstracts away from each person’s own perspective, with her particular projects, loves, and attachments, it has often been described as an impersonal standpoint --as Thomas Nagel wrote, “a view of the world from nowhere within it.”<sup>2</sup> And perhaps because of the lingering influence of utilitarianism, moral theorists standardly assume that, if anything can be well understood from this impersonal standpoint, it is our duties to care for the welfare of others. These are often interpreted as duties of beneficence owed mainly, as Wallace says, to people “with whom we have never before interacted.”<sup>3</sup>

For most of us, however, the moral obligations that are especially salient in our lives are not ones that we grasp by looking down on the world from nowhere within it. Nor do they appear to be owed to others only by virtue of their personhood. And many of us --particularly women involved in caregiving-- do not look after others’ welfare primarily by writing cheques to

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<sup>1</sup> R. Jay Wallace, *The Moral Nexus*, (Princeton: Princeton University Press, 2019) p. 17.

<sup>2</sup> Thomas Nagel, *The View from Nowhere*, (New York London: Oxford University Press, 1986).

<sup>3</sup> Wallace, *supra* note 1, p. 17.

Oxfam or occasionally redirecting a trolley. Women's caregiving obligations, marginalized both in society and in our philosophical writing, are deeply bound up with our roles as daughters of aging parents, mothers of young children, partners to our spouses. In fact, for all of us, many of the most salient moral obligations in our lives seem in some way connected to the institutional roles that we occupy and the relationships that these roles make possible. This is true of familial obligations. It's true of the obligations of hosts to guests and of guests to hosts, which are accorded great moral importance in many cultures. It's also true of the obligations we acquire from our roles in the public sphere --for instance, as employers and employees, teachers and students, officers and soldiers, doctors and midwives.

Of course, moral theory has not altogether ignored our institutional role obligations. Against the background assumption that moral obligations are owed by one person to another, seen by each other simply as fellow persons, the question of how to conceptualize obligations related to our institutional roles has often been treated as the problem of how to make room within the impersonal moral domain for what philosophers have called "considerations of partiality."<sup>4</sup> These include "special obligations," which are thought to arise from our close relationships to people such as family and friends. They also include permissions to devote more of our attention to the projects that we favour and the people to whom we are especially close. Although different accounts have been given of why we have such special obligations and permissions, they are often held to derive in some way from the value that these relationships and projects bring to our lives and the space they give us to shape our lives in accordance with what we care about.<sup>5</sup>

I have misgivings about this way of making room for role obligations in our moral reasoning and also about the background picture of morality that makes such obligations seem both special and personal. I think this way of conceptualizing our role obligations obscures the role of social institutions in determining their scope and their normative force. As I shall argue, most role obligations are not particularly personal, but deeply institutional. They bind us in ways that often do not reflect our choices and place considerable limits on who we can become; and they are often not obligations that we can extricate ourselves from, except at great personal cost. This is not always something to

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<sup>4</sup>See Scheffler, "Morality and Reasonable Partiality," in Samuel Scheffler, *Equality and Tradition: Questions of Value in Moral and Political Theory* (New York: Oxford University Press, 2010) pp. 287-312; Marcia Baron, "Impartiality and Friendship," *Ethics* 101.4 (1991) pp. 836-57; Barbara Herman, "Integrity and Impartiality," *The Monist* 66 (1983) pp. 233-50; Diane Jeske, "Friendship, Virtue, and Impartiality," *Philosophy and Phenomenological Research LVII* (1997) pp. 51-72; Troy Jollimore, "Friendship Without Partiality?" *Ratio* 13 (2000) pp. 69- 82; Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991); and Susan Wolf, "Morality and Partiality," *Philosophical Perspectives* 6 (1992) pp. 243-59.

<sup>5</sup>Scheffler, "Morality and Reasonable Partiality," *supra* note 4; Sarah Stroud, "Permissible Partiality: Projects and Plural Agency" in *Partiality and Impartiality*, ed. Brian Feltham and John Cottingham (Oxford: Oxford University Press, 2010) pp. 131-49; Harry Frankfurt, "The Importance of What We Care About" in *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988) pp. 80-94.

lament. Sometimes, being bound to another person or a community through such obligations is a profound gift. But institutional role obligations can leave people significantly burdened, in ways that it is difficult for us to see if we model them all on the obligations that we have to friends or in connection with personal projects, where we have considerable discretion to determine the nature and level of our commitments. Nor are institutional role obligations a special or exceptional part of morality. As I mentioned above, many of our most salient moral obligations seem to be connected to the institutional roles that we occupy, whether within the family or within the institutions that structure our public lives.

One of the aims of this paper is to draw attention to the institutional dimension of role obligations and to urge that, as moral philosophers, we need to do more to analyze how institutions make a difference to both the content and the normative force of certain genuine moral obligations. I begin this work in Sections 1- 4 of the paper. Here, I explain the sense of ‘institutional’ with which I am working, and I lay out several ways in which institutional roles appear to generate moral obligations. Rather than claiming that only one of these explanations gives an accurate picture of institutional role obligations, I shall suggest that we need several explanations, because different role obligations are generated in different ways. I shall argue against exclusively instrumentalist analyses and also against the claim that what makes institutional role obligations binding on us is always the value of being bound, as an end in itself.

A second aim of the paper is to expose the burdens placed upon people whose institutional obligations involve a considerable sacrifice of self and freedom –burdens that I think have been obscured by traditional discussions of partiality and their focus on the institutions of friendship and promising, which offer people much more scope to shape their own obligations than do most institutional roles. I explore these burdens in Section 5 of the paper.

I shall then lay out what I take to be one of the main philosophical challenges confronting philosophers trying to make sense of institutional role obligations. The paper’s third and final aim is to explain this challenge, which I do in Section 6. The challenge concerns how to identify a plausible set of constraints on which institutional obligations can constitute genuine moral obligations. Whatever constraints we recognize must be robust enough to rule out obligations that do not, in fact, show sufficient respect for the value of certain people’s lives and so are not plausibly thought of as moral obligations. But at the same time, these constraints must not be so broad as to rule out the very possibility of moral obligations that require a very real sacrifice of self and freedom on the part of their bearer. I conclude by expressing some uncertainty over how to achieve this.

1. *What is an institution, and what are institutional role obligations?*

For our purposes, in trying to make sense of the ways in which established practices and publicly recognized ways of relating to other people shape our moral obligations, we can adopt a fairly broad understanding of an institution. I shall use the term ‘institution’ to refer to a set of practices or customs that place people in certain publicly recognized positions and thereby make it possible for them to stand in certain relationships. So understood, an institution need not have a formally codified set of rules, though some do.

The family is a good example of an institution in this broad sense of the term. It makes possible multiple relationships, such as that of spouses to each other, of siblings to each other, and of parents to their children. It also makes possible many more specific relationships that are both instances of these more general relationships and yet carry their own distinctive obligations in many cultures, such as the relationships of sister to brother and son to father. These institutional relationships do not always track the biological relationships that are referred to by the same names: in some cultures, one’s sisters and brothers include one’s biological cousins, and in some cultures, one becomes someone’s son or daughter if one owes a special sort of debt to them.

The family is not the only institution whose roles appear to generate moral obligations. Practices of hosting, as I mentioned earlier, form an important institution in almost all cultures, which gives rise to obligations of hosts to guests and guests to hosts. Friendship, too, is an institution in my broad sense of the word; though I shall not focus on it in this paper because it seems anomalous to me in the amount of discretion that most friends are given to shape their obligations to each other, and so potentially misleading when its obligations are treated as a model for the ways in which institutional roles normally bind us to others. Many of our roles in the public sphere also seem to generate certain moral obligations. As a citizen, one acquires the moral obligation to pay taxes. As an officer in an army, one acquires certain heightened obligations to take care for the safety of soldiers under one’s command. Women in many Indigenous communities within North America are born into the role of the water-keeper, which is understood as carrying the obligation to collect and purify the community’s water as well as the obligation to give birth to and nurture the next generation.

It is quite consistent with this conception of an institution and an institutional role to recognize that there are disagreements—sometimes deep disagreements—over how to interpret particular institutional roles and their attendant obligations. Some of these disagreements arise because different cultures understand the obligations associated with certain institutional roles differently, in ways I shall explore later in the paper. But disagreements about role obligations can arise even among members of the same culture. Some institutions, such as legal and religious institutions, have authoritative bodies and rules designed to settle these disagreements. Other institutions, like the family, do not always need such authorities, though certain cultures may assign a particular individual this role within the institution (think of the Roman

*paterfamilias*, one of whose jobs was to settle disputes within the family about who owed what to whom).

Relatedly, we should remember that the moral obligations associated with particular institutional roles are not always co-extensive with the obligations that the law assigns to occupants of these roles. In the United States, the role of ‘parent’ carries with it legal obligations of care imposed by tort law, as well as obligations imposed by compulsory education laws and laws regulating the marriageable age. But the moral obligations that parents have towards their children are normally understood as extending beyond these legal obligations. And of course not all legal obligations reflect antecedent moral obligations. Some simply reflect a legal authority’s decisions about who can do what most efficiently. My interest in this paper will be in the *moral* obligations that attend, and appear to be partly generated by, our institutional roles. Though I think it is important not to forget the legal obligations; and later, I will note some ways in which the legal landscape can make a difference to our moral obligations.

I have been speaking of the “moral” obligations that attend our institutional roles. But what do I mean by “moral”? The picture of role obligations that I shall sketch out in this paper is consistent with a variety of views about what is distinctive about moral obligations. But I shall assume that moral obligations have the following three features, which I take to be fairly generally agreed upon. First, moral obligations orient us toward others in a certain way, one that respects our common humanity and the equal value of each person’s life. Consequently, there are certain background constraints that an obligation must meet if it is to constitute a genuine moral obligation. At a minimum, it must be true that doing what the obligation obliges one to do, and binding someone to do that through this obligation, are both consistent with showing respect for everyone as beings with equally valuable lives to live—including respect for the agent bound by the obligation. Second, moral obligations have a special sort of normative force. Although there are different ways of conceptualizing what this force consists in and what its effect is, we commonly think of moral obligations as either overriding or outweighing many other kinds of reasons. We need not suppose, however, that moral obligations always bind an agent unconditionally. Some moral obligations—and particularly, as I shall later argue, some of the obligations generated by our institutional roles—are best thought of as *prima facie* obligations. That is to say, not that they are merely apparent or illusory, but that they can be outweighed or silenced by other considerations. But when silenced or outweighed, they may leave behind a kind of moral remainder, a set of things that the bearer of the obligation should still do, or feel, or consider, in the future, particularly in relation to those people to whom she owed the obligation. Third, both because of the special orientation of moral obligations and because of their special normative force, the failure to attend to one’s moral obligations leaves an agent open to particularly serious forms of criticism from at least some other people—though not necessarily from everyone.

Of course, not all of the obligations that are moral in this sense are dependent on our institutional roles.<sup>6</sup> We seem to acquire some of our moral obligations simply by virtue of our each being one person living in a world together with others. If you are reading this paper in a library and a fire starts, you have an obligation to help others in the library exit safely, assuming you can do so without serious injury to yourself. Although you may help them out under the description of “Helping a colleague” or “Helping my student” or “Helping my friend,” you would have an obligation to help them even if they were strangers. In cases like this, the institutional role simply provides the occasion for the fulfillment of a moral obligation that can be specified independently of the role and is not generated by it. By contrast, my subject of investigation is the type of moral obligation that at least appears to be given some of its content and some of its normative force by an institutional role.

A final caveat to bear in mind, as we investigate institutional role obligations, is that not all of the obligations that institutions claim that we have are genuine moral obligations.<sup>7</sup> Many of the social institutions through which we live our moral lives are deeply unjust in one respect or another; and it is no part of my project either to deny that they are unjust or to suggest that we really are morally obliged to do all of the things that these institutions claim we are obliged to do. But I do think we need to leave open the possibility that even unjust institutions can sometimes generate real moral obligations. Some of these are merely *prima facie* obligations, ultimately outweighed or overridden by other considerations. But even *prima facie* moral obligations can still leave a moral residue or remainder.<sup>8</sup> We must leave open this possibility—or so I shall argue-- if we are to conceptualize institutional role obligations in a way that is faithful to the experiences of those who stand under them.

One striking feature of role obligations is that, for any given institutional role, there seems to be a core set of obligations so closely tied to that role that it is impossible for someone to deny that he has these obligations without thereby relinquishing the role (or, in the case of those roles that cannot

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<sup>6</sup> So I think Michael Hardimon is correct to reject what he calls “the comprehensiveness claim,” the claim that the duties laid down by our institutional roles provide comprehensive moral guidance. See “Role Obligations,” *Journal of Philosophy* 91.7 (1994) pp. 333-63, p. 338.

<sup>7</sup>Samuel Scheffler has noted that if something is a “deeply entrenched feature of human valuing,” then although we might be mistaken about particular judgments of value in connection with this feature, we cannot assume that people are systemically misguided without thereby abandoning the enterprise of giving an account of human valuation (“Morality and Reasonable Partiality,” *supra* note 4 at p. 49). I think something similar is true of role obligations: this kind of obligation is such a fundamental part of our moral lives that skepticism about whether some such obligations exist and are genuine moral obligations seems incompatible with the enterprise of explaining and justifying our moral reasoning, though of course particular claims about particular role obligations might be mistaken.

<sup>8</sup>See Barbara Herman, “Obligation and Performance: A Kantian Account of Moral Conflict.” In *Identity, Character, and Morality: Essays in Moral Psychology*, ed. O. Flanagan and A. O. Rorty (Cambridge, MA: MIT Press, 1990) pp. 311–37. See also Herman, “Contingency in Obligation,” *Nomos* 49 (2009) pp. 17-53; and most recently *The Moral Habitat* (Oxford: Oxford University Press, 2021).

be relinquished, failing as an occupant of that role). When King Lear's anger at Cordelia prompts him to refuse to give her a share of his kingdom, he does not say: "We remain her father, but she hath no share in our kingdom!" What he says is: "We have no such daughter."<sup>9</sup> He recognizes that, had he continued to acknowledge her as his daughter, he would be bound to do for her things that he now finds impossible. And he thinks that she, by her refusal to flatter him, has failed to do what a daughter ought to do and has thereby renounced her status as his daughter. He is wrong about her, of course. But he is right to assume that the role and the obligation go hand in hand. This is true, also, of the commanding officer in an army and his obligation of loyalty and safe-keeping towards the soldiers in his regiment: to ignore this obligation is to stop functioning as their commanding officer. And it is true of Indigenous elders and their obligation to look after the community's narratives. An 'elder' is not just someone who is *elderly*: an elder is a custodian of the community's narratives, someone who is obligated to tell and retell these stories to the community.

Another important feature of institutional role obligations, and one that becomes visible when we focus on their institutional dimension (as opposed to thinking of them on the model of friendship, which normally leaves agents considerable scope to shape their obligations to each other) is the extent to which our cultures determine the contours of particular institutional role obligations. Because this point will be important later in my argument, I want to pause before investigating how institutional roles could create genuine moral obligations, and to look briefly first at how our cultures appear to shape these obligations.<sup>10</sup>

## 2. *The role of culture*

As we have seen, some cultures bring with them distinctive institutional roles –such as elders and water-keepers. But our cultures can also present us with different interpretations of the same institutional role and its concomitant obligations. Think of the obligations of grown children to their parents. For Chinese families, filial piety (*xiao*) is traditionally understood as imposing, even on adult children, a duty to obey their parents on all important matters throughout the parents' lifetime. Within North America, the obligations of grown children to their parents are often regarded as far fewer –and interestingly, assimilated to the obligations of close friends or those who love each other, in ways that I think make it easier for American philosophers to think of such obligations as special obligations deriving from the value of deep personal attachments, but misrepresent how obligations of filial piety appear from within other cultures, where it is not sufficient simply to do for

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<sup>9</sup> William Shakespeare, *King Lear*, Act I, scene i., lines 304-305.

<sup>10</sup> Nothing that I shall go on to say here presupposes, implausibly, that a person can only belong to one culture; or that cultures are monolithic; or that they do not change over time; or that there can be no disagreement within a culture or sub-culture about the obligations associated with a given institutional role.

your elderly parents the same things you would do for anyone else who is elderly and whom you happen to like or love. Obligations of hosts to guests and guests to hosts, similarly, vary significantly from culture to culture –but within many cultures, the duties are quite rigidly carved out and considerable moral criticism faces those who do not fulfil them. In my mother’s large Greek family, hosts are considered to be under a strict duty to put out for their guests the best of everything that they have. And plenty of it! The table must be in a state of near collapse under the weight of the dishes! Guests must be offered food multiple times, even if they have already declined! This protocol must be followed even if the family is not well off and will have to go without adequate food themselves in the ensuing days in order to provide such plenty for their guests. And this obligation is treated as a genuine moral obligation, owed both to one’s guests and to the Greek community at large (one must not let the community down by being a poor representative of it). Ignoring the obligation is regarded as a particularly severe moral failing. By contrast, as I discovered to my embarrassment when living in the U.K., this sort of hosting behaviour is regarded by most British families as excessive, inappropriate and lower class –a sign of a different kind of moral failing.

As these examples suggest, it is important to think of cultures not only as autonomy-enhancing but also as constraining, often in quite rigid ways. Moral philosophers’ discussions of culture –particularly in the context of cultural rights— often seem to presuppose a background picture of culture as offering us something like a menu of options, from among which we can choose our particular commitments and affiliations.<sup>11</sup> This may or may not be accurate, as a picture of the way in which cultural traditions enhance our autonomy.<sup>12</sup> But it is at most a partial picture of what cultures do, and part of what it leaves out are the many ways in which cultures constrain us. When we focus, by contrast, on the rather rigid interpretation of various institutional roles that many cultures carry with them and on the serious moral criticism that attends those who fail to fulfil their role obligations, I think we see another side of culture.<sup>13</sup> I shall come back to this side of culture in Section 5, when I

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<sup>11</sup> See, for instance, Avishai Margalit and Joseph Raz, “National Self-Determination,” *Journal of Philosophy* 87, no. 9 (1990): pp. 439–61; Joseph Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 2009); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford Political Theory (Oxford: Clarendon Press, 2003).

<sup>12</sup> For a more complex picture, see Samuel Scheffler, “The Normativity of Tradition”, in *Equality and Tradition: Questions of Value in Moral and Political Theory* (New York: Oxford University Press, 2010) pp. 287-311.

<sup>13</sup> It may seem surprising, at first, that violations of duties of hosting and violations of filial duties meet with the kind of serious moral criticism that they do. After all, these are not the kinds of roles that one always has a choice about whether to take on: we are born into the roles of daughter or son and sister or brother, and in many cultures, if a friend of a friend, or even a stranger, shows up at your door, you now occupy the role of “host” whether you like it or not. But interestingly, within many cultures, it is precisely the ability to fulfil such unchosen and sometimes unwelcomed obligations that is regarded as a sign of moral character. Perhaps the underlying idea is that it is easy to abide by a contract or a promise because you yourself had a hand in designing it; but it takes a special kind of virtue to adhere to obligations that you did not ask for.



consider the situation of those whose role obligations significantly limit what they can do and who they can become.

Our cultures not only make a difference to the content of our role obligations; they also appear to be part of what makes certain obligations normative for us. My mother referred to her hosting obligations with pride as the obligations of “a good Greek host.” Similarly, when my friend tries to be a good son to his parents, it is understood between them that he is striving to be “a good Japanese son.” Being a good North American son to them would be quite useless, as far as they are concerned!

Samuel Scheffler has argued that culture has no normative force as such.<sup>14</sup> If this means simply, as Scheffler states at one point, that we do not think of culture “as an independent normative category,” then it seems quite correct.<sup>15</sup> As the above examples suggest, our cultures shape the contours of our role obligations, but we do not, simply because of this, think of such obligations as separate ‘cultural duties,’ standing apart from our moral duties. Even in the case of those obligations that are quite specifically owed to members of one’s own culture *qua* members of that culture, such as the Greek hosts’ obligation to host well and not let the Greek community down, the duty is thought of not as a cultural duty but as a moral one: that is why lapses attract moral criticism.

But at times, Scheffler makes the stronger claim that people do not normally see their cultures as sources of normative authority.<sup>16</sup> And I think this runs counter to our experience, as people who try to be “good Greek hosts,” or “good Japanese sons” or “good Anishinaabe water-keepers.” Sometimes, we do not explicitly make reference to our culture: our thought is just that we must be “a good host” or “a good son” or “a good water-keeper.” But when we reason in this way, I do not think this is because we are assuming that our cultures play no part in defining what a “good” occupant of these roles does or in making this binding on us. On the contrary, I think it is often implicit in our reasoning that what is a “good” in these contexts depends partly on our cultures. If that is right, then our cultures do have a certain kind of normative force. They help to define the contours of particular institutional role-based obligations, and at least in some cases, they are experienced by us as part of what makes these obligations binding on us.

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<sup>14</sup> Samuel Scheffler, “Immigration and the Significance of Culture,” in *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford University Press, 2010), pp. 256-86.

<sup>15</sup> *Ibid.*, p. 281.

<sup>16</sup> For instance, Scheffler states that: “Except in special cases, people who actually accept such values and norms, and who feel their force, do not think of them in those terms, still less do they see the authority of the values and norms as deriving from their status within the culture.” *Ibid.*, p. 281.

### 3. *Some ways in which institutions generate moral obligations*

But how is it that institutions and institutional roles, as interpreted by our cultures, could create genuine, binding moral obligations? There are really two related questions here. First, how could institutions and institutional roles give these obligations *content*? And second, how could they help to give them the kind of *normative force* that moral obligations have? As I noted earlier, moral obligations present certain actions as ones that we have, not just some reason to perform, but the kind of reason that overrides or outweighs other reasons in many circumstances. They present themselves as binding us to do certain things, often to or for specific people. But how could institutions make a difference to the content and to the normative force of certain moral obligations?

Sometimes, an institution provides a system that coordinates and makes more efficient different individuals' attempts to fulfil a certain pre-existing moral duty, and as part of this system, it assigns the occupants of certain roles new duties. These latter duties are 'perfect duties,' duties to do particular things in a particular way. What makes it possible for the institution to create such new perfect duties is at least partly the fact that, when people act in these ways, they will be better able to fulfil some more general and pre-existing imperfect duty, such as the duty of beneficence. Consider, for instance, our taxation systems. As moral philosophers such as Onora O'Neill have suggested, when a state sets up a particular taxation system and assigns each citizen the role of taxpayer, it provides them with one way of fulfilling part of what is required by the independent imperfect duty of beneficence.<sup>17</sup> So our taxation systems function at least in part as coordinating systems that enable citizens to fulfil some of what is required by their pre-existing imperfect duty of beneficence. The state determines what each taxpayer needs to pay; so it determines the content of this perfect duty. And of course it also determines *that* the taxpayers must pay the tax. The state's taxation system, then, is also partly responsible for the normative force of the duty of taxpayers to pay their taxes. But the overarching imperfect duty of beneficence is independent of the state and of its particular taxation system; and there are other possible ways in which its members can fulfil the imperfect duty of beneficence. Indeed, depending the adequacy or inadequacy of a given state's taxation system and on what else that state does for the poor, it may be necessary for its citizens to do much more than simply pay their taxes in order to fulfil this imperfect duty. (This is one of the ways, that I had earlier said I would flag, in which the actual laws that a state passes can make a difference to the moral obligations that its citizens have. Within a state that has an adequate taxation system, publicly

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<sup>17</sup> Onora O'Neill, *Faces of Hunger: An Essay on Poverty, Justice, and Development*, Studies in Applied Philosophy (London: G. Allen & Unwin, 1986); Patricia Greenspan, "Making Room for Options: Moral Reasons, Imperfect Duties, and Choice," *Social Philosophy & Policy* 27.2 (2010), pp.181-205.

funded health care and education and appropriate social security benefits, individuals will need to do less on their own to fulfil their duties of beneficence --at least to members of their own state-- than they would if they lived in a state without such laws).

So some institutional roles seem to give content and normative force to our obligations by being part of a coordinating system that gives us one way to perfect an imperfect duty. Other institutional role obligations seem, similarly, to help perfect an independent imperfect duty; but in these other cases, the institutions, together with relevant cultural conventions, fully specify what is required of us in order to fulfil that imperfect duty in particular contexts. Our obligation to show our gratitude to others seems well understood in this way. We have an imperfect duty to express gratitude to others, an obligation that is independent of institutions like the family or schools or medical profession. But each of these institutions, as culturally interpreted, determines for us what counts as an acceptable expression of gratitude from a person occupying a certain institutional role to a person occupying another such role. For instance, within some cultures, daughters are regarded as having special obligations of gratitude towards their parents and in-laws, which take the form of looking after them in their old age and cooking them traditional foods. The content of these obligations of gratitude clearly depends on that culture's interpretation of the roles of "daughter" and "parents." And so does their normative force: those who regard themselves as bound by such obligations believe that they are so bound because this is just what it is for a daughter to express her gratitude to her parents within their culture. Similarly, North American universities give us a certain understanding of what counts as an acceptable expression of gratitude from a student to a professor who has written them recommendation letters. The gift must express thanks while not jeopardizing the professor's ability to treat the student impartially relative to other students in the future; and it must also respect the professional distance that, within our university system, we maintain between students and teachers. So a moderately priced bottle of wine serves the purpose; but not a 1959 Dom Perignon Rosé, and not a bottle of perfume.

We have now looked at two sorts of institutional role obligations, both of which function to perfect an independent imperfect duty. But are there any institutional role obligations that seem to be generated simply by what an institution does to people or what it says about them, without there being a prior imperfect duty in the background? I think there are, and in the rest of this section, I shall sketch out two ways in which institutional roles seem to me to generate their own obligations. I do not offer these as exhaustive of the possibilities, but simply as two important parts of any account of how institutional roles generate obligations.

Most institutional roles alter our position relative to other people. Some do this by giving certain people the power to make decisions about what happens to others and to use certain resources in ways that significantly affect others. In such ways, institutional roles can make a real difference to the power and the authority that some people have over others. It seems quite natural,

then, to suppose that because of this, when one occupies such a role in such an institution, one acquires certain obligations to those over whom one has this institutional power, obligations one would not otherwise have had. Consider, for instance, the commanding officer in an army, who alone knows the full details of the mission that her unit has been sent on, the nature of the landscape through which they are travelling, and the preparedness of the enemy; who alone is given the task of making decisions in the middle of any manoeuvre; and whose soldiers are expected to give her complete obedience. Given the position that her role as commanding officer has placed her in, relative to her much less well-informed and much more vulnerable soldiers, the officer surely has a heightened obligation to take care for the safety of these soldiers. This obligation does not pre-exist the institution of the military. It arises precisely because of the special powers that the military gives commanding officers over their soldiers and because of the particular duties of obedience it imposes on the soldiers. It extends beyond the moral obligations that each of us has to any other person to take care for their safety (of the kind that, earlier, I noted that we had even to strangers in the library). And it is not something that could be taken over by just anybody who happened to be in as good a position as the officer to take care of the soldiers' safety. Indeed, the US army treats this as a special and "non-delegable" duty, in the sense that even if some other soldier or observer finds themselves in a better position to take care for the safety of the other soldiers, the commanding officer cannot delegate the fulfilment of her obligation to them. She is still the one who stands under the obligation, given the special relationship with her soldiers that she has as a result of being their commander. This obligation seems quite plausibly interpreted as an imperfect duty: it does not itself specify what steps precisely the commanding officer must take or just how safe she must keep these soldiers, but leaves it to her discretion to determine what sort of care is necessary and what counts as exercising it. So the officer's institutional role seems to create a new imperfect duty.

Importantly, whether the officer's institutional role generates this particular duty or not does not depend on whether the army itself is fairly organized, or upon whether the cause for which it is fighting is just. The duty, as I have described it here, seems to arise from the mere *position* in which the army places the officer and the soldiers, relative to each other. This I take to be an advantage rather than a drawback of the explanation. For, as I shall go on to suggest with other examples, most of the institutions that appear to generate role obligations are not perfectly just; and many do not distribute burdens fairly, as between their different members. But yet their obligations are often experienced by us as genuine moral obligations. It may be, of course, that institutional injustices or unfairness can sometimes provide reasons of a kind that ultimately outweigh these obligations. I mentioned earlier that not all moral obligations are all things considered obligations; some are only *prima facie* obligations. Perhaps, if the cause for which a particular army is fighting is significantly unjust, then all things considered, both the officer and the soldiers should refuse to fight: perhaps both should ultimately reject the

demands that the army is making of them. But because of the kind of authority that the army has conferred on the officer and the ways in which it has made the soldiers dependent upon her, it seems plausible to me to acknowledge that the soldiers still have residual claims upon the officer even if she decides that all things considered, she ought to stop fighting. The officer cannot just throw down her weapons and walk off. She needs, at a minimum, to guide her soldiers to a place of safety, perhaps even a place where they too have the option of exiting the battle, should they choose; she needs to make sure they have the supplies necessary to survive, as far as it is in her power to give these to them; she needs to explain her decision to them; and she may also have an obligation to check on them in the future and to give them and their families further help if they need it. All of these obligations are what we might call the “moral remainder” of her original, *prima facie* moral obligation to take care for their safety, as their commanding officer.

The example of the commanding officer’s duty towards her officers is just one example of an institutional role obligation that depends on the special powers and authority that certain institutions assign to certain people and on the special dependencies they thereby create in others. But there are many other examples of this type. Certainly, something like this must be at least part of the explanation of why, in traditional patriarchal societies, husbands and fathers are recognized as having an obligation to provide for their wives, and why, in some, brothers are recognized as having an obligation to marry the wife of a deceased elder brother. In societies where the duties of wives are regarded as incompatible with their working outside the home and young girls are expected to marry before they have received much of an education, married women do become dependent on their husbands and other men within the family for financial support. Such institutions seem to generate certain obligations by placing people in potentially problematic unequal relationships with others, which then demand a certain kind of caring or attention on the part of those whom the institution has placed in positions of authority.

But there is also a different way in which institutional roles seem to create obligations. In order to introduce it, I want to consider some institutional roles that are less familiar to us, roles from certain Indigenous cultures. Many Indigenous cultures treat certain moral obligations as generated by the *stories* their institutions tell about their members and their place relative to each other. I suspect, and I shall suggest later, that many non-Indigenous institutions also generate obligations partly through the stories they tell about us. That is, they not only literally place us in special positions with respect to others that give rise to obligations —the way the military does, and the way patriarchal societies do— but they figuratively place people in certain special relationships with others, through the stories they tell about them and the symbols in these stories that link together what would otherwise be disparate entities.

So let us look in more detail at two role obligations recognized by certain Indigenous cultures: the obligations of the water-keeper, and the obligations of the Métis harvester.<sup>18</sup>

Women in many Indigenous cultures are born into the role of the *water-keeper*. This role is defined by what might, to an outside observer, appear to be two wholly unrelated obligations: the obligation to keep the community's water pure and the obligation to give birth to and nurture the community's children. If we want to understand why women in these communities are thought to have both obligations and how these obligations relate to each other, we need to look to the stories these communities tell –stories that present rivers and lakes as the blood of Mother Earth and that present women as kin to her, because their blood too is life-giving. We cannot fully grasp the water-keeper's obligation to bear the community's children unless we understand it as arising within a culture where women share a kinship with Mother Earth. Similarly, we cannot grasp their obligation to keep the community's water pure unless we understand the stories that tell us that Mother Earth's water is like women's blood. Of course, we could strip away the stories and look at these tasks as ones that there are quite general reasons for someone to perform: keeping water pure is obviously necessary for sanitary living and cooking, and giving birth is necessary for the community's continuity. But it is the stories in these cultures, with their distinctive symbols of water and blood, that make sense of why women have these obligations together, as different facets of each other. It is also these stories that, for the women in question, explain why the obligations have the normative force they do –why they are regarded as binding on all of these women, rather than as things that there is merely some reason for some of them to perform. These acts are obligatory for all of them, they say, because that is just what it means to be a woman in their society. They are, they tell us, born to be water-keepers, in a world where this makes them kin to Mother Earth.

Now consider the role of the Métis harvester, who hunts and traps in order to obtain food, clothing and tools.<sup>19</sup> Métis harvesters see themselves as having the obligation to ask permission from the animal before killing it; to assure the animal that they will not waste any part of it; and to make a tobacco offering in exchange for the animal's gift of its life. These obligations are viewed, from within Métis culture, as ways of affirming the spiritual equality of the harvester and the animal. The harvester must make a gift of a tobacco offering because this is regarded as a fair and equal exchange for the animal's

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<sup>18</sup> Most Indigenous knowledge about these roles is transmitted orally rather than through writing; but for several helpful written accounts, see Kate Cave and Shianne McKay, "Water Song: Indigenous Women and Water", *The Solutions Journal* 7(6) (2016), pp. 64–73; Kim Anderson, "Aboriginal Women, Water and Health: Reflections from Eleven First Nations, Inuit, and Métis Grandmothers," Paper commissioned by the Atlantic Centre of Excellence for Women's Health and the Prairie Women's Health Centre of Excellence (October 2010).

<sup>19</sup> For a beautiful written account of the obligations of the Métis harvester, see Elmer Ghostkeeper, *Spirit-Gifting: The Concept of Spiritual Exchange* (Writing On Stone Press, 2007). I am indebted to my extended family for sharing this and other Métis teachings with me.

offering of its life: one gift in exchange for another, as befits equals. And the harvester must ask the animal's permission and promise that none of it will be wasted because this too is a way of acknowledging that the animal is a fellow subject or "spirit," and not an object to be possessed and then thrown away when the harvester is finished with it.<sup>20</sup> Harvesters have these obligations, then, as a way of acknowledging the equal status of themselves and the animals they harvest. In fact, because animals and harvesters are equals, the process of harvesting is seen by the Métis not as a killing but as a distinctive form of "spirit gifting" (*mekiachahkwewin*), the kind of gifting that occurs when one member of a family gives a gift to another.

But how is it that harvesters could really have such obligations and that animals could really be their equals? The Métis say that this equality is established by the stories that they tell about themselves, animals, and their relationship with each other in the world. In these stories, animals help people and even model various virtues: the muskrat teaches perseverance by diving deep into the water and saving the earth after the great flood, while the wolf teaches patience and concern for others by waiting to eat until his food can be shared with the rest of the pack. These stories position animal spirits as the equals of human spirits, in much the same way that the institution of the military, in our earlier example, places the commanding officer in a certain position, relative to the soldiers he commands.

One might at this point object that these stories and institutional roles are not creating obligations; rather, the stories are simply a record of what Indigenous peoples believe are pre-existing moral truths. If this is right, then it is really these moral truths—for instance, that animals are the moral equals of people—that do most of the work in generating these obligations. The stories that explain why water-keepers and harvesters have these obligations are just ways of acknowledging and vividly presenting these pre-existing truths. And so these institutional roles do not, in fact, generate new obligations. They simply provide particular, culturally determined ways of acknowledging prior and institutionally independent moral facts.

But I think this objection misconstrues the role of stories in Indigenous cultures. For this is not how such stories are experienced, from the inside. To the Métis, their stories are not reports of pre-existing moral truths; rather, the stories themselves help to construct the moral status of different beings. For this reason, the Métis call these stories their "laws." Like laws, they determine *how things are to be* rather than reporting what they already were. And this is precisely why it is an obligation of the community's elders to continue telling the community's stories. The telling and re-telling of these stories is not a way of reporting something that is true independently of the story and that is therefore told again only so that it will be remembered. Rather, the telling of

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<sup>20</sup> See Ghostkeeper, *ibid*, pp. 11-12: "The person requests permission from . . . the aspects of the spirit, mind and emotion of a plant or animal to sacrifice its aspect of the body for human sustenance. The spirits of the donor and recipient are thought to be equal. This request is in exchange for an offering in the form of a gift of a pinch of tobacco or food, and it signals spiritual equality."

these stories is a way of ordering the world right now, through particular symbols and narratives. Moreover, I think it is significant that the stories are thought of as normative only for the people whose stories they are. No Métis harvester would try to convince someone who was not Métis of the equal status of people and animals by telling them the story of muskrat and the flood. That is not only because they know that others would not believe them: it is also because they do not view these stories as proof of certain independent moral facts. Rather, they treat the stories as normative for the people whose stories they are: they define who the Métis are and what their position is, relative to other beings in their world.

We saw earlier that whether the military officer has a special, non-delegable obligation to keep her soldiers safe does not depend on the justice of the war that they are fighting; though how she ought to respond to that obligation, all things considered, might. So too, in the case of these Indigenous obligations that derive from stories, the mere existence of the obligation does not seem contingent on whether the stories are just, or appropriate, or whether they are fair in their distribution of social burdens. I think we must recognize this if we are to validate the experiences of those who find themselves born into the roles of water-keepers or harvesters. The stories that they have been born into make certain demands on them –demands they cannot ignore.

But of course, as with the officer's obligation, there is a nuanced approach that we can take to these obligations. It is not the case that our only options are either to dismiss all such Indigenous stories as quaint but false, on the one hand, or to accept that all of them generate all things considered moral obligations, on the other hand.

We can note, firstly, that in many cases, the stories about water-keepers generate only *prima facie* moral obligations –that is to say, not merely apparent obligations, but obligations that may ultimately be outweighed by other demands on, or important goals of, these women. To treat these obligations as *prima facie* obligations is not to drain them of all of their moral force. For, as I suggested earlier, *prima facie* obligations that are overridden or silenced can nevertheless leave a moral residue or remainder.<sup>21</sup> It may be, for instance, that Indigenous women who decide not to give birth to more, or even to any, children nevertheless have a residual obligation to help in some ways with the nurturing of the community, perhaps by providing guidance to adults who are raising children or support of various kinds for others' children (and in fact, this is how many water-keepers do actually understand their obligations).

Secondly, as we saw earlier, it is a background constraint on anything counting as a genuine moral obligation that it must express respect for the bearer of the obligation, as someone whose life is just as valuable as the lives of others. In many contexts, requiring women to give birth to children for the sake of the community does *not* show equal respect for the value of these

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<sup>21</sup> Some may prefer to call them *pro tanto* obligations, precisely because they leave a moral residue or remainder when overridden by other considerations (for some think of *prima facie* obligations as obligations that are completely erased when overridden). I am not convinced that much depends on the terminology.



women's lives. So in these contexts, the obligation to give birth to the next generation would not even count as a *prima facie* moral obligation.

Finally, we may also want to recognize that even when one stands under a genuine, all things considered moral obligation generated by a particular institutional role, one can sometimes have a moral complaint about standing under that obligation – a complaint, for instance, that it is unfair that people like *you* are routinely placed by certain social institutions in positions in which you have obligations of one sort or another, whereas people of another gender are not.<sup>22</sup>

I have now suggested that there are at least two different ways in which institutions can create new moral obligations for us, beyond simply perfecting an independent imperfect duty. First, they can change our position in the world by giving us more or less power or authority over others, thereby giving us obligations to these other people. And second, they can change our position in the world figuratively, by giving us a certain status in relation to others through stories, which in turn gives rise to certain obligations to them.

I suspect that more institutional role obligations than meet the eye are, like the roles of the water-keeper and the harvester, bound up with stories that give their bearers a certain status or position relative to others and thereby help to make certain obligations normative for them. So although I have used Indigenous institutional roles to argue for the importance of stories in giving us certain obligations, my claim is not that Indigenous role obligations depend on stories while non-Indigenous ones do not. It is simply easier to see the ways in which Indigenous role obligations are bound up with stories, because these stories are self-consciously told aloud and collectively acknowledged as relevant to their role obligations. But there may well be other institutional role obligations that, similarly, are generated by particular stories. One can think, here, of the folk tales that are told in many cultures that help to situate their members in relation to others. And they need not literally be stories that are told in words, as narratives: artistic movements often tell implicit stories about a people and their obligations (think of the famous Group of Seven in Canada, which helped to define for generations what it meant to be a Canadian and what we owe to our landscapes). Even the distinctive grammar of a given language tells a story of sorts about its people's place in the world, one that may make a difference to the obligations they have.<sup>23</sup> The fact that we have to

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<sup>22</sup>This last suggestion is obviously controversial: can an agent really have a moral complaint about something that is nevertheless a genuine, all things considered moral obligation? If so, it would have important implications for how we understand morality as a whole. It would put pressure on theories such as consequentialism and contractualism, which suppose that all morally relevant reasons are factored into a single judgment about whether someone has a certain moral obligation, and which therefore leave no room for someone to have a *moral* complaint about an all things considered moral obligation. I defend the claim that there are such morally objectionable moral obligations, and that they are in fact quite commonplace, in a forthcoming paper, "Objectionable Obligations."

<sup>23</sup> As one Métis elder said: "Aboriginal languages are verb-based and the English language is a noun-based language . . . We have a relationship with the whole universe from an Aboriginal perspective whereas in the English language, you have nouns and you objectify things . . . when you speak English, you are separate from something, you are not a part of it." Albert

dig more deeply in some cases to find the stories is no proof that they are not there or that they play no normative role. It simply makes the task of unearthing them more difficult.

But now our objector might rejoin: all of this shows at most that some people *think* certain stories make certain obligations binding on them. It does not show that these are real moral obligations. At this point, I think we may almost have reached one of those places in philosophical argument where there is nothing more that one side can say to the other. You may find the idea of stories giving rise to obligations powerful and beautiful the way I do; or you may find it a piece of magic that we are better off without. But I am not sure that there is much more that can be said in defence of it, short of more detailed analyses of how particular stories give rise to such obligations. However, one thing that might cast doubt on this view would be an equally plausible but less mysterious explanation of another sort of how institutions could generate such obligations. So in the next section of the paper, I shall turn to two challenges, two alternative views that purport to explain the normativity of institutional role obligations.

#### 4. *Two challenges*

Consider first a challenge from the reductive instrumentalist, who says: what makes a particular institutional role obligation into a genuine moral obligation is always only the value that it adds to the valuable institution that it is a part of. To bring the instrumentalist's challenge into focus, we should distinguish it from two weaker theses that are both compatible with the kinds of explanations that I have already given of the normativity of role obligations. One is that placing people under institutional role obligations *is often of instrumental value*. This is consistent with all that I have said so far and seems quite true. Our being bound by institutional role obligations often has many instrumental benefits: for instance, some of these obligations make possible valuable relationships with others, and some enable us to realize important goals (for instance, nurturing our children and helping them grow into responsible adults; defending our country; protecting our water sources). The other weaker thesis that we should distinguish from reductive instrumentalism is that it is a *necessary condition* for an institutional obligation's being a genuine moral obligation that it add value to a valuable institution. In other words, the value of attaching that obligation to that particular valuable institutional role may not be what makes the obligation genuinely binding on us, but it is a background constraint on morally binding institutional obligations that they must form a valuable part of a valuable institution. This thesis, too, could be endorsed by someone who holds the views that I have

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Lightning, as reported in *Métis Identity: Sharing Traditional Knowledge and Healing Practices at Métis Elders' Gatherings*, by Lois Edge and Tom McCallum, Métis Nation of Ontario: [http://www.metisnation.org/community/Marion\\_Larkman/marion\\_home.html](http://www.metisnation.org/community/Marion_Larkman/marion_home.html).

sketched of our institutional role obligations, and it has been accepted by a number of philosophers who have analyzed special obligations.<sup>24</sup>

I think we should resist this second weak thesis, for several reasons. First, in the case of those institutional role obligations that stem from the disproportionate power or authority that certain institutions give some people over others—such as the commanding officer’s obligation to take special care for the safety of her soldiers—the institution need not be valuable in order for the special situation to arise that appears to generate this obligation. In fact, as we saw earlier, whether an institution such as the army is valuable (or just) seems to be irrelevant to the question of whether, now that the commanding officer and her soldiers are together in the battlefield, she has this particular *prima facie* obligation towards them. Such obligations seem to arise because of the special *situation* that the institution places several people in, not because of the *value* of the institution that places them in this situation.

The instrumentalist might therefore try to refine their claim, suggesting instead that it is just the obligation that needs to add value to the institution, regardless of whether the institution itself is valuable. But in this form, the claim seems unhelpful, as a constraint on something’s counting as a moral obligation. Any institutional role obligation that accomplishes anything for an institution can be described as “adding value to the institution.” But surely not every kind of value is relevant to the moral status of the obligation in question, and what we are trying to figure out is how institutions could generate genuine moral obligations. For example, in one sense of ‘valuable,’ it is clearly valuable for women, as water-keepers, to be under an obligation to produce and nurture the next generation: this will ensure the continuation of the clan. But it is not obvious that this is relevant to whether these women have a genuine moral obligation to do this.

These considerations might lead the instrumentalist to backtrack. Perhaps they should return to the original version of this second weak thesis—that is, that institutional role obligations must make a valuable contribution to a valuable institution, if they are to generate real moral duties—but apply this weaker thesis only to certain role obligations, such as those that perfect imperfect duties or those that derive from stories. There is certainly an obvious sense in which, when a role obligation perfects an imperfect duty (in the way that our obligation to pay taxes does), that obligation is making a valuable contribution to a valuable institution (for instance, our tax system). And if some role obligations gain their normativity from the stories that figuratively place people in certain positions, does it not seem plausible to suggest that these stories can generate genuine moral obligations only if the relevant institutions are valuable and the obligations add value to these valuable institutions? Once again, however, I am not sure the weak instrumentalist’s claim is helpful. As applied to obligations that perfect pre-existing imperfect duties, the claim that such obligations must make a valuable contribution to a

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<sup>24</sup> See, for instance, Thomas Nagel, *The View From Nowhere*, *supra* note 2; and Samuel Scheffler, “The Normativity of Tradition”, *supra* note 12 and “Morality and Reasonable Partiality,” *supra* note 4.

valuable institution seems true but does not add anything to what we had already posited. It seems to be just another way of saying that this type of obligation perfects a pre-existing moral duty; but it is a less precise and so less helpful way of saying it. And as applied to obligations generated by stories, the instrumentalist claim seems to suffer from the same problem that we noted above: it seems too broad to help us identify the particular kind of value that is relevant in determining whether an obligation generated by a story constitutes a moral obligation.

But what about the reductive instrumentalist's position, that what *makes* a particular institutional role obligation normative is the value that it adds to a valuable institution? Once again, although this seems true of those institutional role obligations that perfect imperfect duties, it seems true in their case only because these sorts of obligations are initially grounded on a moral duty—for instance, the imperfect duty of beneficence, or the imperfect duty of gratitude. And in the case of other institutional role obligations, such as those generated by literally by special situations, or figuratively by stories, the same objection that I raised earlier applies: unless the relevant value has something to do with moral value, it isn't clear why it would generate a moral obligation.

Even more importantly, it is not clear that a reductive instrumentalist account can explain the distinctive normative force that attaches to institutional role obligations. The reductive instrumentalist account has trouble explaining this in at least two respects. First, many role obligations are what Jay Wallace has described as “directed obligations.”<sup>25</sup> That is, they are obligations we owe to particular people, such as our aged parents, our guests, the soldiers in our unit. But according to the reductive instrumentalist, our obligation is really just to do the valuable things that uphold the valuable institution. So there is a sense in which our role obligations, on the reductive instrumentalist account, are owed primarily *to the institution* and only derivatively to the particular people to whom we think we owe these obligations. This is fundamentally different from the way in which we normally understand role obligations. Second, we think of these obligations as obligations to do certain things, period, insofar as we occupy the role. As Cordelia's father, Lear must give Cordelia a share of his kingdom; as my parents' child, I must help in some way to look after them in their old age. We do not think of these obligations as contingent upon whether doing what is required would add value to the broader institution of the family. But reductive instrumentalism seems to imply that, whenever we find ourselves in a situation where recognizing and adhering to a certain a role obligation is not necessary in order to preserve a valuable institution, then we have no such obligation. Or rather, insofar as we still ought to do what the obligation requires of us in such situations, it is not for the sake of the people to whom the obligation appears to be owed, but rather for the

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<sup>25</sup> Jay Wallace, *The Moral Nexus*, *supra* note 1, pp. 5-6.

sake of all of the people who are doing their part to uphold this particular valuable institution, because we ought not to freeride on their cooperation.<sup>26</sup>

This is of course a version of a common objection to instrumentalist theories of any part of morality or law. But it seems a particularly forceful objection in the case of role obligations, because our conviction that we stand under such obligations and that they take a certain form—with many of them being owed to particular people, and many of them binding us to do certain things for these people, in ways that are not contingent on the value of the obligation or on whether others are doing their fair share in upholding the relevant institution—is such a central part of our ordinary moral lives. So although we can certainly accept the weak thesis that institutional role obligations are often of instrumental value, I think the reductive instrumentalist account fails as a general account of role obligations.

David Owens, in his forthcoming book, offers an account at the opposite end of the spectrum from instrumental accounts.<sup>27</sup> He argues that what makes certain conventionally recognized obligations binding on us, when they are, is the fact that being bound in these ways is valuable for its own sake. That is because, as human beings, we have certain ‘deontic interests,’ or interests in being bound to others through socially recognized obligations. When we are bound to others through such obligations, this is good for us, and good not just instrumentally, but for its own sake. Importantly, what generates the obligation on this account is not the goodness of *doing* what the obligation requires one to do (though that, too, may in some cases be good for its own sake), but the goodness of being *bound* to do it.

This account seems to me ingenious and, at first glance, a plausible explanation of the normative force of some of our role obligations—in particular, those owed by parents, who feature in many of Owens’ examples. Who would dispute that it is valuable—indeed, valuable precisely as an end in itself—for parents to be bound to their children in ways that are partly constituted by certain weighty obligations of care?

But I wonder whether the intuitions that lead us to find this account compelling are actually about intuitions about obligations of care that are not conventional and that Owens’ account is not intended to explain; while many of the conventional obligations that Owens’ account is supposed to explain are, on closer inspection, not obviously valuable for their own sake. Consider an example that Owens discusses frequently and that he regards as the kind of convention that it is valuable for us to be bound by, for its own sake: the obligation of “Italian parents” to “allow their child to live in the family home until marriage.”<sup>28</sup> Although Owens speaks of this as the Italian parents’

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<sup>26</sup> See Liam Murphy, “The Artificial Morality of Law: The Persistence of an Illusion,” *University of Toronto Law Journal*, 70.4 (2020) 453-88, at p. 458 for a very helpful discussion of this reason for our compliance with obligations on an instrumentalist account.

<sup>27</sup> David Owens, *Bound by Convention* (Oxford University Press: forthcoming in October 2022). All citations to this book are to page numbers in a draft manuscript from 23/12/21, available to the public at: <https://davidowensphilosophy.files.wordpress.com/2021/12/bound-by-convention.pdf>.

<sup>28</sup> *Ibid.*, pp. 30-39.

obligation, it is really Italian mothers who shoulder most of the burdens connected with this obligation. Italian fathers are obliged only to allow their children to live in their homes. But for Italian mothers, the obligation is an obligation to *do* rather than an obligation to *allow* --and an obligation to do rather a lot of things! Italian mothers must regularly clean and organize their grown child's bedroom, cook their grown child's favourite foods, help entertain their grown child's friends, be around and available at home for advice and support, and so on. Once we specify all of these tasks and the considerable, gendered burdens that they place on mothers, it is no longer so clear that being bound to one's grown child by the obligation to do these things for them is valuable for its own sake. (And it seems Italian fathers get a bit of a free ride, satisfying their "deontic interest" in being closely bound to their grown children while having to do none of the actual work . . . ).

Owens might reply that my analysis focuses on the wrong features of the obligation. I have focussed on the many things that Italian mothers are obliged to do and on the fact that they have to do all of this while Italian fathers simply have to give their permission. But what is allegedly of value for its own sake, Owens might reply, is not the doing of these different things but the *relationship* that being bound to do these things makes possible between parents and children. However, it seems to me that here Owens' account faces a dilemma. Either the Italian parents' obligation is just instrumentally valuable in producing something else that is itself of value as an end in itself --namely, an especially close relationship between parent and child--or the Italian parents' obligation is partly constitutive of that close relationship. If the obligation is just instrumentally valuable, then it does seem quite plausible to think of the relationship as valuable for its own sake; but the obligation is something separate from it and it is not obvious that being bound by this obligation is *itself* valuable for its own sake. Alternatively, if being bound by this obligation is partly constitutive of the parent-child relationship, then, given the troubling features of this obligation, I think we might question whether this particular kind of parent-child relationship really is valuable for its own sake.<sup>29</sup>

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<sup>29</sup>Could Owens' own test for whether being bound by a given convention is valuable for its own sake help us here? Owens puts forward what he calls the "regret test": he proposes that we ask whether the individual who is bound by a certain conventionally recognized obligation could "appropriately regret" being bound by it (*Bound by Convention*, p.72). He emphasizes that the relevant question is not whether the bearer of the obligation could regret having to do what the obligation requires of her, but whether she could appropriately regret being in the normative *position* of one who is required to do this. However, it seems to me that mothers who stand in the normative position of the "Italian parent" *could* quite appropriately regret being bound by these particular obligations, while nevertheless thinking that, given their child's dependency on them, the obligations they stand under are genuine obligations. So it is unclear to me that the regret test is a good measure of whether a conventional obligation really does bind us. It is also unclear that it is a good measure of whether it is valuable for its own sake. As Owens acknowledges, some conventional obligations that are valuable for their own sake are so valuable in part *because* they have instrumental value. It is unclear whether, on the regret test, we will always be able to distinguish those cases in which someone's lack of regret is genuinely due to the value of being bound for its own sake from those cases in which it is simply due to the immense instrumental value of being so bound.

So, once again, we seem unable to conclude that being bound by this obligation is valuable for its own sake.

But perhaps the problem lies with this particular example, and we should just locate a better one. Many parental obligations do seem to be a constitutive part of the very special, close relationships between parents and children that they make possible, and do seem to be of value for their own sake. It is unclear, however, just how many of these obligations are conventional ones. The most intuitively obvious candidates for the kind of parent-child obligations that it is valuable to be bound by for their own sake are our obligations to take care of our young children and to love our children unconditionally. But these obligations are not imposed by convention; and indeed, Owens himself seems to regard them as non-conventional, and as having a different normative source. Moreover, it seems to me that many of the role obligations that an outsider might initially think of as “conventional” are in fact regarded by the bearers of that obligation as moral obligations deriving from the needs or the situation of those to whom the obligation is owed. This seems to me true, for instance, of Owens’ own example of the Italian parents’ obligation to house their children until marriage. I imagine that most of the real Italian parents who feel bound by such an obligation regard it not as a convention but as a moral obligation that reflects their grown child’s actual dependency on them, within Italian society. When one lives in a society in which grown children are expected to be living at home and expected to have the support of their parents, and one’s society does not provide broader social or institutional support for young people living on their own, then grown children really may be dependent on their parents for support. (Whether it is a good thing for them to be so dependent, and whether it is fair for Italian mothers to shoulder the burdens resulting from the lack of wider social support for independent young people, are separate questions; we can acknowledge that there is a real basis for the obligation in the needs of young Italians without having to answer these latter questions in the affirmative). If Owens’ account is really only an account of the small sub-set of obligations that are purely conventional and are perceived by their bearers as such, then it is unclear how many of our role obligations it can explain.

Finally, Owens’ account seems to me to overlook the very real material ways in which social institutions change our positions, when they assign us certain role obligations --the powers and resources they confer on us or take away from us, the positions of authority or vulnerability they leave us in. Owens notes at the start of his book that he wants to bracket the “institutional aspect” of conventions and wants to focus instead on the “personal interests” that conventions serve.<sup>30</sup> But I do not think we can identify the relevant personal interests unless we think of institutional role obligations within their institutional contexts and are cognizant of the many ways in which institutions --both through the powers they give certain people and through the stories they tell about us-- substantively affect our position in relation to others.

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<sup>30</sup> *Ibid.*, p.14.

For all these reasons, I doubt that either a purely instrumental account of our role obligations or an account that appeals to the value of being bound as an end in itself can offer us a viable alternative. The approach I sketched out in Section 3 still recognizes that many institutional role obligations have some instrumental value. And there is certainly room for us to allow that being bound in some of these ways is valuable as an end in itself. However, to explain why many of these obligations are binding on us, my account looks to the ways in which institutions either perfect imperfect duties or attach to institutional roles that have *altered our positions with respect to others*, either literally in terms of the power or authority they confer on certain people, or figuratively, through stories.

### 5. *The burdens of obligations*

I have now suggested a number of ways in which institutions make a difference to the content and normative force of our moral obligations. In the course of this discussion, we have seen that many role obligations are unlike obligations of friendship or promissory obligations in that the person who is obliged has relatively little opportunity to shape the contours of the obligation or to decide whether they are under it in the first place. Instead, the institution, as culturally interpreted, lays down how the occupant of that role must behave—for instance, what it is for a grown child to show gratitude to her parents, what it is for a parent to look after their grown child, what it is to be born into the role of water-keeper and have certain obligations to look after the welfare of the next generation. Even though I have tried to suggest that some of these obligations are *prima facie* obligations and can be overridden by other considerations, I have emphasized that they nevertheless leave a moral residue or remainder—a set of further things one must do, or consider doing, for the people to whom one owed the original obligation. These are often burdensome. Both the obligations and the moral remainders can involve a sacrifice of one's freedom and one's other pursuits. And occupying such roles often limits not only what else one does but who else one can become.

Moreover, many institutional roles are ones that we are born into and cannot extricate ourselves from except at great personal cost. This is true of familial roles such as that of child or sibling, as well as of certain important cultural roles like that of the water-keeper and the harvester. Other institutional roles, though not ones we are born into, are roles we cannot feasibly decline to occupy. Hosting, for instance, is hardly an optional practice if one lives near other people, particularly if one wants to be a good neighbour or a good citizen. Indeed, role obligations are often nested within each other, in the sense that the obligations attaching to one institutional role often include the obligation to take on another institutional role, whose obligations in turn further constrain the occupant of the initial role. For instance, to be a good sibling in many cultures, you must often become a host, not just to your siblings, but to all of their friends. To be a good Métis parent, you must be a harvester. And in



some countries, as a Ukrainian soldier recently told a reporter, to be a good citizen, you must become a soldier when your country is invaded, even if you would not otherwise have chosen to take up arms.

For all these reasons, many who stand under role obligations experience them as a genuine burden. And yet these people still view their role obligations as morally binding on them. Many women, for instance, feel the pull to be “good daughters” to their parents in the ways that their cultures require, even when this significantly interferes with their career aspirations or their desire to raise a family in their own way, and even when the demands of being a good daughter feel unfair to them, particularly in relation to the often much gentler demands placed upon their male siblings. Similarly, to return to Owens’ example, many Italian mothers believe they have a genuine moral duty to look after their adult children until they marry, even though they will therefore spend most of their lives caregiving. These people experience their role-based obligations as genuine obligations, even though the obligations place considerable burdens upon them.

It can be tempting to try to explain away the burdens faced by people who occupy such institutional roles. Contemporary moral theorists have often held that genuine moral obligations cannot be overly demanding. This is, of course, one reason why people have thought that morality, impersonally conceived, must make room for special obligations in the first place –because otherwise, morality would be unreasonably demanding. It would ask of us things that we could do only if we gave up on some of the relationships and projects that are dear to us, and only if we had much less space for self-definition. Although demandingness, in this sense, is not quite the same as the burdensomeness that I have described here, the same sort of reasoning that leads us to think that moral obligations cannot be overly demanding might lead one to believe that role obligations cannot be unduly burdensome, if they are to be genuine moral obligations. If that is true, then it must be the case either that truly burdensome institutional role obligations are not genuine moral obligations, or that people who think their role obligations are especially burdensome are simply mistaken: the burdens are not in fact so large.

Both of these are familiar responses, but both seem to me mistaken. An obligation can surely be a genuine moral obligation even if it leaves it imposes huge demands on its bearer and considerably restricts her future actions. As for the burdensome nature of these obligations, the fact that the bearers of many role obligations must make a real sacrifice in order to fulfil these obligations is often part of their *point*. The most obvious example of the kind of institutional role obligation whose burdensomeness is part of its purpose is the obligation to devote one’s life to others, recognized by members of certain religious orders. They believe their lives are a gift from God and that the proper way to acknowledge and receive this gift is for them, in turn, to give their lives as a gift to others. But one does not need to be religious to feel the pull of this idea. Many parents believe that being a good parent involves living at least partly if not wholly for the sake of their children, giving up the need to define the success or failure of their life on their own terms, and

accepting that they will lose many of the freedoms they used to have and will have significant constraints placed on what they are able to choose. And women in many cultures are often asked to sacrifice their individual aspirations for the sake of the next generation. If we try to explain away these burdens and suggest that they are really not as large as they seem, we risk misunderstanding the very purpose of these obligations for their bearers and the institutions to which they belong.

But perhaps the fact that these people take themselves to be under such obligations is evidence that this is something they value, and perhaps this means these obligations are fulfilling and therefore not burdensome? I think there is an obvious sense of “value” in which the first part of this sentence is true: taking oneself to be under certain obligations to others is a way of valuing your relationship with them.<sup>31</sup> But this does not make the obligation any less of a burden --any less of a constraint on its bearer’s freedom or future actions. An obligation can both express what one values and yet at the same time require a considerable sacrifice. Most of us are familiar with this idea outside the context of institutional role obligations. The person who volunteers at a homeless shelter because they believe they have a moral duty to help those less fortunate will have to forego many things he would otherwise be able to do. But we do not doubt that his volunteer commitment both expresses something he values and yet also involves a considerable sacrifice on his part. Someone who says to this person “You aren’t going to that dinner party? So you think you’re going to enjoy an evening at the homeless shelter more, then?” has clearly missed the point of what having such a commitment involves.

I have suggested that, when we keep in view the institutional nature of our role-based obligations, we are led fully to appreciate how burdensome many of them are. And I have argued that it is a mistake to try to explain away these burdens. But taking these burdens seriously has important implications for how we understand the background constraints that on an institutional role obligation’s constituting a genuine moral obligation. I shall explore these implications in the final section of the paper.

#### 6. *A theoretical challenge: constraints on role obligations*

I began this paper by noting that a basic truth about moral obligations --namely, that they derive in part from our common humanity and from the equal value of all of our lives-- has sometimes been associated with an impersonal point of view, a point of view from which we abstract from people’s particular cultures and commitments. I then argued that many moral obligations are not visible from such an impersonal point of view and cannot be comprehended apart from our institutional roles. But of course it does not follow that just any institutionally imposed obligation is a genuine moral obligation. As I have acknowledged throughout the paper, there must be

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<sup>31</sup> As Scheffler argues in “Morality and Reasonable Partiality,” supra note 4, p. 47.

certain constraints on what can count as a moral obligation, even among those obligations that are generated partly by our institutional roles.

But where should we look, to identify these constraints? A natural place to start is with the very idea that moral obligations enable us to recognize others as people with valuable, and equally valuable, lives to live. As I noted earlier, given this understanding of the moral, it follows that at the very minimum, a cluster of institutional role obligations can count as genuine moral obligations only if obliging someone who occupies this role to do this particular set of things is consistent with recognizing both this person and others as people whose lives are of value, and of equal value.<sup>32</sup> Note that we will have to evaluate such obligations in sets –that is, the set that attends a particular institutional role. That is because, in some cases, each obligation that attends a given institutional role may, on its own, be relatively minor, but taken together, they may impose a very weighty set of constraints that fails to respect the equal value of the bearer’s life.

It will require a great deal more work to flesh out how this principle of ‘respecting the equal value of each person’s life’ (or, as I put it earlier, respecting their “common humanity”) is to function as a constraint on our institutional role obligations. What is it, exactly, for an institution to respect the equal value of each person’s life, and which sorts of obligations are inconsistent with this? Moreover, one of the most important difficulties we will face in articulating this constraint is that any adequate interpretation of ‘respecting the equal value of each person’s life’ must leave room for obligations that require considerable self-sacrifice. That is, it cannot be that whenever a group of obligations significantly limits someone’s future actions or requires them to sacrifice their interests for others, then it fails to respect the equal value of their life. For this would rule out many of the role obligations that we discussed in Section 5, and which we believe do constitute genuine moral obligations.

I have to admit that it is unclear to me where to draw the line here or how to do so. Think back to my example of Indigenous water-keepers and their obligation to give birth to and nurture the next generation. I mentioned earlier that this might be a *prima facie* obligation, defeasible by other demands within these women’s lives. I also noted that, if it failed to show adequate respect for the value of these women’s lives, it would not even be a *prima facie* obligation. But when does an obligation fail to show respect for the value of someone’s life? Is it only when acting upon it would put that person’s life at risk? That seems much too weak a constraint: what about situations in which there is no risk to someone’s life, but a very significant interference with her

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<sup>32</sup> In his account of associative obligations (a certain kind of role obligation that has more to do with membership in a group), Dworkin proposes something similar: namely, that to count as genuine moral obligations, associative obligations “must show not only concern, but equal concern, for all members.” Ronald Dworkin, *Law’s Empire* (Cambridge, MA: Harvard University Press, 1986) p. 199.

freedom or autonomy, as is likely the situation for many waterkeepers? How significant must the interference be, for us to say that placing someone under such an obligation fails to treat her as a person whose life is of equal value? I am not certain. But this is work that any serious account of role obligations needs to do.

To acknowledge that we need such constraints on which institutional role obligations are genuine moral obligations is not to deny that institutions themselves do much of the normative work, in explaining why role obligations are genuinely binding on us. On the contrary, as I hope this paper has shown, to see these obligations for what they really are --to grasp their full extent, their relation to other obligations, and their importance for people-- we need to understand people's institutional roles. We need to understand the particular interpretations that their cultures have given to these roles, the unique situations in which particular institutional roles place some people relative to others, and in many cases, the stories that also make a difference to our status and our place in the world.