

## Moral Obligations and Social Commands<sup>1</sup>

In ordinary discourse, we sometimes use the language of right and wrong to morally evaluate actions. We talk about actions being morally required or obligatory, others as permissible, and still others as forbidden or wrong. On other occasions, we use the vocabulary of good and bad. In some moral theories and in much ordinary conversation, the difference between these sets of terms goes unnoticed - but there *is* a difference which is easily recognized when we are asked to attend to it. To say that an action is good is not the same as saying that it is obligatory. An action or type of action may be encouraged or praised without being morally required. Similarly, we may judge an action to be morally bad without finding it strictly immoral or wrong. We may discourage an action or criticize it without regarding it as forbidden.

Recognizing a difference between these sets of terms, however, does not amount to understanding it. The idea of a moral obligation or requirement, as opposed to that of an action that is (merely?) morally good, is especially puzzling, if not problematic.<sup>2</sup> It is the aim of this paper to understand it better.

Robert Adams has written with exceptional clarity and insight about the concept of moral obligation, arguing “that a theory according to which moral obligation is constituted by divine commands...is the best theory on the subject for theists “(P. 250). There is reason, however, to hope for a theory of moral obligation that could be accepted by theists and nontheists alike. In what follows, I shall

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<sup>2</sup> It may be noted that I do not in this paper contrast the obligatory with the *supererogatory*, which philosophers usually understand to refer to what *is above and beyond* the call of duty. On that understanding, to act in a way that is supererogatory is to do *more* or *better* than is morally required. The contrast I want to discuss here is not quite the same, for reasons that I hope will become clear as the paper develops.

consider what seem to me to be the most popular as well as the most plausible theories of moral obligation, bringing out some of the difficulties as well as some of the advantages of each. As will be seen, my understanding of the concept of moral obligation shares much with Adams's conception. Like Adams, I think the nature of moral obligation is best understood against a background of an independently available conception of moral goodness and of good moral reasons, and, like him, I think central features of the notion of moral obligation can only be captured by a theory according to which obligations arise from actual social requirements. Nonetheless, the account I shall be defending is a secular one, according to which obligations arise not from divine commands, but from human ones. Moreover, although I shall be defending what might be called a Social Command Theory of obligation, I shall be defending it only to a point. As I shall argue, we use the language of obligation for a variety of purposes that are not all optimally served by the same understanding of the term. Disentangling these purposes and recognizing the difference conceptions of obligation that best serve them will I hope shed light on the role the concept – or concepts – of obligation plays in moral thought.

#### Command Theories of Obligation

One common way to think of moral obligation is by analogy to legal obligation, and to think of both on the model of commands. We have a legal obligation to do something if we are required to do it by law, where law in turn must be issued by an appropriately authoritative person or group – a sovereign perhaps, or a duly elected legislature. If *moral* obligations are to be understood as commandments, however, there is a question about who is doing the commanding. The two most obvious candidates – God and society – are both deeply problematic.

One problem with the Divine Command Theory is that God – more specifically, a God who gives commands – may not exist. A second is that even if God exists, God's commands to us are not easily discerned. Even if we put such metaphysical and epistemological concerns aside, however, we have reason to look elsewhere for an account of moral obligation. Whether or not we have any moral obligations does not seem to depend on the question of God's existence – it seems, for example, that we are morally obligated to refrain from killing, stealing, lying, and so on, whether God exists or not. Moreover, such obligations do not seem to be obligations *to* God, but to each other.

This last consideration may count in favor of what we might call the Social Command Theory of obligation – the view, that is, that our moral obligations come from the demands or expectations of society. However, difficulties with this view are also very considerable, and may appear as insuperable as those that beset Divine Command views. For one thing, just as people may be sceptical of the existence of a commanding God, people may question whether there really is such a thing as society. Unlike the question of God's existence, the question of society's existence is not metaphysical, but it is a legitimate and serious question nonetheless. To be sure, we live among other people – in a neighbourhood, a state, a world. But is any collection of them sufficiently organized and unified to constitute a group that can be seen to issue commands in the requisite sense? Moreover, if there is a sufficiently unified and organized group of this sort, it is far from clear that for each of us, there is exactly one of them. To the contrary, we seem to be part of many different overlapping social groups – is just one of them authoritative? If so, which one, and

why?<sup>3</sup> Furthermore, even if it be granted that there is such a thing as ‘society,’ its commands, if such there be, are hard to discern, raising again a difficulty that runs parallel to one that afflicts Divine Command Theories. Finally, and, I think, most powerfully, there is an objection to the Social Command view that has no parallel in our assessment of Divine Command views: insofar as we admit the sense and content of the idea that society issues commands, we must acknowledge that the commands it issues are frequently mistaken. Some of the acts that societies have taken to be morally obligatory have in fact been morally horrific; and, some acts that we now think *are* morally obligatory society has failed in the past, and perhaps still continues to fail, to demand.

In light of these objections, it seems reasonable to look to some other way of understanding the concept of moral obligation, or, alternatively, to do without the concept altogether. But these other alternatives are problematic, too, as I shall now try to show. Understanding the problems behind these other alternatives will explain why I want, in the rest of the paper, to revive the Social Command Theory despite the very serious objections to it that I have already noted.

### **Doing without the concept of obligation**

Were we to give up on both Social Command and Divine Command Theories, what other accounts of moral obligation might we propose? G.E.M. Anscombe famously argued that the idea of a moral obligation made no sense if it could not be understood in terms of a command issued by an authoritative person or group.<sup>4</sup> Since, for reasons such as those I’ve given, she felt that the candidates for such an office were lacking in contemporary society, she concluded that continued talk of moral

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<sup>3</sup> See Andrew Oldenquist, “Loyalties,” *Journal of Philosophy*, Vol. 79, No. 4 (April, 1982) pp. 173-193. for an interesting argument against the idea that the claims of the widest group to which we might have allegiance are necessarily also the weightiest.

<sup>4</sup> G.E.M. Anscombe, “Modern Moral Philosophy,” *Philosophy*, 33 (1958).

obligation was incoherent and should be eliminated. In other words, according to Anscombe, it makes no sense to say one is morally required to do something unless one thinks that one is required *by* someone, and in particular by someone with sufficient and relevant authority. If one does not believe anyone stands in a position suitable for the occupation of that role, one should give up talking about moral requirements altogether. In that case, Anscombe thinks, one may recommend some actions and criticize others. One can talk about virtue and vice. But we should not talk of actions as being required, permitted, or forbidden, if we do not think there is any appropriate agent issuing the requirements or granting the permission.

Adopting Anscombe's suggestion would dramatically change the way we think and talk about ethics – but is there anything wrong with her proposal? Some might be tempted to say that what is wrong is that there *are* moral obligations, and so to give up talking about them is to give up trying to describe and understand an aspect of moral reality. Certainly, discussions of moral obligations do not seem nonsensical or incoherent, even when one self-consciously attends to them. However, it would beg the question to regard this as an objection to her view. Her point is to challenge those of us who are not divine command theorists to make sense of our talk of obligations and requirements, and we can hardly meet the challenge by simply insisting that it does make sense, never mind how.

There are good reasons of a more practical sort, however, for regarding Anscombe's proposal as something we should adopt only as a last resort. There are good reasons, that is, for *wanting* our moral and ethical framework to contain a distinction between the obligatory and the morally desirable, reasons that have been pointed out, for example, by Thomas Hobbes and by John Stuart Mill. Specifically, there is much to be gained – for each of us individually, as well as for society

collectively, for all of humanity, and even for the whole of sentient creation - from being able to insist that people behave in certain ways and restrain themselves from behaving in certain others. The ability to insist that people deal honestly with each other and refrain from violence and theft, and the ability to insist that people come to each other's aid, if we can make our insistence effective, allows us to live in relative security, to pursue our individual goals more efficiently than would otherwise be possible, and to live in a climate of public mutual trust and respect that enhances the quality of our lives. The ability to insist on more particular forms of behavior and more particular kinds of restraint allows us to create and maintain public goods that would be impossible without coordination.

Legal systems have presumably evolved in large part as a way of fulfilling these functions, but not all the things it would be desirable to insist on are best handled through the arm of the law. Further, there are advantages to having the members of society recognize nonlegal reasons as well as legal ones for obeying some of what is properly included in the law's domain. In short, there are enormous social advantages to being able to appeal to the idea of moral obligation.

At the same time, we cannot and should not expect people to devote themselves entirely to the common good, or to constrain their own actions to a degree that would deprive them of seeking and attaining lives in which they themselves can flourish. It is in society's, or if you like, humanity's interest, that people be pressed to guide and constrain their actions in ways that foster the common good and contribute to a climate of mutual respect, but there are also reasons - some but not all of which also have to do with promoting the common good - for wanting the scope and content of these demands to be limited.

We want people to constrain and guide their actions to some degree in order to foster the common good and to treat their fellow creatures respectfully, but we also have reason not to want people to think they must devote themselves entirely to these ends. It would be helpful therefore to have a limited category of actions that people can be expected to feel they *must* perform (and, relatedly, to have a limited category of actions that people can be expected to feel they must avoid), that they may conceive of as “doing their share” for society or the world.<sup>5</sup>

People of good will and good faith will want to do their share in contributing to the world, even though this will sometimes involve some sacrifice of their own good or of their own interests. In order to raise and educate people to grow up with the concept of “their share” and with the desire to do their share, however, we need to appeal to a distinction between what is obligatory and all else that is morally good.

Moreover, it would be helpful to appeal to such a distinction to determine how much and what kind of pressure may be put on others who may not be internally motivated to be morally good. When is it appropriate to insist that others behave in morally desirable ways? For what sorts of behaviour is it reasonable to blame them? It seems intuitively inappropriate and unreasonable to blame them for failing to be as morally good as possible, but it would be very useful to be able to say of activities within certain limited ranges, that *these* are morally required, these others morally forbidden.

We have reason, then, to want a moral or ethical framework that has room for a concept of moral obligation. We have reason, that is, to find some alternative to

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<sup>5</sup> I have discussed these issues elsewhere. See especially “Above and Below the Line of Duty” in *Philosophical Topics* XIV (Fall 1986) 131-148, and “The Role of Rules,” in Walter Sinnott-Armstrong and Robert Audi, ed., Rationality, Rules, and Ideals: Critical Essays on Bernard Gert's Moral Theory, (Rowman and Littlefield, 2002).

Anscombe's proposal that we simply do ethics without that concept. But on what basis can a line between the morally obligatory and the morally good but not required be drawn, and from whence would the authority of the demand to fulfil one's obligations derive?

Those who would reject Anscombe's proposal must either return to the option of finding an authoritative person or group who can be understood to be the source of moral demands, or dispute Anscombe's claim that the coherence of the concept of moral obligation depends on belief in the existence of such a source. We have already seen reasons for being pessimistic about the former option. In any event, the latter seems to me to be the more popular path in contemporary ethics. It involves defending the idea that the distinction between what is required and what is merely recommended can be made without reference to any commander. To say that something is morally required, on this view, is not to say that it is required *by* anyone. But then, what are we saying when we say of some act that it is required rather than merely recommended?

### **No-command Theories of Obligation**

To be frank, I think that much of the time we don't really know what we're saying. Often we want mainly to urge someone or some group to behave in a particular way; we are not focussing on the question of whether we think the action is required or merely desirable. As I mentioned before, we speak loosely, and freely, and there is nothing wrong with that. But if we use such words as "wrong" and "morally required" loosely, we should not draw implications from them that would be warranted only if the words are used in a stricter more careful way. What can the stricter, more careful use of such words as "wrong," "morally required," and "morally obligatory" be?



If the distinction between what is required and what is good but not required that these words mark out is to serve the purposes I earlier mentioned, it must be associated with a distinction between the amount or kind of pressure it can be appropriate to exert in the interest of achieving conformity to certain rules or patterns of behavior. John Stuart Mill seems to have hit the nail on the head when he wrote

We do not call anything wrong unless we mean to imply that a person ought to be punished in some way or other for doing it – if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience...It is a part of the notion of duty in every one of its forms that a person may rightfully be compelled to fulfil it. Duty is a thing which may be exacted from a person, as one exacts a debt. ...<sup>6</sup>

Mill goes on to say

There are other things, which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do; it is not a case of moral obligation; we do not blame them, that is, we do not think that they are proper objects of punishment.<sup>7</sup>

But what can put an act into the category of the morally obligatory if its being in that category is to imply that it would be appropriate or justifiable to punish someone for failing to perform it? What can be the basis for the claim that an act is morally required if an act's being morally required is understood to license a special kind of pressure?

We have already considered briefly the suggestion that an act can be morally required only if it has been commanded by some authoritative person or group. We want now to consider whether a sense can be given to this claim that does not rely on any sort of commander. We want, in other words, to consider the possibility of a No-Command Theory of obligation.

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<sup>6</sup> John Stuart Mill, *Utilitarianism*, Chapter Five, (originally published in 1861). In Hackett edition, 1979, pp. 47-48.

<sup>7</sup> Mill, *ibid*, p.48

One way the phrase “morally required” may be used, and perhaps *is* used by some moral philosophers, identifies “what is morally required” with “what morality requires” which in turn can be identified with “what consistency with moral values and ideals demands.” In the background must be some general agreement about which values and ideals are the moral ones. There are important controversies here, but in this essay I want to bracket them and assume that such agreement can be reached.<sup>8</sup> In other words, I want to assume that we can agree at least roughly on what counts as the realm of the moral independently of any commitment to or knowledge of the peculiar category of the morally obligatory, and that we can think of this realm as supplying us with what we can call moral reasons. Against that background, let us return to the suggestion that a moral requirement is simply a requirement *of* morality, a conclusion that follows from a commitment to moral values and ideals, or from what might be called ‘the moral point of view.’

Ready parallels to such a use can be found in connection with other practical concerns. Just as morality requires us to tell the truth, etiquette requires us to pass the port to the left, good spelling requires us to spell “separate” with an “a” (actually with two “a’s”), prudence requires us to get regular dental exams. Similarly, we use the word “must” not only in moral contexts but in nonmoral contexts as well. You must read Hegel; you must see the new Almodovar film; you must visit Venice before it sinks into the sea.

These nonmoral uses of “must” and “require,” however, have nothing to do with obligation as we ordinarily understand that term. They are rather expressions of what Kant called hypothetical imperatives. To say “X requires Y” in these examples is to say that that you should Y if you value X, or perhaps that not Y-ing is

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<sup>8</sup> Moral values, presumably, include value in human life and human welfare, in treating people respectfully, in recognizing oneself as just one person among others.

inconsistent with valuing or caring about X. The admission that X requires Y, however, only gives you a reason to Y *if* you care about X, and it may only give you a *strong* reason to Y if you care about X and about being consistent with your value of X, *very much*. When I say to someone that she must see the new Almodovar film, I do not mean to say that she has an obligation to see it. Insofar as moral musts and moral requirements are understood along parallel lines, they too cannot be understood to express judgments about moral obligation.

It is tempting to express this point by saying that when we claim that X is morally required, we do not mean to say “*Morality* requires X”, as we might say “*Etiquette* requires Y” or that “*Good spelling* requires Z”. Rather, we mean to say that *we* require X, on moral grounds or for moral reasons. But who are “we,” and on what authority are “we” able to require anything? These questions bring us back immediately to consideration of the Social Command Theory. But there is another proposal for a no-command theory of obligation that I want to consider first.

If understanding moral obligations as those practical claims that are required *by morality* (or by the moral point of view) is not strong enough to capture the normative force of the concept of obligation, it may be more promising to think of moral obligations as requirements of *reason*, or, more precisely, as requirements of reason in cases in which moral considerations are decisive. (We would not consider someone morally obligated to reach correct arithmetical conclusions while balancing her checkbook, although such conclusions may be required by reason, too.) According to this proposal, the claim that one is morally required may be used to single out cases in which moral reasons not only count in favour of something, they count decisively. That is, they outweigh all other reasons that might favor doing anything else. To say one is morally required to do something in this sense, would

imply that all things considered, you should do it, in a situation in which the salient reasons for this judgment are ones of a moral sort.

I suspect that I, as well as others, often do use the phrase “morally required” this way, to refer to what I take there to be decisive moral reason to do, especially when I am considering what to do, or which moral judgments to apply to myself. However, it would be a mistake to identify this use with the concept of the morally obligatory, insofar as the latter’s connection to the appropriateness of social pressure and of blame toward others is to be retained and preserved. I will offer five reasons why.

First, it can be extremely difficult to know what one has decisive reason to do, particularly when one is asking the question about another person, whose nonmoral reasons one may not be in a position to assess, and when the expectations of society are indeterminate or unclear.

Second, even if we do know that another person has decisive moral reason to do something, it is not clear that this puts us in a position legitimately to stand in judgment on him or to issue blame.

Third, failures to do what one has decisive reason to do in cases in which the salient reasons are *nonmoral* neither do nor should result in the kind of guilt and blame appropriate to breaches of moral obligation. I have decisive reason to put down the Sudoku puzzle I am trying to solve at midnight and get to bed; I have decisive reason to set the alarm for seven, to get up, eat breakfast, and get down to work; I have decisive reason to pass up dessert; to exercise; maybe, even to read Hegel. I do none of these things, thus showing that I frequently do not do what I have decisive reason to do. I am not even close to being perfectly rational. But what of it? Such failures of rationality on my part do not seem to license blame. You would not

be justified in trying to compel me to act otherwise, and I myself need not feel guilty (though I may be self-critical and displeased with myself in other ways) for such failures of rationality. If it is appropriate – as we are insisting that it is - to blame someone for a failure to do what is morally obligatory, the fact that her failure constitutes a violation of decisive (or all things considered) reason will not explain why.<sup>9</sup>

A fourth reason for not identifying what one has decisive moral reason to do with what one can appropriately be punished or blamed for not doing is that in the absence of publicly expressed social expectations, a person may not know what she has decisive moral reason to do. It is generally considered unfair or unjust to blame someone for failing to do what she could not reasonably be expected to know she should have done, and this case seems to be no exception.

Fifth, and finally, there is a range of cases in which my intuitive judgments about what one has decisive moral reason to do and about what is morally obligatory come apart. I suspect that many others have intuitions similar to mine in such cases. Consideration of the kind of case I have in mind may also illustrate and reinforce some of the other reasons just listed for thinking that the two categories should not be conflated.

#### Moral obligations and decisive moral reasons – some examples

These examples all concern cases in which one might say morality is in transition, in which one group of people see – let us assume correctly - that there is decisive moral reason to do something, but the bulk of society has not yet caught up with their reasoning and their insight. It is in the nature of such cases that they are

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<sup>9</sup> As Adams writes: “To the extent that I have done something morally wrong, I have something to feel guilty about. To the extent that I have done something irrational, I have merely something to feel silly about – and the latter is much less serious than the former.” - *Finite and Infinite Goods* (New York: Oxford University Press, 1999), p. 238.

culturally-bound, and the examples that work best for me may not be perfectly suited to readers from other countries or even other subcultures. Still, I hope that they are suggestive enough to allow those who cannot relate easily to my specific examples to find comparable ones of their own.

A particularly clear case for my purposes concerns the question of whether to own and drive a Sports Utility Vehicle - that is, an SUV. SUV's are large cars – classified actually as small trucks – that are higher and larger than ordinary cars and less fuel-efficient. They are also less safe for the drivers and passengers of these cars themselves and a safety hazard to others. They are very popular in the United States. These vehicles have significant advantages for drivers who need to transport six or more people, or travel on rough terrain, but for most people who drive them such benefits are negligible or nonexistent. Rather, people just like the feel of driving a big, high car – it makes them feel safer, though this is an illusion. Above all, these cars are in fashion.

Now it seems to me, and to many of my friends, that people who have no special needs to which SUV's particularly answer should not drive them. The danger they add for other drivers and passengers, the extra damage that they cause to the roads, their unnecessary use of scarce resources, constitute decisive moral reasons to choose another car, not to be outweighed by considerations of fashion and of just liking the way driving an SUV feels. When my daughter, to whom my husband and I had promised a car, expressed a preference for getting an SUV, I said “over my dead body” (though I did not mean to use that phrase literally). The point is, I believe that there is decisive moral reason not to buy an SUV - but I do not think it is morally obligatory.

As I mentioned, these cars are very popular. Many of my children's friends and their parents drive them. Indeed, some of my own friends and relatives drive them as well. I wish they wouldn't, and, depending on the closeness and the quality of my relationship to them, I might make a point of letting them know what I think and urge them to change. Still, I don't believe that they have a moral obligation not to buy or drive an SUV. I don't think that when they do buy them and drive them, their behavior is literally immoral. It is not that I think merely that it would be inappropriate to *tell them* that their behavior is immoral – that, as it were, this is a case where it is best to keep my opinion to myself. Rather, I do not believe that it *is* immoral – they are under no obligation to choose a smaller car. Recalling Mill's distinction between what we regard as someone's duty and what "we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do" this case, for me, falls clearly on the latter side.

In countries where the roads are smaller, the parking is scarcer, where fuel is more expensive, and public transportation more convenient, there may be less need to be concerned about the morality of driving an SUV. Prudential reasons may be sufficient to make the option unattractive to most. And in places where the possibility of wanting or needing to drive on rough terrain is greater, the reasons not to buy an SUV may be less decisive. But other cases in which the moral demands of society appear to be in transition may translate better to nonAmerican contexts. To what extent do we have an obligation to recycle, to refrain from eating meat, or from purchasing eggs that are not hatched from free-range chickens? Is exclusive use of the male pronoun to refer inclusively to men and women immoral? What about the

use of the word 'girls' to refer to the members of the 21-year old female field hockey team?

Some will no doubt question whether there is, as we might say, '*anything* wrong' with the patterns of behavior I have just mentioned. That is to be expected, since, as I have said, they concern issues in which social opinion is in transition. My interest, however, is especially directed toward those cases in which one is inclined to agree that there *is* something wrong with the behaviors in question, that they are morally undesirable or bad, that they should be discouraged, but yet one is hesitant to apply labels like "morally forbidden" "immoral" or "wrong" to them. If one acknowledges an inclination to think that there are such cases, then it is at least plausible to consider the possibility that the category of acts we have decisive moral reason to perform is not the same as the category of the morally obligatory. But then what might the difference between these categories be? In virtue of what might an act be morally obligatory if not in virtue of there being decisive moral reason to obey it?

An answer that will be immediately suggested by the range of examples I have just been discussing is "in virtue of the demands of society." For a salient feature of the range of examples under consideration that may explain why even those who agree that there is decisive moral reason to conform to certain rules of behavior are reluctant to apply terms like 'morally obligatory' to these rules is that society at large has not endorsed or demanded that we conform to them. Reflection on these examples, in other words, may suggest that there is something to the Social Command Theory of moral obligation after all.

Before reconsidering that view, however, let me briefly discuss an alternative hypothesis, according to which the relevant difference between acts that are morally obligatory and those that are not has less to do with social expectations and demands



than it does with “moral seriousness.”<sup>10</sup> If the claim that an act is morally obligatory is to license social pressure, guilt and blame, we should reserve the term’s application to conduct in which something of considerable moral significance is at stake. Among those who agree that there is decisive moral reason not to drive an SUV or use sexist language, disagreement about whether one is morally obligated to avoid these activities may reflect differences in the assessment of the seriousness of the matter. I am doubtful, however, that the consideration of moral seriousness will yield a satisfactory account of the distinction we are after.

There are plenty of matters of considerable moral significance that do not fall within the realm of the morally obligatory: Should one use one’s Christmas bonus to buy oneself a vacation or contribute it to famine relief, where it will supply a family with food for three months? Should one set aside four hours of one’s busy week for workouts at the gym or use them volunteering to be a Big Sister for an inner city teenager? There are also plenty of matters that do fall within the realm of the obligatory that are nonetheless of minor concern. In ordinary circumstances it is wrong, albeit trivial, to use one’s employer’s business stationery for personal use, or to shoplift a pack of chewing gum from a supermarket.

One might respond by suggesting that the first cases are not cases of moral obligation because the moral reasons in favour of contributing to famine relief or becoming a Big Sister are strong but not decisive. Being able to take a vacation or to maintain an exercise routine may be very important to a person, after all, and so it may be unclear where the balance of reasons lie in these cases. On what basis, however, might it become clear where the balance of reasons lie? How are we to

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<sup>10</sup> Although he supports the view that obligations are grounded in (divine) social requirements, Robert Adams also thinks that obligations are necessarily to be taken seriously. See Adams, *ibid*, p. 235.

determine when strong moral reasons are also decisive? At least in part, the answers to these questions seem to depend on what society expects or requires of us.

Even harder than accounting for cases where something morally serious is at stake that fall outside of the realm of obligation is the problem of dealing with cases that seem to be within the realm of obligation, but that are not morally serious. On a view that takes moral seriousness to be a condition of obligation, there can be no such thing as a trivial obligation. According to such a view, the sorts of acts I mentioned as fitting that category must either not be obligations or not be trivial after all. I do not see how to defend the claim, however, that it is not wrong to steal when the stakes in question are small (for both the thief and the victim). However, the alternative position – namely, that no case of stealing is trivial – is problematic as well. For one thing, such a view is in danger of being objectionably morally fastidious. Even insofar as it is plausible, however, it requires further explanation. Why should it be that any case of stealing is a morally serious matter? Again, the most plausible answer I can think of would refer back to social expectations and requirements. The seriousness of the matter stems from the fact that it is a violation of a social expectation or demand.

Even if it is true, therefore, that we do not regard something as morally obligatory unless we think that acting accordingly is a serious matter, there is reason to doubt that moral seriousness is a *condition* of moral obligation. If we adopt a Social Command theory, however, according to which moral obligations stem from social requirements, we would have an explanation for the strong (though not necessarily universal) connection between moral obligations and moral seriousness. Specifically, the fact that society expects certain kinds of behaviour from us may give us much stronger moral reasons to adopt those behaviours than we would have in the

absence of these expectations, and could make the question of whether to conform to those patterns of behaviour a much more serious matter than it would otherwise be.<sup>11</sup>

### **The Social Command Theory Revisited**

Robert Adams has also argued that social command theories of obligation have important advantages over no-command theories. Most prominently, he has pointed out that social requirements can account for the motivational and reason-giving force of obligations in a way that no-command theories cannot. He writes

By contrast (with counterfactual claims about what ideal societies *would* demand), actual demands made on us in relationships that we value are undeniably real and motivationally strong. Most actual conscientiousness rests at least partly on people's sense of such demands.

The actual making of the demand is important, not only to the strength, but also to the character, of the motive. Not every good reason for doing something makes it intelligible that I should feel that I *have* to do it. This is one of the ways in which having even the best of reasons for doing something does not as such amount to having an obligation to do it. But the perception that something is demanded of me by other people, in a relationship that I value, does help make it intelligible that I should feel that I have to do it. (p. 246)

Among the problems I listed for a theory of obligation that identified obligations with what one has decisive moral reason to do was the need to explain why failure to act rationally when moral reasons are salient should license attitudes and pressure that are uncalled for when rationality is breached in other contexts.<sup>12</sup> As Adams's remarks make clear, no such problem arises for theories that identify moral obligations with social requirements or commands. On those theories, a failure to discharge one's obligations constitutes a disruption of social relations, a breaking of

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<sup>11</sup> There is a clear analogy here with law: The fact that a law requires us to do something typically gives us a much stronger reason to do it than we would have in the absence of the law, and can change the character of the significance of a failure to do it dramatically. In both the legal and the nonlegal cases, the existence of an expressed demand or expectation can be seen as transforming what would otherwise be at best an imperfect duty into one or more perfect ones.

<sup>12</sup> It is tempting to think that an explanation can be found in the fact that failures to act on decisive moral reason are likely to harm other people, whereas failure to act on other sorts of reason is not. However, as Adams points out, not all wrong acts, for which guilt and moral blame are appropriate, do harm people. It is easy to imagine cases, for example, of plagiarism and other sorts of lies that do not.

faith or of allegiance with one's society. It is easy to understand how this can appropriately lead to guilt in those who care about being on good terms with their society and anger or criticism on the part of those who identify with the society that has been ignored or defied.

For related reasons, the Social Command Theory can explain what gives us the authority to sit in judgment on others, and to issue blame. Most of the time, we will have that authority in virtue of being members of the very society whose demands or expectations are flouted – when we try to compel someone to fulfil his obligations or blame him for failing to do so, we speak as representatives of society, or on society's behalf.

A third concern I mentioned as a problem for the view that identifies obligations with what one has decisive moral reason to do is also easily dealt with on a social command view. Specifically, I noted that if the concept of moral obligation is to be understood to be tightly connected to the idea of justifiable blame, then it must be assured that in general people can be expected to know what their moral obligations are. It seems to me unreasonable to expect people always to know what they have decisive moral reason to do. Moral reasoning is hard, and separating good reasons from bad sometimes requires more sensitivity and wisdom than most of us have. Social demands and expectations, on the other hand, must be readily accessible – for unless a principle or rule is publicly expressed, and general consensus about it ascertainable, it will not satisfy the conditions of being a social demand or expectation in the first place.<sup>13</sup>

If these considerations speak in favor of a Social Command Theory, however, they do nothing to lessen the seriousness of the objections to that view that I

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<sup>13</sup> Adams also discusses the advantage of a social command theory in ensuring that moral obligations are publicly recognized. *Ibid.*, p. 247.

mentioned earlier. If we are to understand our moral obligations as issuing from the demands of society, we need to deal with questions about what counts as a sufficiently unified and organized community to deserve the name of “society” and about the identification of directives sufficiently articulated, forceful and clear to deserve to be interpreted as social “requirements” or “demands.”<sup>14</sup> If, as seems likely, the answers to these questions allow that we may be members of multiple, overlapping societies, we find ourselves with a further problem – namely, that we may find ourselves subject to demands and expectations that, although separately reasonable, conflict with each other.

These questions raise difficult and important issues for a Social Command Theory of obligation, but I shall leave them for another day (if not another author). If we are in the end to accept a Social Command Theory, I see no way of avoiding the conclusion that in many cases the application of the concept will be regrettably indeterminate, due to the vagueness both of what counts as society and of what counts as a sufficiently unanimous and publicly articulated demand. At the same time, our ability to engage in discussions about the cases in which society is in moral transition shows that talk of the expectations of society is not totally empty. When we ask what society expects of us, we are able to reach considerable agreement on the answer, and to provide reasoned support and criticism of each other’s opinions when we disagree.

Indeed, were this not so, the final, and to my mind most serious, objection to Social Command Theories could never be raised. That objection concerns the fact

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<sup>14</sup> In this essay, I use the label “Social Command Theory” to refer to views that take social demands and expectations to be the source of moral obligations in order to highlight the relationship such views have to Divine Command Theories of obligation. However, the core idea of such views is that obligations are a function of a social relationship, and arise out of the demands or expectations of a person or group to which one is bound by membership, gratitude, or respect. The idea that society issues guidelines in a way that can be understood specifically as commands plays no essential role in these views, and indeed seems to me somewhat forced. In a more careful and elaborate defense of the view I am proposing here, I would drop the word “command” in favor of “demands and expectations” or “requirements,” which is the term Adams uses.

that society has often gotten our moral obligations wrong. Sometimes society has claimed that its members are morally obliged to do things that we now see were not morally obligatory. In other instances, society has failed to acknowledge moral obligations that its members nonetheless seem to have. These objections could not be meaningfully raised if we could not understand what was meant by 'society' at all, or if we had no idea what commands, or social expectations, or allegedly moral values society had.

Let us then bracket the problems having to do with the more precise specification of society and of the identification of its commands, and turn to this last objection. We may divide the objection into two parts: On the one hand, it appears that societies have sometimes demanded, in the guise of moral obligations, actions that were not in fact morally obligatory: They have demanded that people refrain, for example, from homosexual activity and masturbation, and that they refrain from sexual activity altogether outside the confines of marriage. Worse, it seems that societies have sometimes demanded that its members actively harm people who are in one way or another regarded as outsiders: Americans were taught that they were morally obligated to report runaway slaves during the era of American slavery; Germans were told that they were obliged to turn in Jews whom they knew to be hiding from the authorities. On the other hand, societies have failed to recognize as morally obligatory what many would say are our actual obligations: Arguably, Germans were not only *not* obliged to report hidden Jews, they *were* obliged to protect them or to help them escape. Slaveowners, it may be said, were under a moral obligation to free their slaves. And perhaps we are all obligated to do more to aid those in desperate need than any of our societies require of us.

The first part of the objection, we might say, concerns societies' tendency to issue 'false positives' - to regard certain forms of behavior as morally obligatory when in fact, they are not morally obligatory and may even be morally bad. This objection applies to what one might call a *pure* Social Command Theory, according to which the existence of a social command, conceived by society as a moral command, is both necessary *and sufficient* to establish a moral obligation on the part of that society's members. I see no reason to advocate such a view, however. The reasons for taking a social command theory seriously are reasons for thinking moral obligations depend on the existence of social demands as one of its conditions; nothing speaks in favor of insisting that no other conditions need to be met. Since the claim that someone has a moral obligation is a normative claim – since it endorses the idea that the person has a certain kind of reason to comply, and that it would be appropriate to try to compel him to comply or to punish or blame him for failing to do so – a second condition seems necessarily built into such claims. Specifically, if a demand of one's society is to give rise to a moral obligation, that demand must be one that is supported by strong moral reasons. Whether the demands meets this condition may well be largely independent of that society's own values and beliefs. This second condition will eliminate false positives – for if a social demand is not supported by good moral reasons, then it will fail to give rise to a genuine moral obligation. The problem of false negatives, however, must be treated another way.

Surely, it might be argued, what moral obligations we have does not depend on the endorsement of society. Some acts, it seems clear, are morally impermissible regardless of what society says. Societies, as we know, have failed to forbid acts we all recognize as morally appalling – e.g. genocide. According to the Social Command Theory, it appears that the members of such societies had no obligation to refrain

from participating in genocide. But this seems a *reductio ad absurdum*. Any theory that fails to recognize genocide as morally intolerable has to be wrong.<sup>15</sup>

Before accepting this argument, it is worth examining whether, and if so, in what kind of case a Social Command Theory would have such an implication. Has there ever really been a society that has not regarded genocide as morally forbidden? Certainly, there are all too many cases in which societies have failed to punish genocide, in which indeed the government itself has engaged in genocide and others have cooperated without reproach. But the moral codes of these societies in recent times and even in recent centuries have all included principles that are clearly inconsistent with such behavior. Insofar as the spokesmen of such societies have tried to offer moral justifications for their practices, they have all been in bad faith.

These are cases, in other words, in which the societies in question have not practiced what they preached. In such cases, social command theories must specify whether it is the practice or the preaching that is weightier in determining what constitutes society's demands. Though the issues raised here are more complex than I have the space to discuss in this essay, it is at least arguable that the best social command theories will take moral obligation to be grounded in society's declared moral values, that is, in the moral rules and principles that the society publicly endorses and asserts – in its schools, its newspapers, its religious institutions, and in other vehicles of cultural expression. If society does not practice what it preaches, on this view, it is what society preaches that is weightier in determining what society commands in the relevant sense. The appeal of this version of the social command

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<sup>15</sup> This line of criticism constitutes one of Robert Adams's strongest objections to (human) Social Command Theories, and one of his strongest reasons for finding the move from human to divine command theories of obligation compelling. According to Adams, "moral reformers have taught us that ...things that were morally required were not actually demanded by any community....In this way actual human social requirements fail to cover the whole territory of moral obligation." *Ibid*, p. 248.



view can be overlooked if the connection I have often invoked between claims of obligation and the appropriateness of compulsion and punishment is misunderstood.

It has been argued by some, for example, that it makes no sense to say that one has an obligation to do something unless there is some actual sanction that attaches to the failure to comply – that, in other words, to say that one is morally obligated to do something commits one to the thought that one must do it *or else*. Under that construal, a society that does not punish a mode of behavior cannot be said to regard restraint from that behavior as morally obligatory. But Social Command Theories are not committed to this interpretation. Rather, they may associate claims of obligation with the condition that it would be *appropriate to* put pressure on someone to conform to what is obligatory, and *appropriate to* blame him for failing to comply.

No doubt society's actual approval and disapproval, its rewards and punishments, are essential to the development of moral sensibility in its members. But once that sensibility has been developed and moral demands appreciated and internalized, individuals are able to recognize moral obligations and reasons to conform to them that do not depend on sanctions or any other sort of social enforcement. Once an individual has internalized society's demands, his compliance need not be motivated by fear of actual reprisal, not even by fear of reprisal by his own conscience in the form of feelings of guilt. His choosing to satisfy society's moral norms may rather be an expression of his allegiance to society, his desire to live up to its expectations, his willingness to do his share.<sup>16</sup>

When we discuss societies that have engaged in genocide, enslavement, and other moral abominations, we often refer to the fact that the practices in question are condemned by the society's own moral code. (Many such cases occur, for example,

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<sup>16</sup> Similar comments apply to versions of the Divine Command Theory.

in societies that are predominantly Christian, some of them even in the name of Christianity, despite the central roles Christian ethics accords to the commandment against killing, the injunction to love thy neighbor, and the Golden Rule.) Insofar as we regard blame and punishment for these practices to be appropriate, we rely on the thought that the participants in these practices were in a position to know better. They had the basis in their own moral training to recognize that what they were doing was wrong.

A better test of the Social Command Theory against our most recalcitrant moral intuitions might be found if we can discover or imagine a society that engages in morally horrific behavior without bad faith or hypocrisy. Has there ever been a society that did not even nominally disapprove of genocide or of the murder of innocents? If there were, and if the society committed such acts, wouldn't it still be true that what they did was wrong? I am not enough of a historian to know the answer to the first question, but I confess that when I hear descriptions of the morally horrible practices of sufficiently distant cultures, I do not find it natural to think of such events in terms of the vocabulary of right and wrong, or of moral obligation.

Recently, for example, I was told that the reason Oxford has no buildings more than a thousand years old is that a Danish king had it razed to the ground to avenge himself against Ethelred the Unready, who had ordered all the Danes in England slaughtered, in the course of which the Danish king had lost his son. This was horrible behavior, surely, on the parts of both Ethelred and the Danish King, but it is hard to see the point of judging whether either of them violated any moral

obligations in acting as they did. Such language seems not only too weak but irrelevant to the interest such historical events hold for us.<sup>17</sup>

Contemplation of societies that lack commands against behavior we would regard as morally outrageous, then, does not generate in me any intuitions that count against the Social Command Theory. Such societies are apt to be very distant from ours, and the reasons we might have for using the language of moral obligation to describe them seem very weak. Perhaps more important, though, is the fact that the concept of moral obligation, when it is used strictly, to mark off the category of acts upon which pressure to conform is legitimately put, is a limited and specialized concept, not to be confused or identified with other forms of moral assessment.

If acceptance of a Social Command Theory of moral obligation prevents one from being entitled to say that the members of an extremely historically distant society violated their moral obligations when they acted in morally horrific ways, it does not prevent one from saying all sorts of other things in criticism of that society's practices. It does not prevent one, for example, from being entitled to say that the practices were morally atrocious; that the victims of these practices were abominably treated; or, that to live in such a society would have been in certain respects very bad. Nor does it prevent one from being entitled to say that there is decisive moral reason to resist such practices – at least for us, but also possibly for them.

If one wants to reserve the concept of moral obligation for those acts that it would be appropriate to compel someone to do, and to punish someone for not doing, then it seems to me that a Social Command Theory offers the best account of that category. But then we should also admit that one may have decisive moral reason to

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<sup>17</sup> These remarks echo Bernard Williams's position about the relativism of distance in *Ethics and the Limits of Philosophy* (Cambridge: Harvard University Press, 1985) pp. 162-165.

do something even though it is not morally obligatory – and in many contexts, that is the question we ought really be trying to answer.

### Deconstructing the concept of moral obligation

It might be objected that my defense of the Social Command Theory of moral obligation has come at the cost of depriving the term “moral obligation” of much of its interest and power, for I have insisted on reserving the category of the morally obligatory for a rather specialized use. Once one realizes how specific a function I understand the concept to play in our moral framework, one might wonder why one should care what our moral obligations are, or why one should care about formulating a proper account of the category of the morally obligatory.

I am not wholly unsympathetic to this response, though I prefer not to see it as an objection. Instead of characterizing what I have been doing in this paper as defending an account of moral obligation, it would perhaps have been just as well to describe my project as that of sorting out the strands of our present use of the term “moral obligation,” and showing how the connections among these strands cannot always be guaranteed.

On the one hand, we sometimes identify the morally obligatory, as Mill does, with that which it would be appropriate to compel someone to do, or to punish or blame him for not doing. When we say of someone “He is under a moral obligation to do X,” we implicitly *do* blame him, or at least license blame, if he fails to comply. On the other hand, perhaps we sometimes use “morally obligatory” when we think a person has decisive moral reason to do something – when we think, that is, that there are strong moral reasons for him to do it which outweigh whatever nonmoral reasons he might have in favor of doing something else.

Of course, these two uses will often overlap, for if an act is such that it would be appropriate to compel someone to do it, there must be at least a strong moral reason for doing it, and the chances that the reasons are so strong as to outweigh any competing nonmoral reasons are good. Conversely, if an act is such that there is decisive moral reason to do it, there may well be reason for wanting to put pressure on people to do it, and if there is such reason, and society lets it be known that there is, this may make it appropriate to compel someone to do it or to blame him if he does not.

Though these two strands of our use of the term “moral obligation” will tend to overlap, however, I have argued in this paper that they may nonetheless come apart. Insofar as we want to restrict the term to its first use, I have further argued, we should accept a Social Command Theory of moral obligation.

Do I want also to argue that we *should* restrict ourselves to the first use? Even if I did, it would be futile for me, reticent philosopher that I am, to try to get people to change the way they talk. I do think that there is a point to having a category that conforms to the first use, however, and that a failure to recognize the difference between this category and the category of ‘what one has decisive moral reason to do’ has some unfortunate effects.

One unfortunate effect has to do with the way we judge ourselves. Specifically, it seems to me that people who want to be morally decent but do not want to sacrifice more than they have to for this end, sometimes ask themselves whether they are under a moral obligation to extend themselves in certain ways or restrain themselves in others. In asking this, they may be implicitly appealing to a standard appropriate to the first category – the standard according to which an act is morally obligatory only if it would be appropriate to compel someone to do it or to

blame someone or punish him if he does not. But we have seen that even if something escapes being morally obligatory by this standard, a person may have decisive moral reason to do it nonetheless. In other words, it may be true that, all things considered, the person should do it, and for moral reasons. It would be better in such cases if people asked themselves directly what if anything they had decisive moral reason to do, rather than relying too heavily and taking too seriously the concept of moral obligation.

When thinking and talking about what others in our society should do, our failure to distinguish the two strands of our use of “moral obligation” has two other unfortunate effects. First, we are apt too readily to move from a conviction that people have decisive moral reasons to act in certain ways to a willingness to blame them for failing to act as we think they should. We are apt, in other words, to be overly moralistic and judgmental. Second, by allowing ourselves to move directly from judgments about what individuals have decisive moral reason to do to judgments about what it would be appropriate to blame them for not doing, we may locate the source of our moral dissatisfaction in the wrong place, and thus fail to see what we ourselves have moral reason to do.

Specifically, we may fail to see the situation as one that calls not for private moral judgment but for public moral action. If we believe that people have decisive moral reason to act in ways that society nonetheless does not demand of them, it may be that what is needed is that we work toward bringing it about that society does demand it. By writing editorials, campaigning for social change, raising public awareness, we can raise the moral bar – that is, we can help to bring it about that behavior that is currently not morally obligatory becomes so.

This is not always desirable – the category of the morally obligatory is meant to balance society’s interest in enforcing conformity to certain rules against an interest in protecting people from too many restrictions in how they choose to live their lives and pursue their goals. The moral bar may thus be set either too high or too low. Still, by recognizing the difference between what our moral obligations are and what there is moral reason to want them to be, we may have a better chance of evolving into a society in which these two categories more closely coincide.

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