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**Conducted by
Liam Murphy and Samuel Scheffler**

**Speaker: Sophia Moreau, NYU Law
Paper: Objectionable Obligations**



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Objectionable Obligations*

Sophia Moreau

What's right ain't necessarily fair.¹

In this, as elsewhere in these areas . . . theory has to be responsive to experience, and to what a reflective agent feels that he needs to say.²

Can someone stand under a moral obligation and yet have a moral complaint about being bound by that same obligation? That is, there is something they morally ought to do. But they have a moral complaint about being obliged to do this, because the obligation arises from an injustice or wrong and in some way carries with it the moral taint of that injustice or wrong. For instance, social and legal institutions often distribute the burdens of caring for society's vulnerable members inequitably across different social groups, with the result that many women unfairly shoulder a greater caregiving burden than others. This unfairness gives these women a kind of moral complaint about some of their obligations.³ Moreover, when they fulfill these obligations, they arguably perpetuate the social structures that give rise to this unfair distribution of caregiving obligations. So they may have a further complaint: these obligations render them complicit (or in some lesser way implicated) in this same injustice. Yet we do not think that these moral complaints negate their obligations. We do not think they can justifiably walk out on

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¹Adapted from Toni Morrison, who wrote: "What's fair ain't necessarily right." Morrison (1987) p. 256.

²From Bernard Williams. See Williams (1981) p.75.

³I am assuming here that in a just society everyone would have some caregiving obligations; so the point is not that every caregiving obligation that these people stand under is unfair. But some are.

the vulnerable people who are now dependent on them, leaving the child who needs 24 hour a day care lying in the bedroom alone once 11pm comes around, or waiting until tomorrow to check in on an elderly parent. Rather, it seems plausible to suppose that although their caregiving obligations are real and they are not justified in disregarding them, they nevertheless have certain moral complaints about them. And these complaints make a moral difference. They may give these agents a claim to certain forms of compensation; they may render inappropriate certain forms of moral criticism or count against certain kinds of state enforcement of the obligations. They may also generate certain duties on the part of others, duties to acknowledge these moral complaints and work to change the circumstances giving rise to the obligations.

These are what I shall call “objectionable obligations”: genuine moral obligations that the agent nevertheless has a moral complaint about, where the complaint does not negate the obligation but makes some moral difference to the obligation and its surrounding moral territory.

Do any of us really stand under such obligations? How broad is the category and what kinds of obligations does it encompass? What might we do a better job of noticing or explaining and what new questions might we be prompted to ask if we took objectionable obligations seriously? These are the questions I shall address in this paper.

I shall suggest that in a number of common situations involving injustice or wrongdoing, it is intuitively plausible to think of agents as standing under objectionable obligations. I shall argue that in these cases, we cannot explain away the agent’s complaint as merely apparent or as a complaint about something other than the obligation, such as the injustice or wrong that generated it. Nor is the agent’s complaint best thought of as the moral residue of some other obligation, an obligation to do something else that has been outweighed or overridden or simply not acted upon. These are, of course, attempts to explain away the moral *complaint*, the “objectionable” feature of the obligation. But none of these attempts works well in all cases; and even when they do work, they have drawbacks, as I shall show. We could instead try to explain

away the *obligation*, suggesting for instance that the acts that appear obligatory in such cases are best thought of as supererogatory: they are too demanding to be required of us, they are beyond the call of duty and so are praiseworthy but not obligatory. But I shall argue that most of these attempts fail. And in any case, a picture of the moral domain that leaves room for objectionable obligations is ultimately more illuminating than one that does not. As I shall explain, recognizing objectionable obligations leaves us better able to understand the first-personal perspective of those who most often find themselves under burdensome obligations in situations of injustice. Objectionable obligations also give us important normative resources –resources we can use to enrich our understanding of such phenomena as social subordination and exploitation and resources that I shall argue can help us make progress in certain philosophical debates.

We are accustomed, perhaps partly because of the influence of T.M. Scanlon’s contractualism, to think of moral complaints about moral principles as *inputs into* a procedure that determines what our moral obligations are.⁴ To the extent that agents can have complaints *about* the resulting obligations, it might seem coherent to conceive of these complaints only as the kinds of reactive attitudes explored by the literature on moral residue and moral remainder: for instance, remorse that reflects some other obligation that the agent has been unable to act upon, perhaps a *pro tanto* obligation that has been overridden or perhaps a conflicting obligation in a situation of moral tragedy, where the agent is bound by two incompatible obligations.⁵ And consequently, moral complaints might seem relevant only to a small and unusual set of cases. Moreover, the idea that a moral obligation could itself carry with it the taint of some injustice or wrongdoing can seem incoherent. We might say: of course social mores aren’t always as they ought to be, and of course the law isn’t always as it ought to be, but surely it makes no sense to say that a moral principle isn’t as it ought to be! But I hope that the exploration I offer of

⁴ Scanlon (1998).

⁵ See, for instance, Tessman (2015), Hill (2002), Marcus (1980), and Williams (1972).

objectionable obligations in this paper can put such worries to rest. The specific analysis that I give of objectionable obligations suggests that there is nothing incoherent or paradoxical about them. Nor do they arise only in special or tragic cases. On the contrary, thinking about the kinds of moral complaints that are generated by others' wrongdoing, by institutional injustices, and by broader structural injustices allows us to see that objectionable obligations are a much more common phenomenon.

Each of the types of objectionable obligation that I shall discuss touches on certain more specialized debates within normative ethics, political philosophy and legal philosophy. I hope the paper shows that it is illuminating to think of the scenarios that I discuss not just as relevant to these different and specialized literatures but also as instances of a single and broader philosophical problem: how wrongdoing and injustice affect our moral obligations. Relatedly, instead of inquiring into our moral obligations exclusively through a series of interpersonal examples, the possibility that some of our obligations are objectionable invites us to think more about the background injustices that affect our interactions with others. And as I shall explain at the end of the paper, objectionable obligations open the possibility of a new kind of moral duty: one that, borrowing a term from Barbara Herman, we can call "the duty to be an agent of moral change."⁶ If certain agents stand under moral obligations about which they have real moral complaints, then surely we owe it to them to work to change not just how we treat them but also the circumstances that give rise to their objectionable obligations, so that in the future, these agents will have new and better obligations. Recognizing objectionable obligations can be the impetus for moral change.

I shall focus in this paper mainly on those objectionable obligations that arise from institutional injustices, because I think the concept of an "objectionable obligation" is most

⁶ Herman (2021): see in particular Chapter 11, "Incompleteness and Moral Change."

helpful when used to shed light on the moral situation of agents who experience social subordination, exploitation, and other forms of injustice. But the category of “objectionable obligations” is broader than those that arise from institutional or structural injustices and encompasses also obligations that result from individual acts of wrongdoing. Imagine a version of Bernard Williams’ example of Jim and Pedro, in which a terrorist has taken twenty civilians hostage.⁷ He tells you that if you shoot one of them, he will release the other nineteen; but if you do not, he will shoot all twenty. You have strong reasons to believe him and all attempts at negotiation and other non-violent solutions have failed. Some have argued that you are obliged to shoot one of the hostages in this scenario.⁸ If this is an obligation, it is surely an “objectionable obligation” in my sense: you have a moral complaint about having to do this, about being made an instrument of someone else’s wrongdoing. Your obligation is caused by his wrong. But it is also normatively bound up with that wrong, because your obligation --and along with it, *you*-- are the instruments through which the terrorist commits his heinous wrongdoing.

So objectionable obligations can be generated by individual acts of wrongdoing, not only by institutional or structural injustices. What characterizes them as a class is that they stem from or involve some form of wrong and that wrong continues to taint them, in one of a number of ways that I will explore further. I shall try to convince you that they do not only arise in exceptional cases like the Jim and Pedro case. They are all around us, arising from the many injustices and wrongs that permeate our societies.

⁷ Williams (1973) 98-99 and Williams (1988).

⁸ See, for instance, Gardner (2007) 129. That there is an obligation to shoot in this case may seem implausible. But remember that the one who will be shot would have died anyway: so when you (or, in the original example, Jim) shoot the one, you are not shooting a person who would have remained alive. Williams suggests that Jim could and perhaps should decide to shoot, but that is not his main point: his point is to show that the utilitarian’s idea of how a person might arrive at this conclusion is missing an important factor, one present in our ordinary moral reasoning, namely that Pedro has made Jim into the instrument of his (Pedro’s) wrongdoing. For further discussion of this example and what Williams takes it to prove, see note 10.

The argument of the paper is in five sections. Section 1 distinguishes objectionable from non-objectionable obligations and presents some common examples of objectionable obligations. I also explore the different kinds of moral complaints that appear to exist in such cases. Section 2 argues that we cannot easily explain away objectionable obligations, either by relocating the complaint or by denying that the agent really does have an obligation. Section 3 discusses some differences that moral complaints can make to our obligations and the surrounding moral territory. Section 4 focuses on the explanatory advantages of recognizing objectionable obligations. I point to certain areas of philosophical research in which the concept of an “objectionable obligation” can illuminate a problem or help us out of an impasse. Section 5 explains why objectionable obligations do not threaten the coherence or authority of moral principles and discusses our duty to be agents of moral change.

1. Some types of objectionable obligations

It will help to start by separating out the class of objectionable obligations from obligations about which the agent has no moral complaint, even though they are very burdensome. Consider:

Falling Tree: A tree falls in a freak accident and injures one of my elderly parents. I now have new burdensome obligations: to take them to the hospital, to help dress their wounds each day, to tend their garden and look after their pets until they are able to.

In this scenario, I am certainly burdened by my new obligations. Even if the state is providing all of the aid and public services to which I and my parents are entitled and even if others are acting as they ought, I will still have to take extra time and trouble to look after my parent’s injuries and to assist with the many duties of theirs that they are now not able to perform because of their injury. But I do not seem to have a moral complaint about this. All obligations carry with them certain burdens. So it cannot be that what generates the complaint, in cases of objectionable

obligations, is the mere fact of additional burdens or the mere size of these burdens. It must, instead, be something about the obligation's source and the way in which that source continues to taint the obligation –that is, not the mere burdensomeness of the obligation but the fact that it arises from and in some way carries with it some injustice or wrongdoing. *Falling Tree* is not a case of objectionable obligations.

By contrast, consider:

Negligent Falling Tree: The same tree falls and injures my parent in the same way, but it is your tree and you negligently left it standing when it should have been removed. I acquire the same obligations towards my parents as above.

Although I have the same obligations here that I did in *Falling Tree*, these obligations have here arisen from your wrongdoing: they have been caused by your negligence. Moreover, the link in *Negligent Falling Tree* between your negligence and my obligations is not merely a causal one. My obligations also carry what we might call the “normative residue” of your wrongdoing, in the sense that what I am required to do when I care for my injured parent is help them to heal from injuries that were the anticipated result of your negligence and part of the reason *why* your negligent act of not removing the tree was *wrongful*. It's the presence of this normative residue that I think gives me a moral complaint about standing under these obligations in this case: it is this that makes them objectionable, as opposed to obligations that just happen to have someone else's wrongdoing as one of their causes. For imagine that, although you were negligent in letting the tree stand, it never fell. My parent, struck not by the tree but by its beauty, walked out to sketch it and tripped and fell on a nearby stone, causing (just suppose) the same injuries. Your negligence would still be a “but for” cause of my new caregiving obligations: but for your negligently having left the tree standing, my parent would not have walked out to sketch it and I would not now have all of these obligations. But on this version of the case, my obligations do

not carry the normative residue of your negligence. What makes it risky and negligent to leave a tree in a dangerous condition is hardly that someone might try to sketch it and happen to trip. To use the language of torts, my obligations in this variant of the case are not the materialization of the particular risk that you created in acting negligently.⁹ They are not normatively related to your wrongdoing in the right sort of way, one that might give me a moral complaint about having to stand under that obligation.¹⁰

By contrast, my obligations in *Negligent Falling Tree* are related to your negligence in such a way as to give me a complaint about them. The purpose of my obligations is to ameliorate the effects of your wrongdoing on others, and it is precisely because your act was likely to have such effects on others (or, more exactly, because you should have known that it would) that it was negligent. Hence, there is a certain special way in which the obligations in *Negligent Falling Tree* carry with them the wrong that caused them and so generate a complaint on the part of the agent. I think our recognition of this makes itself felt in several places morally. For instance, an apology from you not just to my parent but also to me would seem fitting. Moreover, I could justifiably resent you. I doubt the same would be true in the variation of the case where the wrongdoing is merely causally connected to my obligations through “but for” causation. If my

⁹ See Cardozo J.’s judgment in *Palsgraf v. Long Island Railroad Co.*, 248 N.Y. 339.

¹⁰ My point here, that we cannot capture the relevant connection between the obligation and the initial wrongdoing in purely causal terms, is related to a point Williams makes in his discussion of the Jim and Pedro case. Williams is standardly understood as emphasizing that Jim is Pedro’s instrument and that the utilitarian cannot account for this, since the utilitarian’s moral evaluations of our actions measure only who causes more harm. But in order to show this, Williams makes what I think is a more generalizable point about causation and the relationship between other people’s wrongdoings and our own actions. This is that we cannot explain what is morally troubling about some of the connections between our own actions and other people’s wrongdoing if we think only in causal terms. This is exactly my point about objectionable obligations. Williams notes that if Jim does not shoot the one, then Pedro’s shooting of the twenty will technically be caused by Jim’s refusal to shoot (provided it is true that had Jim not refused, Pedro would not have done it). So both Jim and Pedro are causes of each other’s actions. We cannot explain what is objectionable about Jim’s having to shoot the one in purely causal terms. The same is true of objectionable obligations. If we want to understand what is objectionable about objectionable obligations, we cannot do it solely in terms of causation. We need to look to a normative connection between the wrong and the subsequent obligation. One example of such a connection is where the obligation is a way of somebody else “making” the agent do something, as Williams suggests is happening in the case of Jim and Pedro. A further example is where, as in *Negligent Falling Tree*, the obligation arises because of someone else’s wrongdoing and is an obligation to ameliorate the very effects upon others that made his act wrong in the first place.

parent trips while going out to sketch the tree you have negligently failed to remove, you do not owe me an apology, nor would resentment on my part be appropriate. Frustration at the situation, perhaps! But not resentment of you.

What about other cases where the obligation seems objectionable, but where the agent's moral complaint is different? Consider the case I began to discuss at the opening of this paper:

Unfairly Burdened Caregivers: In a variety of ways, society offloads caregiving responsibilities onto women. They have obligations that they would not have in a more just society where these responsibilities were fairly distributed.

Unfairly Burdened Caregivers is a common scenario. Many societies' response to the needs of young children and the elderly for special care, and indeed to everyone's need for emotional nurturing, has been to offload these responsibilities largely onto women. Through a combination of workplace policies, laws, educational practices, and social expectations, women end up disproportionately in the position of having to care for the vulnerable and to do the invisible work of nurturing everyone's emotional lives.¹¹ Most agree that this is not fair. But given that women are so often placed in this position, others become dependent on them. And it seems quite plausible to think that this dependence generates genuine moral obligations. So although these women seem to have a moral complaint, we do not deny that these are genuine obligations: their family and community members really are dependent on them for these necessary forms of caregiving.

Of course, many women in this position are under strong social pressure not to voice their moral complaints about such obligations. Stereotypes about how caregiving comes naturally to women play a role in this.¹² One looks like a failure, not just at the particular task of caregiving but as a woman or a person if one suggests that there is something objectionable about these

¹¹ See MacKinnon (1986), Young (1990), Tronto (2013), Fredman (2023).

¹² See Cook & Cusack (2010) Ch. 1.

obligations. Perhaps, if it is not obvious that these are objectionable obligations, this is part of the reason why.

The complaint in *Unfairly Burdened Caregivers* as I have sketched it so far involves the unfairness of the obligation: the obligation is unfair and is an instantiation of the broader societal unfairness that has given rise to it. But there also seems to be a further moral complaint in this case, which I noted in the introduction to the paper. Some have argued that when women fulfill these obligations, they help to perpetuate the cycle in which caregiving responsibilities are left to women. They become complicit, or implicated in some lesser sense, in a set of social practices that work to subordinate women.¹³

We can see the same combination of a complaint of unfairness and a complaint of being implicated in an injustice in:

Repeat Rescuers: An institution negligently creates a peril and the burdens of rescuing others from it seem to fall repeatedly on one group. When they do so, they perpetuate the cycle in which such rescues are left to them.

Sometimes, the burden of rescuing people from some negligently created peril falls repeatedly on one social group. For instance, in the poorer areas of many cities, buildings are often constructed out of shoddy materials and highways and railways, poorly maintained, with the result that there are more accidents than in wealthier areas. It then falls to local rescue workers to do more constant and dangerous rescue work than those who live in other areas. The rescue workers seem intuitively to have a complaint about this unfairness. Moreover, when they discharge this obligation, they are contributing to a cycle in which further rescues will be left to them. But yet nobody denies that they have a moral obligation to rescue the victims when accidents occur.

¹³There is much interesting work that needs to be done here, thinking through the different ways in which agents might be implicated in injustice or wrongdoing by fulfilling the moral obligations generated by such wrongs; but it is not work that I attempt to do in this paper. For relevant analyses, see Kutz (2000) and Zacharas (2018).

More often than not, when philosophers discuss what we call “rescue cases,” they do so without imagining the institutional background. When Philippa Foot, Judith Jarvis Thomson and others analyze the “Trolley Problem,” for instance, they do not discuss the institutional failings that might have led to the runaway trolley or to the absence of any mechanism for simply shutting down power to the track.¹⁴ Nor do they discuss why you, the hypothetical rescuer, are in the position of being a rescuer, or how often you have in the past been thrust into such a position. They would of course say that it does not matter for their purposes. They are only concerned with what the rescuer ought now to do. And from this standpoint, they would say, it is irrelevant what sorts of institutional failings led to the five being imperilled, why there are such limited rescue options, how the rescuers came to be in the position of rescuers, and whether repeatedly acceding to the demand to perform such rescuers will perpetuate an injustice. But these details matter very much if we recognize the possibility of objectionable obligations. For then, we cannot ask only about what the rescuers have an obligation to do now. We must also ask whether they have a moral complaint about this obligation and how this complaint affects their obligation, short of negating it. Details such as institutional failings, underlying structural injustices, and the position of these rescuers are all very much relevant to these questions.¹⁵

Many of the obligations of subordinated social groups in situations of oppression can helpfully be thought of as objectionable obligations borne by “rescuers” in situations where the rescuers are unfairly burdened and where their acceptance of the obligation perpetuates the injustice that gives rise to that obligation, implicating them in some way. It is well documented

¹⁴ Foot (1978), Thomson (1985), and Thomson (1976). In the “Trolley Problem,” a bystander must decide whether to prevent a runaway trolley from hitting and killing five people by diverting that trolley onto a track on which there is only one. For criticisms of the impoverished descriptions of situations in trolley problems, see Wood (2011).

¹⁵ In many Trolley-type hypotheticals, I think the tacit assumption of the author is that it is a one-off rescue case in which the rescuer might have been any of us: we all have an equal likelihood of being that rescuer, so the obligation is not unfairly imposed. But this assumption is rarely made explicit and I think it makes such examples poor analogues of the rescue situations that arise in unjust, stratified societies or between different nations, and hence less useful in helping us work out the significance of various normative factors in actual rescue cases.

that hazardous waste disposal facilities and factories using toxic chemicals have often been located in under-resourced, racialized neighbourhoods, in part because when negligent accidents occur, companies will have to pay considerably less by way of damages for lost wages and lost life expectancies.¹⁶ Those who live in these neighbourhoods are repeatedly thrust into the position of being “rescuers” for their families and friends, far more often than are inhabitants of wealthier white neighbourhoods; and worse, they end up in a spiral that economic analysts have termed “inequality, snowballing,” whereby the more they accept that it is their own responsibility to rescue their neighborhood and not the responsibility of others not to pollute it, the more polluters are incentivized to locate their operations there, requiring even more rescues.¹⁷ The rescuers clearly have a complaint about standing under these obligations. Yet we do not deny that they have obligations to do what they can to protect their family and their friends’ health and mitigate their collective losses. Similarly, we know that the effects of global warming—due in large part to the collective negligence of developed countries—are falling disproportionately on developing countries, among them countries that have contributed the least to the causes of global warming. And yet we still think they have an obligation to do as much as they reasonably can, both to rescue their citizens from the effects of global warming and to prevent further global warming.

So far, we have looked at cases of objectionable obligations involving several kinds of complaints, several ways in which the initial injustice or wrong continues to taint the obligation. First, in *Negligent Falling Tree*, the agent’s complaint is that they are obliged to do things that ameliorate the effects of someone’s wrongdoing on others, where these effects were part of the reason why that person’s act was wrong. In *Negligent Falling Tree*, the wrong involves

¹⁶This is partly because legal damages in such jurisdictions were for so long calculated using race-based statistics for wage and life expectancy, and of course these are lower in racialized, under-resourced neighbourhoods than they are in wealthier white neighbourhoods. See Dominioni (2018); Goodman (2017); Yuracko & Avraham (2018).

¹⁷ Liscow & Paez (2024).

negligence; but one can think of cases in which it is an intentional wrong (as it would be if the gardener had maliciously left the tree standing in a dangerous state out of a grudge against my parent, whom they knew walked by it regularly). Second, in *Unfairly Burdened Caregivers* and *Repeat Rescuers*, the agents' complaints are that their obligation is *unfair* and an instance of a broader societal unfairness that caused it. Third, in these same cases, the agents have a further complaint: that in fulfilling their obligation they become *complicit in or implicated in* the initial injustice or wrongdoing.

We have also seen, in the Jim and Pedro case, that sometimes an agent's complaint lies in the fact that through his obligation he has become the *instrument* of a wrongdoer. There is a deliberate using of another person through their obligation in the Jim and Pedro case that seems absent in the other cases we have considered. Unlike the negligent gardener in *Negligent Falling Tree*, and unlike even the grudge-holding gardener who intentionally leaves the tree in a damaged state, the terrorist Pedro has deliberately coopted you, the obligation holder, as the means of carrying out his wrongdoing. That is why, in fulfilling your obligation, you become his instrument. For this reason, perhaps the moral complaint is stronger in this case than it is in *Negligent Falling Tree*, *Unfairly Burdened Caregivers* and *Repeat Rescuers*.¹⁸

There are just two other cases that I want to consider. They seem to offer yet another type of complaint about an obligation, one that is harder to characterize but is in certain respects similar to each of the complaints we have already considered. First:

¹⁸ Though it is not clear to me that it is helpful, either philosophically or politically, to start comparing the strength or weight of such moral complaints to each other, across different obligations. From a philosophical standpoint, the only thing that seems relevant is what effect each complaint has on the obligation that it is a complaint about, not how it might stack up against other people's complaints about their obligations. Moreover, it is unclear how one could measure the weight of a complaint *tout court*: as we will see in Section 4, the effects of moral complaints on obligations and on the moral landscape are diverse and not obviously measurable on some single scale. From a political standpoint, encouraging people to compare their complaints to others' would likely lead to the kind of bitter, factionalizing competition that we sometimes see in the context of discrimination law, where each subordinated group feels pressure to show that it is more subordinated than others.

Parents of Left-Behind Children: In China, oppressive *hukou* laws deny children born in rural areas healthcare and schooling if they move to cities. Many of their parents can only find work to support their children by migrating to cities; but because of these laws, they must leave their children behind. They are morally obliged to leave their children in order to support them.

This not an unusual or parochial problem: there are 69 million left-behind children in China today.¹⁹ Their parents feel they have a moral obligation to go to the city for work and to leave their children behind. They do this for the sake of these very children, who would not be fed and would not survive if their parents did not move to the city to find work, but who cannot be brought along because the government's *hukou* restrictions would deny them all social benefits in the city. These parents surely have a moral complaint about the obligation to move to the city and leave behind their children.

One might object that there is really no moral obligation here: leaving one's child and rupturing one's bond with them is such a terrible thing to do to them that really, it is implausible to suppose that these parents are really *obliged* to do this. But many of these parents certainly consider themselves to be under an obligation to move to cities in order to support their children: they consider it morally necessary. Given that their children would otherwise starve and that, as parents, they are responsible for doing what they can to ensure their children's survival, this seems not an unreasonable conclusion. And since their children would receive no benefits and would be non-persons in the cities, it is unclear how they could bring them along. So they seem, at least intuitively, to be morally obliged to move to cities and leave their children behind. A similarly heart-wrenching obligation seems to be at issue in:

Indigenous Parents "Passing": For many years, Indigenous children in Canada were sent to "residential schools" for assimilation, where over 40% of them perished. Some parents were able to "pass" as Francophone Catholics and felt obliged to live a lie in order to save their children.

¹⁹ As reported in Gao, X., Liang W., Mobarak A.M. & Song, R. (2023).

These families never told their children about their Indigenous heritage, sent them to French schools, and tried always to “pass” as white.²⁰ My spouse’s family was among them. They considered themselves obliged to lie to authorities, to others, and even to their children about who they were, as this was the only way to save their children from being torn from them and likely never seen again. This, like the situation of left-behind children in China, is not a small problem: the Canadian government operated residential schools for over a hundred years and the last one shut down only in 1997.²¹ Those families who could pass as white tried to do so. They felt under an obligation to live a lie and to raise their children within this lie, because it was the only way to save their children from being taken away and never returned. If this was indeed an obligation, it was surely an objectionable one. Nobody should have to raise their children within such a lie about their cultural identity. But sometimes, given the social and political injustices that characterize so many countries, this is the only way to ensure that one’s children survive; and one does it for the sake of one’s child, because one believes it is what one must do in order to fulfil one’s obligations to one’s child.²²

What these cases of the *Parents of Left-Behind Children* and *Indigenous Parents “Passing”* seem to have in common is a background set of injustices that together threaten the survival of members of a subordinate class, with the result that they cannot fulfil their caregiving obligations to their children without doing something that, in normal circumstances, counts as *failing* to care for them.

²⁰ For an illuminating discussion of “passing as,” see Yoshino (2006).

²¹ See the Report of the Truth and Reconciliation Commission of Canada (2015).

²² It might seem offensive even to countenance the possibility that these are moral obligations. But I think that when we feel this way, what we are recognizing is that it would be inappropriate for someone who was not a member of one of these groups to point out these obligations to someone who was, in a chiding manner. Some of the things I note later in the paper help to explain why this is so: it is, I think, because the kind of complaint that these agents have about their obligations estops the government and the public from blaming or punishing them for not having fulfilled the obligations. Once we insist that these agents have a moral *complaint* about their obligations, and that this complaint blocks certain forms of moral criticism from certain agents, and once we allow, further, that others have a duty to be agents of moral change and work to alter the circumstances that give rise to these obligations, I think the suggestion that they are obligations becomes more palatable. And of course, as I have stated, it is what many members of these groups have themselves believed.

What is the right way to characterize the parents' moral complaint about their obligation in these cases? We might at first think: it is that these obligations direct them to do something terrible to their children, the very children whom they are supposed to be looking after. Certainly this seems to be what sets these obligations apart from the obligations in cases like *Unfairly Burdened Caregivers* and *Repeat Rescuers*. In those cases, what agent is obliged to do is not in itself morally troubling. Of course, as we saw earlier, caregiving and rescuing can become morally troubling when bound up with the background injustices and when fulfilling these obligations implicates the agents in these injustices. But caregiving and rescuing are not in themselves morally problematic activities. By contrast, the things that the parents in *Parents of Left-Behind Children* and *Indigenous Parents "Passing"* are obliged to do are, taken in themselves, morally problematic: leaving one's children for years and living a lie about your family's identity.

But I think this cannot be the right understanding of the moral complaints in *Parents of Left-Behind Children* and *Indigenous Parents "Passing."* For sometimes, natural circumstances leave us with an obligation to do something that would otherwise be morally troubling, an obligation to do something to or for another human being that seems terrible to us. And this does not seem to give us a moral complaint about our obligation, in the absence of some underlying injustice or wrongdoing that generates and continues to taint the obligation. For instance, through no injustice or failure of planning, there are sometimes not enough hospital beds at the start of an outbreak of some illness and doctors are obliged to turn some people away in order to have enough resources to save the others. This is a terrible thing for them to have to do to others. Yet we do not think of these doctors as having a moral complaint about being obliged to do this – not unless the obligation arises, as it often did during the pandemic, from longstanding neglect of a healthcare system and a negligent failure to plan for the possibility of a pandemic. So in *Parents of Left-Behind Children* and *Indigenous Parents "Passing"*, it cannot be the mere fact

that the obligation requires the agent to do a terrible thing to another person that generates the moral complaint. This point should be familiar from our discussion of *Falling Tree*. There, I noted that the mere fact that an obligation imposes burdens does not generate a moral complaint about it. An analogous point applies here. Merely having to do something terrible to or for someone else does not make an obligation objectionable.

A more helpful proposal might start by noting that all of the objectionable obligations we have seen so far do not merely ask agents to do difficult things; rather, in some way they carry the taint of the initial injustice or wrongdoing that generated them. So we need to ask: in what ways might the obligations in these two cases carry the taint of the initial injustice? Like the agent's obligations in *Negligent Falling Tree*, the obligations in *Parents of Left-Behind Children* and *Indigenous Parents "Passing"* require the agent to ameliorate the effects of someone's wrongdoing on someone else, where these effects figure in an explanation of why the initial wrong was a wrong. In the latter two cases, the wrongdoing is the state's and the particular effect of that wrongdoing that the parents are trying to prevent (and that made the state's policies wrong to begin with) is that the children would otherwise starve or be sent to the residential schools. So perhaps the moral taint in these cases is like the taint in *Negligent Falling Tree*, except here the wrong is intentional rather than negligent.

This description is enough to suggest that these are objectionable obligations. But it does not seem to me to capture the full extent of the injustice or its relation to the parents' obligations in these cases. I wonder if a better description is that the injustice here involves a kind of perversion of the state's own duties, which is then reflected in a perversion of the parents' obligations. These states had a duty to create the conditions under which their citizens could fulfil their obligations to their children. Instead of doing this, they did the opposite. Their policies made it the case that the only way these parents can look after their children is by doing things that ordinarily count as failing to look after their children. As a result, the parents'

obligations here are a kind of horrid perversion of ordinary parental obligations, one that reflects the perversion of the state's treatment of its own duties. There is also a further complaint of unfairness here, akin to the one in *Unfairly Burdened Caregivers* and *Repeat Rescuers*, though it seems secondary: the more privileged urban Chinese and the more privileged non-Indigenous Canadians would never end up in this position, having to bear such obligations.

I hope now to have given you a sense of the range of objectionable obligations and the kinds of moral complaints they involve. My aim in this section has not been to cover the field: there are, I believe, many other instances of objectionable obligations, beyond the types I have described in this section. But I hope I have motivated the idea for you and suggested that objectionable obligations are, at least intuitively, a common feature of our moral landscape and particularly a feature of the moral landscape as it is seen by members of subordinated groups.

2. Why we cannot explain away objectionable obligations

Because the idea of a moral obligation about which one has a moral complaint can seem to threaten the coherence of morality, one might be tempted to try to dispel the appearance that there is an obligation in these cases or to explain away or re-locate the moral complaint. One might say: either the agent really has no moral complaint, or it is a complaint about something other than their obligation, or the agent is being asked to do something that is so burdensome that the correct conclusion is that these acts are not obligatory but supererogatory. I shall argue, however, that most of these strategies do not work; and in any case, recognizing objectionable obligations leaves us better able to understand the first-personal perspective of those who most often find themselves under burdensome obligations in situations of injustice.

First, consider the claim that there really is no moral complaint in these cases. One might suggest that the rescuers in *Repeat Rescuers*, the parents in *Parents of Left-Behind Children* and *Indigenous Parents Passing*, and the caregivers in *Unfairly Burdened Caregivers* all chose to

enter into the relationships that, together with the relevant background social injustices, have generated these objectionable obligations. They chose to have children, or chose to take in their brother's children when he had to leave the reserve to find work, or chose to become part of the toxic chemical clean-up squad in their neighbourhood. When they made these choices, they had knowledge of the background injustices and the possible consequences of these choices for them, given these injustices. So they cannot now complain about standing under such obligations.

But there are at least two problems with this response. First, it seems doubtful that these agents' choices can play the role that this response assumes –that is, that their choices can block a moral complaint on the part of the agents, in a context where the relevant institutions (the state, the railroad companies, the polluting industries, the church, the educational establishments, and so on) have so deeply failed these agents.²³ We do not normally think that choice eliminates the possibility of a moral complaint, particularly when the choice is made in the context of significantly unjust social circumstances. Second, this way of trying to dissolve the moral complaint is not available in the case of many caregivers: we do not normally choose to be the children of our parents, we do not choose to have all our relatives or neighbours, and many of the dependents of members of subordinated groups are not chosen by them but are people whose care defaults to them because others have chosen to free-ride on the labour of the underprivileged. If we are going to see the caregiving obligations in these cases as reflective of choices that have an estoppel-like function, it should perhaps be the choices of those who have offloaded their responsibilities onto these caregivers, not the choices of the caregivers.

A more promising way to dissolve the appearance of an objectionable obligation might be to argue, not that there is no moral complaint in these cases, but that my descriptions misconstrue what this alleged complaint really is. The strongest arguments for this position are that either

²³ See Scanlon's work on the significance of choice: Scanlon (1986).

(i) it is not a complaint about the obligation but a complaint about something else, such as the injustice or wrongdoing that gave rise to the obligation, or (ii) it is not best characterized as a complaint at all, but is really just the moral residue of a different obligation. Let us consider these arguments in turn.

One might suggest: when we acknowledge that we stand under a certain moral obligation, part of what we are claiming is that it is morally acceptable for us to be bound by this obligation, that we have no moral complaint about this. So the agent's complaint in these cases cannot be about standing under the obligation. It must really be a complaint about something else, such as the injustice or wrongdoing that gave rise to these obligations. And clearly the agents in these cases do have complaints about these injustices and wrongs! Why shouldn't we think that these are the only complaints they have? The complaint in *Unfairly Burdened Caregivers* is just about the injustice in the gendered distribution of caregiving; the complaint in *Indigenous Parents "Passing"* is about the injustices of colonialism and the residential schools. The complaints are not about these agents' obligations towards their children.

The first part of this objection seems to want to make it true that the complaint is only about the underlying injustice by virtue of linguistic or conceptual fiat: what we mean when we say we have a moral obligation is that we have no moral complaint about it. But claims about our concepts or our uses of terms cannot settle substantive moral disagreements. Those who find it intuitively plausible, as I do, that there are objectionable obligations in at least some of these cases will just deny that the claim that someone stands under a certain moral obligation implies that this agent has no moral complaint about standing under it.

When our objector's position is taken not as a conceptual claim but as a substantive moral position—that is, as the position that these moral complaints are *better* conceived as complaints about the underlying injustices or wrongdoings—the claim seems questionable. As I noted earlier and will discuss at greater length later in this section, these moral complaints sound in a

variety of ways in the moral domain. They make a difference to such things as whether the agent seems entitled to compensation for fulfilling it and what means she can permissibly take to do so. And some of these differences suggest that the moral complaints here are not just complaints about the initial injustice or wrong. For instance, if the parents' complaints in *Indigenous Parents Passing* were only about the injustice of the residential schools, one would expect that the Residential Schools Settlement and compensation measures for those who had attended the schools would have remedied these complaints and there would be no need for further compensation or apologies. But the parents in *Indigenous Parents "Passing"* feel they too are deserving of an apology and compensation too, and their children never attended the residential schools. A natural way to understand their demand for an apology and for compensation is as a demand for compensation for having been placed under an objectionable obligation to live a lie with their children.

Moreover, we do not normally think that moral agents deserve apologies or compensation for having stood under an obligation or for having done what they were obliged to do. A natural way of making sense of why an apology and compensation seem appropriate in so many cases of objectionable obligations is by appealing to the fact that these agents have a moral complaint about standing under these obligations: the apology and the compensation are supposed to redress both their having stood under such an obligation and their having had to fulfil it.

There is also a further consideration, one that I think is fatal to the attempt to relocate the relocate the complaint and turn it into a complaint that is solely about the initial injustice or wrongdoing (but at the same time might also explain why we are tempted to do this). To see the problem, think back to *Negligent Falling Tree*. If my complaint in this case were only about *your negligence*, then the complaint would hold equally in the variant on the case in which my parent attempts to sketch the tree that you negligently left standing, and they trip and are injured. You acted negligently in that case too. But, as we saw, that was not a case of an objectionable

obligation. This pair of cases suggests that in all cases of objectionable obligations, the moral complaint cannot just be about the prior wrong or injustice. It must be about the *way* in which that wrong or injustice is *now* tainting my obligation. Of course, as we saw when discussing *Unfairly Burdened Caregivers* and *Repeat Rescuers*, sometimes the taint consists in the fact that the obligation is unfair in ways that are an instance of the broader social unfairness that generated the obligation. This explains why it might seem in such cases as though all that the agent is complaining about is that initial injustice. But, for the reasons given here, that cannot be right.

At this point, our hypothetical objector (I am sure it is not you) might claim: perhaps what we have been calling the “moral complaint” about the obligation is really just the moral residue of a different obligation. It might be a *pro tanto* obligation that has been overridden or outweighed by an all things considered obligation that we have been calling the “objectionable obligation.” Relocating the complaint in this way would allow us to preserve the thought that the agent has more than a complaint about the initial injustice. But because the complaint, on this interpretation, is really just the residue of a *different* obligation, we do not have to suppose that any obligation is somehow internally tainted. Alternatively, we might suppose these are situations involving what Williams called genuine “moral dilemmas.”²⁴ Here, the agent feels confronted by two oughts but can only act on one of them. The one that is not acted upon is not overridden or outweighed. It persists in the form of agent regret. Williams noted that:

It seems to me a fundamental criticism of many ethical theories that their accounts of moral conflict and its resolution do not do justice to the facts of regret and related considerations: basically because they eliminate from the scene the ought that is not acted upon.²⁵

Perhaps what I have been calling the “moral complaint” is really just the moral residue of a separate ought, the ought that is not acted upon?

²⁴ Williams (1972); see also Tessman (2015) and Marcus (1980).

²⁵ Williams (1972), s.6, p.175.

This response would, at best, help us only in cases like *Parents of Left-Behind Children* and *Indigenous Parents "Passing"*. The parents' dilemma in this case could plausibly be split into two conflicting obligations, an obligation to save one's children and an obligation either not to live a lie with them or not to leave them. It might be plausible in such a case for an agent to reason that really, the obligation to save one's children is ultimately one's all things considered obligation and what I have been calling the "moral complaint" is just the moral residue of the defeated obligation not to lie to one's children or not to leave them. Or the agent might feel torn between the two obligations and able only to act on one: this might be a moral dilemma. But I doubt that either kind of analysis could be given in cases like *Unfairly Burdened Caregivers* and *Repeat Rescuers*. These cases seem simply to involve *one* unfair obligation. The problem is not that it conflicts with another of the agent's obligations. The problem is it has been unfairly imposed on the agent, and imposed in a way that implicates them in the original unfairness. Similarly, the problem in *Negligent Falling Tree* is not that I have some further obligation that has left a moral residue, but just that I now have new obligations whose purpose is to mop up after your negligence, obligations that require me to ameliorate the very effects that made it negligent for you to leave the tree standing.

One drawback of redescribing certain cases of objectionable obligations as Williams-type "moral dilemmas" or as obligations in cases where there are overridden *pro tanto* obligations that leave a moral residue, then, is that we lose our ability to see these cases as continuous with the other cases of objectionable obligations that I have noted. Moreover, many cases of objectionable obligations involve agents who are members of subordinated social groups. Part of what is illuminating about the inquiry into whether an obligation is objectionable is that it invites us to focus on the connection between these agents' individual dilemmas and the broader social positions in which these groups have been placed and injustices they experience. We lose this

focus if we treat their situations, as Williams did, simply as a quite particular kind of individual moral dilemma.

I am also skeptical of whether this redescription accurately captures our first personal moral reasoning even about such cases like *Parents of Left-Behind Children* and *Indigenous Parents "Passing."* Williams, in the quote above, criticizes ethical theories for not attending to agents' actual moral reasoning. But it is not clear to me that our actual moral reasoning in such cases involves apprehending two separate obligations and feeling that what I have called "the moral complaint" has a source that is separate from what I have been calling the "objectionable obligation." My spouse's grandparents felt they had a moral complaint about being bound to lie to their children and live a lie as a family, because of the injustice it instantiated. From their first-personal standpoint as moral agents, the complaint and the obligation appeared have the same source, and the complaint appeared to be about that very obligation.

But one might now wonder: if there is a genuine moral complaint in such cases, and that complaint is about standing under an obligation that is tainted in a certain way by the injustice or wrong that generates it, *who* is the complaint against? The answer here seems to me to vary. It depends, firstly, on who the wrongdoer is --though, as I have argued, it is not just a complaint *about* their wrongdoing but is a complaint that I am now bound by an obligation that is tainted by that wrongdoing. In cases where the wrongdoer is an institution or an individual, the complaint is partly against them. However, in cases like *Unfairly Burdened Caregivers* or *Repeat Rescuers*, where the underlying injustice is not an individual's act of wrongdoing or an institutional wrong but might be better described as a structural injustice, the complaint will be against whomever we treat as responsible for the structural injustice. There are of course different views of who is responsible for structural injustice. For some, the answer is all those whose actions have resulted in such injustices; for others, the answer is those who do not now take steps to change them; for

many, the answer can include the state.²⁶ But locating the wrongdoer in such cases is not a special problem for those who recognize objectionable obligations: it is a general philosophical question that must be answered by anyone theorizing about structural injustice. Who the moral complaints about objectionable obligations are directed at also depends on the precise nature of a given complaint, which, as I have suggested, varies from one type of case to another. Where, as in *Unfairly Burdened Caregivers* and *Repeat Rescuers*, the complaint is a complaint about unfairness as between the agent and certain other individuals or groups, the complaint may also be against them.

I have now argued that we cannot explain away objectionable obligations by denying or relocating the complaint. But one might try to explain away the obligation. This might seem a good strategy with respect to the obligations in *Parents of Left-Behind Children* and *Indigenous Parents Passing*. One might argue that in these cases, the obligation is merely apparent: what these agents are being asked to do is impossibly and unfairly demanding. They surely cannot be morally required to leave their children or live a lie with their children. These acts must be supererogatory: beyond the call of duty and not morally required.²⁷ Those who wrench themselves away from their children to migrate to cities in order to support them and those who are willing to deny their cultural heritage and dissemble for years for the sake of their children are demonstrating a kind of moral heroism in the face of adversity. But they are not fulfilling moral obligations.

Once again, I worry that this redescription is unfaithful to these agents' own perceptions of the situation. My spouse's family did not see themselves as heroes, partly because what they were obliged to do to their children would, they knew, harm those children even though it would

²⁶ See Zheng (2019), Sangiovanni (2018), Lu (2018) and Young (2011).

²⁷ For discussions of the supererogatory and its relation to the obligatory, see Feinberg (1961), Heyd (1982), Kamm (1985), Zimmerman (1996) Ch. 8, and Wessels (2015).

save their lives. Of course, not all accounts of the supererogatory conceive of supererogatory acts as heroic. On some accounts, supererogatory actions are simply actions that one cannot be morally criticized for not performing and that are in a certain respect meritorious, because they are undertaken for another's good even when this is not required and even when it demands a considerable sacrifice.²⁸ But these parents felt precisely that, if they did not take such drastic steps to save their children's lives, they would have failed morally as parents. They did not see themselves standing outside the realm of what morality required of them, free to choose whether to make an additional sacrifice. They saw themselves as grimly caught, caught by an obligation to their children that itself required them to do something morally troubling to those children.

Indeed, this is arguably part of the reason why this situation is tragic and the injustices perpetrated by the state in China and in Canada so considerable. It is *uncomfortable*, but not tragic, to find oneself in the realm of the supererogatory, beyond the reach of moral obligations, having to decide whether to perform some difficult action. It is *tragic* when one's government acts in such a way that one ends up morally required to do something to one's child that scars them deeply, because that is the only way in which one can fulfil one's most basic parental obligations to them. Seen in this light, the attempt to redescribe these actions as supererogatory is a convenient avoidance tactic, a way of shutting one's eyes to the tragedy that these governments have brought about. It is also a way of individualizing a problem that, in my view, ought to be tackled as a social and political problem, of turning what philosophers ought to be talking about as a problem of institutional and structural injustice into a problem for one moral agent only. The dilemma that the agent in the realm of the supererogatory faces is just: what should *I* do? But the agent who stands under an objectionable obligation in cases like *Parents of Left-Behind Children* and *Indigenous Parents Passing* is also asking: how have the injustices in

²⁸ See, for instance, Heyd (1982).

my society shaped what I now ought to do? What kinds of complaints do they give me, and how do these affect what I ought to do and what others ought to do with and for me?

A final difficulty for the attempt to explain away the obligations in such cases is that it will not work in cases like *Unfairly Burdened Caregivers* and *Repeat Rescue*. It is implausible to think that, whenever caregivers or rescuers view themselves as standing under such obligations, they are mistaken and are in fact performing supererogatory actions. While of course there are some scenarios in which caregiving and rescues are supererogatory, this is not true of most of the caregiving that women do or most of the rescues that members of subordinated social groups are called upon to perform. Redescrbing these acts as supererogatory also carries political risks. It leaves us less able to understand the first-personal perspective of these agents and more likely to make assumptions about them that reinforce inaccurate and harmful group stereotypes, stereotypes that have unfortunately carried a great deal of weight in public political discourse. Women who stay in abusive relationships to look after their dependents usually stay because they view themselves as standing under certain obligations. They know there are young people and older people who are dependent on them. Denying that this dependence generates real moral obligations can fuel the stereotype that, if these women stay and are then harmed because of domestic violence, they have only themselves to blame for that further harm. They are not, of course, to blame for trying to help their children; but if we are in the realm of the supererogatory, then it is their decision to try to be a hero and to try to manage in these circumstances and they should bear the indirect consequences of doing so. Seeing the agents in these situations as bound by obligations, obligations generated by injustices, enables us to shift some of the responsibility for the consequences onto these broader injustices, and thereby resist these stereotypes –without, of course, implying that these agents are passive victims who lack a capacity for moral agency.

For all of these reasons, the attempt to explain away objectionable obligations seems to me to fail.

3. The difference that a moral complaint can make

I have argued that we ought to leave room for objectionable obligations in our picture of the moral landscape. If this is right, then it is a mistake to think that once we determine that an agent stands under a certain obligation, there is nothing more to say from a moral standpoint. We need to think about whether the agent has a complaint about it and about the particular kind of moral force that the complaint might have in that case. Of course, by definition, such complaints do not silence or outweigh the obligation. But, as I have suggested, that does not mean they have no other effects on that obligation or on other, related obligations. What sort of effects might the complaint have, either on the obligation or on the surrounding moral territory?

It might make a difference, firstly, to the means that the agent is permitted to take in fulfilment of that obligation. It seems plausible to suggest, for instance, that because the person who stands under an objectionable obligation has a complaint about it, she may and should cut certain corners, choosing whatever path will be least objectionable and most faithful to whatever interests or values were compromised by the injustice or wrongdoing that led to her complaint in the first place. Many subordinated social groups have realized this; and a beautiful example is provided by the Métis families in my *Indigenous Parents Passing* example. These families saw that although they had to take great care to deceive the authorities about their family's heritage, they could nevertheless creatively preserve some cultural traditions behind closed doors –or even, as it happened, behind open windows. The cultural tradition of Métis jigging was preserved because when one jigs, one only moves one's legs and not one's upper body. Families quickly realized they could be jigging when police officers were patrolling up and down outside their homes, and all that the officers would be able to see through the open windows were the upper parts of their bodies, which of course appeared to be stationary. So they were able to continue and pass on this important tradition, even while outwardly pretending they were

Francophone Catholics. Because these families had a moral complaint about having to live a lie with their children, they were under no obligation to live that lie completely. They found ways to live that lie while at the same time salvaging whatever aspects of their culture they could.

Importantly, however, it may not always be possible to compromise the means by which one fulfils one's objectionable obligations. One reason why caregiving obligations are so demanding and their offloading onto women seems so unfair (and has been so paralyzing for so many women) is that, at least when performed by one member of a family towards another, caregiving duties are not just a set of duties to take the material steps necessary to keep another person alive and safe. Many of them are also duties of love, and so have a crucial expressive dimension that can take up a great deal of a person's attention. It is important that I not only connect the feeding and breathing tubes properly to make sure my child gets what they need to stay alive, but that I do so in ways that express, to them and others, my deep love for my child and my awareness of her unconditional value. So it won't do to hurriedly slam equipment down on the table, or absent-mindedly set something up while watching the news, or do it all with a look of complete lack of interest on my face. Or at least, while there is some latitude for some of this some of the time, it cannot be these sorts of behaviours that predominately characterize one's fulfilment of one's caregiving obligations, for the obligations themselves require that they express my love and that they be performed with my full attention. So, while the presence of a moral complaint can make some difference to the means that can permissibly be used to fulfil an objectionable, the nature of the obligation will sometimes rule out the cutting of certain corners.

Another kind of moral difference that a complaint about an objectionable obligation often seems to make is to entitle those who stand under such obligations to some form of compensation – as I have already noted. We might think, for instance, that women who have unfair caregiving obligations are entitled to compensation both from the government and from other members of their society, both for being placed in this position and for having fulfilled their obligations. The

fact that it is not realistic to imagine our governments or our fellow citizens ever agreeing to provide such compensation does not count against the claim that these people's complaints entitled them to it; it just shows how deep the initial injustice runs in such cases, and how many other people's interests are served by off-loading this work onto these women. But perhaps it is worth noting that the choice here is not between demanding full compensation or accepting that nothing is owed. Small forms of compensation could nevertheless serve as an acknowledgment that some compensation is owed. Perhaps, for instance, the government should pay the parents of left-behind children for the cost of a trip home every year, to enable them at least to see their children once a year. Perhaps those who care for family members at home should be given at least a small stipend by the government, to acknowledge that what they are doing is not just expressing their love for their family members but doing real work that lifts caregiving burdens off of other members of society.

It also seems plausible to suppose that our moral complaints in cases of objectionable obligations can make a difference to *who* can criticize or blame those agents who fail to fulfil these obligations. In particular, those against whom the complaint is directed would not seem to have the moral standing to criticize or blame the agent for failing to fulfill that obligation. So, for instance, in cases like *Unfairly Burdened Caregivers* and *Repeat Rescuers*, we might argue that governments who are responsible for offloading so many caregiving responsibilities onto women and offloading so many social problems onto communities that face a repeated need for rescue do not have the moral standing to blame those agents who fail to fulfil these obligations. We might think this for either of two reasons. First, there seems to be a kind of estoppel argument available: those who have failed to fulfil their own responsibilities to these vulnerable groups cannot now complain when others (that is, the agents standing under objectionable obligations) fail to do so as well. Through their own morally flawed behaviour towards these agents, they have forfeited the right to criticize or blame those who do not fulfil their objectionable

obligations. Second, there may be an argument from shared responsibility that one could make in such cases: where the state and the public at large are partly responsible for the injustices that have given rise to these obligations, either because they have brought them about or simply because they have failed in their duty to eliminate these injustices, one might think that less responsibility accrues to the moral agent who fails to fulfil her objectionable obligation. In these cases, responsibility should really be conceptualized as *shared between* the agents of the underlying injustice and the agents who have failed to fulfil their objectionable obligation.

Of course, it does not follow that in such cases, the people who are *owed* the obligation cannot blame the agents who have failed to fulfill their objectionable obligation. Their position is entirely different: because they are the ones who are owed the obligation, they do have the standing to criticize their parents or their caregivers or their rescuers when they do not fulfill these obligations.

The presence of a moral complaint may also make a difference to whether the government can *legally* enforce performance of these obligations, to how they can do so, and to whom they envision themselves acting on behalf of, when they do. In cases like *Unfairly Burdened Caregivers*, the complete dependence of the vulnerable children and adults on their caregivers may lead us to think that even a state that has unjustifiably distributed these caregiving responsibilities could nevertheless justifiably allow those who are vulnerable to sue their negligent caregivers in tort law, provided that it is only these people and those acting on behalf of them who are allowed to sue. But we might pause before thinking that the state could justifiably enforce the performance of such objectionable obligations through *crimes* that prohibit failing to take due care towards those for whom one is responsible. Unlike tort law, the criminal law purports to speak not primarily for victims in a private dispute but for society as a whole: the criminal law purports to vindicate society's mores. But in these cases, we may think that society has let down the agents who stand under objectionable obligations and has not done its own part

to prevent or rectify the injustice. So we might think, on the basis of the same estoppel-like reasoning that I mentioned in the context of blame, that the state cannot now legitimately use the criminal law to punish these agents for negligently failing to use due care in carrying out their obligations.²⁹

I have now listed a variety of ways in which the agent's moral complaint about an objectionable obligation can make a difference to the obligation itself. Indeed, one would expect it to, because it is a complaint *about* that obligation. Such complaints, of course, also make a difference to the obligations that other people have to agents who stand under objectionable obligations. I shall discuss these further in Section 5.

4. Some advantages of recognizing objectionable obligations

I have argued that a picture of our moral reasoning that leaves room for objectionable obligations captures the first-personal perspective of those who often find themselves under obligations in situations of injustice. I have also suggested that the concept of an objectionable obligation enables us to think about the different kinds of cases I discussed in Section 1 as instances of a single normative phenomenon, and that this can be illuminating. Moreover, rather than encouraging us to analyze our moral obligations exclusively through a series of interpersonal examples, the possibility that some of our obligations might be objectionable invites us to think more about the background injustices that structure our interactions with others.

In addition to these more diffuse advantages, however, the concept of an objectionable obligation seems to me useful in helping us make progress in certain debates within normative

²⁹ However, intentional crimes such as sexual assault and physical battery are arguably another matter. It is unclear that the same estoppel-based reasoning would apply to them. So I am not suggesting here that the state can never use the criminal law to punish violations of objectionable obligations, but only that it is estopped from criminalizing the *negligent* failure to fulfil these obligations (ie from using crimes with negligence or recklessness as a *mens rea* to address such failures). I am grateful to Seana Shiffrin for pressing this point.

ethics and political philosophy. In this section of the paper, I want to outline three of these specific uses.

First, acknowledging the presence of objectionable obligations can enrich our discussions of subordination and exploitation. Objectionable obligations give us an intuitively plausible way to explain how members of subordinated groups can really be trapped –or, to use the metaphor of Marilyn Frye, “caged.”³⁰ Because objectionable obligations are real moral obligations, if those who are bound by them fail to fulfil them, they risk confirming the dominant group’s stereotypes about them as lazy, irresponsible and immoral. At the same time, if they stay in dangerous circumstances in order to fulfil them, then because they have certain moral complaints about these obligations, it can seem as though they do not *have* to stay –and so if they do, they are choosing to take a risk, choosing to do something dangerous and unwise. This confirms another set of stereotypes about them, as risk-takers responsible for their own fate. Regardless of what they do, they end up confirming the dominant group’s stereotypes about them.

Canada’s Report of the National Inquiry on Missing and Murdered Indigenous Women shows this dynamic playing out in practice, in the case of Indigenous women whose families were forcibly displaced to remote rural reserves.³¹ These women stand under caregiving obligations to family groups, which many feel they cannot walk out on (some of which stem in part from the overincarceration of Indigenous men, which leaves relatives having to support their loved ones’ families). They are the only ones on the reserve who can fulfill these particular caregiving obligations. And yet staying on the reserve to do so can place them in danger –from insufficient access to health care resources, unsanitary conditions, or physical or emotional abuse from others on the reserve who lack supports. There is of course a point at which even an objectionable obligation becomes so demanding or so dangerous to fulfil that an agent no longer

³⁰ Frye (1983).

³¹ National Inquiry into Missing and Murdered Indigenous Women and Girls (2019).

has it. But there is also a large space before the agent approaches this point, where the agent is in a dangerous position but still has the obligation. This is the space in which many Indigenous women on Canadian reserves live. And it is this space that catches them in a dilemma that I think we can understand best if we appeal to objectionable obligations. These are real obligations. As a result, if these women leave the reserve and default on their obligations, this will, in the public eye, confirm the classic stereotype of Indigenous women as Squaws: they must be lazy and immoral if they are willing to leave their family members behind and default on real moral obligations. But if they stay, they risk confirming other stereotypes. They risk confirming society's view that because they are willing to stay in dangerous situations about which they have moral complaints, they have chosen to take risks and to act unwisely. Whether they choose to fulfil or to abandon their objectionable obligation makes no difference: either way, their behaviour will re-confirm society's negative stereotypes about them and their situation.

We know from the work of theorists such as Iris Marion Young and Sally Haslanger that to understand social subordination, we need to look not just to particular acts and institutional policies, but also to the positions of vulnerability within social structures that are occupied by certain social groups.³² It may be helpful to consider objectionable obligations as being among the mechanisms within various social structures that contribute to the subordination of these groups, precisely because they catch members of these groups in the kind of cage that I noted above, where the combination of moral complaint and moral obligation means that members of the dominant social group can stereotype them whatever they do. And importantly, the concept of an objectionable obligation can help us understand social subordination without implying that the members of subordinated groups are hapless victims of oppression who cannot exercise their own agency. On the contrary, when we think of an agent as standing under an objectionable

³² See Young (2011) and Haslanger (2012) esp. Ch. 11.

obligation, we must think of them as a full moral agent. We conceive of the injustice they experience as something that is relevant to their deliberations and their obligations, rather than as something that diminishes their capacity to act or to deliberate about what they ought to do.

So the concept of an objectionable obligation can be useful in helping to explain socio-structural subordination. It may also help to pinpoint a certain kind of exploitation, or a certain way of using other people, which I alluded to earlier when discussing *Unfairly Burdened Caregivers* and which seems also a risk for agents who are *Repeat Rescuers*. Because these agents are under real moral obligations, and because the things they are obliged to do are so important and it serves the rest of us so well to offload various responsibilities onto these agents, we are quite good at recognizing the reality of their obligations. We are less good at always acknowledging the agents' complaints about them. Perhaps, in such cases of objectionable obligations, continuing to insist on the reality of the obligation when this is in one's own interests while closing one's eyes to the possibility that the agent has a complaint about it may constitute a distinctive sort of exploitation, a distinctive way of using someone for your own advantage.

The concept of an objectionable obligation can also help us out of certain impasses in particular debates within normative ethics and political philosophy. One of these concerns our duty to resist injustice, and specifically whether those who are oppressed have a duty towards other members of their oppressed group, or to themselves, to resist their oppression, to testify about it and protest it. Do women have a duty to report and make public their experiences of sexual harassment or sexual violence? Do members of Black communities that are racially profiled and targeted by police have a duty to protest? What about members of gay communities and trans communities: do they have obligations to protest, and what if doing so outs them? There is a growing literature on such questions, some of which supposes that a significant obstacle to recognizing these duties is that they are objectionable in some of the ways I have

described.³³ They arise only because of other people's wrongdoing and because of broader structural injustices. It can seem unfair to burden such groups with the task of fixing problems that stem from other people's wrongdoing; and moreover, it seems particularly unfair to place that burden on those who are victims of this wrongdoing. It can seem that, if we were to recognize some kind of duty of testimony or resistance in these cases, we would not also be able to conclude that such duties are deeply unfair or that agents have other kinds of complaints about them. The possibility that duties to resist injustice are objectionable obligations could allow us to recognize some of them as real obligations while at the same time enabling us to discuss the many different ways in which these agents' complaints can make a moral difference. We need not rule out the possibility that such obligations exist simply because the agents placed under them have certain obvious moral complaints about them.

Another debate that might be enriched by recognizing objectionable obligations is the debate about whether we have a duty to "take up slack" in situations where there is some collective obligation and certain agents do not do their fair share in fulfilling it. This debate arises in normative ethics, over how extensive individuals' duties of beneficence are, and also in political philosophy, over discussions of states' duties of global justice in the face of collective problems such as climate change and the refugee crisis. Those who defend a more circumscribed duty of justice only to do one's fair share often defend it by noting that, assuming we can arrive at a conception of each party's fair share of that duty in just circumstances, it would be *unfair* for a moral principle to require that agents do more than their fair share in nonideal circumstances when some have not done their fair share (or, on a more nuanced version of the principle, it would be unfair for a moral principle to require agents to sacrifice more than they would have

³³See, for instance, Gosh (2018) and Harvey (2010); but for a different view, see Cudd (2006). Thanks to Megan Pfiffer for discussion of these points.

had to sacrifice had everyone complied, even if they have to do a little more).³⁴ This particular argument seems to presuppose that agents cannot have obligations that are unfair --that fairness is not only a criterion that we can use to evaluate the policies of certain institutions and states but is also a constraint on something counting as a valid moral principle. The possibility of objectionable obligations calls this into question. Perhaps something *can* be our duty even if, because of the wrongdoing or the injustice that gave rise to it, it is unfair that we now have this duty. So although there are other arguments in favour of the position that there is no duty to take up slack, such as those that appeal to the need to treat non-compliers as responsible agents, the fairness-based argument does not seem to settle the debate. Individuals or states could have a duty to take up the slack even if this were unfair: this might be another example of an objectionable obligation.

5. Conclusion

If, as I have tried to persuade you, we do stand under objectionable obligations, is this grounds for concern? Although the label “objectionable obligation” might suggest that there is a kind of incoherence to these obligations, one that might risk calling morality’s own coherence into question, I hope the analyses I have given of particular objectionable obligations suggest otherwise. Sometimes, as in *Negligent Falling Tree*, objectionable obligations require us to do things that ameliorate the effects on others of some people’s wrongdoing, where these effects were part of the reason why these acts were wrong, and this gives us a certain claim to compensation from others and can affect such things as the ways in which they can criticize us. Sometimes, as in *Unfairly Burdened Caregivers* and *Repeat Rescuers*, the obligations we acquire as a result of institutional and structural injustices are unfair and implicate us in this same

³⁴ See Murphy (2000) and Miller (2016).

unfairness. And sometimes, as in *Parents of Left-Behind Children* and *Indigenous Parents "Passing,"* our governments do the opposite of fulfilling their duties towards us and leave us in situations in which the only way in which we can fulfil our duties towards others is by doing what would normally count as failing to fulfil these duties. In such situations, the agent's moral complaint has certain effects, such as effects on the means they can permissibly take to fulfil the obligation, and effects on the kinds of criticism and state enforcement that are appropriate. But none of these call into question the coherence of the obligation or the coherence of morality. They simply reflect the fact that our interactions with others happen in a world that is structured partly by injustice and wrongdoing.

So the call to recognize objectionable obligations is not a call for skepticism about morality. On the contrary, I think it gives us reason for optimism. We looked in the previous section at some of the differences that an agent's complaint about her obligation can make to her own obligations. It seems likely that the agent's moral complaint in these cases can also create new obligations in others. Some of the ways in which it can do so are obvious and unremarkable. For instance, if women have a complaint against others in their society for not bearing their share of the costs of caregiving, then these others have, at the very least, some obligation to provide assistance to them. But moral complaints may also generate a different kind of duty in others. They may generate in all of us a duty to be what Barbara Herman has called "agents of moral change."³⁵ We can understand this as a duty to take reasonable steps to change the circumstances that give rise to others' objectionable obligations, so that others will instead stand under obligations about which they do not have complaints. Where an agent has a moral complaint about some obligation, then those of us who can—and certainly, those of us against whom the complaint is directed—ought to work to change the underlying circumstances. Of course, we

³⁵ See Herman (2021).

will never be able to bring about a world in which individuals do not sometimes act wrongly.

But we can certainly work to change unjust institutional policies and can work to combat some of the mechanisms through which structural injustices are perpetuated, so that the legitimate needs that are now met through objectionable obligations (caregiving needs, rescue needs) can be met through non-objectionable obligations instead.

I think that, when objectionable obligations are understood as part of a set of moral obligations that also contains an obligation to be an agent of moral change, they may be easier to accept. Insofar as we remain troubled by the idea of a tainted moral obligation, this may be because we imagine ourselves saying to the bearers of such an obligation: “Sorry, but that’s just your duty! Go and do your duty!” But if it is correct that our moral complaints about objectionable obligations generate in others an obligation to be agents of moral change and to work to eliminate objectionable obligations, then we are not left in this situation at all. We can say: “That’s your duty right now. But we acknowledge that you have a complaint about it being your duty. And many of us owe it to you to take steps to fix this, to ensure that you do not stand under this objectionable obligation in the future.”

We live in societies characterized by persistent injustices and frequent wrongdoing by others. I have suggested in this paper that these injustices and these wrongdoings can taint our moral obligations in a variety of ways, and that it is philosophically illuminating to look at how they do this and to consider such obligations together, as a class. I have also tried to show that when we do this, our picture of the moral domain will be more attentive to the institutional background against which we act and to the experiences of subordinated social groups. Williams noted in the quote with which I began that theory ought to be responsive to experience. We might add: not just the experience of one reflective agent, but everyone’s.

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