

Objectionable Obligations*

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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 at the same time 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 bound to do it, because the obligation arises from an injustice or wrongdoing and that initial injustice or wrongdoing continues to taint the obligation. For instance, social and political institutions often distribute the burdens of caring for the vulnerable inequitably across different social groups, with the result that women often shoulder a greater caregiving burden than men. This generates an unfairness. But importantly, it does not always negate the obligations. We do not, for instance, think that women who have been saddled with an unfair share of caregiving can simply walk out on the vulnerable children or elderly relatives who are now dependent on them. Rather, it seems plausible that, although their caregiving obligations are real, these women also have a moral complaint about standing under

*Previous drafts of this paper were presented at the Princeton Political Philosophy Colloquium, the UCLA Workshop in Moral, Political and Legal Philosophy; the King's College London Legal and Political Philosophy Workshop; the Oxford Uehiro Centre; the University of Warwick CELPA seminar; and the Michigan Law and Philosophy Colloquium. I am very grateful to the participants in these Workshops, and especially to Cecile Fabre, Barbara Herman, David Miller, Sarah Moss, Liam Murphy, Massimo Renzo, Arthur Ripstein, Samuel Scheffler, Scott Shapiro, Seana Shiffrin, Michael Smith, Zosia Stemplowska, Victor Tadros, Daniel Viehoff and Ekow Yankah for helpful discussions.

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.

these obligations. This is what I shall call an “objectionable obligation” –a genuine moral obligation, about which the agent nevertheless has a real moral complaint.

Do objectionable obligations really exist? Why should we think so? What would we do a better job of noticing or explaining, and what questions might we be prompted to ask in moral and political philosophy, if we took the existence of objectionable obligations seriously? These are the questions I shall address in this paper.

I shall try to show that in a number of common situations involving injustices or wrongdoing, it is natural to think of agents as standing under objectionable obligations. I shall argue that in these cases, the agent’s complaint is not reducible to an attitude of resentment towards those who do not bear the burdens associated with that obligation, though such resentment may in many cases be appropriate. Nor is it best understood as a complaint about something *else*, something *other than* the obligation itself –such as the institutional injustices or past individual acts of wrongdoing that resulted in these agents now having these obligations, though of course such agents will often also have complaints about these. The complaint an agent has about an objectionable obligation is, I shall argue, best understood as a complaint about her having to stand under this obligation, now, because of the way in which the initial injustice or wrongdoing continues to taint it. And this moral taint makes a difference to the obligation and what we might call its “surrounding moral territory.” As I shall argue, the agent’s complaint can affect what means the agent can permissibly use to fulfil that obligation and whether she can claim compensation for having that obligation imposed on her; when and whether moral criticism of the agent is warranted, and by whom; and the kind of state enforcement of that obligation that is justified, if any is. It can also generate certain new obligations on the part of others. In particular, it may generate in all of us a corresponding moral obligation to take some steps to change the circumstances that give rise to these obligations –to become what Barbara Herman

has called “an agent of moral change” not just in the sense of altering people’s beliefs or attitudes, but in the further sense of taking steps to change their obligations.³

Objectionable obligations have been underexplored within value theory. We tend to assume that, if a person stands under a genuine moral obligation, it must be true that they cannot have a moral complaint about standing under that same obligation. Conventional social mores might treat something as somebody’s obligation when in fact they have no such obligation, so they might have a complaint about *that*. But we commonly think that when someone *really does* have a certain moral obligation, they can’t also have a moral complaint about standing under it. Moral obligations cannot themselves be morally tainted. We might say: the law isn’t always as it ought to be, and social mores aren’t always as they ought to be, but surely it makes no sense to say that morality isn’t as it ought to be!

Of course, we recognize that those who stand under moral obligations could have some *other* kind of complaint about them --for instance, a complaint based upon a conflicting religious obligation. Consider the Amish’s complaint about a law requiring them to have their photograph taken to obtain a driver’s license or passport. Even if we suppose that the law is just and that the Amish have a moral obligation to obey it, we can still recognize that this moral obligation conflicts with their religious obligations, which forbid them from having images made of themselves. Moreover, at least some moral theorists acknowledge that there can sometimes be conflicts between different *moral* obligations –“moral dilemmas,” they are called—in which an agent is unable to fulfil one of her moral obligations without violating another.⁴ For example,

³ Herman (2021) uses the term “agent of moral change” in this further sense. See in particular Chapter 11, “Incompleteness and Moral Change.”

⁴ For two examples of philosophers who recognize moral dilemmas, see Williams (1972) and Zimmerman (1996) Ch. 7. However, others have denied that such conflicts are possible, at least in the case of positive obligations: see Valentyne (1989).

one may be unable to be both a patriotic citizen who enlists and defends their country and someone who looks after their parents in their old age.⁵ But neither of these kinds of conflicts is an instance of what I am calling an “objectionable obligation” because objectionable obligations involve a conflict or tension *within* a single moral obligation itself: the agent seems at once to be bound to do something and yet to have a moral complaint about being bound to do that same thing, not because of some further, competing duty but that obligation itself is internally tainted by a certain injustice or wrongdoing. The idea that a single moral obligation might be internally tainted can seem problematic. I shall try to show, however, that we have no good reasons for rejecting this possibility and very good reasons for embracing it.

In this paper, I shall focus on those objectionable obligations that arise from institutional injustices, because the existence of this type of objectionable obligations seems to me to have particularly important implications for political philosophy. But I take it that the category of “objectionable obligations” is broader than those that derive from or instantiate institutional injustices and encompasses also obligations that are generated by individual acts of wrongdoing that taint the obligation. Consider an updated version of Bernard Williams’ example of Jim and Pedro.⁶ In this version, a terrorist has taken ten civilians hostage. He tells you that if you shoot one of them, he will release the other nine; but if you do not, he will shoot all ten. You have very strong reasons to believe him, and all attempts at negotiations and other non-violent solutions have failed. Some have argued that you are obliged to shoot one of the hostages.⁷ If this is an obligation, it is certainly an “objectionable obligation”: you have a moral complaint about having to do this, about being *obliged* to shoot an innocent human being because someone else has

⁵The example is from Sartre and is discussed in Williams (1972).

⁶ Williams (1973) 98-99 and Williams (1988).

⁷ See, for instance, Gardner (2007) 129.

wrongly placed you in the situation where this is the only thing you can do to save nine lives.

Your obligation is generated by the terrorist's act of wrongdoing –and what's more, it continues to be infected or tainted by that act of wrongdoing, because now you too, like the terrorist, will be implicated in the death of an innocent human being.

So objectionable obligations can arise even in situations where they are generated and tainted by *individual* acts of wrongdoing, rather than *institutional* injustices. What characterizes them is that they result from and continue to be *tainted by some form of injustice or wrongdoing*, whether institutional or individual or some combination of both. In all of these cases, what gives rise to the agent's moral complaint about standing under the obligation is not the mere size of the burden placed upon them, but something about its source and the way in which that source continues to taint the obligation –that is, not the demandingness of the obligation, but the fact that it arises from an injustice or wrongdoing *and* it obliges us to do something that continues in some way to perpetuate that injustice or wrongdoing, or to engage in what would otherwise be another form of wrongdoing in order to ameliorate the effects of that initial wrongdoing or injustice on others.

It is particularly important to grasp that the problem here –what makes these obligations “objectionable”-- is not the mere size of the burden on the agent. Many of us stand under very demanding or burdensome obligations, simply because of bad luck. My parent may be stricken with cancer. Even in a fully just society, where the state provides excellent medical care and caregiving help for me, this will still leave me obliged to do many difficult things that those whose parents do not have cancer will never have to do. But these are not, in my sense, objectionable obligations. Likewise, my home might be destroyed by an earthquake; and even if my government does all that it ought to do to support me and other victims, this will still upend my life and place demands on me that others, whose homes were not destroyed, will not have to

bear. Again, this does not make the demands “objectionable,” in the sense I am concerned with. Objectionable obligations carry with them complaints about standing under that very obligation because they are morally tainted; and in principle, even a less demanding obligation could be morally tainted. So although I hope to convince you through the course of this paper that objectionable obligations are not a narrow, esoteric class of obligations but are actually a pervasive feature of our moral lives, not every obligation is objectionable, no obligation is objectionable simply because it is very burdensome, and an obligation could in theory be objectionable even if it were not difficult or burdensome to carry out.

The argument of this paper is in four sections. Section 1 presents several common situations involving injustices and tries to show that our intuitive reaction to these situations is that someone stands under an objectionable obligation. Section 2 tries to show that we cannot explain away such objectionable obligations –for instance, by suggesting that the agents in these cases really have no complaint, or that it is a complaint about something other than having to stand under the obligation, or that what is being asked of them is so unfair or so demanding that it ought not to be thought of as an obligation at all. Section 3 argues that we should not *want* to explain away objectionable obligations, because there are significant advantages to recognizing them. I argue that we need to acknowledge their existence if we are ever really to understand the situation of social groups that face subordination and exploitation, or to do moral theorizing in a way that makes visible the moral world that such social groups inhabit. I also explore some different ways in which the taints and resulting complaints in these cases seem to make a moral difference to the obligation and its surrounding moral territory, without negating the obligation, and I point to a number of questions that open up once we acknowledge the existence of objectionable obligations. Section 4 turns to a more speculative exercise. Here, I ask why, if they are so important, objectionable obligations have not been discussed as such within moral

philosophy. I speculate that it may be partly because certain dominant moral theories, like consequentialism and contractualism, seem to leave no conceptual space for them. I argue that we should reject the shared assumption underlying these theories that leaves them with no such conceptual space, rather than rejecting the possibility of objectionable obligations.

1. Examples of objectionable obligations

I noted earlier that although objectionable obligations can arise because of either institutional injustices or individual acts of wrongdoing, the focus of this paper will be on objectionable obligations that arise from institutional injustices. In this first section of the paper, I shall present a number of examples of objectionable obligations arising from institutional injustices. My aim in this section not to cover the field: no doubt there are many other kinds of objectionable obligations as well. My aim is only to motivate the idea for you, to convince you that our ordinary intuitions about quite commonplace situations—in particular, situations facing members of subordinated social groups—support the idea that objectionable obligations exist.

A. Where the obligation stems from and perpetuates an unfair distribution of burdens

A. (i) Caregivers for the Vulnerable

Within many societies, there is insufficient social and institutional support for severely disabled children and for older adults who are in need of care. In these societies, the burden of caring for the vulnerable generally falls on those who are biologically related to them—the parents of children with severe disabilities, for instance, or the grown children of elderly people with various physical or mental ailments. Although it is common for us to acknowledge that the state ought to do more for such families that it currently does, we nevertheless seem intuitively to accept that, given that there are vulnerable people in need of care, and given that their families

are often the only people who are in a position to provide care for them, the members of these families do have a genuine moral obligation to provide that care. The parents of a child with severe disabilities who needs care for 24 hours a day and who cannot afford to hire a caregiver cannot just hop out to the movies for a break without violating what we take to be a genuine moral obligation to care for their children. Similarly, the adults whose elderly father wanders and must always be accompanied cannot justify (or even excuse) walking out on their father one day simply because he exhausts them –even though it seems unfair that they should be the ones who have to monitor his movements, day after day. Our intuitive response to such cases, I think, is both that these are genuine moral obligations, and yet also that their bearers have some kind of moral complaint about having to stand under them.

Sometimes, rather than letting the burden of caring for the vulnerable rest on those who are related to them, society shifts the burdens onto the shoulders of one social group. Within many societies, our response to the need of young children for special care, and indeed to everyone’s need for emotional nurturing, has been to offload the responsibility largely onto women. Feminists have documented the many ways in which women are socialized to become the primary caregivers of children within the family, and indeed are expected to carry the “emotional load” for everyone in the family, whether child or adult. Relatedly, they have written about the ways in which the standard picture of the “normal” employee, which underlies many employment laws and policies, presumes that he does not have time for such things and that he has a wife at home who does.⁸ Through a complex array of workplace policies, laws, educational practices and social expectations, women end up disproportionately in the position of having to care for young children and to do the invisible work of nurturing everyone’s emotional lives.

⁸See, for example, MacKinnon (1986), Young (1990), Tronto (2013), Fredman (2023).

Most agree that it is not fair that women should be left to shoulder such a disproportionate amount of the caregiving burden. But, given that women are so often placed in this position --the position of being only person in the family whose job leaves them time to drive their young child to school, or the only person who has been socialized to see that an elderly aunt needs a phonecall to check up on her tonight-- others become dependent on them. And it seems quite plausible to think that this dependence generates genuine obligations. So although these women seem to have a legitimate moral complaint that it is unfair that they, and not men, have been disproportionately allocated these burdens (and perhaps also a further complaint that, in correctly taking themselves to have these obligations and acting on them, they will thereby be perpetuating the initial injustice); nevertheless, we do not deny that these are genuine obligations. We do not deny it, because their family and community members really are dependent on them for these necessary forms of caregiving.

There is also a further interesting problem in such cases, one that is familiar to us from studies of discrimination. Precisely because these are genuine obligations --and perhaps also because the relationships that they make possible are often of value as ends in themselves-- we tend to think that those who stand under these obligations should not complain. Indeed, many women feel guilty about complaining about shouldering a disproportionate share of the childcare burdens or the family's emotional well-being. It can seem as though, if they were only virtuous enough, they would just overlook their complaint. And so, even though women are unfairly burdened with caregiving in the first place, and burdened, we might say, in a secondary way by the fact that in acting to fulfil these obligations, they will end up perpetuating this injustice against them, they also face considerable social pressure not to complain about it. Perhaps this is why it may not always be obvious that these caregiving obligations of theirs *are* objectionable. Leaving women under this social pressure to accept their obligations without complaint may

constitute a distinctive sort of exploitation. In other words, even though in our clear-eyed moments we acknowledge that women have a legitimate moral complaint, our society at the same time relies on women not to complain because so many other people benefit from not having to do the caregiving work that women do. I shall return to this point later, in Section 3, for it will be relevant when we consider what we might do a better job of seeing if we acknowledged the existence of objectionable obligations.

A.(ii) Unfairly Burdened Rescuers

Sometimes, there is an unfair distribution of burdens not in relation to natural human vulnerabilities, but because an institution has negligently created a peril and the burden of rescuing others from the peril seems to fall repeatedly and unfairly on one social group. For example, in certain (often impoverished) locations, train tracks have been negligently laid or highways negligently constructed or maintained, with the result that there are many more accidents than usual along these stretches. It then falls to local rescue workers to do much more by way of constant, dangerous rescue work than those who live in other areas are required to do. This burden seems unfairly distributed, and the rescue workers seem intuitively to have a complaint about this: they shoulder a disproportionately large burden, not because of a natural peril such as an earthquake, but because of several institutions' negligence (the railroad companies that negligently laid the tracks, and the many public authorities that have done nothing to fix the situation or locate new rescue workers). But yet nobody denies that these rescue workers have a genuine moral obligation to rescue the victims when accidents materialize.

More often than not, when philosophers discuss what we call "rescue cases," we do so without imagining the institutional background that created the peril. There are good reasons why we do this, but it is instructive to consider why, and to consider when the institutional

background *does* matter. When Philippa Foot, Judith Jarvis Thomson, and others analyze the famous “Trolley Problem,” for instance --in which 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— 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.⁹ 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 do not discuss such details because, of course, these details do not matter for the purposes for which Foot and Thomson are using the example. Foot and Thomson are concerned with *what the rescuer has an obligation to do now*, given that the trolley has run away and is imperilling five people. From this standpoint, one might think it irrelevant what sorts of institutional failings or injustices led to the five being imperilled in the first place or led to the rather limited rescue options available in this case.¹⁰ Similarly, one might think it irrelevant for these purposes how the rescuer came to be in the position of a rescuer, what sorts of rescues other rescuers standardly need to perform, and whether repeatedly acceding to the demand to perform such rescues will perpetuate certain injustices. But these details matter very much when our question is the different question of *whether the rescuer has a moral complaint* about having to perform such rescues on repeated occasions. And this is the kind of question we need to ask if we are to notice that some of these obligations may be objectionable obligations.

⁹ Foot (1978), Thomson (1985), and Thomson (1976). For further criticisms of the impoverished descriptions of situations in trolley problems, see Wood (2011).

¹⁰ However, if the argument of this paper is correct, and the complaints attached to objectionable obligations can affect the obligation itself and the means that can be used to fulfil it, then perhaps these details are relevant even to the question that Thomson and Foot are asking (ie of what the rescuer’s obligation now is).

Note that the kind of rescue case that involves an objectionable obligation is different from a one-off rescue case like the Trolley Problem. In a one-off rescue case, it might certainly be true that the rescuer has a disproportionately large burden to bear, relative to others: unfortunately, she ended up walking beside the trolley track on Wednesday when the trolley ran away and might have killed the five, and so she had to make the agonizing decision of whether to save them by sacrificing the one; whereas her many friends walked by the track on Monday and there was no runaway trolley on that day. But in such one-off cases, the person bearing the disproportionately large burden might have been any of us. And more importantly, I think we are intended to suppose that the cause of the runaway trolley in these one-off cases is an innocent malfunction rather than an injustice. So the rescuer in such one-off cases does not seem to have a moral complaint about standing under the obligation to rescue. The complaint that makes a rescue case into a case of an “objectionable obligation” arises when there is a background injustice that results in certain members of one social group being unfairly burdened.

I think that 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 unfortunately ends up perpetuating the injustice that is being done to them. It is well documented, for instance, that hazardous waste disposal facilities and factories that use toxic chemicals have historically often been located in impoverished, racialized neighbourhoods, in part because when negligent accidents occur, the companies in question will have to pay considerably less by way of damages for lost wages and lost life expectancies (because damages often used to be calculated using race-based statistics for wage and life expectancy, and of course these are lower for racial minorities than they are for the inhabitants of wealthier, white

neighbourhoods).¹¹ Those who live in impoverished, racialized neighbourhoods polluted by such toxic chemicals are therefore repeatedly thrust into the position of being “rescuers” for their families and friends, far more often than are the inhabitants of wealthier, white neighbourhoods; and worse, they end up in a spiral that economic analysts of law 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 in this neighbourhood, requiring even more rescues.¹² 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.

B. Where the complaint stems from having to place oneself in an objectionable relationship with others, or do objectionable things to them

There also seem to be intuitively plausible cases of objectionable obligations that arise when an injustice leaves someone obliged to place themselves in an objectionable relation with others—for instance, to engage in what would otherwise be a form of wrongdoing towards others, in order to ameliorate some of the harmful effects of the initial injustice. I shall turn to these cases now.

¹¹See Dominioni (2018); Goodman (2017); Yuracko & Avraham (2018).

¹² Liscow & Paez (2024).

B.(i) Parents of Left-behind Children

In China, many parents from rural areas can only find work in cities, and so their only hope of being able to feed and clothe their children is to migrate to the cities and seek a menial job there. Because China's highly restrictive *hokou* (household registration) system leaves rural-born children with virtually no chance of accessing social services in cities, these parents must leave their children behind. This not a small or parochial problem: there are currently estimated to be 69 million "left-behind children" in China.¹³ Many of their parents have concluded that they have a moral obligation to go to the city for work, for the sake of the same children they have to leave behind, who would otherwise not be fed and would not survive. At the same time, it seems plausible to think these parents have a moral complaint about standing under this obligation. This obligation asks them to leave their children for years, rupturing their bond with their child for the sake of being able to feed them. It is, we might say, something no one should have to do to someone close to them.

One might object to my description of this scenario on the grounds that, if this is really such a rupture, really something no one should have to do, surely it is implausible to suppose that these parents are really *obliged* to do it. But many of these parents certainly consider themselves to be under an obligation to leave in order to support their families: they consider it morally necessary. And 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. At the same time, the obligation seems to require of them something

¹³ As reported in Gao, X., Liang W., Mobarak A.M. & Song, R. (2023).

that no one should have to do (and, further, something that no member of a higher class in this society would ever have to do).

B.(ii) Indigenous Parents “Covering”

Consider a second example of this type. The Canadian government operated “residential schools” for Indigenous children for over a hundred years, from the 1880’s to 1997, with the goal of eradicating their cultures. Here, the children had their long hair cut, their traditional clothing thrown away, and their names removed (they were renamed with English or French names). They were denied the ability to speak their own languages, practice their cultures, and see their families; and they were subjected to sexual, emotional and physical abuses, including starvation. Up to 40% of the children at these schools perished from neglect and malnourishment.¹⁴ In order to avoid having their children taken away, many families lied about their origins. My partner’s family, who were Métis but could “pass” as white, did what Kenji Yoshino has called “covering,”¹⁵ hiding their Indigenous heritage and passing their children off as francophone Catholics. They never told their children about their Indigenous heritage, never shared their traditional stories, and sent them to the local Catholic school so that they would learn to behave like “ordinary” Canadians. Their family –like most such families-- felt under an obligation to live a lie and to make their children live a 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 – one about which the family had a moral complaint. Nobody should have to make their children live a lie. But sometimes, given the background social and political injustices, living a lie is the

¹⁴ Truth and Reconciliation Commission of Canada (2015).

¹⁵ Yoshino (2006).

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.

What these cases seem to have in common is a background of unjust institutions that threaten the livelihoods or cultures of members of a subordinate class, with the result that their only way to fulfil their obligations to their children is to do something to or with their children that would otherwise wrong them. The obligations seem morally tainted, both for requiring something morally terrible of the agent, and for requiring it in circumstances where more privileged members of their society would never be asked to do such a thing.

There are, I believe, many other instances of objectionable obligations, beyond the types I have described in this section. A further type seems to involve certain obligations to resist injustice or to engage in civil disobedience, some of which can certainly be objectionable: think of the obligation that opposition leaders in oppressive regimes often take themselves to stand under, to speak out even at the risk of placing their family members in danger, or the obligation that civilians have taken themselves to have, in regimes in which certain ethnic or religious minorities are persecuted, to help hide members of these groups in their homes or help them forge false papers to escape, even when this places them and their families at risk of being killed. But as I said earlier, my aim here is not to be comprehensive or cover the field. I hope that I have said enough to convince you that objectionable obligations are indeed a feature of our moral landscape, and *particularly* a feature of the moral landscape as it is seen by members of subordinated social groups.

2. Why we cannot explain away objectionable obligations

However, one might claim, in response to some or all of the above scenarios, that these are not actually cases in which agents have a moral complaint about standing under a genuine

moral obligation. Either they really have no moral complaint; or it is a complaint about something else, something other than standing under their obligation; or the agent is being asked to do something that is so burdensome or so wrongful that the correct conclusion is that these acts are not obligatory but supererogatory. Some of these strategies might seem to work best for some scenarios; others, for other scenarios. I shall argue in this section of the paper, however, that all of them fail.

First, consider the objection that there really is no moral complaint in these cases. One might suggest, for instance, that the parents in *Caregivers for the Vulnerable*, *Parents of Left-behind Children* and *Indigenous Parents Covering*, as well as the rescuers in *Unfairly Burdened Rescuers*, all chose to become parents or rescuers, knowing the conditions of injustice in which they were living. Even though they did not choose to have a child with a disability or choose to be so poor that they would need to leave their child and move to a city, nevertheless, they had knowledge of the background injustices and their possible consequences for them, and they chose to go ahead and become a parent or a rescuer. So they cannot now complain about standing under such an obligation.

But there are at least two problems with this response. First, it is not clear that the parents' or the rescuers' choices can play the role that this response accords it—that is, that it can block a moral complaint on the part of the agent, in a context where the relevant institutions (the government, the railroad companies, etc.) have so deeply failed the people whose interests they ought to have considered.¹⁶ We do not normally think that choice eliminates the possibility of a moral complaint, particularly when the choice is made in the context of deeply unjust social circumstances. Second, this way out of the apparent paradox in an objectionable obligation is not

¹⁶ See Scanlon (1986).

available in the case of adult children who have been left to care for their elderly parents, or of the women who have been raised to be in the position of the only person who can attend to their family members' emotional needs. Nobody chooses to be the child of their parents; and many of the relationships of dependence that women find themselves in are not chosen by them.

A more promising way to dissolve the apparent paradox of objectionable obligations might be to argue, not that there is no moral complaint in these cases, but that my descriptions misconstrue what it is a complaint *about*. One might argue that in none of these cases is it really a complaint about standing under the obligation. One might suggest: when we acknowledge that we have a certain moral obligation, part of what we are claiming is that it is *fair* for others to demand this of us. So the agent's complaint in these cases cannot be about standing under the obligation. It must really be a complaint against the relevant social and political institutions, a complaint about the underlying unfairness or injustice that gave rise to the obligation in the first place, not a complaint about now being bound by the obligation. It is unfair of governments and employers not to take concrete steps to address such underlying problems as the gender wage gap, the devaluation of women's work, and the persisting public-private divide, all of which together result in women being disproportionately responsible for domestic work and caring for others. This is what the women in *Caregivers for the Vulnerable* have a complaint about. It is unfair of the Chinese government to prioritize economic growth over the plight of internal migrants and their children, and to privilege the education of wealthy city children over the much more urgent needs of rural children; this what *Parents of Left-behind Children* have a moral complaint about, not their parental obligations. And the injustices involved in the kind of cultural genocide that the Canadian residential schools perpetuated in *Indigenous Parents Covering* hardly need rehearsing. To suggest that the agents' complaint in such cases is about standing

under these particular obligations to their children is to make a category mistake. They simply couldn't have a complaint about those, if they are genuine moral obligations.

But this response seems to me to make a mistake analogous to the mistake Bernard Williams accused many moral theorists of making, when they ignored the possibility that even the agent who does what she ought to do can nevertheless regret so doing it.¹⁷ Williams had in mind an agent who feels they ought to do *a* and they feel they ought to do *b*, but cannot do both. The agent ultimately decides to do *a*. Yet, Williams argued, such an agent could still sensibly regret not having chosen to do *b*. He 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* (my italics).

The “ought that is not acted upon,” Williams later notes, can “persist as regret, which may (though it does not always) receive some constructive expression.”¹⁸ My point here is not quite the same as Williams, of course: in the examples I am discussing, the agents does not face two “oughts” but rather faces one ought and one moral complaint about that same ought. But an analogous point can be made. My hypothetical objector wants to eliminate from the scene the agent's purported complaint about their obligation, because it seems to conflict with the obligation itself, just as the ethical theorists whom Williams criticized wanted to eliminate from the scene all moral traces of oughts other than the ought that the agent ends up deciding to act upon. Just as Williams suggested that the resulting picture of our moral reasoning is not phenomenologically accurate because it leaves out a lingering source of regret that we can all understand, so I am suggesting that to deny that these agents can have a complaint about their

¹⁷ Williams (1972), s.6, p.175.

¹⁸ Ibid.

acknowledged moral obligation is to misrepresent the agents' moral reasoning. My partner's grandparents were not just upset at the government for instituting the residential schools in the first place. That was, of course, part of their complaint. But they were also outraged that they had been put in the position of having to lie for the sake of their children, of having to wrong their children in order to fulfil their caregiving obligations to them. They felt they had a moral complaint *about being bound to do this to their children*, even as they acknowledged that it was indeed their obligation. Women with gendered caregiving obligations in patriarchal societies, similarly, recognize that they are obliged to care for the vulnerable people who are dependent upon them –after all, that is why they so often quit their jobs to look after those at home or remain on Indigenous reserves in precarious and sometimes abusive situations. Yet they feel they have an objection, a complaint, about having to stand under these very obligations.

Indeed, to fail to grasp that the complaint in these cases is not just a complaint about an institutional failing but is also a complaint about the agent's own obligation is, I worry, not just to misrepresent these agents' moral reasoning but to do a political disservice to the subordinated groups that experience this kind of objectionable obligation. It is arguably to make not merely an epistemic mistake but a *political* mistake, one that in its own way contributes to the exploitation of women and other subordinated social groups. For as long as we continue as moral theorists to overlook the possibility that such groups can have moral complaints about standing under these very moral obligations, we risk not only invalidating their experiences but perpetuating a social order in which they are expected simply to grin and bear it, silently fulfilling the obligations that we all acknowledge they have. So we risk contributing to their ongoing exploitation –in ways that I shall explore further in the next section of the paper.

We are currently exploring whether it is possible to explain away objectionable obligations. I have now argued that we cannot do so by explaining away the *complaint*. But one

might try to do so by explaining away the *obligation*. This might seem a particularly appropriate strategy with respect to the obligations in *Parents of Left-behind Children* and *Indigenous Parents Covering*. One might argue that in these cases, the obligation is merely apparent. One might claim: what these agents are being asked to do—to rupture their bond with their child, or to live a lie with that child—are impossibly and unfairly demanding. So these acts cannot be obligatory. They must be *supererogatory*.¹⁹ Those who do this for their children are demonstrating a kind of moral heroism, or are at least doing something that they could never be morally criticized for refraining from doing. But they are not fulfilling obligations.

Once again, I worry that this redescription is unfaithful to these agents' own perceptions of the situation. My partner'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 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.²⁰ But these parents felt precisely that, if they did not take such drastic steps to save their children's lives, they would have failed 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 horrible to themselves and those children.

¹⁹ 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).

²⁰ See, for instance, Heyd (1982).

Indeed this is arguably part of the reason why their situation was so tragic and the injustices perpetrated against them, so great. 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 is under an obligation to perform an otherwise wrongful act that places one in an unthinkable relationship to another human being. Seen in this light, the attempt to redescribe these actions as supererogatory is a convenient avoidance tactic, a way of trying to minimize the tragedy that the government has brought about.

Moreover, this redescription of objectionable obligations as belonging to the realm of the supererogatory will not work in cases like *Caregivers for the Vulnerable*. Nobody thinks of caregivers as performing *supererogatory* actions when they nurture their own children or family. Nobody denies that these caregiving obligations, even when very burdensome and unfairly distributed, are genuine moral obligations. Moreover, if we were to deny this, we would risk being unable to understand many of these agents' motivations and would risk fueling stereotypes about them and their situation. Women have often been criticized for not doing enough to get out of unfairly burdensome situations (for instance, in Canada, Indigenous women have often been blamed for staying on reserves in abusive situations, or for resorting to prostitution in order to make enough money to stay where they are and look after those who need them).²¹ The reason they often stay, however, is precisely that they view themselves as standing under certain obligations. They know there are young people and older people who are dependent on them, and they know they cannot simply walk away from these obligations. To deny that these are genuine obligations fuels the stereotype that, if these women stay and are then harmed, they have

²¹ Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019).

only themselves to blame. They must just be too lazy to leave if there is no real obligation tying them down. Or perhaps they don't really have that much to complain about: if there are no real obligations binding them, why would they stay if their situation were really so bad?

But perhaps there is a different way in which one could argue that there is no real obligation in these cases. One might draw an analogy between these cases and cases involving what Zofia Stemplowska and others have called the "duty to take up slack."²² Taking up slack involves doing more than one's fair share in circumstances where one would not have had to do so if others had not failed to comply with their duties. Moral philosophers have debated whether we really do have a duty to take up slack in contexts such as one-off rescue cases and global crises such as accommodating refugees or providing aid during humanitarian crises. Some, such as Liam Murphy, David Miller, and J.L. Cohen, have argued that we have no such duty: in these contexts, one only has a duty to do one's fair share, and no more than that.²³ Could one not use one of their arguments to show that there is, analogously, no obligation in these cases of objectionable obligations?

To be sure, there are certain points of similarity between the kinds of cases I have discussed and cases of taking up the slack. In *Caregivers for the Vulnerable* and *Unfairly Burdened Rescuers*, there is an unfair distribution of the burdens of caregiving and of repeated rescue duties, and it does seem plausible to suggest that part of the reason the agents stand under these obligations is that others are not doing their fair share (of the caregiving or the rescuing). Cases like *Parents of Left-behind Children* and *Indigenous Parents Covering* are less easy to conceptualize as cases in which people are being asked to do more than their fair share. For here the problem is not fairness in the distribution of some burden but simply the imposition of an

²² Stemplowska (2016) at 592.

²³ Murphy (2000); Miller (2016). See also Cohen (1981).

unreasonable sort of demand. But perhaps there is something of an analogy, given that part of what seems to make this demand unreasonable is that it would never be asked of those who are members of superior social classes and they are able to enjoy the dominance they do in their societies partly because of the unjust policies that leave subordinate class members in this kind of dilemma.

Nevertheless, I think the arguments given by Murphy and Miller for not recognizing a duty to take up slack will not carry over into the context of objectionable obligations. Murphy's arguments apply only to *collective* duties. He conceives of our duty of impartial beneficence as a collective duty, owed by anyone in a position to help. He argues that such a collective duty must be fairly divided, so that the burdens of taking steps to fulfil that duty do not advantage some at the expense of others. Therefore, each person's responsibility is only to do their fair share. But I doubt that the obligations I have discussed are plausibly construed as *collective* duties. Certainly the caregiving obligations in *Caregivers for the Vulnerable* and the parental obligations in *Parents of Left-Behind Children* and *Indigenous Parents Covering* are not collective duties: they are individual obligations, owed by parents to children and family members to each other. And because they are not collective duties that can be divided into fair shares, I think it is misleading to describe the problem in these cases as a problem of "being asked to do more than one's fair share." I am not doing more than my fair share when I fulfil my obligations to my children, because nobody else *has* a share in these obligations. They are mine alone. Of course, that does not mean that there is no issue of fairness here: if society does not provide me with adequate support, and if it places my children too often in a position where they are dependent on me only and not also on others, then it is nevertheless treating me unfairly. I can have a real moral complaint stemming from this unfairness, even if it is true that these dependence relations have created a moral obligation that is mine alone to fulfil.

The obligations of rescue in *Unfairly Burdened Rescuers* might seem more plausible candidates for collective duties, of which we could argue that the rescuers ought only to do their fair share. But I think there is an important difference between these cases and the cases of beneficence Murphy has in mind. Murphy's collective duty of beneficence applies to all those *who are in a position to help*. In *Unfairly Burdened Rescuers*, however, the complaint of the Unfairly Burdened rescuers in impoverished, racialized neighbourhoods is that they are always the ones in the position to help whereas others are not. In other words, their complaint is not against others in their position who also stand under the collective duty but are not doing their fair share of the work involved in fulfilling it. It is that their society has been structured so that their social group *is the only one* ever to stand under this particular collective duty. So we cannot successfully explain away either their objectionable obligation or their complaint by showing that each individual member of this group only has an obligation to do their fair share of this collective duty. The problem is precisely that social injustices and the negligence of the actors who created the peril have resulted in a situation where it is this group of rescuers, and not others, who stand under such a collective duty to begin with.

There is one final argument by Miller that may be worth considering.²⁴ Miller suggests that in cases of non-compliance, holding others to be under an obligation to take up the slack would, in effect, be failing to treat the non-compliers as responsible agents.²⁵ But, as Stemplowska points out, this seems to conflate two senses of responsibility.²⁶ I will call them “responsibility as the capacity to respond to moral reasons” and “responsibility as reliably acting in accordance with those reasons.” The only kind of responsibility that we are denying to non-

²⁴ Miller (2011) 241.

²⁵ In the same way, perhaps, that failing to recognize an intervening agent as a *novus actus interveniens* in a torts case would in effect treat them as a force of nature rather than an independent agent with an independent mind.

²⁶ Stemplowska (2016) 601-2.

compliers when we hold others to be under a duty to pick up slack is responsibility in the sense of reliably acting in accordance with their reasons. But this seems a perfectly reasonable thing to deny, if they are indeed non-compliers. By contrast, one can hold that people have obligations that derive from other people's non-compliance (or, in the cases I am envisioning, their wrongdoing or injustice) without presupposing that the wrongdoers lack responsibility in the first sense --a capacity to respond to moral reasons. So I do not think that considerations of responsibility militate against recognizing obligations, either in cases of picking up slack or in cases of objectionable obligations.

3. Why we should not *want* to explain away objectionable obligations

I have argued that we cannot successfully dissolve the paradox of objectionable obligations either by explaining away the complaint or by explaining away the obligation. But we should not want to explain them away. Recognizing objectionable obligations as a real moral phenomenon opens certain possibilities.

For one thing, it opens a set of questions within moral and legal philosophy about the difference a moral taint, and the resulting complaint of the agent, can make to an objectionable obligation and to the surrounding moral and legal territory --to the means that the agent can permissibly use to fulfil the obligation; to whether the agent is entitled to compensation, both for having to stand under that obligation and for fulfilling it, and from whom; to who can morally criticize or blame them when they fail to fulfil it; to what legal mechanisms can justifiably be used to enforce that obligation, given the presence of the complaint; and to what obligations other agents might acquire because of that complaint, and in particular which obligations they might acquire to bring about moral change. It is too great a task for this paper to set about answering all of these questions in all of the cases I discussed in Section 1; nor should we expect a single

answer to all of them, one that would hold across different cases. So in this section of the paper, I shall simply try to identify some of the important questions and give a few examples of interesting possible answers. After I do this, I shall turn to two further advantages of recognizing objectionable obligations. I shall argue that they have significant implications in political philosophy, because they can help us understand a dilemma in which many members of oppressed social groups find themselves, and can give us a richer appreciation of the kind of exploitation they face. Finally, I shall try to show that by recognizing objectionable obligations, we may be spurred on in moral philosophy to think in a new and more liberating way about each person's duty to be an agent of moral change and about what moral progress itself involves.

A. Investigating the difference a complaint makes to the obligation

If there are objectionable obligations, 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 about that obligation 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 that does not mean they have no other effects on that obligation or on other, related obligations. What sort of difference might an agent's complaint make, in such cases?

It might make a difference:

(i) To the means through which the obligation can be fulfilled

Although the agent's moral complaint in such cases does not outweigh or silence their obligation, it can sometimes make a moral difference to the means 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 so standing, she may and should cut certain corners, choosing whatever path will be least objectionable and most faithful to whatever values were compromised by the injustice 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 Covering* example. These families realized that although they had to take great care to deceive the authorities about their family's culture when their activities were visible, and could not describe these activities as "Métis culture" to their children in case the children inadvertently revealed what was going on, they could nevertheless creatively preserve some traditions behind closed doors –or even, as it happened, behind open windows. The tradition of Metis jigging was preserved because when one jigs, one only moves one's legs and not one's upper body; and families quickly realized they could be jigging while police officers were patrolling up and down outside their homes, and all that the officers would be able to see through the open windows as they walked by 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, they were under no obligation to live that lie completely. They found ways to live that lie while at the same time salvaging and passing along whatever aspects of their culture they could.

Importantly, 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 these ones 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 (as I shall explain shortly, we would certainly not blame an Unfairly Burdened caregiver who occasionally behaved this way), 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 obligation and can sometimes allow for corners to be cut, the nature of the obligation will sometimes rule out the cutting of certain corners.

(ii) To whether the agent can claim compensation for standing under and for fulfilling their objectionable obligation

Another kind of moral difference that a complaint about an objectionable obligation might make is to entitle those who stand under such obligations to some form of compensation, perhaps for standing under them in the first place, and perhaps also for fulfilling them when they do. We might think, for instance, that parents of severely disabled children and women who have far more caregiving obligations than their male counterparts are entitled to compensation both from the government and from other members of their society, 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 and these families. But perhaps it is worth noting that the choice here is not between demanding full compensation or accepting that nothing is owed. Moral agents in this position could advocate for small forms of compensation, or small benefits that reflect some acknowledgment that compensation is owed. Perhaps, for instance, local Chinese authorities in cities 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 parents of children with severe disabilities whose incomes are below a certain level should be given a special government allowance –something that, even if not nearly enough to cover the costs of their care, would help to compensate them in a small way. And it seems that all of these groups should at the minimum be given an *apology*, both from the state and from those who benefit from their standing under these objectionable obligations.

To be clear, both this kind of an apology and any demand for compensation that is owed to agents who stand under objectionable obligation need to be correctly construed. They are not apologies or compensation *for the initial injustice*. These are also owed, of course. The Canadian government has now issued a formal apology to those families whose children were taken away to the residential schools, and it has set up a compensation fund for survivors of the schools. But these do not address the moral complaints of my family and the families in *Indigenous Parents Covering*. These families too deserve compensation, even though their children *never attended the residential schools*. Relatedly, the agent's claim to compensation is not compensation for the burdensomeness of the obligation. It is compensation for having been placed under an objectionable obligation and for having fulfilled it. We might choose to measure the compensation they are owed, at least in the case of fulfillment, by looking to the resources or

money the agent expended. But what they are being compensated for is not literally their material losses or burdens, but what we might call their normative loss.

(iii) To who can criticize or blame the agent who fails to fulfil their obligation

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 *Caregivers for the Vulnerable* and *Unfairly Burdened Rescuers*, we might argue that governments who are responsible for offloading so many caregiving responsibilities onto women and onto certain communities that face repeated needs for rescue, and governments who are responsible for not providing proper support for families of children with disabilities and vulnerable older adults, do not have the moral standing to blame those agents who fail to fulfil their 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 the victims in these cases, others have forfeited the right to criticize or blame the agents who do not fulfil their objectionable obligations. Second, there may be an argument from shared blame that one could make in such cases.²⁷ Given that the state and other agents are themselves to blame for the underlying injustices that have given rise to these obligations, one might think that less blame

²⁷ I owe this suggestion to Liam Murphy.

accrues to the moral agent who fails to fulfil her objectionable obligation: in these cases, the blame should really be conceptualized as *shared between* the agents of the underlying injustice and the agents who have failed to fulfil their objectionable obligation.

Mill famously spoke of “the moral coercion of public opinion”²⁸ and recognized that public opinion is often a more coercive factor in our lives than the law is. Most caregivers are acutely aware of the public pressure they stand under –pressure to be always available, always cheery, always self-sacrificing, and never complaining. But if it is true that many of their caregiving obligations are objectionable, then some of this social pressure may be misplaced. The obligations are still genuine; but the moral criticism with which we constantly threaten those who might fail to fulfil these obligations may often be too heavy-handed.

(iv) To whether and how the obligation can be legally enforced, and on behalf of whom

The presence of a moral complaint may also make a difference to whether the government can legally enforce performance of these obligations, and how, and whom they envision themselves acting on behalf of, when they do. In cases like *Caregivers for the Vulnerable*, 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 victims to sue negligent caregivers in tort law, provided that it is only victims (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

²⁸ Mill (1859), Ch1, para 9.

private dispute but for society as a whole: the criminal law purports to vindicate society's mores. But in these cases, as I noted in the last section, 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 I examined in the last section, that the state cannot legitimately punish these agents for negligently (or even recklessly?) 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 those who stand under objectionable obligations. I shall shortly explore one of these obligations, when I discuss the obligation to be an agent of moral change. But first, I want to note some important implications of objectionable obligations within political philosophy, in helping us make sense of systemic discrimination and exploitation.

B. Enriching our understanding systemic discrimination and exploitation

Acknowledging the presence of objectionable obligations not only opens up questions within moral philosophy. It can also enrich our discussions in political philosophy –in particular, of phenomena such as systemic discrimination, oppression and exploitation. We know from the work of theorists such as Young that such phenomena are helpfully thought of as *structural* –that

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).

is, as the effects not just of a set of deliberate actions and omissions by particular agents, but also of many interlocking policies and practices, which together leave the oppressed or exploited group unfairly under the control of the dominated group.³⁰ Perhaps objectionable obligations form a part of the structure through which such groups continue to maintain their power and control. Certainly they can help to perpetuate the initial injustice by leaving room for members of more privileged groups to insist on the reality of the *obligations* while ignoring completely the validity of the *complaints*, thereby continuing to exploit members of subordinated groups. Objectionable obligations also give us a way of explaining why those who are oppressed or exploited do not simply reject their burdens or cast off their chains, without implying that they are mere victims, lacking in agency or initiative. They do not simply cast off their burdens because they have been put in a position where others really do depend on them and they really do have these obligations. Many Indigenous women, when asked why they have not fled reserves where they are at great risk of sexual violence, reply that they have caregiving obligations to their families and to the families of relatives who have left to find work elsewhere: there is a large group of elderly relatives and small children that depend upon them.³¹ If we insist, as moral theorists sometimes do, that no genuine moral obligation can carry with it a genuine moral complaint against others, then we will be forced either to deny that these women have real caregiving obligations in their situations or to deny that they have any real complaint about them. Neither is a very appealing stance. As I mentioned earlier, those who wish to blame such women for their predicament have denied that they stand under real obligations. This is a convenient position for a government such as the Canadian government to take, for it means that women who stay in precarious situations have only themselves to blame; but it is hardly going to help us

³⁰ Young (1990).

³¹ See the Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (Volume 1a).

understand the women's own perspectives. Others have denied that these are real obligations. But of course this too is false to these women's experience and it seems belied by the fact that we rely upon them to undertake this work and we assume that the vulnerable people whom they care for have a right to receive that care from them.

So objectionable obligations may give us a helpful tool, both for understanding what goes on in cases of exploitation and oppression and for understanding the perspective of subordinated social groups. If I am right that such groups are standardly left burdened by objectionable obligations, then, whatever else an adequate response to these particular injustices involves, it must at a minimum involve working to change their situation, so that such groups no longer stand under these particular objectionable obligations.

C. Expanding our conception of our duty to be an agent of moral change and our conception of moral progress

I mentioned earlier that an agent's complaint under an objectionable obligation not only makes a difference to that agent's own moral obligations; it often also makes a difference to the obligations of 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 childcare, then these others have, at the very least, some obligations to these women to help them fulfil their childcare obligations. But the recognition that these are *objectionable* obligations can also help us see, I think, that there are additional obligations that others acquire, obligations that stem from the agent's complaint about standing under the obligation. In particular, others have an obligation to be what Barbara Herman has called an "agent of moral change" and work *to change the obligations* that these people stand under.³²

³² See Herman (2021).

On a conventional picture of our moral obligations, one can understand people being “agents of moral change” only in the sense that they have a duty to take those steps that are within their power to eliminate injustices and, where appropriate, to help other people grow into more mature moral agents, changing other people’s *beliefs* about morality (or, depending on your meta-ethical views, their moral *attitudes*). But I think that, once we allow that moral obligations may be tainted in the way that objectionable obligations are, then the obligation to be an agent of moral change appears in a somewhat different light. It appears to be, not just an obligation to combat injustices or to change people’s beliefs and attitudes, but an obligation that is owed in part to the people who stand under objectionable obligations to *change their obligations*. It is an obligation to take steps to eliminate others’ objectionable obligations. Where there is a morally tainted obligation, where an agent has a moral complaint about some obligation, those of us who can—and certainly, those of us against whom the complaint is directed—ought to work to change that obligation, so that they stand instead under an obligation about which they have no complaint.

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, I think they appear less troubling. What is troubling about the idea of a tainted moral obligation is that we might have to say to its agent: “Sorry, but that’s just your duty! Go and do your duty!” And they will then be left standing under a morally tainted obligation. But if it is correct that these agents’ moral complaints generate in many other people an obligation to be an agent of moral change and to work to eliminate objectionable obligations, then we are not left in this situation at all. We can say to such agents: “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.”

In addition, and relatedly, objectionable obligations give us a helpful way of understanding moral progress. Moral progress, at least by this one measure, involves moving us closer to a state of affairs in which there are fewer objectionable obligations. Such progress will of course be slow, and we will never be able to eliminate objectionable obligations completely: there will always be individual acts of wrongdoing that impact our obligations, and realistically, there will always be pockets of injustice even within predominantly just societies. But at a minimum, we can take steps to change social and political institutions in such a way that the legitimate needs (for instance, the caregiving needs of the vulnerable) that are currently served by those who stand under objectionable obligations are instead addressed by society in ways that do not generate moral complaints; and we can try to ensure that nobody is left with an obligation of the kind discussed in section 1.B of this paper, an obligation to do what would otherwise wrong others.

4. Why do we doubt the existence of objectionable obligations?

I have now argued that the idea of an objectionable obligation is coherent and intuitively plausible, and that there are both theoretical and political advantages to recognizing that they exist. But if this is indeed a coherent and important idea, why has it not been discussed in this form? Why do we doubt the existence of objectionable obligations? One reason may be that certain dominant moral theories --in particular, consequentialism and contractualism-- seem to leave no conceptual space for them. In this section, I shall explain why. I shall consider a number of responses that might be made by the “sophisticated contractualist” and shall argue that they fail. I shall then suggest that the underlying assumption common to both theories that leaves them unable to recognize objectionable obligations must be rejected.

Let us look first at consequentialism. Most of my discussion will focus on rule consequentialism, since, of the two forms of consequentialism –act-consequentialism and rule-

consequentialism—it is both the form that most people acknowledge is most plausible, and the form that might more plausibly seem to accommodate objectionable obligations. But it is worth saying something briefly about act consequentialism. Act consequentialists, as Derek Parfit notes, believe that “when some act would make things go best, the goodness of this act’s effects would make it impossible for this act to be wrong.”³³ What an agent has a moral obligation to do, on this view, is whatever would make things go best, once all of the relevant considerations about the goodness and badness of an act’s effects have been factored in. As Parfit acknowledges among the relevant considerations about the goodness and badness of an act that act consequentialists can factor into the calculus are considerations of “non-deontic badness”: for instance, the fact that it is intrinsically bad to treat people in certain ways, such as deceiving them or coercing them.³⁴ A consequentialist seeking to recognize an objectionable obligation might therefore try to do so by arguing that the fact that a certain caregiving or rescuing burden is disproportionately placed on members of a certain social group when they stand under an objectionable obligation is a fact about its *non-deontic badness*. They might then try to factor it into the consequentialist calculus in this way. But even if we accept that this fact is plausibly interpreted as a fact about non-deontic badness, it is a fact about the badness of standing under a certain obligation, not the badness of performing a certain action. And the act consequentialist takes morality to be entirely focussed on the goodness and badness of the *acts* that we perform, not the goodness or badness of standing under certain *obligations*. So it is not clear that this fact is even visible from the act consequentialist’s moral horizon.

³³ This is Principle C in Vol. 3 of Parfit (2017).

³⁴ Non-deontic badness contrasts here with deontic badness, or badness that derives from a judgment about the wrongness of an act. Act consequentialists cannot of course include judgments about deontic badness in the calculation of whether we have a certain obligation, because this would be circular: deontic badness *presupposes* a judgment about the wrongness of an act.

What about the rule consequentialist? Rule consequentialists maintain that what we ought to do is follow the rules that are optimific or would make things go best.³⁵ Because the rule consequentialist is concerned with the goodness and badness, not just of particular acts, but of the rules that require us to perform these actions, they could acknowledge the kinds of unfairness that we have seen underlying certain objectionable obligations –for instance, the unfairness of burdening certain social groups, repeatedly, with caregiving responsibilities or responsibilities of rescue. They could note that this is a kind of non-deontic badness of certain *rules*. But the problem for rule consequentialists is that, once this non-deontic fact is factored into the rule consequentialist’s overall judgment about what rules we ought to follow, it is not clear that there is *any residue left to form the basis of a moral complaint*. If the outcome of the rule consequentialist’s deliberations about the relevant possible rules is that a rule obliging women to fulfill certain caregiving responsibilities *is* optimific, then it follows according to rule consequentialism that women do have this moral obligation. But since the unfairness of holding them to such an obligation has already been factored into this moral judgment, it is unclear how they could still have a moral complaint about it, according to the rule consequentialist. By contrast, if the outcome of the rule consequentialist’s deliberations is that this rule is *not* optimific (perhaps in part because of the non-deontic badness of burdening women so disproportionately with caregiving), then the rule consequentialist can certainly acknowledge that women have a complaint about the rule. But the rule consequentialist will then have to give up the claim that it is a genuine moral obligation.

³⁵ Parfit, “Optimific Motives and Rules,” Vol. 3 of Parfit (2017). There is of course disagreement over what level of compliance with the rules is relevant, but since the answer to this question makes no difference to my arguments, we do not need to settle it here.

Why, however, couldn't the rule consequentialist build a conception of each person's fair burdens into the moral calculus of whether a person has a certain obligation? Both act- and rule-consequentialism have often been criticized as overly demanding –that is, as demanding of agents a level of self-sacrifice that is incompatible with our respecting them as moral agents who have valuable lives to live and who need space to be able to live out their own decisions, rather than always being coopted into the service of the optimific outcome.³⁶ This is of course one reason why theorists such as Murphy have defended the kind of restrictions on a collective duty of beneficence that I examined earlier, according to which each agent is required to promote the well-being of others only up to the level of sacrifice that would be optimal under full compliance.³⁷ However, as I noted then, this restriction is plausible only in the case of collective duties, not *all* duties. Even more importantly, this strategy *explains away* the objectionable obligation rather than allowing us to recognize it. It implies that a person only has obligations up to the point where their sacrifice would be unfair; and hence, if used in many cases of objectionable obligations, it would imply that there was no such obligation. So it proves too much. The consequentialist, it seems, cannot explain objectionable obligations; they can only explain them *away*.

Contractualists seem to have equal difficulty recognizing objectionable obligations. This may seem surprising, given that the idea that we need to attend to agent's complaints about various moral obligations and principles is of course deeply contractualist. But, like consequentialism, contractualism treats moral complaints as inputs into the process of determining what our obligations are, not as outputs. According to T.M. Scanlon's initial formulation, contractualism holds that "an act is wrong if its performance under the

³⁶ See, especially Scheffler (1982); also Baier (1958), Brandt (1979), Mulgan (2001).

³⁷ Murphy (2000).

circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement.”³⁸ When considering whether someone could reasonably reject a particular set of principles, contractualists attend to a variety of different reasons –including reasons generated by the fairness or unfairness of the distribution of caregiving burdens or burdens of rescue. However, as with consequentialism, these reasons –the agent’s “complaints,” are all put into the procedure for determining what each of us owes to others. Moral complaints are *inputs* into this contractualist procedure. And the resulting judgment that someone stands under a genuine moral obligation reflects the fact that all such complaints –all of the complaints that any agent or victim might have, both about the effects of particular actions and about the burdens of standing under particular obligations—have already been taken into consideration, through the procedure. If someone does have a reasonable complaint about a certain obligation, in the sense that they could reasonably reject a set of principles that contained that obligation, then the set of principles will be rejected and will not, according to the contractualist, reflect what we morally ought to do.

Once again, then, it seems that there is no conceptual space for a moral objection *to* a genuine moral obligation. The underlying reason for this I think is that, like consequentialism, contractualism purports to be *totalizing* --at least about the morality of right and wrong. It purports to factor all moral complaints that might be relevant to right and wrong into a *single* procedure for determining whether we have any given obligation. So it could not be true, according to contractualism, that an agent has a genuine moral obligation and yet at the same time has a moral complaint about it.

³⁸ Scanlon (1998), p.9

One might at this point object that I am overlooking several complexities. So let us imagine a hypothetical interlocutor, whom we can call “the sophisticated contractualist.” The sophisticated contractualist might start by appealing to what Scanlon calls “the plurality of the moral.”³⁹ Contractualism, both for Scanlon and for other contractualists, is not a theory of all of morality, but a theory of “that part of the moral sphere that is marked out by certain specific ideas of right and wrong, or ‘what we owe to others.’”⁴⁰ Contractualists might therefore claim that they *can* in fact recognize the complaints that are at issue in cases of objectionable obligations, and moreover, can recognize them in a way that dissolves the apparent paradox. They can maintain that the moral obligations in these cases pertain to that part of morality that concerns what we owe to each other, whereas the agent’s *complaint* about standing under such moral obligations belongs to *a different domain of morality*.

Unfortunately, however, this does not seem a plausible analysis of the complaints in the kinds of cases we have discussed. We have seen that some of these agents are unfairly burdened by the distribution of caregiving or rescue responsibilities, while others are being asked to do something that no one in normal circumstances should be asked to do. These sorts of complaints do not seem to belong to some domain of morality other than what we owe to each other. On the contrary, considerations of fairness as between persons and considerations of what we can ask someone to bear for the sake of others are precisely the sorts of considerations that seem to be relevant to what we owe to each other.

The sophisticated contractualist might then try a different tactic. She might try to recharacterize the agent’s complaint about an objectionable obligation as a complaint about something other than standing under this particular moral obligation, in the agent’s current

³⁹ Scanlon (1998) p. 178

⁴⁰ Scanlon, *ibid.*

nonideal circumstances. The sophisticated contractualist might propose: when women object to being disproportionately burdened with caregiving responsibilities, or when rescuers in situations of persistent negligent peril object to facing disproportionately grave risks, their objection is not really to standing under this obligation. It is really an objection to the institutions that have negligently not done what they ought to have done, such as governments and corporations. The sophisticated contractualist might continue: nobody could reasonably reject a general principle requiring such institutions to take certain steps to promote gender equality or prevent negligent perils. But that is not an objection to these agents now standing under certain moral obligations, given that these institutions did not do what they ought to have done.

One way to understand this reply on behalf of the sophisticated contractualist is as drawing a distinction between complaints that are relevant to ideal theory and those relevant to nonideal theory. The sophisticated contractualist might say: when we are asking about what obligations people have, here and now, we are asking about non-ideal theory, and under nonideal theory, these agents do have these moral obligations. But when we are asking about what complaints people have about their obligations, we are thinking about what principles ought to govern institutions, as a matter of ideal theory. So the obligation belongs in nonideal theory and the complaint, within ideal theory. There is, then, no paradox and really no single thing called an “objectionable obligation”; yet—or so the sophisticated contractualist might say—we can still explain the origins of both of these things in an intuitively plausible way. is an obligation within nonideal theory, but the complaint is a complaint within ideal theory.

But I think this mischaracterizes the kind of complaint that is at issue in objectionable obligations. It makes a version of the same mistake that we saw in Section 2, when we imagined someone trying to explain away the complaint by arguing that it was a complaint not about the obligation but about something else, such as the underlying injustice perpetrated by the relevant

social and political institutions. The parent who objects that they have been unfairly burdened with the task of caring for their severely disabled child, and the grown adult who objects that it is unfair that she has been left with the task of minding her wandering parent all day are, it is true, upset in part at what their social and political institutions have left undone. But they are also objecting to *having to bear these responsibilities themselves right now*, given that these institutions have left this undone. And this part of their objection does not belong in ideal theory. This part of their objection is straightforwardly a matter of nonideal theory. They are complaining that they should not be bound by this obligation, right now, because others, too, are not, and because the government and their employers are not now doing what they should do to fix the problem. It is unfair, as between them and others, that the burden now falls on *them*, and morally objectionable, perhaps in an additional way, that by fulfilling their duties now they will in turn be perpetuating this injustice against them. Likewise, it is unthinkable, right now in our non-ideal circumstances, that the parents of left-behind children and Indigenous children should have to make the sacrifices that they were asked to make.

The sophisticated contractualist might push back. She might say: look, we can really give no sense to the claim that someone has such a complaint within nonideal theory. For what is the moral significance of A's allegedly having a complaint about principle *p*, if A still has an obligation to follow *p*? What moral difference could A's having this complaint possibly make? And who could A's complaint possibly be against, if it isn't exclusively against the relevant social and political institutions for the initial injustice? If we cannot figure out who else A's complaint could be against, and if we cannot figure out what moral difference it could really make, then it seems likely that the only coherent thing that it could be is a claim about what institutions ought to do, as a matter of ideal theory.

But it seems to me that we can make sense of the part of this complaint that belongs in nonideal theory. It is a complaint against other individuals who are not placed under such burdensome obligations right now and who benefit from not standing under them. And it is also a complaint against the state and other entities –including private entities, such as employers-- who are, right now in our nonideal circumstances, not doing what they ought to do to change the current conditions, so that people do not stand under these obligations. As for what the actual moral significance is of having a complaint about a genuine moral obligation, this depends on how we answer the many questions I raised in Section 3. But, as I hope that section suggested, there are many possibilities. We are certainly not left with the answer that the complaint has no moral significance at all.

Must the sophisticated contractualist give up, at this point? It is possible that she could appeal to the standard contractualist procedure (of determining which principles no one could reasonably reject) to explain why an agent has a certain obligation, but then invoke some *other* procedure to explain why agents sometimes have lingering moral complaints about these obligations. But if the contractualist did this, then the idea of what we can reasonably reject would no longer be able to play the morally unifying role that it is supposed to play. So it seems to me that, if contractualism is to be able to explain objectionable obligations, it will have to give up on what we might call its “aspiration to moral completeness,” its aspiration to capture all considerations relevant to the morality of what we owe to others through a single procedure for settling on rules for the general regulation of behaviour.

This aspiration of moral completeness is a large part of what makes contractualism and consequentialism attractive. They both purport to offer us a single coherent explanation of the morality of what we owe to others, and a single procedure for determining which acts are required and which, permissible. For consequentialism, that procedure involves determining

which outcome is optimific. For contractualism, it involves locating principles that no one could reasonably reject. The existence of objectionable obligations, however, casts doubt on whether the aspiration to moral completeness is really desirable. Perhaps the fact that consequentialism and contractualism try to explain all of what we owe to others using a single procedure is not an advantage but a liability.

We live in societies with great institutional injustices and considerable individual wrongdoing. These injustices and wrongdoings form the background circumstances that shape our moral obligations. Why should we then suppose that the kinds of moral complaints that agents might have about their obligations could only ever either be so strong as to negate their obligation or be so weak as to be outweighed or silenced by other considerations? The experience of members of subordinated groups suggests otherwise. It might seem paradoxical or illogical to recognize a moral complaint about a moral obligation one acknowledges one has. Yet, as Williams insisted in the quotation with which I began this paper, our theories need to be responsive to experience. Moral theory ought to be responsive to what a reflective agent feels she needs to say.

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