

University of California, Santa Barbara
Santa Barbara, CA 93106, USA
brueckne@philosophy.ucsb.edu

University of Akron
Akron, OH 44325, USA
cb72@uakron.edu

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How strong is this obligation? An argument for consequentialism from concomitant variation

WALTER SINNOTT-ARMSTRONG

The rule 'Keep your promises' (or, more accurately, 'Don't break your promises') is often presented as a challenge to consequentialism, because the ground of your moral obligation not to break a promise seems to lie in the past fact that you made the promise, which is not a consequence of the act. A different picture emerges, however, when we move beyond the question of whether you have any moral obligation at all to the related question of how strong that obligation is.

If I promise to meet you and some other mutual friends for a casual lunch, then my moral obligation to meet you is not as strong as when I promise to drive you to the airport to catch an important flight. Why not? The natural answer is that, if I break the lunch promise, not much bad will happen. You will still have a pleasant lunch with our other friends, and you and I can still have lunch some other time. I have some moral obligation to meet you, but not a very strong one. In contrast, if I break my driving promise, then my

failure will cause much more harm, assuming that you will not find another way to get to the airport in time for your flight. These harmful consequences to you seem to be what give strength to my moral obligation to keep this promise.

The relevant kind of strength is measured by how much is needed to override the obligation. I would need much stronger reasons to justify breaking my promise to drive you to the airport than to justify breaking my promise to meet you for lunch. The fact that my teenage child is sick at home might be enough to justify missing the lunch, even if the teenager would be safe at home for an hour without me. In contrast, I should leave my sick teenager at home while I drive you to the airport if I promise to drive you (again assuming that you will miss your flight if I do not drive you). The fact that some such reasons justify violating the lunch obligation but do not justify violating the driving obligation is what makes the driving obligation stronger.

The source of strength is not the solemn tone in which I made the promise. Even if I explicitly and solemnly promise to meet you for lunch, if nothing much bad will happen if I fail to show up, then I still do not have a very strong obligation to meet. In contrast, if I casually promise to drive you to your important flight, then, as long as I know that you are counting on me and will suffer significant harm if I fail, my obligation to drive you is strong. The strength of the moral obligation to keep a promise, thus, does not depend on solemnity while promising.

The source of strength is also not detrimental reliance, at least in one sense that is common in law. Suppose you spent a long time putting together the lunch with friends, and this effort had direct costs (phone bills) as well as opportunity costs (of not doing what you would have done if you had not put the lunch together). In contrast, you spent no time at all in response to my promise to drive you to the airport (other than getting ready for your trip, which you would have done anyway). Nonetheless, my driving promise still generates a stronger moral obligation to keep it if breaking it has worse consequences, as above. (I might have a secondary obligation to compensate you for direct and opportunity costs, but these can be seen as consequences of my joint act of making and then breaking a promise, and the strength of this compensatory obligation depends on consequences of that act.) Admittedly, by not seeking another ride to the airport, you did rely on my driving promise to your detriment, if I break it. Thus, regardless of effort and time lost, the driving promise creates more detrimental reliance of a separate kind: losses that occur only if I break the promise. However, this new kind of detrimental reliance clearly depends on the bad consequences of breaking the promise, so the strength of an obligation varies with the consequences if it varies with detrimental reliance of this new kind.

The strength of an obligation to keep a promise also might seem to be affected by pre-existing relationships, such as friendships, between promisor and promisee. However, if we are equally close friends in the lunch and

driving examples, then the driving obligation is stronger than the lunch obligation. The lunch obligation might even be stronger if I am a stranger than if I am a close friend, since close friends are more likely to forgive missing lunch and strangers might jump to conclusions about unreliability that make these strangers reluctant to become friends. Friendship between promisor and promisee can, thus, make the moral obligation to keep the promise either stronger or weaker, depending on how friendship affects the consequences of breaking the promise.

Of course, the strength of a moral obligation to keep a promise can also vary with factors other than consequences. In some circumstances, an obligation to keep a promise to a friend creates a stronger obligation because breaking it will risk destroying a beautiful friendship. Sometimes the fact that a person is needy or fragile or suspicious increases the strength of a moral obligation not to break a promise to that person. Sometimes the fact that a promise was made in an official or public setting can lead more people to rely on it and can thereby increase the strength of the moral obligation to keep it. Sometimes the solemn tone of a promise makes the promisee more likely to rely on it in a way that makes breaking it more harmful. The other factors in such cases affect the strength of the moral obligation indirectly by means of affecting the consequences of breaking the promise. Hence, when the strength of a promissory obligation varies with these other factors, it also still varies with the consequences of breaking (or keeping) the promise.

Now simply apply John Stuart Mill's method of concomitant variation. If lung cancer rates go up and down when smoking rates go up and down, but lung cancer rates do not change when atmospheric humidity goes up or down, then these data support the hypothesis that smoking rather than humidity causes lung cancer, at least if we can rule out the alternatives that cancer causes smoking, that some third factor causes both smoking and cancer, and that the correlation is accidental. Analogously, since the strength of a moral obligation goes up and down as the harms in violating it go up and down, this correlation supports the hypothesis that the harms of violating it are what make the moral obligation as strong as it is. This argument assumes that (i) the strength of the moral obligation does not explain the degree of harm (it cannot explain, for example, why it is so bad to miss this flight), (ii) no third factor explains the strength, the harm, and their correlation (what would that third factor be?), and (iii) the correlation is not accidental (because consequences are at least part of what matters in morality). Thus, Mill's method of concomitant variation supports a consequentialist account of the strength of moral obligations to keep promises.

This conclusion extends as well to the existence of such moral obligations. There are two main options: we can say either (i) consequences determine both the existence and the strength of the moral obligation not to break the promise or (ii) what determines the existence of the moral obligation is simply that the agent made the promise in the past, whereas what determines

the strength of the moral obligation is, instead, the consequences of breaking (or keeping) the promise. Option (i) is clearly simpler and more coherent. Why would one factor determine whether any moral obligation at all exists, while a completely separate factor (in the future rather than the past) determines how strong that moral obligation is? That would be like postulating that the force of a golf club hitting a golf ball is what causes the ball to move but a different factor determines how fast or far the ball moves. Of course, dense air or a tree might explain why the ball did not go as fast or far as otherwise expected. However, in the absence of any such additional force, it would be implausible to postulate separate causes for the existence and degree of the ball's motion. Analogously, we should reject the moral theory that one factor determines the existence of a moral obligation and a separate factor determines its strength. There might be conflicting moral reasons of all sorts (analogous to the dense air and tree), but they do not explain the existence or the strength of the original moral obligation itself. Thus, the better alternative is the consequentialist theory that one factor – the harm caused by violating the obligation – explains both the existence and the strength of the moral obligation not to break promises.

Critics might object that I have a moral obligation not to break my promise even if breaking it will not cause any harm at all. Imagine that you will have a better time at lunch with your other friends without me rather than with me. Still, I seem to have *some* (weak) moral obligation to keep my promise to meet you and them for lunch. However, consequentialists can explain that weak moral obligation by weak side-consequences. If I break my promise, you will lose trust in me, which will complicate or even prevent later mutual arrangements and will create a risk of undermining our friendship. The risk of such side effects also explains why I need to apologize if I break my promise, since apologies reduce some harmful side effects. Even in the case of a proverbial deathbed promise, breaking it will not harm the promisee (who is dead), but will create risks of harm to my character and of more harmful promise breaking in the future. In the very odd cases where even these effects are ruled out (such as when I will die right after breaking my promise to a dying person), then I doubt that I really do have any moral obligation to keep my promise. Why not? Because nobody at all is harmed if I break this promise in these circumstances. Besides, I am about to die, so give me a break! In any case, we should not trust our moral intuitions in such odd cases, because they did not evolve to fit such weird circumstances.

For these reasons, the best explanation of both the existence and the strength of the moral obligation to keep promises is consequentialist. Moreover, this argument applies as well to other apparently non-consequentialist obligations.

Consider the obligation not to lie. Some lies (such as telling a friend that you like his or her new haircut) are white lies, because they harm nobody, at least directly. As a result, they violate little or no moral obligation. Other lies

(such as Bill Clinton's lie about Monika Lewinsky) have very bad consequences, so they violate a very strong moral obligation. The strength of the obligation not to lie varies with the harms caused by lying. Thus, again, Mill's method of concomitant variation suggests that the ground of the moral obligation not to lie is harmful consequences of lying.

Next consider the moral obligation to obey the law. There is a strong moral obligation not to drive on the left side of a crowded two-way road in the USA, even if the violated law happened to be passed by a very slim majority, and even if I never benefited in the past from the law requiring right-side driving rather than left-side driving. In contrast, even if I have some moral obligation not to pass a stop sign without coming to a complete stop in the middle of the night on a clearly deserted road, that moral obligation is very weak, because violating it causes no harm or risk of harm to others, even if the law that I violated was passed unanimously and even if I benefited in the past from other people stopping at that stop sign (at least during the day). Thus, as with promises and lies, the strength of the moral obligation not to break the law varies with the harms caused by breaking that law, so Mill's method of concomitant variation again suggests that the ground of the moral obligation to obey the law is harmful consequences of breaking the law.

All of this suggests a new question and a new method in moral philosophy. Most moral philosophers and common folk have focused on the dichotomous questions of whether or not an act is right or wrong and whether or not someone has a moral obligation to act or not to act in a certain way. Those are important questions, but they are not the only ones worth asking. A moral theory also needs to answer the question of how strong a moral obligation is. When we ask this question, we find correlations between the strength of moral obligations and various factors that, together with Mill's method of concomitant variation, reveal the ground of those moral obligations. This brief note has tried to suggest both that this method is fruitful and also that, when we apply it, consequentialism comes out on top.

To respond, deontologists need to explain why some moral obligations are stronger than others without invoking the harmful consequences of violating those moral obligations. I would like to see them try.¹

*Dartmouth College
Hanover, NH 03755, USA
wsa@dartmouth.edu*

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