

DUTIES TO OTHERS

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DUTIES TO OTHERS AND COVENANTAL ETHICS

During the winter of 1943 Langdon Gilkey found himself herded with two thousand other Westerners into Shantung Compound, one of the internment camps established by the Japanese in Northern China to guard those foreign nationals who were caught by the Japanese invasion of China. This camp was no Auschwitz. The idea was not to exterminate Westerners but to control them, as well as to keep them out of the way during the nasty business of conquering an enemy. The guards would shoot anyone trying to escape but also tried to provide enough food and shelter for people to survive this abrupt and open-ended disruption in their lives. However, the distribution of food and shelter, the organization of all aspects of camp life (including cooking, cleaning, and disposing of wastes), and the development and enforcement of social rules became the responsibility of the captives themselves. For an academic like Gilkey this experience became a rare opportunity; in fact, it became a book – *Shantung Compound* – which academics like me use in ethics courses. Gilkey characterized his opportunity as follows:

In our internment camp we were secure and comfortable enough to accomplish in large part the creation and maintenance of a small civilization; but our life was sufficiently close to the margin of survival to reveal the vast difficulties of that task. Had we been continually tortured and starved, no representative communal existence would have been possible; had our life been more secure, the basic problems of our human lot might not have manifested themselves so clearly. Thus, as the laboratory reveals the structure of what is studied by reducing it to manageable size and subjecting it to increased pressure, so this internment camp reduced society, ordinarily large and complex, to viewable size, and by subjecting life to greatly increased tension laid bare its essential structures. Because internment-camp life seems to reveal more clearly than does ordinary experience the anatomy of man's common social and moral problems and the bases of human communal existence, this book finally has been written ([8], p. ix).

And what did this laboratory teach him about human communal existence? At first Gilkey was impressed by how quickly practical people could solve immediate problems and shape a mass of strangers into an organized and functioning society. Indeed, it almost returned him to the humanistic idealism of his undergraduate philosophy major, an outlook shaken by Hitler's aggression and replaced by the "realistic theology" of Reinhold Niebuhr ([8], p. 72). During the early months at the camp, he decided that Niebuhr's big *Weltanschauung* issues were irrelevant to the real questions on which hard-working people were using their considerable ingenuity: questions about food, clothing, shelter, and even entertainment. "No one on the Labor committee ever ventured to suggest that philosophizing or preaching be regarded as valid camp jobs. That fact alone appeared to me to be an adequate commentary on their social usefulness" ([8], p. 74).

But things changed. Gilkey discovered that under conditions of more-than-moderate scarcity, such matters as space, food, and work distribution often came to push-and-shove as individuals and families put self-interest well above and against what any reasonable person could see was the common good. And when he, as a member of the Housing Committee, tried to get people to share their meager space with newcomers who had none, challenges to his authority forced him and the leaders to rely on democracy as the only foundation for legitimacy. "Gradually every position in camp which might become a focal point of conflict, suspicion, and turmoil, became an elective office" ([8], p. 128).

Thus one lesson we might draw from this laboratory of communal living is that movement toward something like a social contract is both necessary and natural when a group of people are forced to make and enforce decisions about rights and duties. If the Japanese had simply imposed the rules, things certainly would have been simpler. Indeed, in some ways things may have been fairer. For example, during the winter of 1945, when food had become quite scarce for the 1400 people in the camp, 1500 American Red Cross packages arrived unexpectedly, each loaded with Spam and other goodies. The guards simply assumed that the 200 Americans would be delighted to receive one and a half packets while everyone else received one. But some of the Americans blocked this distribution plan by appealing to the sort of property rights one could easily justify in a social contract. The astonished Japanese then imposed an even more-egalitarian solution: every internee received one package; the remaining packages, previously assigned to the Americans, were sent to camps that had received none ([8], pp. 98–113). Who would be willing to bet that the distribution would have been fairer had it been decided in an American court of law? Of course, even enlightened despots and benevolent monarchs face the problem of legitimate authority, which is why social contract thinking became so prominent in the West after the demise of feudalism and the divine right of monarchs. And one might reasonably interpret Gilkey's "laboratory experience," when the Japanese told the detainees to form their own social and political arrangements, as giving us not just "viewable size" but also "viewable time" – history in fast-forward, as it were.

THE SOCIAL CONTRACT TRADITION AND THE COVENANTAL CRITIQUE

What happens and what should happen when groups of people, whether in Shantung Compound or post-feudal Europe, must decide the content and grounding of the social rules that distinguish civilization from life that is nasty, brutish, and short? The social contract tradition amounts to a diverse array of answers to both the historical and normative questions. Some strands of this tradition are sympathetic to appeals to natural law, reason, intuition, moral sense, and even revelation as ways of shaping and grounding the contract. But the prominence of the social contract tradition in secular and pluralistic

societies is probably due to its capacity to avoid endless debates about *discovering* moral and legal rules by simply *inventing* them. Given the almost-universal assumption that we have a *prima facie* duty to keep our promises, we can *create* moral, legal, and political obligations by simply agreeing to become part of a group, each member of which has specified rights and duties. And the agreement need be based on nothing more than our desires, including our desire to maximize the satisfaction of our desires. As purely self-interested individuals we can then hammer out a bargain that prevents our bumping one another too hard as we each pursue the satisfaction of our preferences. Of course, those actual agreements that might arguably qualify as part of the social contract tradition, such as Jefferson's *Declaration of Independence*, often appeal to self-evident truths and theological beliefs that are much more metaphysically substantial than mere preferences. But one can argue that, in a secular and pluralistic society, even these agreements retain political bite not just because of their mythological status but because their basic content can be affirmed by those pursuing little more than their own happiness.

A much-debated topic in the social contract tradition is whether a collection of individuals can develop a workable agreement that is based only on their actual desires and then maintain that agreement. The Hobbesian strand is notorious for thinking either that an absolute monarch must preside over the confrontation of desires or that something like Adam Smith's invisible hand will pull for the general good.

In Shantung Compound, Gilkey did find that orders from the Japanese commander were obeyed promptly and without much complaint ([8], p. 89). But what made the experience a laboratory for the human condition was the Japanese insistence that the inmates govern themselves. And, when stealing and disobedience threatened to create anarchy, Gilkey was shocked at the decisive election defeat of a new constitution that would have increased, within very reasonable limits, the power and authority of the elected officials ([8], p. 159). Perhaps a charismatic leader can use hard times to gain absolute power, but a group of strangers are very unlikely to contract for the Hobbesian solution. Probably the Shantung experience did not last long enough to definitely refute the idea that Smith's invisible hand would help, though the somewhat-fictionalized account of a similar compound experience in *Empire of the Sun* [3] suggests that unrestricted free trade would create its own problems. It is interesting that several recent critiques of American society are also pessimistic about basing our communal life on a contract agreeable to self-interested bargainers. Gilkey would find in Shantung Compound confirmation of MacIntyre's [12] and Bellah's [5] insistence that communal life requires a moral foundation much more sturdy than mere desires.

Of course, if our desires included Humean benevolence toward others, we could ground our contract on desires, without thereby restricting our motivation to self-interest. The plausibility of the Humean view derives from simply looking around and noticing all the charitable acts that people normally do

for others, as well as the implausibility of reducing all those acts to enlightened egoism. Gilkey was initially quite optimistic at Shantung Compound because he experienced the combination of goodwill and ingenuity that solved so many pressing problems. But, in what he regards as one of the most important findings in this laboratory, he came to realize that for most people benevolence is more a function of context than of character. This lesson is summed up in a line from Bertolt Brecht's *The Threepenny Opera* that begins Gilkey's book: "For even saintly folk will act like sinners/Unless they have their customary dinners" ([8], p. xv). Gilkey decided the liberal optimism about people being nice derived largely from their being observed in the "padded environment" of a middle-class life style where charity provides more blessings than cost. The optimists extrapolate and expect that "when the chips are down, and we are revealed for what we 'really are,' we will all be good to each other. Nothing could be so totally in error" ([8], p. 92). Instead, when people find themselves living on the margin, they become more vulnerable and much more protective of their self-interest: "A marginal existence neither improves men nor makes them wicked; it places a premium on every action, and in doing so reveals the actual inward character that every man has always possessed" ([8], p. 92).

If Gilkey is right, then we might say about Humean benevolence what Hume said about justice – it applies only under conditions of moderate scarcity, perhaps with emphasis on "moderate." (Stating the point this way allows one to quibble with Gilkey about whether it is extreme scarcity that reveals *true* character; possibly our character is both shaped and revealed by a variety of contexts.) Of course, Gilkey discovered many exceptions to his pessimistic generalization, a finding we will discuss later.

The Kantian strand of the social contract tradition recognizes all of the above difficulties. It asks what persons would agree to when their desires are controlled by their fair-minded reason. It thus treats the social contract more as an important intellectual laboratory than as an historical event. Rawls, for example, argues that rational people would agree that the strengths and weaknesses that affect people's bargaining power are largely undeserved and that allowing the contract to be shaped by these unfair power relationships would itself be unfair. Therefore rational people would insist that when we ask what the content of the social contract should be, a hypothetical "veil of ignorance" should screen out knowledge about who has these morally undeserved strengths and weaknesses so that "no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like" ([16], p. 12). If people thought this way when negotiating a contract, they would be agreeing to share one another's fate, even if they were motivated by rational self-interest. Indeed, in Rawls' version, the content of the social contract would significantly overlap with what I will describe as a covenantal approach.

Gilkey would have appreciated having everyone at Shantung Compound

don a veil of ignorance when debating social rules and the distribution of goods and burdens. Not only would need and ability remain as the important criteria that they were, there also would have been a dramatic reduction in hypocritical jockeying about who needs what. When Mr. and Mrs. White prayed about whether their two boys needed to avoid dorm living more than another family needed any space at all, and when Rev. Schmidt compared those needs with his need for a study, probably different answers would have emerged had a mental veil prevented them from knowing which of the negotiators they themselves were. The use of reason merely to provide rationalizations for one's own perceived self-interest became so common that Gilkey sometimes preferred the blatant selfishness of those who at least did not deceive themselves about their motives ([8], p. 88). He decided that being reasonable is primarily a *moral* and not an *intellectual* achievement and that rationalists put the cart before the horse: "In a real sense, I came to believe, moral selflessness is a prerequisite for the life of reason – not its consequence, as so many philosophers contend" ([8], p. 93). Therefore I suspect Gilkey would say to Rawls that, in situations where justice matters, if people are not already morally motivated, they neither *will* nor *can* don the veil of ignorance. The Kantian approach can save the social contract tradition only by assuming rather substantial moral commitments, such as the willingness to respect all persons as ends-in-themselves. Such a commitment must be grounded in something other than impartial reason because the former is the prerequisite for the latter.

If I am accurate in my construction of how Gilkey's lessons would inform a critique of the social contract tradition, such a critique would share much with the reaction of the Puritan, Calvinist theologians to the early contract theorists. We should not view contract theory as a modern secularization of covenantal ethics, even though the idea of covenant has a long and rich biblical and theological history. Robin Lovin argues that we could more accurately see much of covenantal theology as a critique of contract theory ([11], p. 242). Both covenantal and contract theory emerged in reaction to (the demise of) earlier feudal and monarchist views that had little room for voluntariness in political and moral obligation. Such concepts as *covenant*, *contract*, and *compact* were used interchangeably because they emphasized law as based on historical agreements ([11], p. 244). What eventually became a distinctly covenantal tradition differed from what eventually became a distinctly contractual tradition not so much on the role of voluntariness in the agreements as on their *grounding*. The Puritans thought that contract theorists tended to see the contractors as motivated simply by desires. The Puritans thought that since people are sinful, their desires had to be adjusted and not simply accommodated ([11], p. 245). And the way to do that is a covenantal upbringing that shapes the sort of character one can trust to discern the common good and provides the sense of vocation one can trust to promote it ([11], pp. 253–255). This robust sense of sin and of its effects on the use of reason is, of course, what Gilkey rediscovered in Shantung: he recalled some of the

theological ideas he had been ignoring and "among the most relevant, it now seemed, was the old idea of original sin" ([8], p. 115). When the effect of sin was to confuse the distinction between a legitimate "perk" and downright theft, the entire camp administration became interested in character development: "The question uppermost in the minds of the Labor Committee and the managers was no longer, 'Has he the skill to do his job?' but rather, 'Has he the honesty to be trusted with these supplies?' For the skill, while important, could be learned, but the integrity could not. Yet it was indispensable to our common life" ([8], p. 161).

Robert Veatch has recently developed a Kantian version of contract theory for medical ethics that he thinks avoids the dangers of crassly commercial contracts, locates a primordial social contract within a transcendent moral standard, and provides a contract that is as morally rich as any covenant while being relieved of its theological baggage [18]. But William F. May, a prominent proponent of covenantal ethics, thinks that even Veatch's enriched contract is still too individualistic and too slim in metaphysical resources for inspiring us to help others in hard times ([13], pp. 125–126). It is a delightful irony that the latest contract theorists use hypothetical *ignorance*, rather than more *knowledge*, to offset the effects of selfishness; but May insists that only a richer metaphysics – one that answers the threat of death – will actually do the job:

We drive hard bargains and give the needy short shrift because we find ourselves not in an original position of ignorance but in the thick of the race – beleaguered by competitors, creditors, deadlines, demanding patients, and threats of disaster, disease, and death. Imagining an ideal state does not curb the beast of self-interest within us or the dread upon which it feeds: the fear that our competitors will do us in or that we will slide into the vortex of decay and death with the powerless if we get too close to them. Aggressive self-interest rules us because it seems to answer to the threat of death ([13], p. 126).

The Shantung Compound story supports May. Gilkey decided that original sin is essentially idolatry, "an ultimate religious devotion to a finite interest":

When, in this sense, a man gives his ultimate devotion to his own welfare or to the welfare of his group, he is no longer free to be completely moral or rational when he finds himself under pressure. Whenever the security of the object of this commitment is threatened, he is driven by an intense anxiety to reinforce that security ([8], p. 233).

The point on which I see May, Gilkey, and the Puritan theologians converging is this: the bent of our desires toward our own interest (or toward some finite interest with which we identify) both undermines our willingness to appeal to impartial reason, especially when times are tough, and warps our use of reason even when we do appeal to it. Any social contract that does not overcome that fundamental flaw will be grounded merely in naive humanistic hope. It will have a high-sounding content that serves primarily as a formal touchstone for hypocritical rationalization by powerful individuals and special interest groups. Thus May, Gilkey, and the Puritan theologians conclude that contract theory is a shaky basis for deciding and acting on duties to others. What does the covenantal tradition offer as an alternative?

GROUNDING AND SCOPE OF COVENANTS

Those¹ who focus on covenant as the central moral reality usually are influenced by the covenant motif in the Bible. Indeed, many Christians see the Bible's unifying theme as the covenants between God and God's people. Sometimes God simply promised to do certain things, such as promising Abraham to make of him a great nation (*Genesis* 12:1–3) and promising David to establish his line forever (*2 Samuel* 7:11–17). But in the covenant at Sinai (*Exodus* 19:1–9; *Deuteronomy* 4:1–4) God not only promised the Israelites they would be God's holy people, God also reminded them of past deliverance and then laid down the law that would shape them as a distinctive people. Whenever the law was treated as a commercial contract, as a way of earning salvation rather than a way of being a responsive and holy people, the prophets had to remind Israel that multiplying animal sacrifices and rituals and obeying the letter of the law were no substitute for being loving, just, and merciful and living in a spirit of thanksgiving to God. These reminders did not prevent Israel from violating the Sinai covenant, and eventually Jeremiah prophesied that God would make a new covenant with God's people, one in which the law would be written on their hearts, one in which God would forgive them their iniquity (*Jeremiah* 31: 31–34). The New Covenant, Christians believe, is established through the life, death, and resurrection of Jesus. People can participate in it by accepting the gift and, in response, becoming disciples of Christ. The apostle Paul constantly had to warn the church that discipleship is not a matter of obeying the letter of the law, but of forming one's character out of gratitude to God and in accord with those virtues (especially charity) that mark a peaceful body of Christ. Thus the Bible portrays covenantal ethics as the appropriate response to God's creative and reconciling work, a response that involves accepting one's call to discipleship, to the rewards and responsibilities of being a member of God's body in the world.

There are significant differences between most human covenants and the biblical covenants. But human covenants, such as those that bond marriages, families, teachers and students, physicians and patients, congregations, and other types of communities, tend to share at least three features with biblical covenants, features that affect both the grounding and the character of covenantal responsibilities. First, they are rooted in events or actions, in gifts given or in mutual entrustments that result in the parties becoming vulnerable to each other. Second, these events or actions create a community whose identity is formed by and also helps form the identities of the individual members, a covenantal community that seeks both the common good and the good of each member. Third, covenants tend not only to endure over time but also to have their identity-shaping privileges and responsibilities affected by expected and unexpected developments in ways that typically cannot be specified in advance. To contradict a sonnet by Shakespeare, sometimes love is not love which alters *not* when it alteration finds. The expression

of love and perhaps even the type of love must change as a child grows or a friendship develops.

Some agreements that are called contracts may have some of these features; I am, however, less interested in legislating terminology than in noticing some differences between compacts that share the above features and the sort of agreements, such as commercial contracts, that self-interested parties draw up for their mutual advantage. Notice that voluntariness often plays a different role in the former than in the latter. In covenants there are choices, but those choices are conditioned by what is seen as an *appropriate response* to earlier events, gifts, or shared experiences. Certainly this point is true of most marriage vows; even if the vows are completely voluntary, the responsibilities they imply depend on the circumstances resulting from future actions and events. Consider, for example, what fidelity may imply for those who take seriously the phrase "in sickness and in health." As with raising children (who will inevitably remind parents that they did not ask to be born), the responsibilities often evolve as response-ability to developments unknown and unsought. Of course, we are free to respond in many different ways, ways that then will shape the covenant and the identities of those in it, but the developments that elicit our response and make one response more appropriate than another are often outside our control. So the covenantal model of responsibilities recognizes that covenants are not simply voluntarily contracted between completely autonomous selves seeking mutual advantage. When people think about marriage, for example, simply as a contract between self-interested individuals, we know that something is missing. Our social nature and our histories cause some responsibilities to *bear down* on us in different ways, even though we *recognize* and *accept* those responsibilities. Sometimes ethicists try to capture this point by pointing to the moral relevance of vocation ([14], pp. 148–159) and of the role-relatedness of obligations, of "my station and its duties."

It follows that those bonded in covenant usually cannot explicitly list their responsibilities and privileges in the sort of contractual language that lawyers love. May observes that when medicine turns what should be a covenant into a contractual commodity transaction, a paradoxical minimalism and maximalism results: "contractualism tempts the doctor simultaneously to do too little and too much for the patient – too little in that one extends oneself only to the limits the contract specifies, and too much in that one orders procedures that are useful in pampering the patient and protecting oneself, even though the patient's condition does not demand them" ([13], p. 122). Similarly, John Ladd argues against a legalistic "rights and duties" model for medical ethics in favor of a much broader model that emphasizes care and responsibilities based on (changing) relationships [10].

Of course, sometimes we want and need a carefully limited, explicitly stated contract, as when we buy a used car. And sometimes covenants are broken in a way and to an extent that the natural impulse toward reconciliation and restoration collapses into punishment and compensation. At such a point

questions about implicit rights may have to become as explicit as with any legal contract. So a covenantal model for ethics does not deny a role for contractual thinking. The covenantal model simply insists that most of our moral, and even political, thinking cannot be reduced to calculated contract.

Even if one were to grant the distinctiveness and appropriateness of the covenantal model for certain important human relationships, how does that help in a large world of strangers? For that matter, how might it have helped in Gilkey's smaller world of Shantung Compound? I suppose Gilkey might have argued, in a covenantal vein, that extraordinary events forced these people into a situation where it became appropriate to view each other as part of a special caring community that should try to see one another through, rather than see through one another. He discovered, however, that the very happenings that caused some to take on new responsibilities caused others to treat compound living as an interim between parts of their *real* lives, as a break in their *real* responsibilities ([8], p. 197). He found that those willing to take on responsibility tended to be people whose sense of calling or vocation was broad enough and deep enough that the calling could adapt to the most chaotic disruptions. A meaningful life, he discovered, involves "a sense of worthwhile purpose in what we do and the life we lead" ([8], p. 193). This requires a "vital connection" between our goals and the activities and relationships in which we are involved, which raises the question, "How *can* a consistent and creative meaning run through the moments even of a chaotic time?" ([8], p. 201). Gilkey answers by appealing to "a spiritual center of security and meaning" that gives our "activities purpose and significance" and provides our "existence with coherence and direction" ([8], p. 230). This is what the covenantal tradition means by calling or vocation, the sense of purpose motivated by gratitude that develops a personal character disposed toward service and stewardship no matter how external conditions and specific occupations may change. Interestingly, Gilkey found that the Catholic priests and nuns, as well as members of the Salvation Army, were able to use their calling as "a means of grace to the whole community" more readily than some of the more legalistic Protestants, who "typically huddled together in a compact 'Christian remnant'" ([8], p. 172, pp. 185–189). The difference was whether one's sense of calling enabled one to see others as neighbors rather than threats.

The ability to see all others as neighbors involves what Joseph Allen calls "the inclusive covenant," which he distinguishes from the "special covenants" that particular events and actions create ([1], p. 39). Allen would argue that even if the people in Shantung Compound did not see themselves bonded together in a special way, they should have recognized each other as bonded together by virtue of being part of God's family. As Gilkey could have put it, a vigorous religious sense of calling and trust in God's providence not only frees us from the idolatry of taking our own projects, groups, and selves to be ultimately important, it also places us in covenant with all of God's creatures.

We can see a correlation between the grounding and the scope of covenantal

obligations. A strong sense of religious calling grounds the covenant in the gifts of creation and redemption and includes all creatures in its scope. As Gilkey discovered, even professing believers find it hard to feel the call vividly enough to motivate appropriate caring responses. And nontheists would need an entirely different grounding. I link covenantal thinking closely with the notion of calling or vocation, and because the latter makes most sense to me in a theological context, I worry that secular humanism will have difficulty extending covenantal thinking much beyond family, tribe, and friends. Even if we treat the Kantian/Rawlsian strand of contract theory as coming close to covenantal community, one wonders what would motivate people to try wearing the veil of ignorance that assures caring for others as you would have them care for you. Still, some secular critiques of egoistic individualism do call for a wide sense of community and a deep sense of caring. So it may be that reasons or feelings exist, or deeds are done, or events happen, that provide any number of foundations for covenantal bonding.

COVENANTAL CARE AND DUTIES TO OTHERS

Since the nature of a covenantal relationship will be shaped by its grounding, it is hard to generalize about covenantal responsibilities. The nature of a marriage bond, physician-patient relationship, or community ethos is likely to be affected by whether the parties and the relationship are viewed in a particular theological context. Much of what I say, therefore, will assume a broadly Christian outlook, but I will note affinities with other approaches.

All ethical traditions should agree that moral duty is broader than what can reasonably be legally coerced. The most demanding Kantian, for example, can agree that only a small part of our duty not to lie should be enforced by the police. There is more room for debate about whether all moral rights imply corresponding moral duties. Perhaps there can be duties, such as the duty of gratitude, that do not correlate with others' rights; but can there be rights, such as the right not to starve, that do not correlate with anyone's specific duty to provide food? This is an important question for any moral system that goes beyond negative, noninterference rights not to be harmed, and that includes positive, welfare rights to be helped. However, the question we now must consider is whether the covenant tradition can include a sense of "ought" or responsibility that is broader than duty or obligation. Is it possible that I ought to be a Good Samaritan or go the second mile, but that doing so is beyond the call of duty?

The reformers who so heavily influenced Puritan covenantal theology rejected the distinction Aquinas and others made between God's commandments and God's counsels, a distinction used to interpret the rigorous ethic Jesus preached in the Sermon on the Mount. For Aquinas, ordinary morality – obligation – consisted in keeping the commandments, whereas the saints went beyond this duty and also kept God's counsels regarding poverty, chastity,

and obedience ([1], p. 115; [14], p. 46). Perhaps much of the reformers' scorn toward this distinction, which Calvin called the "ignorance or malice of the Schoolmen" ([14], p. 49), was motivated by the abuses associated with selling indulgences. Since the saints performed beyond duty, they allegedly created a bank of merit that the church could redistribute. It takes little imagination to predict abuses should this redistribution become part of the commercial market. But the reformers also worried that the notion of going beyond duty threatened the central doctrine of justification by faith, fearing that one might try to be justified by good works that go beyond what God requires ([1], p. 116; [14], p. 51).

One of today's leading exponents of covenantal ethics, Joseph Allen, denies that one can go beyond duty. Allen interprets the debate over the commands/counsels distinction as amounting to the following two questions:

Do I have a duty always to give others' interests priority over my own? Am I ever entitled instead to give priority to my own interests or even to take them into account in any way except derivatively, that is, in any way except as a means to serving the interests of others? ([1], p. 116).

Although I am not convinced these two questions are the same, Allen answers them both as follows: "From the perspective of covenant love the answer to this question, I believe, is that *each of us has a strong but not an absolute duty to give priority to the interests of others*" ([1], p. 116). He reaffirms the reformers' emphasis on justification by faith: Even deeds that are heroic by conventional morality, such as the famous example of a soldier falling on a hand grenade to save his buddies, do not earn merit and one can be properly blamed for not doing them ([1], p. 128).

In a Christian context "second mile" should be understood to mean "over and beyond what is institutionally required," and not "over and beyond what love requires." If by the strict requirements of covenant love a person ought to have gone the second mile – ought in the case of the grenade to have attempted to fall upon it – then that person is to be blamed for not having done so ([1], p. 127).

Allen's covenantal ethics is even more demanding than a maximizing utilitarian ethic, one which obliges us to always do the action that has the best results for the general good. Utilitarianism allows me to take my own interests directly into account: I count for no more than one, but I do (directly) count as one of those affected by my actions. But Allen allows my own interests to count only indirectly as a means to the interests of others.

Allen does provide a powerful account of how our own interests can promote the interests of others, going so far as to note that our own happiness is one of the contributions we can make to others ([1], p. 125). The implication seems to be that sometimes we may (must) seek our own happiness, not, however, as a *right* but as a *duty*, albeit an indirect one. I am unsure whether this is a refreshing or an appalling implication, but I think it is one shared by any ethic that makes it a duty to do the best one can.

More plausible, I think, is the view that perhaps in some covenantal sense

we gratefully take on the responsibility to do the best we can, but that some sacrifices are praiseworthy because they go beyond duty. "Probably the best way to think of covenantal responsibilities is to picture them on a spectrum, with minimal, legally enforceable responsibilities at one end of the spectrum and, at the other end, those requiring heroic sacrifice for the sake of another's well-being" ([6], p. 92). In his recent book *Beyond the Call of Duty* [14], Gregory Mellema carefully analyzes this debate and, far from collapsing all moral responsibility into duties, argues for seven categories of actions, including "supererogatory" actions, the performance of which is praiseworthy but not obligatory.² Especially relevant to covenantal ethics is Mellema's sensitivity toward the reformers' worries about self-righteousness ([14], p. 52) and toward the dangers of becoming smug when one regularly exceeds duty or becoming a Pharisee who fulfills all duties, but does no more than those duties ([14], pp. 119–22). Mellema's work will surely help establish in covenantal ethics the wisdom of a spectrum approach toward covenantal responsibilities.

But such wisdom underscores the importance of our next question: Which responsibilities go where on the spectrum? Which ones are duties and which ones go beyond duty? Trying to answer this question underscores the point that a covenantal model seems to provide more motivation than guidance. Being grounded in gift, entrustment, and relationship, a covenantal model often gives one a more lively "why" for action than a specific "what." For some, the grounding is a personalistic entrusting and mutuality, which provides a firmer foundation for fidelity than contractual reciprocity. Others appeal to a more ontological ([17], p. 158) dimension to the gift of creation and redemption, which provides a firm foundation for gratitude, grace, stewardship, and service. In any case, the result is a powerful, but somewhat vague, urge to be responsible and to respond appropriately.

This emphasis on motivation rather than content can be an advantage. We need not go so far as St. Augustine's dictum – "Love and then do as you will" – to realize that nurturing character with narratives, symbols, images, and role models can provide more ability to discern appropriate response than does training in casuistry or skill in verbal hairsplitting. Some might even interpret ethical theorizing as a slackening of the covenantal impulse, a reduction of passionate commitment to legalistic commandment ([4], p. 112). Maybe there are rights and duties between friends, but something is amiss when they have to be delineated. Thus covenantal exhortations are more often aimed at extending the scope of covenantal caring – trying to infuse the inclusive covenant with the vitality too often restricted to special covenants – than at specifying the content. The Afrikaner reverence toward "The Day of Covenant" (December 16) reminds us that those influenced by covenantal thinking often have less trouble knowing how to be neighborly than knowing who is the neighbor.

But Gilkey's laboratory confirms the historical evidence that attention to rights and duties is forced on us. For one thing, in a pluralistic society of

strangers, only saints seem able to be truly inclusive in their covenantal caring. Ironically, the impulses behind liberal individualism, in spite of the inherent danger toward egoism, seem to produce more egalitarian respect for everyone than do the impulses behind covenantal thinking, which seem so easily to degenerate into a tribalistic us-them emphasis on special covenants. One need be only mildly cynical to suggest that we pay political lip service to covenantal civil religion only because the content is so vague that it lacks normative bite.

Moreover, "indeterminate earnestness" ([13], p. 142) can be dangerous when even the saints are finite at best and foolish at worst. The three "basic human virtues" that Gilkey's laboratory revealed to him as constituting a person's "excellence" included not only the "willingness to work" and a "fundamental cheerfulness" but also "skill at [one's] job" ([8], p. 24). Having traveled around Asia for five months with twenty-four college students, I heartily endorse both Gilkey's list and his Aristotelian way of classifying skill as a virtue. And, when I am reckless enough to think of my experience as a pale imitation of Gilkey's laboratory, I conclude that a firm grounding in covenantal gratitude is sufficient and perhaps necessary for willingness to serve and for the cheerfulness that can cope graciously with disruption and disappointment. But I doubt that covenantal gratitude is either necessary or sufficient for skillfulness. Sometimes it is easier to handle competent enemies out to hurt you than incompetent friends out to help you.

Thus, in coping with sin and finitude, even friends and families (to say nothing of wider covenantal communities) sometimes find themselves appealing to fairly specific rules, rights, and duties. Assuming something like the "spectrum of covenantal responsibilities" mentioned above, at least two questions arise. Which responsibilities are so strong that they are *duties* we are *obligated* to fulfill, and which ones are those we ought to do in the weaker sense that we ought to do whatever love requires?³ And which of the duties are so central to communal life that their performance should be coerced, if not legally, at least by such social practices as ostracism?

Concerning the second question, the covenantal tradition has, by and large, agreed with what Gilkey discovered: although a community cannot legislate very far beyond its moral consensus, it cannot rely on moral pressure alone; it needs the element of force to prevent breakdown ([8], p. 119, 160). However, even those who think that everything love requires is a duty recognize that the fulfilling of duty often must remain a matter of choice ([1], p. 113). One good reason is the pragmatic consideration that the sword power of the state can be overwhelming and can cut many ways. Therefore a pluralistic society should avoid using it unless there is either general agreement that the evil being outlawed is indeed intolerable or good reason to dismiss as disrespectful the views of those who disagree. If a society criminalizes action, not just to prevent clear-cut and intolerable harms like theft, but also to nurture a distinctive ethos such as the values of monogamy, wide and deep consensus must be evident or respect for law will be undermined. Therefore, as far as

the legal structure is concerned, probably the best a covenantal approach can do is to rally support around one of the more Kantian and morally richer strands of the social contract tradition (such as Rawls'), hoping that the consensus will go beyond negative duties of noninterference and include positive duties to share one another's burdens in such areas as education and medical care.

In addition to this pragmatic consideration, which applies to legal coercion in a pluralistic state, there are theological and moral considerations that also apply to coercive measures within a small covenantal community. The character of covenantal caring varies with the type of object cared for. Plants may be carefully managed and animals may be lovingly manipulated, but care for persons must include respect for their status as imagers of God, as choice-makers, as hearers and givers of reasons, as ends-in-themselves. In *Christian Faith, Health, and Medical Practice*, my colleagues and I argue that something of the religious awe believers feel toward God should also be felt toward God's imagers. This is a respect bordering on reverence and includes a deference, an impulse to stand back and "let it be"; it is not simply an impulse to value, nurture, and control ([6], p. 31). A covenantal community is not a merger; it is a relationship that requires distinct individuals. The character of the bonding results in a harmony that is more counterpoint than synthesis. If one distinguishes between care and respect [15], then a covenantal relationship includes both. But I agree with Allen ([1], p. 161) that covenantal care already includes respect when it bonds persons; thus, covenantal care has affinities with the "care respect" that Robin Dillon [7] advocates as a feminist alternative to the Kantian tendency to separate care and respect. Covenantal thinking, with its pessimistic realism about human nature, typically is strong on moral training and character shaping. But the point is reached at which people must be given range to make their own mistakes or we profane the image of God in them which, though "fallen," is still that of a responsible choicemaker.

One important dimension of moral training has to do with the first of our two questions: Which responsibilities should be treated as duties? Which ones should be felt as obligations even when we are left free to decide whether or not to fulfill them? Of course the role-relatedness of duties makes it difficult to generalize; physicians will have duties to their patients, for example, and teachers to their students that are not part of the inclusive covenant. Still I suggest the following four generalizations about covenantal duties.

First, the decision about duties in *special* covenants must be made primarily by the members of those covenants, taking into account the human practices ([12], p. 187) associated with a particular covenant and the goods internal to those practices. In some covenants, professional practitioners such as physicians or teachers may have special expertise on how to pursue the relevant goods such as health or knowledge, but the other partners – the patients and students – can help determine what goods to pursue and what other goods must be protected in that pursuit. Perhaps duties and rights are not always correlated, but they come packaged together often enough that decisions

about covenantal duties should rarely be one-sided. Presumptuous impositions and demands must be avoided on both sides.

Second, the duties of the *inclusive* covenant should usually serve as a restriction on the duties of special covenants. One reason is that special covenants are often derivative from the inclusive covenant. For example, Stanley Hauerwas argues that the practice of medicine is not just between practitioners and patients; it is also the way society avoids abandoning the ill, and thus it serves "to bind the suffering and the nonsuffering into the same community" ([9], p. 26). Thus the special covenant between practitioner and patient is, to some extent, generated by the responsibilities of the inclusive covenant. Therefore, society in general has an interest in decisions about duties in medical ethics. Another reason for letting universal rights and duties serve as a check on role-related ones is that the former will include those that are foundational to the possibility of social existence. As Gilkey discovered, they may not be sufficient for a rich communal life, but they are likely to be necessary.

Third, covenantal duties are certain to be stronger and more numerous than those recognized by a "not-in-my-job-description" contractual mentality. These will include second-mile obligations, even if we weaken what seems to be Allen's claim that every need of every person constitutes a *prima facie* obligation for those who do or should know about those needs ([1], p. 82). If the Good Samaritan wrote the sort of blank check for the wounded man's care that spouses might write for each other, he went beyond duty. But minimally decent Pharisees are wrong in feeling no obligation to respond to others' needs, especially when they can do so without neglecting their own legitimate projects.

Fourth, an overly vivid sense of covenantal obligation can lead to exhaustion, inappropriate guilt feelings, and loss of self. It is true that in Shantung Compound and in society at large, the problem has usually been that people's sense of obligation is too minimal for covenantal flourishing. For that reason, it is appropriate to stress self-sacrifice. And, since the use of images is such a powerful tool in character training, it is appropriate to see the Cross as the central Christian symbol. But some special covenants seem especially prone to encourage a "savior" mentality in which persons lose themselves in a bottomless pit of others' needs. Medical and therapeutic relationships can do this, of course, and so sometimes a contractual model becomes a tempting way to provide the "clinical detachment" necessary for having a life of one's own. Some feminists have argued that women tend to be so socialized for self-sacrifice, especially in such covenantal roles as wife, mother, nurse, and teacher, that they not only lose (or fail to develop) their unique selves while fulfilling the needs of others, they also feel guilty for not doing more.⁴ If one does not have a self to sacrifice, then one may have an indirect duty to develop autonomy and self-realization. Barbara Hilkert Andolissen argues that to develop the mutuality necessary for genuine relationship, Christians should emphasize the Trinity (properly understood) as much as the Cross when

appealing to symbols that inspire the life of agape [2]. *Relationship* is central to a covenant, and it is lost when this alternative to individualism degenerates into the loss of the very individuality that is necessary for mutuality. I conclude that a covenantal model for ethics must nurture the sort of self-respect that prevents service, sacrifice, and sense of obligation from overwhelming the self-identity and commitment to one's own projects that allow for true community.

CONCLUSION

This essay is confirmation that covenantal ethics is stronger on grounding a "why" for the moral life than on specifying a "what." I hope that my use of Gilkey's laboratory as a confirmation of the covenantal critique of contract theory helps the reader appreciate why this is so. Given its view of human nature, the covenantal tradition believes that the main task of ethics is to provide a grounding for a sense of vocation within a moral community. It shares with virtue ethics the view that moral behavior is like a skill that comes from character training, a skill that involves the ability to act appropriately in a highly nuanced and "thick" description of the situation. But it shares with the contract tradition an insistence on treating others as choice-makers and on respecting the autonomy rights attached to that status. Although the covenantal tradition finds such contractual terms as "choice-maker" and "autonomous" much too thin for describing covenant members, it can cooperate with a moderately thin theory of the good when deciding the limits of legitimate coercion in a pluralistic society. It shares with some of the feminist critique a concept of care that integrates love and respect and yields a sense of duty that includes the obligation to help others and not simply to avoid harming them. It shares with many traditions the intramural debate over whether one can go beyond duty. It recognizes the special dangers that covenantal thinking can become too restrictive in scope, but simultaneously too burdensome when special covenant roles bury the self in the bottomless needs of others. Finally, in projecting itself as more of a perspective from which to think and feel about duties to others than an algorithm with which to measure them, the covenantal tradition must be especially sensitive to the danger of earnest but undifferentiated good will.⁵

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NOTES

¹ The next three paragraphs borrow heavily from the account of covenantal ethics that I drafted and co-authored as part of the interdisciplinary team that published *Christian Faith, Health, and Medical Practice* ([6], see especially pp. 83–94). I thank the Calvin College Center for

Christian Scholarship, which sponsored the team. In the book we note our significant debt to the discussions of covenantal ethics by Allen [1], Beach [4], May [13], Veatch [18], and Sturm [17].

² As I understand Mellema: *Obligatory* actions are those whose performance is morally good, if not praiseworthy, and whose nonperformance is morally bad and blameworthy. *Prohibited* actions are those whose performance is morally bad and blameworthy and whose nonperformance is morally good, if not praiseworthy. *Permitted* or indifferent or neutral actions are those whose performance is neither morally good or praiseworthy nor morally bad or blameworthy (though, of course, they might be good or bad in other value-laden ways, such as aesthetically). *Supererogatory* actions are those whose performance is morally good and praiseworthy and (unlike obligations) whose nonperformance is neutral. *Quasi-supererogatory* actions are those whose performance is morally good and praiseworthy and whose nonperformance is blameworthy in some lesser way than is the nonperformance of obligations. *Offensive* actions are those whose performance is morally bad and blameworthy and whose nonperformance is neutral. *Quasi-offensive* actions are those whose performance is morally bad and blameworthy and whose nonperformance is praiseworthy (in a greater way than the nonperformance of prohibition, if the latter is praiseworthy at all). Although the above categories are defined in action terms, Mellema illustrates them in a way that is conducive to virtue or character ethics. Going the second mile is morally recommended rather than obligatory, and fully virtuous persons have developed the sort of character such that they do what is recommended and they do it willingly ([14], p. 139). A person who sometimes goes the second mile may do something quasi-supererogatory because we are morally blameworthy if we adopt a disdainful attitude toward supererogation and develop a disposition to never go the second mile ([14], p. 119). As Mellema notes, praiseworthiness or blameworthiness is a matter of degree. Hence I think his listing of multiple categories is in the spirit of a spectrum approach.

³ This formulation denies that all "oughts" and "requirements of love" are duties. Others who believe that one can go beyond duty might equate duties with "oughts" but might have a notion of responsibility that is broader than "ought." Sometimes "should" is thought to be broader than any of the above terms, and sometimes "praiseworthy" is used to denote a wider range of actions than those one should do. I can neither analyze nor legislate the relevant terminology here. The spectrum analogy insists only that covenantal ethics can require or inspire a sense of responsibility that goes beyond duty.

⁴ Allen, who so closely associates one's obligations with others' needs, is also sensitive to this problem ([1], p. 118).

⁵ I thank my colleagues Steve Evans, Karen Gervais, and Charles Taliaferro, as well as Gordeen Gordor and the editors of this book for helpful comments on earlier drafts of this essay.

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