
UNDERSTANDING SOURCES OF OBLIGATION: A COMPARATIVE ANALYSIS OF LEGAL AND PHILOSOPHICAL PERSPECTIVES

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ABSTRACT

Obligation can be said to lie at the heart of law, philosophy, and ethics the concept representing duties or commitments that are imposed upon individuals or entities to do or refrain from doing some things. The paper reviews the sources of obligation considered both from a legal as well as from a philosophical point of view.¹ In law, sources of obligation are contractual agreements, statutes, tort obligations, and constitutional requirements. On the other hand, philosophical sources focus on moral principles and theories of ethics as well as social contracts. By doing so, this paper presents an overview of how the two sources compare between roles, binding forces, and implication in different settings². The paper also further delves into the role played by these sources with respect to the development seen in modern society, indicating how globalization has taken root, along with the emergent role of human rights and environmental duties. This paper demonstrates, through an exhaustive analysis, how the obligation from multiple sources reflects human action, social configurations, and moral obligation that give rise to a framework where rights, duties, and responsibilities are balanced.

¹ Concept of Obligation, Testbook, <https://testbook.com/ugc-net-philosophy/concept-of-obligation> (last visited June 2, 2026).

² Contract Theory—An Overview, ScienceDirect Topics, <https://www.sciencedirect.com/topics/socialsciences/contract-theory> (last visited Jun 3, 2026).

1. Legal Sources of Obligation:

1. Contracts and Agreements:

Probably the most established categories of obligation within the arena of law are contracts. Formulated upon the concepts of meeting of the minds and value exchanged, contracts involve clear mutual obligations among individuals engaged in specific agreements. Among the most fundamental of responsibilities within commerce and individual consents, contractual obligations foster business and personal transactions, provides predictability, and certainty.

- **Contract theory:** Contract law is based on the principle of offer, acceptance, and consideration. Parties enter into agreements voluntarily, accepting the obligations that come with them. Contract law obliged them to act in good faith and fulfill agreed terms of face penalties.
- **Types of Contractual Obligations:** There are two types of Contractual Obligations, namely the express and implied contracts. Obligations expressed are those well stated in the agreement, while those implied come out of the actions taken or from the societal setup. There are also conditions that come with a contract such as conditions precedent or subsequent that determine when and how Obligations are to be exercised.

2. Statutory Obligations:

Government use legislation to impose statutory obligations on people. Such obligation on people. Such obligations are those that are prescribed by law to be undertaken or not to be done. Usually, these obligations serve public interest, promote welfare, protect the rights of individuals, and maintain order in society.

- **Public and Private Statutes:** Public statutes usually cover a large population. General duties, such as tax obligations or compulsory schooling, are usually imposed. Private statutes may apply to some sectors, such as industrial entities under environment laws.
- **Regulatory Compliance:** Statutory obligations demand that organization follow rules laid down by the government or regulatory authorities. Failure to comply would

lead to penalties, sanctions, or even legal actions.³

3. Tort Obligations:

Tort law creates obligation based on the duty to avoid causing harm to others. It is based on the principle of duty of care whereby a person or an organization will be held liable for acts that may cause harm or injury to another person.

- **Negligence and Strict Liability:** Under tort law, a person has a duty to exercise reasonable care to prevent injury from reasonably foreseeable risks. However, in strict liability, duties are imposed without concern for intent. For instance, strict liability applies in product liability; here, manufacturers have the duty to ensure that their products don't harm consumers
- **Tort as a Sources of Moral Obligation:** Obligation flowing from tort are very closely interlinked with considerations of ethics. They make one act responsibly and decrease the evil caused in society⁴

4. Constitutional Obligations:

Constitutions imposes essential duties as part of the legal setup of a state and bind its citizens and governing bodies together. Constitutional Obligations generally relate to the protection of inherent rights, which results in ensuring justice and fairness.

- **The State and Citizen Obligations:** In this light, constitutions may charge governments with responsibilities such as providing public goods like safety, health services, and education. They further obligate citizens to uphold national regulations, perform their civic duty, and observe other people's rights.

5. International Law Obligations:

International law Obligations are closely relevant in this world, leading to the globe. Treaties, conventions, and Agreements set mutual responsibilities among these nations, especially on

³ Statutory Law: Definition, Types and Examples in India, Bajaj Finserv, <https://www.bajajfinserv.in/what-is-statutory-law> (last visited June 5, 2026).

⁴ Duty of Care Lecture, LawTeacher.net, <https://www.lawteacher.net/lectures/tort-law/negligence/duty-of-care> (last visited June 6, 2026).

their human rights, environmental responsibility, and trade.

- **Examples of Binding Treaties or Conventions:** These conventions and treaties bind the various nations to adhere to an internationally agreed standard, among which include the Universal Declaration of Human Rights or international climate treaties.

Soft Law: Though usually not empowered to sanction, “Soft law” in the guise of guidelines and recommendations influences state behaviour and raises expectations, thereby becoming sources of moral or political obligation.⁵

2. Philosophical and Ethical Sources of Obligation

1. Moral Obligation and Ethical theories:

Morality obligations are derived from ethics principles that define what to do or not to do as a human being, especially when there is no specific legal requirement. There exist three major moral theories deontology, consequentialist, virtue ethics, in which these obligations are clearly defined.

- **Deontological Ethics:** Deontological ethics holds the belief that obligations are inherent and must be performed regardless of the consequences. Amongst the most prominent is Immanuel Kant’s categorical imperative, where he focuses on the idea of duty and universal moral law.⁶
- **Consequentialism:** In a word, consequentialism the philosophy as advanced by thinkers such as John Stuart Mill holds that obligations have to be evaluated in light of the consequences they produce; so, the moral thing to do is to seek to bring about good consequences.⁷
- **Virtue Ethics:** By the thought of Aristotle, virtue ethics emphasizes the person and moral virtue: the thing that binds someone is the obligation to act like a virtuous person

⁵ Nicholas Olwor, International Law, Trade, Environment and Sovereignty: Reference to the Cartagena Protocol on Biosafety (May 28, 2022), SSRN, <https://ssrn.com/abstract=4122344> (last visited June 6, 2026).

⁶ Elizabeth Mohn, Deontological Ethics, EBSCO Research Starters: Religion & Philosophy (2022), <https://www.ebsco.com/research-starters/religion-and-philosophy/deontological-ethics> (last visited June 7, 2026).

⁷ Consequentialism, GKToday, <https://www.gktoday.in/topic/consequentialism/> (last visited June 8, 2026).

such as honest, kind, and courageous.⁸

2. Social Contracts Theory:

The social contracts Theory assumes that an individual implicitly consents to certain obligations by the nature of belonging to any given society. According to social contract theory, it asserts that every individual gives up and grants certain liberties for particular gains in a society based on mutual consent, creating a mutual obligation.

- The two perspective that from parts of the social contract idea include Hobbesian perspective by Thomas Hobbes where social contracts are important to keeping the peace and Rousseauian perspective by Jean Jacques Rousseau whose primary argument was for a collective Will and that keeping liberty in a society as the most important.
- **Modern Social Contract Theories:** Modern Social Contract Theories are devised to stress obligation that prevail with justice and equality. Thus, John Rawls modifies the theory of social contract in order to ensure just and proper principles and fair social orders.⁹

3. Religious and Cultural Obligations:

Relating to religious and cultural belief systems, obligations can arise where the fulfilment of spiritual or traditional requirements is considered to be a significant aspect of identity in communities. The sources of obligation, in this case, run deeply within the moral traditions of societies.

- **Religious Obligation:** A vast number of religious systems establish obligations that are understood to be divine commands. In Christianity, Islam, and Buddhism, for instance, there is the moral imperative of compassion, charity, and honest.
- **Cultural Norms and Traditional Responsibilities:** Cultural responsibilities may involve family responsibilities, group support, and deference to elders. Such

⁸ Aristotle's Virtue Ethics Explained, Scribd, <https://www.scribd.com/document>

⁹ Social Contract Theories: Overview, Philosophers & Examples, Study.com, <https://study.com/academy/lesson/social-contract-theory-definition-philosophers-examples.html>

responsibilities are typically imposed through social instead of legal channels.¹⁰

3. Evolution of Obligation in Contemporary Society:

As modern society transforms with rapid globalization, digital innovation, and increasing environmental and social justice awareness, new challenges are being addressed in traditional obligations. Often these new areas of obligation fall into a gray area where legal mandates and ethical imperatives are blurred, leading to a growing need for frameworks that account for such complex, transnational realities. This section expands on three key areas where new sources of obligations are gaining prominence.

1. Environmental and Sustainability Obligations:

The environmental movements have brought about legal and moral duties into the hearts of citizens, corporations, and governments, which has made sustainability a significant issue. This is based on ethical issues to future generations and human impact on natural ecosystems. For example, international environmental treaties are the Paris Climate Agreement, while regional laws, will include the European Union's Green Deal, having both binding and voluntary guidelines related to the reduction of carbon emissions, renewable energy, and prevention of biodiversity loss¹¹.

- **Corporate Social Responsibility and Environmental Ethics:** Companies are now expected to practice more than just legal compliance by embracing sustainable practices within CSR. This means they should reduce waste, cut down on emissions, follow ethical standards in the supply chain. Failure to comply with these expectations will cost them reputational damage, financial penalties, and much public scrutiny.¹²
- **Legal innovations in environmental law:** Traditionally were based on a principle of punishment and were more reactive, such as using fines against polluters or against corporations in court. Today, new trends tend to be more proactive new

¹⁰ Moral Obligations, StudySmarter, <https://www.studysmarter.co.uk/explanations/religious-studies/religion-andethics/moral-obligations/> (last visited June 15, 2026).

¹¹ Surabhi Verma, Environmental Law and Ethics in India: Navigating Sustainable Development and Legal Challenges (2024), ResearchGate, <https://www.researchgate.net/publication/> (last visited Jun2 17, 2026).

¹² Corporate Social Responsibility (CSR) – UPSC Ethics Notes | GS-IV, InclusiveIAS, <https://www.inclusiveias.com/corporate-social-responsibility-csr-upsc-ethics-notes-gs-iv/> (last visited June 18, 2026).

legislative solutions motivating actors toward environmentally sound practices are widely promoted. For example, “carbon pricing” schemes through carbon taxes or the creation of cap and trade systems would provide an economic motive to reduce emissions.¹³

- **The Role of Individuals:** On an individual level, the concept of “ecological citizenship” calls on the moral duty to act responsibly towards the environment, reducing waste, purchasing products that are environmentally friendly, and advocating for policies on green issues. According to deep ecology and ecofeminism, Ethical theories argue that there is a sense of intrinsic duty to protect nature since it is not a resource but rather part of human existence.¹⁴

2. Digital and Data Privacy Obligations:

With an acceleration of the digital era, new obligations in terms of data privacy, cybersecurity, and digital ethics have become important concerns. This includes the GDPR in Europe and CCPA in the United States, which obligate companies to adhere to strict standards of protecting the personal information of individuals with a drastic shift in regulating privacy.

- **Data Privacy: A Human Right?** GDPR frames data privacy as the most fundamental right of each individual, which follows in the philosophical view of being an owner of their private data and having that secured. This view also applies to autonomy and respect to persons theories, wherein human rights emphasize the person’s right to control over such information.
- **Ethical Obligation in Ai and ML:** With the advancement in artificial intelligence and machine learning technology, the companies that develop them are increasingly called upon to be transparent accountable, and fair in their algorithms. Organizations like Open An and the OECD have outlined ethical frameworks such as the AL principles, encouraging developers to avoid biases, transparency, and to protect

¹³ Aditya Kannoujiya, The Legal Battle Against Environmental Pollution: New Trends in Environmental Jurisprudence in India, Lawful Legal (Nov. 15, 2024), <https://lawfullegal.in/the-legal-battle-against-environmental-pollution-new-trends-in-environmental-jurisprudence-in-india/>

¹⁴ Jonas Jager’s, Simon Matti & Johan Martinsson, Ecological Citizenship: A Driver of Proenvironmental Behavior, ResearchGate (2013), https://www.researchgate.net/publication/262269800_Ecological_Citizenship_A_Driver_of_Proenvironmental_Behaviour

user privacy. In this process, these developers create a set of moral obligations in conjunction with legal requirements.

- **The Challenge of Enforcement:** In this sense of the regulatory frameworks being clear on the obligations, enforcing digital privacy laws is also a challenge because of the internet's cross border nature. Companies are therefore morally obliged to uphold privacy best practices even when operating in jurisdictions with lax regulations.¹⁵

3. Global Humanitarian Obligations:

The international obligations of global humanitarian issues include the obligation to act upon issues such as poverty, inequality, refugee crises, and public health emergencies. These are increasingly acknowledged to be part of the body of international law indeed, the United Nations and many NGOs are currently pressing for a universal standard of care and support for the most vulnerable.

- **Human Rights Law and Humanitarian Aid:** Treaties, such as the Universal Declaration of Human Rights and the Refugee Convention, obligate signatory countries to assist and protect persecuted, tortured, or victimized populations. In any form of crisis, including natural catastrophes and armed conflict, countries have a moral and legal responsibility to give aid and support to distressed populations.
- **Corporate Humanitarian Responsibility:** Companies operating in poor or conflicted regions have the corporate responsibility to engage in humanitarian practices may be in the form of direct contributions, for example, through donations and relief programs, or fair business practices that do not take advantage of people in need, such as giving proper wages and working conditions, avoiding exploitation.
- **Interplay with Individual Ethical Duty:** In addition to government and corporate responsibility, individual ethical responsibility is emerging, in the sense that it is considered that the citizen has a moral duty to contribute to humanitarian causes in a number of ways including through donations, volunteer work, policy change. The effective altruism principle advanced by Peter Singer postulates that individuals,

¹⁵ Elias Aidun, Data Privacy in the Digital Age: A Comparative Analysis of U.S. and EU Regulations, University of Cincinnati Law Review Blog (Mar. 5, 2025), <https://uclawreview.org/2025/03/05/data-privacy-in-the-digital-age-a-comparative-analysis-of-u-s-and-eu-regulations/>

particularly in the developed world, have a moral duty to relieve suffering anywhere in the world.¹⁶

4. Comparative Analysis of Emerging and Traditional Obligations:

The new sources of obligation make the relationship between legal and moral obligations more complex and lead to overlap and tension. Legal systems have traditionally played a primary role in setting up obligation, ensuring obedience through rules, sanctions, and penalties. However, the contemporary challenges underscore the limitations of legal obligations and the growing need for ethical accountability

- **Legal and Ethical Obligations Interdependence:** Although legal obligations only impose duties, ethical Obligations will cultivate a sense of moral accountability, which can be additional or even better than that dictated by law. Thus, for example, where the law merely sets the minimum requirements on environmental concerns, ethical Obligations will demand greater responsibility than the bare legal minimum on the part of individuals and corporations towards being sustainable. This would be founded on an ethical concern for the future generation.
- **Legal vs Ethical Conflict:** In many cases, the law asks people to do something that goes against an ethical mandate. This can be easily seen in human rights or social justice. Whistleblowers are punished by the law but have an ethical reason to expose illegal activity. This is a situation where, in some instances, the individual has to choose between the law and his conscience.
- **The Role of Public Opinion in Shaping Obligations:** Public opinion increasingly influences legal and ethical Obligations, particularly on matters of environmental sustainability and corporate accountability. Social media has amplified public scrutiny and holds individuals and organizations accountable for actions that are legally permissible but ethically questionable.

¹⁶ Humanitarian Principles and Humanitarian Assistance, Governance & Social Development Resource Centre (GSDRC), <https://gsdrc.org/topic-guides/international-legal-frameworks-for-humanitarianaction/concepts/humanitarian-principles-and-humanitarian-assistance>

Conclusion:

In examining sources of Obligation, both from a legal and philosophical background, and how they could evolve in response to these contemporary challenges, it quickly becomes apparent that Obligations would be the building blocks to social cohesion and individual accountability. Obligations, therefore, will likely only grow as societies become even more interdependent in grappling with issues like environmental sustainability, digital privacy, or humanitarian aid on a world scale. However, growing interplay between legal mandates and moral principles suggests that the scope of ethical accountability in further shaping future obligations would grow.

The law concept in ethics at such a juncture without the boundaries of locality and nations, on which a particular obligation calls, this concept would make such legally defined obligations consider ethics over such legal frameworks. Thereby, it depends solely upon the individual or that particular organization to make societal well-being in the longer-term hold over the practice or its actions. In a world grappling with novel, complex issues, it will be necessary to find the right balance between legal obligations and ethical duties in a just and sustainable future.