

# Promissory Obligation and the Value of Normative Control

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Recently, a small but growing number of philosophers have been interested in explaining the normativity of certain phenomena through an appeal to the value of a certain kind of normative control.<sup>1</sup> A prime example of a phenomenon suitable for such an explanation is Promissory Obligation. The core idea behind what can be called Normative Control Accounts (NCAs) of Promissory Obligation is as follows: we can explain the bindingness of promises by showing how the ability to enter into promissory bonds affords individuals a valuable kind of regulatory power over their own normative situations. In this paper, I lay out and defend a novel version of such a view, arguing that it provides a uniquely attractive account of what makes a breach of promise wrongful. I show that structural features of NCAs place them in a singularly advantageous position in the theoretical spectrum, and offer some reasons why one has reason to be hopeful that accounts focusing on the value of normative control can be brought to bear to on other normative phenomena in a similarly fruitful way.

I begin by laying out the central structural features of NCAs. NCAs can be described as employing a two-level-structure in their explanation of promissory obligation. On the first level, they provide an explanation of why and how we are able to exercise normative control through a certain kind of communicative act. Importantly, the value of having this control does not depend on the value or desirability of any promised act and is thus independent from the content of the obligation created. On the second level, NCAs provide an answer to the question of why a given individual promisee would act wrongly if she failed to do what she has promised to do. The answer NCAs provide here is straightforward and simple. It would be wrong for her to break her promise, because – having successfully exercised her promissory power earlier – she is under an obligation to perform.<sup>2</sup>

This two-level-structure allows NCAs to meet two important desiderata for theories of promising that are usually not jointly met.

On the one hand, NCAs can provide a substantial explanation of the normativity of promising. This not only allows them to provide a defence against scepticism about promissory obligation, but also ties in well with an explanation of the particular shape our promissory practice takes. As such, it can help make sense of things such as the directedness of promises, or fact that they have an uptake condition. Most importantly, in providing such an explanation, NCAs prove consistent with what we may call the Value Reason Nexus (VRN).

(VRN) Whenever we ought to do something, this is ultimately explicable in terms of value.

Some philosophers have found promissory obligation particularly puzzling since a promise intuitively is binding even in cases where no good will come from its fulfilment.<sup>3</sup> Promises thus seem, at first glance, to sometimes violate VRN. NCAs can help dispel this puzzlement by

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<sup>1</sup> Cf. Owens 2012, Raz 1977.

<sup>2</sup> See also Owens 2012: 148f.

<sup>3</sup> See paradigmatically Hume 1978: 524

pointing to the value that lies not in the fulfilment of the individual promise, but rather in having the ability to give binding promises itself.

On the other hand, NCAs do not reduce the requirement to keep one's promises to another type of duty, as consequentialist, conventionalist, and effect-based accounts of promising like Scanlon's Expectation View do. On NCAs, promissory obligation is thus in an important way *sui generis*. This enables this type of theory to capture intuitions about the apparent uniqueness of promissory obligation, which is firmly rooted in our common-sense moral thought.<sup>4</sup> Even more importantly, being able to give a non-reductive account of promissory obligation affords NCAs crucial extensional advantages. It allows them to accurately capture all cases of valid promises as giving rise to a (pro tanto) obligation without falling prey to counterexamples, which have long caused problems for their reductive competitors.

NCAs thus allow us to combine the attractive features of two fundamentally different approaches to promissory obligation. They share both the explanatory and vindicatory qualities of reductive theories and the intuitiveness and extensional adequacy of non-reductive theories. Even though NCAs have been prominently, though not widely, defended in the literature<sup>5</sup>, the fact that their very structure affords them this advantageous position over rival accounts of promissory obligation has so far not been fully appreciated.

In a second step, I will briefly pursue the question of how to best cash out the idea behind a Normative Control Account in more detail. The normative control that being able to promise affords us is valuable, I argue, because it allows us to provide others with *warrant* for trust. Trust is clearly a valuable form of interpersonal connection. In some situations, however, trust relationships are difficult to establish, or have been damaged. In such situations, we need to be able to offer further warrant to build trust. Illustrating my point with an example, I show that having a limited form of control over the normative situation, namely being able to *voluntarily* undertake a *directed* obligation to another person by communicating one's intention to do so, is precisely what is needed to offer such warrant. I show that an NCA focusing on the notion of trust can not only offer a plausible way of fleshing out the idea that normative control is valuable, but also do so in a way that explains the core features of promissory obligation

### References

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<sup>4</sup> For an appeal to this, see Ross 2002: 37