

Promises are an important part of our everyday moral life. When I promise to pick up milk on the way home, I thereby place myself under an obligation to pick up some milk. If I don't pick up the milk, I violate that obligation. Why do promises give rise to obligations in such a way? And what is wrong with breaking a promise?

Promises are particularly puzzling because our normative theories do not straightforwardly tell us why we should keep promises.

Recall Kant in the Groundwork:

However, to inform myself in the shortest and yet infallible way about the answer to this problem, whether a lying promise is in conformity with duty, I ask myself: would I indeed be content that my maxim (to get myself out of difficulties by a false promise) should hold as a universal law (for myself as well as for others)? and could I indeed say to myself that every one may make a false promise when he finds himself in a difficulty he can get out of in no other way? Then I soon become aware that I could indeed will the lie, but by no means a universal law to lie; for in accordance with such a law there would properly be no promises at all, since it would be futile to avow my will with regard to my future actions to others who would not believe this avowal or, if they rashly did so, would pay me back in like coin; and thus my maxim, as soon as it were made a universal law, would have to destroy itself. (4:403)

But the mere fact that the practice of promise-making would not survive people making lying promises whenever convenient does not seem sufficient for explaining what's wrong with breaking a promise. We need some justification for the practice itself.

Now think about act-consequentialism. Act-consequentialism allows that you should keep your promises when it maximizes utility. But what about when it doesn't? As Ross argues:

When a plain man fulfils a promise because he thinks he ought to do so, it seems clear that he does so with no thought of its total consequences, still less with any opinion that these are likely to be the best possible. He thinks in fact much more of the past than of the future. What makes him think it right to act in a certain way is the fact that he has promised to do so -- that and, usually, nothing more. That his act will produce the best possible consequences is not his reason for calling it right.

Conventionalism

According to conventionalists about promises we explain why breaking promises is wrong by appealing to the practice of keeping promises. So to determine the wrong in breaking a promise involves a two stage process:

1. First, there needs to be a social practice of agreement-making: a group of people generally behave in a certain way, have certain expectations and intentions, accept certain principles as norms
2. Given these social facts, a certain form of behavior is morally wrong.

Rawls on Two Conceptions of Rules

Rawls' suggestion: utilitarian considerations should be appealed to to justify the practice of promising, but the rules of a practice justified on utilitarian grounds would not include a rule permitting us to break our promises when doing so would be best on the whole, because such a practice would be much less useful than our actual practice. So utilitarian considerations may not be appealed to to justify particular decisions falling under the practice:

“...the point of the practice is to abdicate one’s title to act in accordance with utilitarian and prudential considerations in order that the future may be tied down and plans coordinated in advance.”

We can think about how best to set up the practice. But once we have accepted it, we are not at liberty to change the rules. This does not mean that we cannot deliberate about whether to keep a promise. But the exceptions and admissible excuses are part of the practice of promise-keeping. If someone explained that they broke a promise because it led to better outcomes, we would think that they don’t really understand what a promise is.

The reason why so many think that utilitarianism cannot account for promises and punishment is that they confuse two notions of rules.

Summary Conception of Rules: summaries of past decisions arrived at by the direct application of the utilitarian principle to particular cases. Rules are regarded as reports that cases of certain sort have been found on other grounds to be properly decided in a certain way.

- The point for having such rules is expediency: similar cases recur.
- Decisions on particular cases are logically prior to rules. Many cases can exist that are not covered by rules.
- Rules are aids and guides; a society of perfect deliberators would not need them.
- We arrive at rules by weighing simplicity against accuracy.

Practice Conception of Rules: rules define a practice. Practices are set up because we need to collaborate.

- The rules are prior to particular cases.
- An individual person does not have the authority to decide whether to follow the rules in a particular case.
- Rules are not decision-procedures.
- They are not statistical.

The summary conception misses the distinction between justifying a practice and justifying actions. Rules are mere decision-procedures.

On the practice conception, one’s actions are settled by the rules. When we start to examine the rules, we shift perspectives from judge to legislator.

Principle of Fairness

An alternative account of how the existence of a practice of promising can ground the wrongness of breaking a promise is offered by Rawls in his Justice as Fairness.

According to Rawls, the principle that you should keep your promises is a principle we would accept in the Original Position because it facilitates cooperation. But if you have voluntarily helped yourself to the benefits of a just social practice, then you are obligated to do your part in turn as the rules of that practice specify.

Someone making a promise helps himself to the good the practice provides, namely, the ability to make stable agreements. He is hence obligated to comply with the rules of the practice and follow through on his promises.

Question: Does this correctly identify the intuitive wrong in breaking a promise?

Scanlon's Criticism

According to Scanlon, this cannot be right:

the wrongness of breaking a promise does not depend on the existence of social institutions rather, it is part of a more general family of moral wrongs which are concerned with what we owe to other people when we have led them to form expectations about our future conduct.

Your stranded on an island. You try to hunt using a spear but your aim is off and it lands across a dangerous river. Then a boomerang lands next to you and a strange person appears, looking for it. It occurs to you that the person can throw you spear back and you throw the boomerang over in return. You get the other person to form the belief that you will return their boomerang, if they return your spear. But when you get your spear back, you walk away, leaving the boomerang where it was.

According to Scanlon you have acted wrongly. But there is no social institution of promises that we can appeal to.

Suppose I need you to help me and I can do this by letting you believe that I will help you return. There are four ways in which I might do this:

1. I convince you that it's in my own interest to help you.
2. I convince you that I'm sentimental and will be motivated to help you, if you help me first.
3. I swear on the Brotherhood of the Reindeer that I will help you, if you help me.
4. I convince you that I'm a Kantian and promise that I will help you.

I have no intention to help you in return.

According to Scanlon, you have committed *the same wrong* in each of the four cases and the same one as in the state of nature case.

Rawls, John (1955). "Two Concepts of Rules," *The Philosophical Review* 64.

Rawls, John (1971). *A Theory of Justice*. Harvard University Press, 344-7.

Scanlon, Thomas (1990). Promises and Practices. *Philosophy and Public Affairs*, Vol. 19, No. 3