

Ryan Othniel Kearns
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Stanford University Dept. of Philosophy
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Promising as a Practice

In “Two Concepts of Rules,” John Rawls distinguishes between justifying a practice and justifying an action falling under a practice. The same distinction delineates two concepts of rules, which Rawls calls the Practice and the Summary Conceptions. He argues that the Practice Conception provides better utilitarian justification for institutions like promising. However, the Practice Conception presents difficulties when the institution regulating the practice is vaguely defined, as in such cases it is unclear how practices like promising may be reformed.

Rawls’ Summary and Practice Conceptions are two ways to think about rules. They differ in the *subject matter* that they put up for utilitarian considerations. In the Summary Conception, we evaluate and justify individual actions under a practice. In the Practice Conception, we instead justify the *practice* itself as optimific. As we shall see, these differences stem from a deeper logical division to do with the precedence of practices and the actions under them.

In Rawls’ Summary Conception of rules, we apply the utilitarian principle directly to individual actions. Therefore, rules are *collections* of instances where our separate utilitarian judgements concluded similarly. We form them after sufficient instances have piled up, as a mental shortcut or a guide. These rules therefore must be formed *after* the piling up of separate instances. Also, we reserve the right to continue evaluating instances individually, thereby continually reevaluating the rule. Thus, it might make more sense to call Summary Conception rules “maxims” or “rules of thumb” than “rules” in any proper sense.

In the Practice Conception, by contrast, we apply the utilitarian principle to practices rather than individual actions. Practices are established *before* the actions falling under them can

take place. In fact, these actions cannot be described without reference to the practice. You cannot really “steal third” without reference to the practice of baseball. Also, when it comes to evaluating particular actions under the practice, we do not pull out our utilitarian calculators. Instead, we refer to the pre-established rules of the practice for justification.

Disagreement over logical precedence is what sets these two conceptions apart. For the Summary Conception, individual instances are *logically prior to* the practices to which they belong. You cannot have the latter before the former. For the Practice Conception, the reverse is true. You cannot have actions under a practice before the practice itself is defined.

Our justifications for social institutions like promising differ, depending on the conception we adopt. Suppose I have just made a promise to Alice. Maybe I promised to pick her up from the airport. I ask myself, ought I to keep my promise to Alice?

Under the Summary Conception, rules governing promising are maxims we adopt after sufficient promises are made. So, to answer my query, I should pull out my utilitarian calculator and decide whether my promised airport pickup is optimific. This calculation occurs at the instant I decide whether to keep my promise.

Under the practice conception, we consider the *institution* of promising before particular promises. To answer my query, I must refer to the rules of promising. I am not asking whether to keep *this* promise. Rather, I ask whether the rules of the practice compel me to do so.

Rawls argues that explaining the act of promising with the Practice Conception makes it more defensible for utilitarians. Consider our promise to Alice again under the Summary Conception. I keep my promise only when the specific scenario deems it optimific. As Rawls points out, this criterion makes it hard for the utilitarian to uphold any promises at all. There may always be a way to increase utility by breaking the promise. No promise is safe. Utilitarian

arguments about harming the integrity of promising also seem weak by comparison. What if breaking my promise only harms my reputation, but not that of promising? What about promises made on deathbeds, where no one else could learn of their violation? I even think we can go further than Rawls' argument here. A society that understood promises under the Summary Conception would be one where promises *couldn't get off the ground*. Alice, understanding the Summary Conception, knows that my promised airport pickup is worthless. She knows, just as I do, that I will reevaluate my promise at the time of her arrival like all good utilitarians. Should some good reason to break my promise arise, there are only weak utilitarian arguments compelling me to resist. Thus, it is optimific for her to arrange alternate transportation. And just like that, promising fails to be a useful practice.

The Practice Conception offers a better account. Central to promising *as a practice* is the constraint that promisers not reevaluate their promises on general utilitarian grounds. This constraint is part of the *rules* of promising. Rules like these explain how promises help us depend on one another and coordinate actions. They are utilitarian justifications at the level of the practice. On the Practice Conception, promisers refer to the rules of a practice to justify their acts. Turning to the rules, I see my temptations to abandon Alice at the airport are invalid according to the practice, and so the utilitarians are saved.

Despite the Practice Conception's success in our example, there is a difficulty I would like to point out. This difficulty presents in the way that promising, as a practice, is reformed by those engaged with it.

First, in Rawls' Practice Conception of promising the institution governing the practice is vaguely defined. Per Rawls, all practices require institutions responsible for establishing their rules. With practices like penal codes the institutions consist of legislators, judges, and legal

scholars. Even baseball, as a practice, has a well-defined institution in the form of the MLB.

Promising, though, has no good legal or regulatory basis. The “institution” can only fairly consist of *all people engaged in promising*, which is to say, all of us.

Moreover, while only legislators may change the rules of criminal law, there is no such parallel in promising. All of us can take up the “office of the reformer” with equal right (28). Alice, or I, might propose qualifications to the rules, such as new exceptions where one may break a promise. Who is there to reject, accept, or weigh our proposals?

In this setting, reformations to the practice are likely to cause confusion. It seems that we could ignore singular, radical proposals and leave our promising practice as is. Yet social institutions like promising *must* change over time, as technologies and social movements change the way we communicate. Worse, people will *disagree* on how they ought to change.

In time, promisers are likely to disagree on the practices to which their justifications refer. Utilitarian justifications under the Practice Conception are made by reference to the rules of the practice. Yet no one is likely to carry identical “rulebooks” in hand. How can we know that the promising practices we all speak of are the same? This objection does not strike at the soundness of Rawls’ argument for the Practice Conception. Yet, I think, it questions on practical grounds how such a theory might live and breathe in the real world.

This paper explained John Rawls’ Summary and Practice Conceptions of rules and their logical differences. We also covered Rawls’ argument for the Practice Conception as the proper theory of promising for utilitarians. Finally, we handled an objection to the Practice Conception for promises. This objection does not refute the Practice Conception. Instead, it may give us pause for how to apply Rawls’ theory to real-world promises.