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Promising as a Practice - Draft 1

John Rawls' Summary and Practice Conceptions are two ways to think about rules. In "Two Concepts of Rules," Rawls argues that the Practice Conception provides a better defense to some common objections to utilitarianism. I will explain Rawls' argument for the act of promising. We can see that utilitarian arguments can better justify the promising practice than they can individual promises. However, the Practice Conception presents practical difficulties for promising. Rawls' picture of promising as a practice implies an immense cognitive effort in making promises that seems unrealistic. I will explain how Rawls' core theory evades this issue.

Rawls' Summary and Practice conceptions are two ways to think about societal rules. They differ in the subject matter they offer up to utilitarian considerations. The summary conception of rules requires justification for individual actions prior to the practices describing them. The practice conception meanwhile requires justification of the *practice* before actions falling under it. As we shall see, these differences stem from a deeper logical division: the conceptions disagree on the precedence of promising versus the actions comprising them.

In Rawls' Summary Conception of rules, we apply the utilitarian principle directly to individual actions. Each action is evaluated as to whether it is justifiable. Rules, therefore, are *collections* of similar instances. According to Rawls, we organize actions into collections like this for reasons of expediency. No one can follow the utilitarian calculus flawlessly, so rules act

as effort-saving guides. It is improper to call such collections actual rules – “maxims” or “rules of thumb” may be better descriptions.

In the Practice Conception, by contrast, we apply the utilitarian principle to practices rather than individual actions. Here, practices are set up before we take actions characterized under those practices. When it comes to justifying an action, we turn to the rules of the practice it falls under. We then consider whether those *rules* are justifiable on utilitarian grounds.

The logical priority of practices versus the actions falling under them sets these two conceptions apart. For the Summary Conception, actions come first. You must quantify past actions in order to form a corresponding practice. In other words, practices do not exist without these actions; they are logically posterior. For the Practice Conception, practices come first. In this view, there is no way to explain individual actions except by reference to the practices containing them. You cannot “steal third” without reference to the practice of baseball.

As we can expect, our justifications for social institutions like promising differ under these two conceptions. This difference has to do with the differing subject matter. The Summary Conception requires us to justify individual promising acts. The Practice Conception instead requires a justification of the *institution* of promising.

Under the summary conception, promising is a maxim we adopt after a sufficient number of instances. In each individual case, according to Rawls, we reason like this: I have just made a promise to my friend *X*. Ought I to keep my promise to *X*? Answering requires that I evaluate whether keeping my promise is optimific.

Under the practice conception, we consider the institution of promising before particular promises. When pressed as to whether to keep my promise to *X*, I do not justify *this* promise. I instead search for a utilitarian justification for the promising *practice*.

Choosing the practice conception to explain promising offers a better defense of utilitarianism. Suppose I understand promising under the Summary Conception. I am considering whether to follow through for my friend *X*. The Summary Conception tells me to evaluate my choice using utilitarian grounds. The promise was something minor – say, picking *X* up from the airport – and I happen to have substantial utility to gain by breaking it. Maybe the latest Nike shoes are on sale and I can grab an early spot in line. It is unclear how promising could *get off the ground* if everyone thought this way. Following the Summary Conception herself, *X* would understand my intentions. It would be clear to *X* that I will evaluate my promised airport pickup at that instant. I may very well (justifiably!) choose to break the promise. Thus, my promise to *X* actually means little. What remains in its stead might best not be called “promising.” If we instead adopt the Practice Conception, our understanding of promising will be very different. As we wish to justify the practice on utilitarian grounds, we must clearly enforce that promisers not be allowed to reevaluate their promises after making them. To do so would render promising useless and therefore not optimific. Reasoning under the Practice Conception, I begrudgingly follow through in picking *X* up from the airport. Critics of utilitarianism are better assuaged by this result as well. However, this conception of promising is not without its drawbacks.

The Practice Conception can paint promising in an unrealistic light. It commits us to a view of the act as cognitively burdensome. However many of us, including young children, seem able to promise and keep promises without adopting such a burden. Thus, viewing promising in this Rawlsian way incurs unnecessary commitments we would be better to avoid.

Central to the Practice Conception is the idea that some *institution* ratifies the rules of the practice. Unlike punishment, with promising it is unclear who this institution consists of. The rules for the punishment practice, in a just society, would be found spelled out in the law. Legal

scholars, judges, and legislators are complicit in setting the rules for punishment. Yet promising mostly does not fall under legal jurisdiction. Thus the “offices” of the institution that Rawls speaks of are more open-ended. Virtually everyone can hold the office of a promiser or a promisee. More critically, everyone plays a direct part in writing the rules and upholding the institution of promising. There is no “Promising League” serving as the ultimate arbiter of this practice.

With the institution so inclusive, it is hard to see how the practice of promising evolves. What I mean is this: Rawls permits exceptions to rules of practices, like “always keep your promises,” as “qualifications or further specifications of the rule” (27). Anyone can step into what Rawls calls the “office of a reformer” at any time to challenge a particular exception to promise-keeping (28). It is impossible to expect everyone to agree on which exceptions are valid. Thus, it seems awkward to justify an instance of promising by reference to the rules of the practice when no two participants share the same “copy” of the rules. Note that this problem arises because everyday promisers also belong to the institution upholding the practice. There are no real boundaries between offices in the promising practice, the way there are in Major League Baseball or in state-sanctioned punishment.

Even if all exceptions characterizing the promising practice *were* knowable, one would have to keep all exceptions to promising in mind when engaging in the practice. The result would be a practice with extreme cognitive demands. If we ever utter “I promise” there is a reasonable likelihood that we are wrong. This result feels incorrect.

Rawls might reply to the above objection like this: knowledge of every exception is not necessary for engaging in the promising practice. We can, in fact, make it characteristic of the practice that some ambiguity is allowed. The central thesis of promising as a practice is the

conviction that promisers not reevaluate their individual promises on utilitarian grounds. The actual extreme exceptions we draw up are not so important, provided they are intelligible. A practice with unintelligible rules would also not be justifiable on utilitarian grounds.

In this paper I presented the Summary and Practice Conceptions of rules from John Rawls' 1955 paper. I explained how the Practice Conception, applied to promising, can provide a stronger defense to common objections to utilitarian thinking. I concluded with a potential worry we might have for the practice of promising, namely that updates to the practice are difficult to grasp when every participant belongs to the rule-setting institution. Following this objection Rawls' theory remains theoretically sound. However, we might understand the objection as presenting practical difficulties to applying Rawls' ideas to real-world promising.