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REPLY TO COMMENTATORS

I am very grateful to the four commentators for their thoughtful engagement with my recent book (hereafter *Shaping*). Several of them offer sympathetic, accurate and elegant expositions of *Shaping*. My reply will focus on their objections and concerns, many of which move the discussion forward in significant ways. Limitations of space prevent me considering all the points they raise and I hope they’ll forgive me for concentrating on those I feel I can respond to most effectively.

Daniel Markovits

Shaping makes two claims:

The *Evaluative Claim*: Among the basic human goods are normative goods, goods like rights and obligations.

The *Explanatory Claim*: The fact that obligations (etc.) are basic human goods explains the normative force of a promise and more particularly explains how a promise makes sense of its own fulfillment.¹

As I read it, Markovits endorses two parallel claims but, at least according to one reading of what he says, it is the value of recognition rather than the value of obligation that does the explanatory work. The (potential) difference between these values will become clearer as we proceed. To introduce the value of recognition, let’s start with something other than promising.

¹ In *Shaping* I did not differentiate normative interests that might explain the validity of the norms they take as their object from normative interests that presuppose the validity of the relevant norms and so cannot explain them. Markovits’s commentary made the need for this distinction clear to me.

Suppose the citizens of a modern society ought to have a certain level of education. Then it might be that we are all obliged to pay our taxes so that our fellow citizens can be educated. Here the explanation for this political obligation lies (I shall assume) in our fellow citizen's need for education, in our ability to meet that need, in the fact that we are part of the same system of social co-operation etc. I'm not at this point supposing that our being under an obligation to pay educational taxes has, in itself, any value. Rather the binding force of the obligation derives from the value of the education that obligation mandates and from other non-normative facts and values.

The story so far portrays obligation as (to borrow Markovits' nice phrase) a mere 'technology to promote non-normative interests' (??). However, this need not be the end of matter. Suppose it is also true that the conscientious payment of one's educational tax constitutes a display of respect for one's fellow citizens.

'Conscientious' is crucial: no respect is shown by people who pay their taxes from fear of imprisonment but equally lacking in the relevant respect are those who pay their taxes out of mere fellow feeling rather from a sense that they owe this to other citizens as a debt of justice. There is, we may hypothesize, a value in paying your education tax because you think you owe it to some person or group *S* to pay, a value above and beyond the value of the education thereby provided. Call this the *value of recognizing S*.

In Markovits' view, the value of recognition is a basic value in that such recognition isn't valuable merely as a technique for promoting other values. Furthermore the value of recognition is a normative value in that it can be realized only once the obligation to pay one's taxes has been imposed, only once we are living 'with others, subject to shared, public norms' (??). One has no obligation to pay one's taxes until the system of taxation has been established: the system creates the obligation. So what attitude should we, as members of this community, have to the community's constitutive norms? These obligations make it possible for us to realize the value of recognition by conscientiously fulfilling the relevant obligations: obligation is a conceptual element in

recognition and so a component of the value of recognition.² So shouldn't we value these obligations for their own sake and not just as a way of ensuring that the educational needs of our fellow citizens are met?

We can bring out the point by elaborating the story. Suppose these educational needs could be met more efficiently in some other fashion, without the imposition of the tax (e.g. from the proceeds of a national lottery participation in which was purely voluntary). Perhaps this is, all things considered, the better way to go. Still something might be lost in the process, namely an important opportunity for citizens to recognise their fellow citizens, to act in a respectful way towards them. The creation of the obligation to pay a tax doesn't just give some citizens the education they need; it gives other citizens the chance to act from an especially valuable motive.

As told so far, the value of recognition is no part of the story of *why* citizens are obliged to pay an education tax. Recognition is a normative value but it is not required to explain the bindingness of the relevant obligations. Thus the *Evaluative Claim* is vindicated but not the *Explanatory Claim*.³ This could change. Perhaps we decline to set up a lottery when the opportunity arises and continue to impose the shared obligation to pay the education tax precisely because we wish to ensure that people have the chance to display their respect for their fellow citizens. Now both normative and non-normative interests are needed to account for the normative situation, though even here the whole process of norm-generation gets going only because there is a non-normative interest at stake, namely the citizen's interest in education.

² I'm assuming that the value of recognition depends on the genuineness of the relevant obligation.

³ Suppose I have an interest in not being murdered (i.e. wrongfully killed) which is not just an interest in staying alive: my life goes worse if I am bludgeoned to death than it does if I am hit by a falling tree. Here I have an interest whose object is normative, namely an interest in avoiding *wrongful* killing. But this normative interest does not explain why some killings are wrongful. Rather it presupposes that this is so. The same is true of an interest in fairness. My life may go worse if I receive an unfair share of the proceeds of some joint enterprise but that fact does nothing to explain why the share I receive counts as unfair. In *Shaping* I am concerned with normative interests that help to ground the authority of the norms in which one has an interest.

Back to promising. Suppose I have made you a promise. What attitude should you and I take towards the obligation thereby established? One might reason as follows: the presence of this obligation gives the promisor an opportunity to display their respect for the promisee by fulfilling an obligation that is owed to the promisee. Suppose it is good for the promisee to be given such recognition and good for the promisor to provide it. Since none of this would be possible without the making of the promise, both parties should be pleased that the promisor is bound to the promisee by their promise. Both parties have a normative interest in the promise.

Markovits entertains a similar thought:

it is appropriate and indeed natural for a promisor to make a promise to an adult promisee precisely in order to transfer authority over the promised performance from himself over to her. In doing so, he at a stroke recognizes her moral personality, in a manner that forms a bond between him and her that he might value for its own sake (??)

Though this all be true, we have yet to establish that the value of recognition can be the ground of promissory obligation. In our educational example, there was an obvious non-normative value grounding our obligation to pay a tax. But as Markovits allows, the 'analytically core cases' (??) of breach of promise are cases of bare wronging. Such breaches threaten no non-normative interest. This is why I argue (and Markovits agrees) that we should invoke a normative value in order to ground the promise. At this point I appeal to the value of the promissory obligation itself (a value based on what I call an *authority interest* of the promisee's) whilst Markovits cites the value of recognition.

Markovits grounds the binding force of the promise in a combination of (a) the promisee's interest in recognition (b) the promisor's interest in recognizing the promisee. The question for Markovits is this: are these normative interests acted against whenever a binding promise is breached? If the interests in question are purely normative interests in recognizing or being recognized by the bestowal of

a promise, the answer must be no, for you've got that recognition in the form of a binding promise regardless of whether the promise is kept. An interest in a binding obligation is not acted against simply by breach of that obligation. On this reading, Markovits' account is very close to my own.⁴

But I have been taking the 'value of recognition' to include the value of a conscientious performance. When Markovits says that a promise makes 'performance the natural way of respecting its obligation' (??) he presumably intends more than the tautology that performance fulfills the promise. Furthermore, as we'll see, Markovits criticizes my appeal to an authority interest as inadequate on the grounds that it can't explain the special significance of performance. By reading 'recognition' in this way, one might offer to explain why breach of promise wrongs the promisee even when it constitutes a bare wronging, because the breach is an action against the promisee's interest in recognition. Unfortunately our *Explanatory Claim* can't be vindicated in this way. The interest in recognition makes no sense of a reluctance to commit a bare wronging precisely because it presupposes the existence of a binding obligation. Where breach of promise would be a bare wronging, it is hard to see how there could be a binding promissory obligation to start off with and so hard to see how an interest in the possibility of conscientious and respectful agency could get a grip.

To illustrate my worry, consider Markovits' example of the promise made to his daughter. There are at least two ways of reading this example neither of which will serve his purpose. On the one hand, it could be that either Markovits or his daughter (or both) have a non-normative interest in the daughter's having control over where the family eats. Perhaps, in order to cultivate her deliberative capacities, it matters that it be his daughter's choice that determines where the family eats at even though, as she herself knows, Markovits is better placed to decide. Perhaps it is also in Markovits' own interest not to assert control over

⁴ Markovits emphasizes the promisor's interest rather than the promisee's. I too acknowledge that the promisor has an interest in serving the promisee's authority interest, though the latter interest is primary.

this matter so that he is free to think about other things. Suppose their respective control interests can indeed explain why the members of the family end up with their various rights and obligations. Then we no longer have an example where breach of promise would be a bare wronging, for it would involve action against these (non-normative) control interests.

On another reading of the daughter example, what really matters is that Markovits should 'respect her moral personality' or 'recognise her moral status' by fulfilling (or being prepared to fulfill) whatever obligations he has towards her. But even if such recognition matters for its own sake to his daughter, it cannot be the fundamental ground for the promissory (or other) bonds between them because a general willingness to fulfill obligations gets no grip until we have settled what Markovits owes his daughter. To conclude, the interest in recognition (understood as an interest in conscientious performance) cannot explain why Markovits is obliged to avoid a bare wronging of his daughter.

My own response to the problem of bare wronging is to postulate an interest in the obligation itself (or an (authority) interest in control over such obligations) that is precisely *not* an interest in the obligation's fulfillment, conscientious or otherwise. Thus I deny that the normative interest which grounds the wrongfulness of breach of promise is an interest that is acted against by breach. This, I suspect, is what gives rise to Markovits' complaint that 'promises, on Owens' view, do not exert any practical pressure specifically towards performance. But in our moral experience, they do just this' (??).

On a literal construal of *Shaping*, this objection would be rather uncharitable. In my view, a binding promise (i) makes sense of the promisor's performance (ii) makes sense of the promisor's excluding all sorts of reasons which count against performance from their deliberations about whether to perform (iii) makes it apt to blame the promisor should they fail to perform or exclude. The combination of (i), (ii) and (iii) surely constitutes 'practical pressure towards performance'. So what does Markovits have in mind? Elaborating his objection, Markovits asks why, on my account, the jilted promisee should not have got the value of the

promise provided the promisee gets to blame the promisor for breach, or third parties offer some ritual obeisance in acknowledgement of the wrong he has suffered, or some such thing. Why, on my account, should any special value be placed by the promisee on the actual (conscientious) performance of the promise?

It is true that many (though not all) promisees seek a promise simply because they want an assurance of performance but even in their case a promise provides such an assurance in a special way, namely by giving the promisee authority over the promisor. An essential aspect of the promise is the promisee's power to *release* the promisor from their obligation i.e. to control whether the promisor is obliged to perform. Were the primary interest behind the promise (i.e. the interest which explains its normative force) an interest in conscientious performance, it would be hard to see why this power of release should be essential to the promise. And this fact is equally hard to explain on the assumption that the primary interest behind the promise is an interest in controlling whether the promisor performs; after all releasing someone from an obligation to perform leaves them free to perform or not as they please. Because the power of release *is* essential to a valid promise, to explain the normative character of a promise we must suppose that the primary interest served by the promise is an interest in control over the *obligation* to perform rather than an interest in performance itself.⁵

If I'm right, the notion that the promisor's obligation can have value for the promisee is no desperate expedient introduced to cope with bare wrongings; rather it is part of our 'moral experience' of a promise as a source of authority. This brings us finally to Markovits' question: "Might Owens's authority interest be adequately promoted by a practice in which 'promisors' give, by accepted declaration, 'promisees' the authority to make acts wrong but do not commit themselves to do or to refrain from any acts?" (??). Indeed it might. Someone who says 'I'll come to your party' and someone who says 'I'll come to your party

⁵ The authority interest is needed to explain various other aspects of the normative character of a promise. See Part 3 of *Shaping*.

if you ask' could equally be described as 'promising to come to my party'. I see no great difference here beyond the setting of a default.

Jorah Dannenberg

Promissory obligation has attracted the attention of philosophers in part because it puts pressure on standard accounts of what it is to do something intentionally. Many think that I can intentionally ϕ only when I see something desirable about ϕ -ing and just as many doubt that we can make ϕ -ing desirable simply by declaring ϕ -ing to be desirable. But one can undertake a promissory obligation to ϕ simply by declaring that this is what one is doing. So how can we intentionally ϕ simply because we promised to ϕ ?

Responses to this dilemma have taken two forms: call them the 'High Road' and the 'Low Road'. For those who take the High Road there must be some value simply in keeping a promise, in being 'a man of your word', otherwise one couldn't intentionally do something simply because one promised to do it. In this context Dannenberg alludes to notions of honor and personal integrity but refrains from developing these interesting suggestions any further. Those who take the Low Road accept that we often keep promises regardless of whether there is any value in keeping them. They regard our disposition to keep promises in these cases as something like a socially valuable reflex, a reflex whose possession and general operation has desirable consequences, even though some of its individual manifestations do not. But if keeping a promise is an automatic routine, how can it be a case of intentional agency, how can it be praiseworthy or virtuous, any more than a tendency to breathe after being starved of air?

In *Shaping* I seek a middle way between the Low Road and the High Road. I concede to the advocates of the High Road (a) that there is some connection between promise keeping and value and (b) that the agent must be sensitive to that connection for the agent's keeping of a particular promise to be an intentional and (potentially) a virtuous act. On the other hand, I concede to the

advocates of the Low Road that, in any particular case, an agent may keep a promise even though there neither is nor appears to be any value in so doing. The idea here is that habits (like that of keeping promises) may be valuable for their own sake and not just in virtue of the value of their manifestations. Provided that an agent is sensitive to the value of the habit they manifest, their manifestation of it may be intentional even though there is nothing to be said for manifesting the habit on this occasion. I further propose that virtues like fidelity are habits of choice, habits valuable for their own sake. Thus promise keeping can be the manifestation of a virtue even where there is no value in keeping the particular promise at issue.

These assertions will raise many doubts, some of which I address in Section 15 of *Shaping*. Dannenberg notes my discussion of habit but does not engage with its details, rather he paints me as a firm advocate of the Low Road. As he correctly notes I claim that fully conscientious promise keeping is often a case of habitual agency and that habitual agency excludes deliberation.⁶ Dannenberg further assumes that once deliberation is ruled out, automatic routine is all that is left to us. This is an assumption I do not share. Crucial to my discussion of habit is a distinction between *deliberation* which habit excludes and *choice* or *decision* that are not excluded by habit.

Thinking about what to do can take more than one form. First there is deliberation about what to do. In deliberation you weigh up the pros and cons in making a judgement about what you *ought* to do and then you act on that judgement. Deliberation so understood is indeed inconsistent with acting (purely) from habit. But there are ways of deciding what *to do* that involve no deliberation about what you *ought to do* and are perfectly consistent with acting from habit. Since my views on habit will be controversial, I'm going to illustrate the relevant distinction by reference to the less contentious example of acting on policy. Then I'll return to habit

⁶ I say 'often' because any promise excludes only a certain range of factors favouring breach from one's thinking about whether to keep the promise. If other non-excluded factors are relevant then a conscientious promisor may deliberate about whether to keep the promise in the light of them.

I have a policy of going for a run every morning. No doubt I adopted this policy through deliberation about its merits yet the whole point of adopting a policy of running every morning is to avoid reconsidering the merits of running every morning: I run simply because I have resolved to run. But it doesn't follow from this that I never *think* about whether to run on a particular morning, even when I run simply because I have a policy of running. Suppose I open the door to find light rainfall. This situation calls for a decision, a choice about whether to run this morning. It would be strange if I ploughed out the door as if nothing were happening. But practical thought here need not and likely should not take the form of deliberation about the merits of running. The minute I start weighing the merits of the run against the costs of getting wet, I've incurred the costs of deliberation, I'm vulnerable to the usual temptations and the value of being resolved to run is lost to me. What I can do instead is to get myself to run this morning by reminding myself of my policy, by bringing the running resolution to mind. This is *choice without deliberation*.

As discussed in Section 15, the case of habitual action is crucially different from the case of action on policy, but our brief consideration of policy already gives us the materials needed to respond to Dannenberg's criticism of my account of habitual and conscientious agency. Dannenberg maintains that a situation in which there are significant costs and no obvious benefit to keeping a promise is a situation in which any sensible promisor will feel the need to *make a choice* about whether to keep their promise. I agree but one can make a choice by calling to mind a resolution, an obligation, a personal custom, a social tradition and several other things, without addressing the value of the particular action being contemplated i.e. without deliberating.

Dannenberg implies that on my view, promise keeping cannot be a virtue and furthermore that the conscientious promise keeper cannot be taking his promises seriously if he keeps them (or does not keep them) without deliberation. Again one need not rely on controversial claims about habit and obligation to show that this does not follow. When I get myself to appear at the

hospital for the life saving operation that I fear simply by reminding myself of my decision to have it, am I failing to take the issue as to what to do seriously? Why shouldn't it be a virtue to adhere to my resolution in this way without re-opening the whole issue? The weightier the topic of the resolution the more important it may be to stick with this resolution and thereby avoid the high costs of deliberation, the increased dangers of temptation etc. The same applies when I get myself to fulfill an important promise simply by reminding myself of my obligation to keep the promise and without deliberating the merits of keeping it.

Early on in his commentary, Dannenberg says that my assumption that certain breaches of promise constitute bare wrongings begs 'important questions, about which of the sorts of things that can happen to a person should be regarded as harms, or about what her genuine interests are' (??). He suggests that, for example, manipulating a person might be a way of harming them even though manipulation harms them in no other way. Now manipulation is not at issue in many of the examples of bare wronging that I consider (e.g. where both parties know that the promisee has an open mind about whether the promisor will perform). Nevertheless Dannenberg's wider point is worth considering.

I was taking 'harming X' to mean something along the lines of 'making X worse off' (as a storm might make X worse off by demolishing their house). We can test for harm so understood by asking whether one should feel sorry for X, whether one should feel relieved at not being in X's place and so forth. These questions can very often⁷ be addressed *prior* to our resolving the issue of whether the harming wrongs X: after all, you can cause someone to be worse off without wronging them.

Now consider Max Brod's publication of Kafka's manuscripts in breach of a solemn death-bed promise. This act of infidelity gave Kafka's work to the world and made him famous. Should we feel sorry for Kafka that this happened to him?

⁷ I say 'very often' rather than 'always' because being wronged can itself be a harm in addition to the harm which grounds the wrong. We may feel more sorry for you because your house was demolished by the government rather than by a storm. See note 3 above.

Should we feel a little relieved not to be in his place? I find it hard to see why anyone should think so *unless* they suppose that there is a harm to Kafka here that consists purely in Kafka's being wronged. But if such 'purely moral' harms exist, they cannot *ground* the very wrong which constitutes them. For similar reasons, a 'harm of manipulation' is not the kind of harm that might ground the wrong of breach of promise, for I doubt we can settle the question as to whether X manipulated Y (in a sense that might ground a bare wronging of Y) without at the same time settling the question as to whether X wronged Y.

Towards the end of his commentary, Dannenberg claims that I am not even trying to explain what needs to be explained about promissory obligation. He remarks:

'the fundamental task is not merely figuring out how what we do when we make and keep promises *makes sense*, but rather something considerably more robust: namely, each try to deliver an account that will reveal how the act of giving and keeping one's word could *matter so much*, in the particular way that it invariably seems to.' (??)

I find Dannenberg's thought here elusive. Statements like 'some promises matter more than others' and 'some promises don't matter very much' are surely true on some construal.⁸ Is Dannenberg meaning to deny this? If not, how should we understand the idea that promises 'invariably matter so much'? Perhaps Dannenberg's thought is instead that the *practice* of promising matters greatly and that this is what *Shaping* cannot explain. *Shaping* argues that the normative force of that practice derives from our interest in controlling obligation but Dannenberg may hold that we can have no serious interest in obligation *as such*, in controlling who is obliged to do what. Rather obligations (and control over them) matter to us only because and insofar as something else matters to us. Therefore *Shaping* cannot explain why promising matters in human life to the degree that it undoubtedly does.

⁸ I try to elucidate such statements in Chapters 3 and 9 of *Shaping* by employing the notion of a zone of exclusion.

In fact Dannenberg does not raise the worry in this stark form. *Shaping* is a sustained argument for the proposition that we do have a serious interest in obligation as such. I doubt one can prove this directly (how would you prove that human beings have a serious interest in knowledge or pleasure *as such*?). Rather my argument proceeds by examining a series of familiar goods and social practices widely agreed to be valuable. I attempt to demonstrate that their agreed importance cannot be understood except on the hypothesis that obligation is rightly valued for its own sake. Assessing that inference would involve considering a similarly wide range of phenomena (well beyond promise) and of alternative hypotheses as to what makes them all valuable in the way that they are. I see no reason to exclude at the outset the idea that normative interests are among our more significant interests.

Christopher Bennett

My last observation leads us onto the methodological issues raised by Bennett (and by Markovits also). What follows is tentative in two respects. First, I may have missed just what is worrying Bennett and Markovits. For brevity's sake, I'll simply state a line of thought suggested to me by what they both say and hope that it bears some relation to what they each intended. Second, my response to that line of thought is itself provisional. As I understand them, their remarks raise deep issues in normative theory and my reaction represents what I am presently inclined to think, not a settled view.

As just noted, in *Shaping* I sought to establish the existence of normative interests by arguing that their postulation is the best way of making sense of our social practices and of our views about what is valuable in human life. Call this the *inductive method*. For example, Part 3 of *Shaping* was largely devoted to demonstrating that one influential philosophical theory of promising, namely the expectations theory, should be rejected because it does not fit our practices. Bennett (??) and Markovits (??) agree that I establish this negative result and so that my inductive method has some purchase. Nevertheless they both maintain

that my argumentative ambitions are too limited and the inductive method inadequate. Bennett claims that my approach can only ever establish that we *think* we have normative interests, not that we actually do. Markovits asserts that I am engaged in a 'transcendental argument' for normative interests when what is needed is 'a more direct and persistent approach at fundamental questions of value.' (??) A better effort would go beyond mere interpretation of our practices to demonstrate how these normative phenomena 'contribute to the conditions of our flourishing overall' (??).

It is worth noting that in *Shaping* I didn't just make a case for normative interests by means of the inductive method. I also addressed certain general questions in moral psychology, questions bearing directly on what I earlier called the *Explanatory Claim*. In particular, I constructed a model of habitual agency (that sketched in my reply to Dannenberg) that sets aside the rationalist assumptions which inform so much theorizing about human agency. At this point I *was* asking whether normative interests are capable of explaining our practices and not just whether they happen to fit them.

We shouldn't expect either Bennett or Markovits to be satisfied by this reminder. I suspect they are after something else, namely a unified theory of human good, one that can explain why human beings have just the basic interests that we do and why those basic interests include normative interests. Such a theory need not reduce all goods to some one good (like hedonism). For example it might ground a plurality of basic human interests in a metaphysics of the subject, in a theory of what it is to be a human person. But, however conducted, such a project would seek to represent our basic interests as a set of mutually embedded concerns rather than a series of unrelated needs. Now I see no reason to assume that it *must* be possible to realise these theoretical ambitions. Nothing in the inductive method *precludes* the construction of a unified theory of human good should the phenomena suggest it. But it is unwise to approach human life armed with the assumption that our aesthetic needs, the values served by competitive sports and our intellectual interests (to select some examples at random) all flow from common source. We are well advised to employ a method

of inquiry that will work whether or not our basic interests are integrated with or embedded in one another to the desired degree.

The other main focus of Bennett's commentary is on my account of forgiveness. Bennett agrees with me that the wronged party has some control over the normative situation created by the wronging, a control the wronged party exercises by deciding whether or not to forgive the wrong done to them but Bennett thinks that I mistake the precise aspect of the normative situation controlled by forgiveness. In my view, by forgiving the offender the victim renders inapt continued blame and guilt for the wrong (including bystander blame). Once *I* forgive the person who broke up my marriage, they have been forgiven *tout court*. We all continue to think that they wronged me (and some of us may keep our distance from them) but to feel the kind of indignation at what they did which blame involves would no longer be appropriate.

Bennett asserts that it is the wrongdoer's obligation to apologize that is removed once the wrong is forgiven rather than our ability to blame them for what they did.⁹ One might try to settle this dispute by scrutinizing paradigmatic examples of successful forgiveness but Bennett instead raises a more theoretical worry: given that blame is 'a condemnatory reaction to wrongful actions committed by responsible agents it would appear strange for the victim at her discretion to be able to determine the extent to which acts can merit blame.' (??) I wonder why the obligation to apologize should be any more amenable to the will of the wronged party than the aptness of blame. Prior to forgiveness, bystanders can rightly demand that I apologize to my victim. Why should the victim 'at her discretion' be able to render such demands out of order? More precisely, why is the capacity to forgive so understood any more intelligible than a capacity in the wronged party to render it inapt for bystanders to blame the wrongdoer?

Towards the end of his commentary, Bennett wonders whether the apparatus of

⁹ As Bennett notes, the wronged party can forgive the wrong only if the wrong is a wrong against them alone. On p. 56 of *Shaping* I use an example that I now realize is rather unsuited to my purpose. Rape is almost everywhere a public crime and even if the victim privately forgives the rapist, they are in no position to forgive the rapist's violation of the criminal law, so the rest of us are still able to blame the forgiven rapist.

normative interests might help to explain forgiveness as he understands it. Mightn't we also look to it for an explanation of our capacity to render future blame and guilt inapt?

A full treatment of these questions must await a more detailed account of blame and apology. Here is one consideration that may be relevant. In *Shaping*, I formulate and reject what I call the 'pardon' model of forgiveness, according to which the wronged party can render continued blame and guilt inapt by declaration (pp. 52-3). I argue that much more is required for successful forgiveness than the mere exercise of a normative power. Nevertheless it *may* be plausible to suppose that the wronged party can abolish the wrongdoer's obligation to apologize simply by declaration and without the complex attitudinal changes that (I argue) are involved in the process of forgiveness.¹⁰ So the apology-obligation could be removed 'at the victim's discretion' in this rather strong sense and the difference between blame and apology would be clear. But, it should be noted, I do not believe that the aptness of blame is subject to the victim's 'discretion' in *that* sense.

Stan Husi

Stan Husi worries that one can't explain why it is the case that breach of promise is wrong simply by supposing that it is in our interests for breach of promise to be wrong. I agree that a further element is needed, namely convention. For breach of promise to be wrong around here it must be the case that the wrongness of breach of promise is actually recognized around here. But Husi remains concerned that the resulting obligations would not be 'robust', that they are merely social obligations (??). Now what is a 'mere social obligation'? Let's review some possibilities.

First, there are social rules that serve no interest, normative or otherwise (e.g. the rules of vendetta perhaps). Vendettas may be taken very seriously by us but

¹⁰ If they can do this then (as Collin O'Neil pointed out to me) it can be done for various reasons e.g. because they are so angry with you that they wouldn't accept your apology anyway.

it doesn't follow that anyone has an obligation to pursue the family vendetta. This is a 'merely social obligation' i.e. something that is not a genuine obligation, which lacks any normative force because it serves no interest. It is not the sort of obligation I had in mind.

Second, there are conventional obligations that do serve some interest, for example the obligation to accept legal tender. No one has the obligation to accept certain worthless bits of paper in return for valuable goods and services until this obligation is generally recognised. Once the obligation is generally recognized and given that conformity to the relevant rule serves a valuable social goal (facilitating economic activity) don't we have a genuine obligation to obey the rule and accept the tender (rather than insist on payment in kind)? Aren't we *obliged* to accept legal tender in just the same sense that we are *obliged* not to hit other people over the head? The latter obligation may not presuppose any convention (and may be more stringent) but that does not make it any more genuine *qua* obligation.

Husi sees a difficulty. From the fact that it would be very useful if people could be required to do certain things, we can't infer that it would make any sense for them to fulfill that 'obligation', that the purported obligation could guide the behaviour of a rational being. To borrow an analogy from *Shaping*, it might be very helpful could I bind myself to do something in the future by taking a resolve pill that prevents me changing my mind (p. 149). Such a pill would be a wonderfully useful device of social co-ordination, providing others with a guarantee that my resolve won't weaken but it would also make little sense for me to actually do some of the things that the pill ensures that I will do. For all I have said, promissory obligation might be like that: very useful, socially recognized (and so efficacious) but not a way of motivating rational agency. We are back on the Low Road.

As Husi implies, compliance with the conventional obligation to accept legal tender will make perfect sense when there is non-conventional normative element in the background, something along the lines of Rawls' *Principle of*

Fairness, a principle requiring us all to facilitate the workings of socially valuable institutions from which we benefit. Though Rawls' *Principle* does not come into operation until conventional institutions like money have actually been established, the *Principle* is not itself a convention: our obligation to support socially valuable institutions is one we have regardless of convention. But (*pace* Rawls) his *Principle* cannot help us with promising in particular. When I refuse to accept legal tender, the primary wrong is against all those who conscientiously support our monetary institutions. Should I also inconvenience some particular individual, I thereby wrong him only because by refusing to accept legal tender I am wronging everyone.¹¹ By contrast when I breach a promise the primary wrong is against the promisee in particular. So what to do?

To move forward, we need an idea I mentioned in my reply to Dannenberg, namely that habitual action makes sense even when there is nothing to be said for manifesting the habit in this instance, provided the habit is valuable for its own sake. We are back on the Low Road only if we suppose that this habit has a purely instrumental value, a value located in the effects of the (widespread) possession of the habit. Such instrumental value can make no sense of action on the habit in an instance where manifestation of the habit has no good effects.¹² But if the habit is a virtue, if it is valuable for its own sake, the value of the habit can make sense of its manifestations even in these cases.

Subscribing to a convention from habit makes sense even when there is nothing to be said in this instance for subscribing to the convention, provided the convention (and thus the habit of subscribing to it) are valuable for their own sake. We don't require a further principle invoking a pre-conventional value (like fairness) to bind us to the convention: the value of the convention itself will do the job, at least once the convention has been adopted. And the convention of promise keeping is indeed valuable for its own sake so long as it serves a (non-instrumental) normative interest of ours, namely an interest in the existence of a form of obligation that is under the control of our declarations. With all of this

¹¹ See *Shaping* pp. 135-6.

¹² See *Shaping* pp. 79 and 83-4, where I consider the Kavka example mentioned by Husi.

apparatus in place, the conventional requirement to keep one's promises grounds obligations that bind us quite as robustly as the non-conventional obligation not to hit other people over the head.

Let me conclude with an intriguing observation of Husi's:

In many games, we have an interest in being subjected to a variety of rules In chess, for instance, I am not permitted to castle after I have moved the king. The point of playing games is often bound up with our ability to incur game-related obligations (??)

In *Shaping*, there is no discussion of games, competitive sport and so forth though they are key components of human social life. Husi is right to suggest that games etc. offer an inviting new field of application for the notion of a normative interest.¹³

¹³ Many thanks to Felix Koch and Collin O'Neil for helpful comments on an earlier draft of these replies.