

Are all practical reasons based on value?

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According to an attractive and widely held view, all normative practical reasons can be explained in terms of value:

The value-based theory of practical reasons (VBT): For all agents A, and all actions ϕ that A can perform: A has a reason to ϕ if, only if, and because ϕ -ing has value.¹

VBT provides an informative and unified account of practical reasons, which seems suitable in at least a wide range of cases. Suppose, for example, that Ronnie, who likes dancing, has a reason to go to a party he has been invited to. A natural explanation of why Ronnie has a reason to go to the party is that going to the party will give him pleasure, and thus has instrumental value.² Although one might well think that other things besides pleasure can be valuable, it is a natural and attractive hypothesis that all practical reasons could be explained in this general, unified way.

¹ Throughout this paper, I use the term ‘reason’ without qualification to refer to a *normative* reason, i.e. to a reason that counts in favour of a response, rather than a reason that explains or motivates such a response. I here do not assume that such reasons have to be *possessed* or *epistemically available*; they thus include what I have elsewhere called “potential reasons” (Kiesewetter 2017, 199–200).

² Schroeder (2007) famously uses this example to motivate a desire-based theory of reasons, but if we bracket out the ambitions to reduce the normative to the non-normative, a value-based explanation of Ronnie’s reason seems no less plausible (arguably more plausible) than a desire-based explanation.

VBT also harmonizes well with a widely shared view about intentional action, according to which intentional action always aims at some good (the so-called ‘guise of the good’ thesis).³ For it seems plausible to think that acting intentionally involves acting for reasons, and that acting for reasons involves taking oneself to have a reason to act. Putting aside cases in which agents are mistaken about the nature of reasons, VBT suggests that taking oneself to have a reason to act involves taking the action to be good. Together, these assumptions entail that acting intentionally involves taking the action to be good, thereby explaining (a version of) the guise of the good thesis.

VBT includes theories according to which a reason to ϕ is always explained by the fact that ϕ -ing promotes a valuable state of affairs. Such theories can be understood as claiming that reasons for action are always based on the *instrumental* value of the action. For example, Barry Maguire holds that “to be a reason for an option is to be a fact about that option’s promoting some state of affairs, on the condition that the state of affairs is valuable”.⁴ Similarly, Roger Crisp claims that “any ultimate reason for action must be grounded in well-being”⁵, and that “if some action is of no benefit, there can be no reason to perform it”⁶. But VBT also allows reasons to be based on the *intrinsic* value of an action, a value that an action might have in virtue of engaging with a final value in a way that does not amount to promoting it. For example, VBT allows a reason to go hiking with friends to be based on the intrinsic value of spending time with friends in this way. Joseph Raz embraces the view that “reason is ... explained ... by invoking value”.⁷ He claims that “reasons are facts in virtue of which ... actions are good”⁸ and that “the only reason for any action is that the action, in itself or in its consequences, has good-

³ See Tenenbaum (2013) for an overview.

⁴ Maguire (2016, 237).

⁵ Crisp (2006, 37).

⁶ Crisp (2006, 61). Portmore (2011, Ch. 3) also characterizes all reasons as reason to promote a desirable state of affairs.

⁷ Raz (1999, 22).

⁸ Raz (1999, 23).

making properties”⁹. On a natural interpretation of these statements, Raz maintains a version of VBT, albeit one in which the action may be intrinsically rather than instrumentally good.¹⁰

VBT also includes theories according to which reasons for action can be based on *agent-relative value*, which might in turn be understood in terms of agent-relative reasons for desires. Douglas Portmore’s claim that “S has a reason to perform [action] a_i if and only if, and because, S has a reason to desire that [outcome] o_i obtains”¹¹ can be understood as a version of VBT that purports to accommodate deontological constraints and agent-relativity. VBT might also be formulated in terms of *expected* rather than actual value.¹² Since the difference between these views is irrelevant for the purposes of this paper, I ignore expected value for the sake of simplicity.

VBT is not only in itself an interesting theoretical hypothesis, it is also relevant for a number of other important philosophical questions. VBT is closely related to (and arguably entails) the claim (championed by G.E. Moore among others) that the right is determined by the good.¹³ Although it does not directly entail consequentialism, it is congenial to it, and it has been argued that VBT entails consequentialism when combined with plausible additional assumptions.¹⁴ Moreover, VBT has been presented as an important component of a more general *Value-First Approach* to normativity, which provides an alternative and a challenge to the popular *Reasons-First Approach*.¹⁵

⁹ Raz (2001, 2).

¹⁰ For another version of VBT that allows reasons to be based on the intrinsic value of actions, see Wedgwood (2009). Raz does not seem to claim – and he elsewhere denies (cf. Raz 2011, 27) – that the value of an action is *sufficient* for the existence of a reason. However, as I explain below, the arguments in this paper focus on the two other claims of VBT, which Raz seems to embrace, namely that value is *necessary* for a reason and that it is *explanatorily more fundamental*.

¹¹ Portmore (2011, 58).

¹² Compare Wedgwood (2017, Chs. 4–5).

¹³ See Moore (1903, 146–48). This is so even if VBT is combined with an analysis of value in terms of reasons for evaluative attitudes. I take the view that reasons for action are determined by reasons for evaluative attitudes to be a version of the view that the right is determined by the good.

¹⁴ Portmore (2011, Chs. 2-3).

¹⁵ See esp. Maguire (2016) and Wedgwood (2017, Ch. 4). Many epistemic teleologists, such as Foley (1987) and Goldman (2001), seem to assume such a general Value-First approach as well. To say that VBT can be an important component of a Value-First Approach is not to say that it entails it or is entailed by it. Since VBT can be combined

On some views, VBT is underwritten by a conceptual or metaphysical analysis that reduces reasons to values. For example, Stephen Finlay holds that “the *concept* of a normative reason for an agent S to do A is that of an explanation why it would be good ... for S to do A”.¹⁶ And Maguire’s version of VBT purports to provide “an *analysis* of what it is to be a reason”.¹⁷ As I have formulated VBT, the explanation of reasons that it postulates need not be a conceptual or constitutive explanation. But since VBT is entailed by a metaphysical or conceptual analysis, a rejection of VBT also entails a rejection of these reductive claims.

In this paper, I argue that VBT is incompatible with plausible assumptions about the practical reasons that correspond to certain moral rights. One implication of the arguments presented in the next sections is that a Value-First Approach to normativity faces severe problems even in the domain where it seems initially most plausible. Typically, value-based approaches to normativity are criticized for being unable to account for non-practical normativity, most notably the normativity of epistemic reasons for belief and other so-called ‘right kind’ of reasons for attitudes.¹⁸ In contrast, the arguments given in this paper attack the value-based approach at its home base – the domain of practical reasons. At the same time, however, these arguments are only effective against a direct value-based view, according to which practical reasons must be based on the value of the action favoured by the reason. It is consistent with the results of this paper to hold an *indirect* value-based view, according to which practical reasons are explained by some other value, such as the value of a rule, motivation, or sanction that is in some way related to the action. Indirect value-based views are beyond the

with passing the buck from values to reasons *for attitudes*, it is compatible with the view that reasons are more fundamental than value. At the same time, a proponent of the Value-First Approach might reject VBT in favour of an *indirect* value-based view that bases reasons on the value of something other than the value of the action, or on attributive goodness rather than on goodness *simpliciter* (for two examples of such views, see Thomson [2008] and Gregory [2016]).

¹⁶ Finlay (2019, 62, my emphasis).

¹⁷ Maguire (2016, 237).

¹⁸ See e.g. Berker (2013) and Way (2013). For the distinction between reasons of the right and reasons of the wrong kind, see Gertken and Kiesewetter (2017).

scope of this paper. So while the present paper presents a challenge for the Value-First Approach to normativity, it does not rule out all versions of it.

One further note on my argumentative strategy. One way to attack VBT is to question that an option's value is *sufficient* for there being reason to take that option. There can be valuable options that cannot be taken for a reason (such as, e.g., the option of going to a surprise party thrown in one's honour)¹⁹, and if reasons must be capable of figuring as motivating considerations or premises of practical reasoning, then the value of an option does not guarantee the presence of a reason.²⁰ While I have sympathies with this concern, I don't think that it constitutes a principled obstacle to an explanation of reasons in terms of values. Proponents of a value-based view might concede that practical reasons are more complex than what is suggested by VBT and expand the *explanans* accordingly. There is a challenge of avoiding circularity, but without further argument, we should not assume that this challenge cannot be met²¹ – at least, this is not the argumentative strategy that I am pursuing. Instead, I will focus on two other implications of VBT: that the value of the option is *necessary* for the presence of a reason, and that the value of the option is always *explanatorily more fundamental*.

In Sections 1 and 2, I will argue that promissory reasons – reasons to keep promises that are generated by promises – are not value-based. In Section 3, I provide a diagnosis and generalization of this point: reasons based on the exercise of a normative power are generally not value-based. Section 4 illustrates this with the example of reasons to obey. Subsequently, I discuss reasons to respect property (Section 5) and reasons to distribute goods equally (Section 6), both of which are not based on the exercise of a normative power, and argue that they aren't

¹⁹ See Schroeder (2007, 33).

²⁰ See esp. Brunero (2013, §4) for this line of criticism. I argue against the existence of surprise-party reasons myself in Kieseewetter (2016, §3).

²¹ Brunero suggests that this would be *ad hoc*: “There's no reason for introducing these modifications, other than to save the view” (2013, 822). But I don't see why it should not be a legitimate project to explore whether practical reasons could be explained in terms of value and some other notion, such as motivation or deliberation, unless such an explanation turns out to be circular.

value-based either. I address some general objections to my arguments in Section 7, before concluding in Section 8 by way of considering the theoretical options we are left with after rejecting VBT.

1. Promissory reasons, first pass: the extensional argument

It is widely agreed among moral philosophers that promises create moral obligations and thus moral reasons for actions. Drawing on Raz, I will call obligations and reasons that are generated by promises “promissory” obligations and reasons, and the principle that underwrites the generation of such obligations or reasons “the promising principle”:

The promising principle: If A validly promises B to ϕ , then A has an obligation, and thus a moral reason, to ϕ .²²

My formulation of the promising principle reflects the fact that promissory obligations (like other moral obligations) are normative and thus involve reasons for action. Arguably, the notion of a moral obligation is more complex than that of a moral reason, because an obligation is a particularly stringent reason. Raz’s proposal is that obligations are reasons that are “protected” from being defeated by certain kinds of competing reasons.²³ But the nature of this protection is controversial, and for my purposes it is sufficient to assume that obligations involve reasons. The relevant notion of obligation is, moreover, not the notion of an all-things-considered obligation. While obligations plausibly cannot be outweighed by just any kind of competing

²² Raz’s “promising principle” is more general: “If a person communicates an intention to undertake by that very act of communication a certain obligation then he has that obligation” (Raz 1986, 173). As he makes clear, Raz takes his principle to entail that “we are obligated to perform action X, if we promised to perform X” (*ibid.*).

²³ See e.g. Raz (1979, 234–35).

reason, they can at least conflict with other obligations, and these other obligations may, on occasion, gain the upper hand.

The promising principle figures (more or less explicitly) in many historical discussions of promises – including those of Hobbes, Kant and Ross – as well as contemporary accounts.²⁴ It is intuitively appealing and seems implicit in the practice of promising itself. It is constitutive of the very speech act of promising that promisors communicate an intention to undertake an obligation to perform the promised action, and hence one cannot sincerely promise an action without believing that one thereby incurs an obligation to perform the promised action (at least putting aside uncertainty about whether the validity conditions are satisfied). As Raz puts it, “to say ‘I promised to ϕ but I have no reason to ϕ ’ is paradoxical”.²⁵ A vindicating account of the practice of promising will thus have to accommodate the promising principle.

The restriction to *valid* promises is necessary because it seems plausible that promises are binding only under certain conditions. For example, it is often agreed that promises that are given under duress or false pretences are not valid. Perhaps (although this is more controversial) the same is true for promises to perform impermissible acts. What seems clear, however, is that the *value of the promised act* is not a condition of the validity of a promise: we can validly promise actions that are valueless. In an article discussing the relation between reasons and value, Jonathan Dancy presents an example of such a promise in order to put pressure on the idea that practical reasons necessarily correspond to valuable actions:

²⁴ For some examples, see Raz (1977; 2014); Shiffrin (2008); Pratt (2014); Bruno (2020). Owens (2012, Chs. 8-9) similarly holds that valid promises involve the undertaking of an obligation, but assumes that these are obligations we need not have any reason to perform. His assumptions commit him to rejecting a weak form of moral rationalism, according to which moral obligations entail at least *pro tanto* reasons for action. I agree with Portmore (2011, 38–51) that such a view cannot accommodate plausible connections between moral obligation and blameworthiness.

²⁵ Raz (1977, 212).

Suppose that I promise my children that I will tie my right shoelaces before my left shoelaces on alternate days of the week if they will do their homework without fuss. One can imagine arguing that though I ought to tie my right shoelaces before my left shoelaces today, since I did the opposite yesterday, my doing so has no value of any form.²⁶

This passage suggests the following *extensional* argument against VBT: Since one can validly promise valueless actions, and valid promises create reasons for action, there can be reasons for valueless actions. In response, proponents of VBT might challenge the assumption that promises for entirely valueless actions can meet the validity conditions of promises. On some accounts, promises are valid only if they have been *accepted* by the promisee, or even involve some sort of *joint commitment* to the promisor's living up to the promise.²⁷ This might be taken to suggest that promises can be valid only if the promisee wants it to be fulfilled or takes its fulfilment to be in her interest.²⁸ Dancy's children, for example, might take an interest in their father's abiding by his promise, simply because they think this would be funny.

But this response is unconvincing for two reasons. The first is that one can accept a promise without wanting it to be fulfilled or believing its fulfilment to be in one's interest, for example if one accepts a promise out of politeness or in order to prove to someone the unreliableness of the promisor.²⁹ The second is that promisees might accept a promise while *falsely* believing that its fulfilment is in their interest. In such cases, promisors can still sincerely promise an action, being fully aware that the promisee's desire for fulfilment is based on false belief. To illustrate, suppose that my children want me to promise that I buy them a licorice stick they have seen in a store. I might be pressed to give that promise in order to avoid drama on the way to nursery

²⁶ Dancy (2000, 168).

²⁷ See esp. Gilbert (2014, Ch. 13)

²⁸ Ross seems to assume that a promise is binding only if "the promisee ... wishes the promise to be fulfilled" (1939, 110).

²⁹ See e.g. Raz (1977, 213–14).

school, being aware that they actually don't like licorice. After I have done that, my children are surely in the position to demand that I abide by my promise. I may regret my promise, or offer them a deal that involves their releasing me from my promise, but I cannot regard myself being released from the obligation to keep my promise on grounds of the fact that the fulfilment is not in fact in their interest.³⁰

A better response to the extensional argument is to concede that one can validly promise valueless actions, but maintain that by promising such actions one ensures that the action is no longer valueless. By promising to ϕ one makes it the case that ϕ -ing is an instance of promise-keeping, and being an instance of promise-keeping, one might argue, is itself a respect in which an action can be good. Thus, by promising to ϕ one makes it the case that ϕ -ing is in at least one respect good. So even if one can validly promise valueless actions, it doesn't follow that one can have reasons for valueless actions, since by promising such acts one ensures that they are valuable in at least one respect.

At least initially, this seems to be a plausible response to the extensional argument against VBT. This argument is valid only if one assumes that promising does not itself make the promised action valuable, and proponents of VBT can escape it by assuming that promise-keeping is as such valuable. In the next section, however, I will argue that this does not ultimately help the proponents of VBT. This is because on the only tenable way of defending the view that promise-keeping is valuable, this value cannot explain promissory reasons.

2. Promissory reasons, second pass: the explanatory argument

If acts of keeping promises are good, what makes them good? In many cases, keeping a promise is good in virtue of such properties as preserving or establishing trust, or meeting expectations

³⁰ Note that this doesn't mean that my children's interests couldn't give me reasons for *breaking* my promise that outweigh my promissory obligation. This may well be so, but it doesn't show that I don't have a promissory obligation.

one has raised. But these are not necessary features of keeping a valid promise. A promisor may be so unworthy of trust that his promise does not raise expectations, and he might not be in the position to establish or preserve trust by keeping it, but the promise might still have been validly given.³¹ In order to counter the extensional argument, the defender of VBT must point to a *necessary* feature shared by *all* acts of keeping a valid promise that makes such acts good.

Moreover, the keeping of *invalid* promises might on occasion also be good in virtue of meeting expectations or establishing trust. So the reasons that are explained by invoking these values do not seem to be *promissory* reasons, which are specifically generated only by *valid* promises. The defender of VBT needs to point not only to a necessary good-making feature of keeping valid promises, but to one that is specific to the keeping of *valid* promises in particular.

I claim that the only necessary feature of keeping a valid promise that makes acts of promise-keeping good and that is specific to the keeping of *valid* promises is that keeping a valid promise *discharges an obligation* one has incurred by giving the promise. Firstly, in contrast to preserving trust, meeting expectations and the like, discharging an obligation is a *necessary* feature of keeping a valid promise. Secondly, it is a feature that is specific to the keeping of a *valid* promise. Thirdly, it is plausibly a good-making feature. We have reason to care whether we discharge our obligations, and it seems fitting to value performance of one's duty. This seems to entail that discharging an obligation is a respect in which an action is good. Thus, discharging an obligation is a necessary feature of keeping valid promises that is specific to the keeping of valid promises and that makes such acts good. Fourthly, there does not seem to be any other such feature.

While these points are consistent with VBT's *extensional* implication, according to which there is reason to ϕ iff ϕ -ing has value, they pose a problem for its *explanatory* implication,

³¹ See esp. Shiffrin (2008, 487–89) in response to Scanlon (1998, 311–14). The same point applies to explanations in terms of the value of the convention of promising: breaking a valid promise perhaps often but not necessarily subverts the practice of promising.

according to which there is reason to ϕ because ϕ -ing has value. To see this, consider the following *explanatory argument* against VBT:

1. What makes keeping promises good is that doing so discharges a promissory obligation.
2. For there to be a promissory obligation is in part for there to be a promissory reason.
3. Therefore, promissory reasons are part of what makes keeping promises good (from 1 and 2).
4. Therefore, promissory reasons cannot be explained by the goodness of keeping promises (from 3).

As the argument seems valid, the proponent of VBT needs to deny either the first or the second premise. Let me consider these options in turn, starting with premise (2). To deny this premise amounts to claiming that moral obligations are not constituted by moral reasons, but obtain independently of them. It might still be true that moral obligations entail reasons, because the fact that one is morally obliged to ϕ might still *be* a reason to ϕ . But on the view under consideration, this would be a substantial normative truth, comparable to the truth that the fact that an action is painful entails that there is a reason to avoid it.

Speaking for myself, I have trouble understanding such a reason-independent notion of a moral obligation. This is not a concern with the notion of a reason-independent obligation as such. I have a grasp on what it means to have a reason-independent notion of a *legal* obligation, for example. One will take the notion of a legal obligation to be reason-independent if one thinks that legal obligations are positive, social facts. This is a respectable conception of legal obligations, and I have no objection to it. But moral obligations are not just positive, social

facts; they are intrinsically normative. And I don't know what it would mean to say that moral obligations are intrinsically normative if not that they are constituted by reasons.³²

But there is also a further reason why rejecting premise (2) is not a satisfying response to the explanatory argument against VBT. For note that accepting premise (1) commits one to accepting that promissory obligations are part of what makes promise-keeping good, which means that promissory obligations cannot be explained in terms of the goodness of keeping promises. Thus, as long as one holds onto premise (1), denying premise (2) will rescue the value-based theory of reasons only at the cost of accepting that moral obligations are *not* value-based. But this seems inconsistent with the broader aspirations of a value-first approach to practical normativity and the claim that the right is to be explained in terms of the good. At least those proponents of VBT who think of VBT as a component of a more general value-based outlook thus have to deny premise (1).

So let's consider the prospects of denying premise (1). Rejecting that premise amounts to the claim that there is a necessary feature of promise-keeping that makes acts of promise-keeping good, but which is independent of the fact that keeping a valid promise discharges an obligation. But what would this feature be? All plausible candidates of good-making features of promise-keeping that do not presuppose promissory obligation are contingent features of promise keeping and not necessary ones, and they do not seem specific to the keeping of *valid* promises.

Proponents of VBT might maintain that what makes acts of valid promise-keeping necessarily and uniquely good is simply the fact that they are acts of keeping a valid promise

³² Note that saying this does not presuppose a reasons-first approach to normativity. It is consistent with reducing reasons to value, ought, or fittingness, and in particular with VBT. What is more, analysing obligations in terms of reasons is particularly attractive for proponents of VBT. For proponents of VBT usually have broader aspirations than merely giving an account of *reasons*; rather this account is thought to be a component of a more general theory that explains normativity, or at least practical normativity, in terms of value (or, for that matter, in terms of reasons for evaluative attitudes). As VBT explains practical reasons in terms of values, it seems more than natural for proponents of VBT to explain obligations in terms of practical reasons.

itself. But what is a valid promise other than a promise that satisfies the conditions for promissory obligation? On the most natural reading of this proposal, it entails my thesis that promise-keepings are good in virtue of discharging obligations.

There is, however, another reading of this proposal, according to which the properties that make promise-keepings good are the non-normative properties upon which the property of being the keeping of a valid promise supervenes. Accordingly, the relevant good-making property is the property of being the keeping of a promise that satisfies conditions C, where C are the non-normative conditions that have to be met in order for a promise to be valid (such as the condition that the promise was not given under duress, or false pretences, etc.).

A non-normative feature (such as being an action one has promised under conditions C) might be said to be good-making because (i) it makes the act obligatory, and (ii) the obligatoriness makes the action good. In such a case the non-normative feature would only be derivatively good-making, and the value in question would be the *deontic* value that consists in discharging an obligation.³³ This would not help with the defense of VBT, for proponents of VBT have to insist that the favoured action is valuable independently of its being obligatory. Thus, for the reply to work, we need to assume that the non-normative feature is non-derivatively good-making. The claim must be that being an action one has promised under C is a fundamental way of being good, just like being pleasurable, for example, or being a way of enjoying great art or spending time with friends. But this claim is just not plausible. While it seems natural to think that, for example, the value of pleasure cannot be explained in terms of a more fundamental value, the same cannot plausibly be said about the value of promise-keeping.

³³ Throughout this paper, I use the term “deontic value” to refer to the value that something has in virtue of discharging an obligation. I realize that this is not the only way how this term may be used.

Moreover, there is an independent rationale for thinking that the value of keeping valid promises must be *deontic* value. For any view according to which promise-keeping is valuable faces the challenge of avoiding the paradoxical conclusion that we have reason to promote this value by promising actions that we will perform anyway, or that we would otherwise have no reason to perform.³⁴ In my view, to say that the value of promise-keeping is deontic value offers an attractive response to this challenge, because it seems quite generally plausible that deontic value is not the kind of value that calls for promotion. This is a natural lesson to draw from the so-called paradox of deontology, according to which we can have conclusive reason to discharge an obligation even if doing so will lead to two other obligations (of the same kind) being violated. If the value of discharging obligations does not entail reasons to promote the discharging of obligations, if it calls for *being respected* or *honoured* rather than for *being promoted*, this paradox is dissolved.³⁵ Consequently, the assumption that the value of keeping promises is deontic provides us with a good rationale for avoiding the conclusion that there are reasons for promising actions in order to promote the value of keeping promises. This is a strong abductive argument for the view that the value of promise-keeping is deontic value.

3. Generalizing the lesson: normative powers and content-independence

I have argued that promissory reasons are not value-based. In this section and the next, I argue that the lesson of promises generalizes in an important way. To do this, I first want to introduce the notion of a normative power, which has received considerable attention in recent

³⁴ See Smith (1997) and Smith and Black (2019) for this paradox. Smith and Black's solution is to assume that while breaking a promise has negative value, keeping a promise has *no* positive value. In combination with VBT, their view entails that there are no reasons for keeping a promise – although there may be reasons against breaking it. Having to deny that there is any reason for keeping a promise strikes me as a high cost of adopting this solution on behalf of VBT. In addition, the view according to which there are reasons against breaking a promise but not for keeping them conflicts with plausible transmission principles about reasons, according to which we have reason for taking the necessary means (cf. Kiesewetter 2015; 2018) or optimal means (cf. Kiesewetter and Gertken 2020) to conforming with final reasons.

³⁵ For the distinction between promoting and honouring a value, see esp. Pettit (1989) and McNaughton and Rawling (1992).

philosophical discussion. Following David Owens, I use the term ‘normative power’ to refer to the ability to change the normative situation by way of communicating the intention to do so by means of this very communication (or *by declaration*, as we might say).³⁶ One might exercise such a power in various ways, for example by permitting someone to enter one’s house, by transferring a property right by way of a contractual agreement, by issuing an order to a subordinate, or consenting to sex. The ability to promise is also a plausible example of a normative power. By promising one changes the normative situation (one creates an obligation), and it is natural to think of promising as a speech act by which one communicates the intention to undertake an obligation by means of this very speech act, for example by saying “I promise”.³⁷

It is a general feature of reasons (or obligations) that result from the exercise of a normative power that they are *choice-dependent* rather than *content-dependent*.³⁸ The exact nature of this distinction is contentious, but roughly speaking, content-dependent reasons are explained directly by reference to properties of the reason’s content – the action supported by the reason – while choice-dependent reasons are explained by reference to the choice of a person who has the power to create that reason.³⁹ This seems to be a suitable characterization of promissory reasons. A promissory reason to bake a cake, for example, is not explained directly by reference to the properties of baking a cake, but instead by reference to the choice of the promisor to make that promise. This is what distinguishes the promissory reason to bake the cake from all sorts of other reasons to bake a cake, which are content-dependent (that baking a cake is fun, that one will enjoy eating the cake, that it will comfort others, etc.).

³⁶ See Owens (2012, 4–5). See also Raz (1975, 103) for a related (but not equivalent) definition of normative powers.

³⁷ See e.g. Raz (1986, 173–76) and Owens (2012, Ch. 8).

³⁸ See Raz (1986, 35–37) who adopts the notion of a content-independent reason from Hart (1982, 254–55). Owens (2012, 3–6) distinguishes different grades of choice-dependence, the strongest of which is the one I have in mind.

³⁹ This is only a rough characterization because a reference to the choice of creating a reason to ϕ involves a reference to ϕ -ing and thus also to the content of the reason. The difference is that the reference to ϕ -ing is mediated through the choice of the power-holder and thus indirect.

That promissory reasons are choice-dependent rather than content-dependent offers a natural diagnosis of why they are not value-based. For it seems plausible to think that quite generally, (i) the power to create reasons by choice may be used to create reasons for antecedently valueless action, and (ii) the only value that such actions could necessarily attain by way of being chosen by a normative power-holder is the deontic value of discharging the obligation that the power-holder has created.

At the same time, this diagnosis suggests a generalization of the argument that promise-based reasons are not value-based: Since all reasons that result from the exercise of a normative power are choice-dependent rather than content-dependent, no such reason is value-based. In the next section, I will illustrate and substantiate this point with the example of reasons to obey.

4. Reasons to obey

Consider the following principle:

The authority principle: If A has legitimate authority over B, and A validly commands B to ϕ , then B has an obligation, and thus a reason to ϕ .⁴⁰

To illustrate, suppose that the captain on the ship gives the order that the sailors put on their rain gear. If the captain has the authority to make that order, and the order is valid, it follows that the sailors have a reason to put on their rain gear. We can bracket the question of under what conditions the captain has legitimate authority. We may assume (in accordance with consent theories of authority) that the sailors have all consented to being subjected to the captain's authority. Or we may assume (in accordance with Raz's "service conception" of authority) that the sailors are in general likely to better to comply with their (authority-

⁴⁰ Compare Raz (1986, 60): "What is validly required by a legitimate authority is one's duty".

independent) reasons if they follow the captain's orders rather than trying to figure out what their (authority-independent) reasons support and act on their judgement on the balance of these reasons.⁴¹

The orders of a legitimate authority will create reasons for compliance only if the order is valid. For example, it seems plausible to think that even a captain with legitimate authority cannot validly command that the sailors commit suicide; such an act will fall out of the scope of his authority and the command will not be valid. However, as in the case of promising, it is important to see that *the value of an action is not a condition for the validity of a command to perform that action*. Suppose that the captain issues her order because she believes that it will rain. The captain's belief may be false, and consequently, putting on the rain gear may not in fact serve any value. Nonetheless, the order is valid and the sailors have an obligation to follow it. If the value of the action were a condition of the reason to obey the command, then sailors first would have to judge the action valuable before accepting a reason to obey the command, and in many cases this would involve entering into substantial deliberation about the merits of the commanded action. But the whole point of authority is to pre-empt such deliberation and act instead on the basis of the command. As Raz puts it, "there is no point in having authorities unless their determinations are binding even if mistaken".⁴²

This suggests again an extensional argument against VBT: Since legitimate authorities can validly command valueless actions, and valid commands entail reasons to obey, there can be reasons to perform valueless actions. As in the case of promises, proponents of VBT might reply that obedience to legitimate authorities is itself good, independently of whether the action had any good-making features before it was ordered. But what is necessarily good about obeying a legitimate authority? Nothing but the fact that doing so discharges an obligation to

⁴¹ See Raz (1986, Ch. 3).

⁴² Raz (1986, 47).

obey. But if the obligation to obey is part of what makes obedience good, then the goodness of obedience cannot explain the obligation to obey. And since obligations are constituted by reasons, the same is true for reasons to obey. So even if reasons to obey are co-extensional with a certain kind of value (the value of owed obedience), VBT fails for the reason that these reasons cannot be explained by this value.

5. Reasons to respect property

So far, I have given two examples of practical reasons that are not value-based – promissory reasons and reasons to obey – both of which are plausibly regarded as *choice-dependent* reasons that result from the exercise of a normative power. In this section and the next, I will present two further counterexamples to VBT that are not examples of choice-dependent reasons. It follows that my argument cannot be rejected on grounds of skepticism about normative powers. This section discusses reasons to respect property, while the next one discusses reasons to distribute goods equally.

Consider:

The property principle: If X is A's property, then A has a claim right against B that B refrain from using X without A's consent, and B has a corresponding obligation, and thus a moral reason, to refrain from using X without A's consent.⁴³

It is plausible to think that the property principle is part of the very meaning of the term 'property'. Part of what it means to own something as private property is to have a right to an

⁴³ One might wonder whether the relevant reason is, despite my announcement, choice-dependent, because it might seem to depend on the choice not to consent to the use. But the reason does not depend on the *choice* not to consent, but on the *absence of consent*, and consent might be absent without any choice. Even though property rights plausibly involve the normative power to permit the use of the owned object, the reason to refrain is not based on the exercise of a normative power.

exclusive use, and this means that others have an obligation to refrain from using it without the owner's consent.⁴⁴

Now suppose that Aaron owns a bike. The property principle entails that Bruno has a reason to refrain from using this bike without Aaron's consent. But whether or not Aaron owns a bike does not depend on whether there is independent *value* in Bruno's refraining from using the bike, or disvalue in using it (i.e. value or disvalue that is independent of any presumed badness of using other people's property itself). We might just stipulate that there is no such value or disvalue. This suggests an extensional argument against VBT: Since owning something entails that others have reason to refrain from using it, but one can own something even though there is no value in some other person's refraining from using it, there can be reasons for valueless options.

Proponents of VBT might agree that there is no *independent* value in refraining from using other people's property, but hold that doing so is itself valuable. But the only thing that is *necessarily* good about refraining from using other people's property is that doing so respects these people's rights. So while the reason to refrain from using other people's property can be said to correspond to a value, this value cannot explain the reason, because the value consists in respecting a right to an exclusive use, and thus presupposes an obligation, and hence a moral reason, to refrain from using the object in question.

6. Reasons to distribute goods equally

Consider, finally:

⁴⁴ Cf. Waldron (2004, §1). This is at least entailed by 'bundle of rights' conceptions of property. An alternative conception takes property to be a substantial relation between a person and an object. On this latter conception, the property principle is still plausibly true as substantive normative truth rather than a conceptual truth.

The equality principle: If a number of persons each have a claim to a share of some divisible good, and none of them has a claim to a greater share than any other, then each has a claim to an equal share, and agents in charge of distribution have a reason to distribute the good equally.

Suppose, for example, that Brandon and Christina spend the weekend picking apples and bring them to a juice-maker, who makes 100 bottles of apple juice out of the apples. Suppose that, for some reason, Brandon and Christina collect their shares of juice separately and the juice-maker is in the position to choose between two distributions. She could either give each of them 50 bottles, or she could give one 60 bottles and the other 40 bottles. The juice-makers knows that neither of them has invested more time or effort in collecting the apples and there is no other fact of the matter that grounds a claim to a greater share. In such a case, it seems compelling to think that the juice-maker has a moral reason to choose the equal distribution.

If there is a reason to distribute equally, then VBT entails that distributing equally is good. But what value is promoted or instantiated by equal distribution? Appealing to the law of diminishing marginal utility, one might argue that the ten bottles in question have a greater benefit for a person who has 40 bottles than for a person with 50 bottles, and that for this reason equal distribution promotes welfare (in the sense of maximizing the sum of welfare that Brandon and Christina receive). But we can stipulate that this is not the case. It seems conceivable that Brandon and Christina get the same benefit from each bottle of juice, so that their overall welfare is not promoted by an equal distribution. That does not change the fact that they have a claim to an equal share and there is reason to distribute equally.

It is also plausible to think that by and large, equal distribution of goods will promote valuable social relationships and work against power imbalances that can create a danger for valuable forms of societies. But this is not to say that such a value will be promoted in each

particular case. And it seems that if we assume that an unequal distribution of apple juice in this particular case will have no impact on social relationships and power balances, this does not change the fact that Brandon and Christina have a claim to an equal share.

According to what Derek Parfit calls *teleological egalitarianism*, equality is intrinsically valuable.⁴⁵ Drawing on this assumption, proponents of VBT might say that the value that is promoted by equal distribution is equality itself. But the view that equality is intrinsically valuable has forcefully been criticized. As Harry Frankfurt points out, equality is a purely formal property and it is difficult to see how such a property could be intrinsically valuable.⁴⁶ Arguably, caring for such a formal property as such, in abstraction from its relation to substantive goods like welfare, involves an objectionable form of fetishism. Moreover, as Parfit and others have argued, the assumption that we have reason to promote equality entails that we have reason to *destroy* substantive goods if this is what it takes to establish equality (the so-called *Levelling Down Objection*).⁴⁷ For example, if the juice-maker has the possibility to choose only between an unequal distribution of bottles (60:40), on the one hand, and destroying all bottles and leave both Brandon and Christina with nothing (0:0) on the other, then teleological egalitarianism entails that there is a solid value-based reason in favour of destroying all bottles. Of course, teleological egalitarians can also say that there are stronger, welfare-based reasons against destruction. Intuitively, however, we do not weigh a welfare-based reason against destruction against an equality-based reason for destruction in such situations. Unless further values are promoted by the destruction of some good, we assume that there is no reason to do that *at all*.

If equality is not intrinsically valuable, and only contingently related to other goods such as welfare, why do we have reason to distribute equally even in cases where this does not

⁴⁵ See Parfit (1997, 204).

⁴⁶ See Frankfurt (1997).

⁴⁷ See Parfit (1997, 210–11).

promote welfare or other substantive values? According to *deontological egalitarianism*, unequal distribution is (under certain circumstances) unjust, or violates moral claim rights.⁴⁸ If an equal distribution of goods is possible in cases like the apple-picking example, then the persons involved have a right to an equal share. If they have a right to an equal share, then others have an obligation not to deny them their equal share by choosing an unequal rather than an equal distribution, and this obligation involves a moral reason for equal distribution. But saying this does not entail that equality has intrinsic value, or that persons also have a right to the destruction of goods if equal distribution is not possible. It thus avoids the above-mentioned objections to teleological egalitarianism.

In summary, it is plausible to think that the reason to distribute goods equally that figures in the equality principle is not based on presumed value of equality, nor on any other value that equal distribution typically promotes. Rather, this reason seems to be a constitutive part of the nexus between claims to an equal share and their corresponding obligations. If this is right, the equality principle suggests an extensional argument against VBT: since there can be claims to an equal share even if there is no value in equal distribution, and such claims entail reasons to distribute equally, there can be reasons for valueless actions.

Proponents of VBT might reply that in cases in which the equality principle entails a reason to distribute equally, equal distribution is good in virtue of being *fair*. And indeed, this strikes me as a successful response to the extensional argument. But for an act to be fair is, at least in part, for it to satisfy a claim. And for someone to have a claim to a good is, at least in part, for others to have obligations and thus reasons to not deny her that good. So the reason to distribute equally is part of what makes equal distribution fair and, in this respect, good. Consequently, it cannot be explained by this goodness. So even if reasons for distributing goods equally are

⁴⁸ See Parfit (1997, §3) for an illuminating discussion of deontological egalitarianism and the differences between deontological and teleological egalitarianism.

always accompanied by a value, this value cannot explain these reasons. This constitutes another explanatory argument against VBT.

7. Summary and objections

I have presented four examples of practical reasons that seem to resist an explanation in terms of the value of actions. The first two examples – promissory reasons and reason to obey – are naturally understood as choice-dependent reasons that arise from the exercise of a normative power, but the other two examples – reasons to refrain from using other people’s property and reasons to distribute good equally – aren’t. Is there something that unites these cases?

Arguably, all four examples involve reasons that correspond to moral claim rights. Promisees have a right to the promised action, owners have a right to an exclusive use, and under certain circumstances, we all have a right to an equal share. On at least some conceptions of authority, legitimate authorities have a right to obedience.⁴⁹ As claims against others, these rights guarantee that others have obligations and thus reasons to act in ways that do not violate these rights. But these rights do not guarantee that the actions in question have any independent value, i.e. they do not guarantee that there is anything good about them other than the fact that they respect rights or satisfy a corresponding obligation.

In what follows, I will address two general objections that one might raise against the arguments of this paper. I will start with the worry that these arguments are inconsistent with a widely shared theory of rights, according to which it is the function of a right to protect some interest of the right-holder (the so-called ‘interest theory’ of rights). If rights protect interests, it might seem that respecting a right must promote at least one interest of the right holder and thus be independently good in at least one respect.

⁴⁹ If authorities have no claim right to obedience, then the four examples may be less unified than suggested here.

The interest theory can be understood in different ways. On a strict interpretation, there can be a right to an action only if performance of that action is in the right-holder's interest.⁵⁰ As a result, there could be no right to a promised action, and no promissory obligation to perform that action, unless that action would be good for the promisee. But we have seen already above that this assumption is at odds with the common practice of promising, which does not recognize as a validity condition of promises that the promised action must be in the promisee's interest. This also speaks against the strict interpretation of the interest theory.

A more liberal version of the interest theory allows rights to be based on interests other than the interest in the object of the right. For example, Raz (who is arguably the most prominent proponent of the interest theory) allows that the right to the promised action is based on the "interest to have voluntary special bonds with other people" rather than the interest in the promised action.⁵¹ As long as the interest theory does not require that the interest on which rights are based must be the interest in the object of the right (or obligation), it is consistent with what I have argued.

Analogous points apply to the other examples discussed above. A property right is naturally seen as protecting the interests of the owner, but it seems implausible to think that each particular instance of an (unauthorized) use of the relevant object must be against the owner's interest. Similarly, a right to obedience may be grounded in some sort of interest, but it need not be an interest in each particular instance of obedience (nor need it in this case be an interest of the right-holder). Furthermore, people might have a right to an equal share even if they would not benefit from the relevant good. The interest protected by this right might be an interest to have a certain kind of normative control over the good (e.g. in having the standing to waive it,

⁵⁰ Compare Pettitt's statement that rights "are claims the satisfaction of which are presumed to be in the interest of the bearer" (Pettitt 1988, 45).

⁵¹ Raz (1986, 175). He goes on: "It is this general interest which explains why every promise, and not only those performance of which is to the specific advantage of the promisee, creates a right in the promisee" (Raz 1986, 175–76).

or to donate it or give it someone as a present) rather than an interest in the good itself. In sum, it seems that the strict interpretation of the interest theory is implausible, and a more liberal interpretation is not in conflict with the findings of this paper.

Let me turn to a second worry. The promising principle and the other principles I have appealed to are substantive normative principles that philosophers with consequentialist leanings often deny. Given the proximity between VBT and consequentialism, one might wonder whether appealing to such principles in an argument against VBT is question-begging.

The principles I appeal to are intuitively plausible and part of common sense morality. That certain forms of consequentialism are inconsistent with these principles speaks as much against these forms of consequentialism as the arguments in this paper speak against VBT. Of course, it is always open to a defender of a theory to deny certain elements of common sense morality, and sometimes indeed common moral intuitions have to be revised in light of the fact that they do not withstand critical reflection. Ultimately, the rejection of VBT will therefore rely on a deeper defence of the elements of common sense morality that I have appealed to and on the tenability and plausibility of an alternative conception of reasons and normativity. At the same time, however, it should be clear that it is a significant cost for a theory that it is inconsistent with a number of plausible common sense judgements about moral reasons. If I have convinced you that VBT incurs these costs, I rest content with this conclusion.

One might worry about the fact that I appeal to substantive normative judgements in order to defend the metaethical position that VBT is false. However, if it is legitimate to demand that a metaethical position be neutral on first-order normative questions, this speaks against VBT rather than my arguments. For it would follow that VBT can be correct only if it is compatible with my normative assumptions, while the arguments of this paper establish that this is not the case *independently of whether these assumptions are true or false*. So if a metaethical position

must be neutral on first-order normative questions, I can show without making normative assumptions that VBT is false because it rules out certain moral views.

Having said all this, I should also note that a number of proponents of VBT are committed to preserving the principles of common sense morality I have appealed to. Portmore's "commonsense consequentialism", which involves a version of VBT, is designed to be capable of accommodating every first-order normative judgement of a non-consequentialist theory. A proponent of this view cannot escape the arguments of this paper by rejecting the substantive normative assumptions involved in the principles I have appealed to. Joseph Raz and Ralph Wedgwood both stress that allowing actions to be intrinsically valuable makes their views non-consequentialist;⁵² and Raz in particular is a firm advocate of a number of the relevant normative premises of my arguments.

7. Conclusion

I have argued that a number of practical reasons resist an explanation in terms of value. Let me conclude by way of reflecting the theoretical options that this conclusion leaves us with. If not all practical reasons are value-based, then either (i) some practical reasons are value-based, while others aren't, or (ii) no practical reason is value-based. According to the first of these views, practical reasons can have different explanations. Some of these explanations will refer to the value of the action, others will refer to the choices of people that have the power to create reasons by declaration, other reasons again might have other explanations or may be explanatorily fundamental. This does not necessarily mean that there is no unified explanation of practical reasons, but if there is such an explanation, it must incorporate value-based and other practical reasons as particular instances. For example, that there are value-based, power-based and other reasons for action might be argued to follow from a more general conception

⁵² See Raz (2001, 6); Wedgwood (2009, §5).

of reasons in terms of correct reasoning. In any case, it seems that the kind of explanation in terms of value that such a view would (in some cases) allow for cannot be a *constitutive* explanation that is underwritten by a claim to the effect that the reasons at issue are *reducible* to value. If not all practical reasons are explainable in terms of the value of the action, it cannot be part of what it *is* to be a reason for an action that the action is valuable.

The second possibility is that no practical reason is value-based. How could this be plausible given what I have claimed in the beginning, namely that VBT captures well paradigmatic cases like Ronnie's reason to go to the party? Perhaps VBT seems plausible in these cases because the reasons in such cases co-extend with an independent value (such as pleasure or welfare), even though the value of the action is in fact dispensable for the explanation of the reason. A defender of this view might say that what provides the reason and thus explains its existence are the intrinsic qualities of the pleasure that Ronnie takes in dancing, while the fact that this pleasure is also valuable is dispensable for the explanation of the reason. However, this view faces the challenge of explaining why the kind of reasons at issue line up with value in the way they do. It does not seem to be a coincidence that pleasure is both reason-giving as well as good-making, and the view that hedonic or welfarist reasons are value-based provides an explanation for this correspondence. For this reason, there is pressure for the proponent of the thesis that no practical reason is value-based to instead come around to the opposite view that value is to be explained in terms of practical reasons (of the relevant sort). And the most plausible construal of such an explanation is presumably a constitutive one, according to which what it is for X to be valuable is for X to have properties that provide reasons (of the right kind) to promote or respect X.

I am thus inclined to think that the conclusion of this paper will push one in either of two directions: a certain kind of pluralism about the explanation of reasons that includes

explanations in terms of values as one case among others, or a buckpassing view of value in terms of (a certain set of) practical reasons.⁵³

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