

## 2

# Are All Practical Reasons Based on Value?

*Benjamin Kiesewetter*

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  $\phi$  that A can perform: A has a reason to  $\phi$  if, only if, and because  $\phi$ -ing has value.<sup>1</sup>

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.<sup>2</sup> 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 the same general way—by reference to the fact that the action supported by the reason has value.

<sup>1</sup> Throughout this chapter, 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 *epistemically available*; they thus include what I have elsewhere called “potential reasons” (Kiesewetter 2017, 199–200). The phrase ‘ $\phi$ -ing has value’ is meant to be neutral on *personal* and *impersonal* readings of ‘value’ (i.e. readings referring to what is good *for* someone and readings referring to what is good *simpliciter*).

<sup>2</sup> Schroeder (2007) famously uses this example to motivate a desire-based theory of reasons, but a value-based explanation of Ronnie’s reason seems no less plausible (arguably more plausible) than a desire-based explanation.

VBT includes theories according to which a reason to  $\phi$  is always explained by the fact that  $\phi$ -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.<sup>3</sup> 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”.<sup>4</sup> Similarly, Roger Crisp claims that “any ultimate reason for action must be grounded in well-being”,<sup>5</sup> and that “if some action is of no benefit, there can be no reason to perform it”.<sup>6</sup> But VBT also allows reasons to be based on the *non-instrumental* 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”.<sup>7</sup> He claims that “reasons are facts in virtue of which . . . actions are good”<sup>8</sup> and that “the only reason for any action is that the action, in itself or in its consequences, has good-making properties”.<sup>9</sup> On a natural interpretation of these statements, Raz maintains a version of VBT, albeit one in which the action may be finally rather than instrumentally valuable.<sup>10</sup>

In this chapter, I argue that VBT is incompatible with plausible assumptions about the practical reasons that correspond to certain moral rights. I start, in Section 1, by explaining the broader philosophical

<sup>3</sup> For simplicity, I assume that instrumental value is a kind of value that actions (or other entities) bear in virtue of promoting some final value, but if one denies that instrumental value is a kind of value (cf. Rønnow-Rasmussen 2002), one can understand VBT as the claim that reasons for  $\phi$ -ing are based *either* on the value of  $\phi$ -ing, or on the fact that  $\phi$ -ing promotes a value.

<sup>4</sup> Maguire (2016, 237). <sup>5</sup> Crisp (2006, 37). <sup>6</sup> Crisp (2006, 61).

<sup>7</sup> Raz (1999, 22). <sup>8</sup> Raz (1999, 23). <sup>9</sup> Raz (2001, 2).

<sup>10</sup> 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, the passages quoted seem to entail that the value of an action is *necessary for* and *explanatorily prior to* a reason to perform it, and these are the implications of VBT that I will focus on. In other works, Raz seems to defend an indirect rather than a direct value-based view (see Section 7 for this distinction) of certain reasons, which might appear to conflict with the passages quoted. It is not my purpose to resolve this potential tension in Raz’s work. For another version of VBT that allows reasons to be based on the non-instrumental value of actions, see Wedgwood (2009). 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 (cf. Portmore 2011, ch. 3), and it might also be formulated in terms of *expected* value (cf. Wedgwood 2017, chs 4–5).

relevance of VBT as well as the dialectical ambitions and argumentative strategy of this chapter. In Sections 2 and 3, I argue that reasons provided by valid promises are not value-based. In Section 4, I suggest that this argument generalizes in an interesting way: reasons based on the exercise of a normative power are generally not value-based. Section 5 illustrates this with the example of reasons to obey. In Section 6, I finally provide an example of reasons that are *neither* value-based *nor* based on the exercise of a normative power: reasons to respect other people's property. I offer a diagnosis about what unites the three counterexamples and discuss some upshots for the theory of rights and the theory of reasons in Section 7, before concluding in Section 8 by way of considering the theoretical options we are left with after rejecting VBT.

## 1. Preliminaries

VBT is not only in itself an interesting theoretical hypothesis about the nature of practical reasons; it is also relevant for a number of other important philosophical questions. For one, 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.<sup>11</sup> 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.<sup>12</sup> Secondly, 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*.<sup>13</sup>

<sup>11</sup> See Moore (1903, 146–8). This is so even if VBT is combined with an analysis of value in terms of reasons for evaluative attitudes. The view that reasons for action are determined by reasons for evaluative attitudes can be understood as a variant of the claim that the right is determined by the good.

<sup>12</sup> Portmore (2011, chs 2–3).

<sup>13</sup> 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 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 (see Section 7).

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”.<sup>14</sup> And Maguire’s version of VBT purports to provide “an *analysis* of what it is to be a reason”.<sup>15</sup> 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.

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 and other so-called ‘right-kind’ reasons for attitudes.<sup>16</sup> In contrast, the arguments given in this chapter 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 like VBT, according to which practical reasons must be based on the value of the action supported by the reason. It is consistent with these arguments 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 scope of this chapter, but I will at least briefly address their dialectical relevance in Section 7. Throughout this chapter, I use the term ‘value-based’ as shorthand for ‘directly value-based’.<sup>17</sup>

<sup>14</sup> Finlay (2019, 62, my emphasis).

<sup>15</sup> Maguire (2016, 237).

<sup>16</sup> See e.g. Berker (2013) and Way (2013). In response to such worries, some proponents of VBT deny that epistemic and other right-kind reasons are normative, see Kiesewetter (2021) for references and discussion. For a recent survey of the right-kind/wrong-kind terminology, see Gertken and Kiesewetter (2017).

<sup>17</sup> Note that direct value-based theories include theories that base reasons for  $\phi$ -ing on the value of a state of affairs that is promoted by  $\phi$ -ing (see footnote 3). The distinction between direct and indirect value-based theories is analogous to the distinction between direct and indirect consequentialism.

The arguments that I will put forward against VBT are based on substantive, first-order normative assumptions. While these assumptions are all, I think, plausible elements of common sense morality, they are not uncontroversial among ethical theorists, and those proponents of VBT who are also drawn to standard forms of act consequentialism often reject them. It is not my aim to defend these elements of common sense morality against standard forms of consequentialism here. But while my arguments are thus dialectically ineffective with regard to philosophers with revisionist consequentialist commitments, they can still move those who want to preserve the elements of common sense morality that stand up to pretheoretical reflection. These include proponents of VBT who reject consequentialism as well as those who defend non-revisionist forms of it.<sup>18</sup> Most notably, it includes all readers who aren't already committed to rejecting the relevant elements of common sense morality and who wonder open-mindedly whether they should accept VBT. And even those who are ready to reject my normative assumptions might ask themselves whether the correct metaethical theory about the explanation of practical reasons should depend on the rejection of pretheoretically plausible elements of common sense morality.<sup>19</sup>

A final 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),<sup>20</sup> 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.<sup>21</sup> While I have sympathies with this concern, I don't think that it constitutes a

<sup>18</sup> For example, Raz (2001, 6) and Wedgwood (2009, §5) both stress that allowing actions to be intrinsically valuable makes their versions of VBT non-consequentialist, and Portmore (2011, ch. 3) presents his version of VBT in the context of what he calls "commonsense consequentialism".

<sup>19</sup> Rowland (2019, ch. 2) argues on the basis of a principle of first-order neutrality against a value-based theory of reasons for pro-attitudes. My own arguments do not presuppose such a neutrality principle; my point here is merely that those who reject my normative assumptions might still have to accept my conclusion if they accept a neutrality principle.

<sup>20</sup> See Schroeder (2007, 33).

<sup>21</sup> See esp. Brunero (2013, §4) for this line of criticism. I argue against the existence of surprise-party reasons myself in Kiesewetter (2016, §3).

principled obstacle to an explanation of reasons in terms of values. Proponents of a value-based view might concede that the conditions for 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 met—at least, this is not the line of argument 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 prior* to the reason to take it.

## 2. 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  $\phi$ , then A has an obligation, and thus a moral reason, to  $\phi$ .<sup>22</sup>

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.<sup>23</sup> 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

<sup>22</sup> Cf. Raz (1986, 173).

<sup>23</sup> See e.g. Raz (1979, 234–5).

be outweighed by just any kind of competing 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, Hume, Kant, and Ross—as well as contemporary accounts.<sup>24</sup> It is intuitively appealing and seems implicit in the practice of promising itself. As Raz notes, it is paradoxical to say ‘I hereby promise to  $\phi$ , but I have no reason to  $\phi$ ’.<sup>25</sup> 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). Since belief in the promising principle is itself a necessary condition for sincerely participating in the practice of promising, any vindicating account of that practice has 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 widely 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. Crucially, however, 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:

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.<sup>26</sup>

<sup>24</sup> See e.g. Raz (1977; 2014); Shiffrin (2008); Bruno (2020).

<sup>25</sup> Cf. Raz (1977, 212).

<sup>26</sup> Dancy (2000, 168).

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.<sup>27</sup> 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. 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 reply 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.<sup>28</sup> The second is that promisees might accept a promise while *falsely* believing that its fulfilment is in their interest. To illustrate, suppose that my children want me to promise that I buy them a liquorice 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 school, being aware that they actually don't like liquorice. 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.<sup>29</sup>

A better reply 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  $\phi$  one makes it the case that  $\phi$ -ing is an instance of promise-keeping, and being an instance of promise-keeping, one might argue, is itself a

<sup>27</sup> See esp. Gilbert (2014, ch. 13).      <sup>28</sup> See e.g. Raz (1977, 213–14).

<sup>29</sup> 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.

respect in which an action can be 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 reply 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 plausible way of defending the view that promise-keeping is valuable, this value cannot explain promissory reasons.

### 3. Promissory Reasons, Second Pass: The Explanatory Argument

If acts of promise-keeping 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 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.<sup>30</sup> 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

<sup>30</sup> See esp. Shiffrin (2008, 487–9) 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.

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 *fulfils an obligation* one has incurred by making the promise. Firstly, in contrast to preserving trust, meeting expectations, and the like, fulfilling 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 meet our obligations, and it seems fitting to value performance of one's duty. This suggests that fulfilling an obligation is a respect in which an action is good. Thus, fulfilling 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  $\phi$  iff  $\phi$ -ing has value, they pose a problem for its *explanatory* implication, according to which there is reason to  $\phi$  *because*  $\phi$ -ing has value. To see this, consider the following *explanatory argument* against VBT:

- (1) Part of the explanation of why keeping promises is good is that there is an obligation to keep one's promises.
- (2) The obligation to keep one's promises is partly constituted by a reason to keep one's promises.
- (3) If  $x$  is a constitutive part of  $y$ , and  $y$  is part of the explanation of  $z$ , then  $z$  cannot explain  $x$ .
- (4) Therefore, that keeping promises is good cannot explain why there is a reason to keep one's promise.

As the argument is deductively valid, and it is difficult to see how one could deny premise (3) as a general assumption about the nature of explanations, proponents of VBT seem forced to reject either premise (1) or (2). Let me consider these options in turn, starting with premise (2). This premise follows from the assumption that moral obligations are generally constituted (in part) by moral reasons, and it may be denied by

claiming that moral obligations hold independently of reasons. It might still be true that moral obligations *entail* reasons, because the fact that one is morally obliged to  $\phi$  might still *be* a reason to  $\phi$ . 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.<sup>31</sup>

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 premise (1) states that promissory obligations are part of the explanation of why promise-keeping is 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. At least those proponents of VBT who think of it

<sup>31</sup> 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.

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.<sup>32</sup>

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 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

<sup>32</sup> One might hold that the goodness of promise-keeping is explained by a *disjunction* of good-making features. It is unclear, however, why there should be a disjunction of such features that is necessarily involved in every valid promise if the features themselves are only contingently related to valid promises. Moreover, the proposal seems to threaten the unity of promissory reasons.

that consists in meeting an obligation.<sup>33</sup> This would not help with the defence 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. However, this claim does not strike me as very plausible. While it seems natural to think that, for example, the value of pleasure cannot be explained in terms of a more basic value, the same cannot plausibly be said about the value of promise-keeping.

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.<sup>34</sup> 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 fulfil an obligation even if doing so will lead to two other obligations (of the same kind) being violated. If the value of fulfilling obligations does not entail reasons to promote the fulfilment of obligations, if it calls for *being respected* or *honoured* rather

<sup>33</sup> Throughout this chapter, I use the term ‘deontic value’ to refer to the value that something has in virtue of meeting an obligation. I realize that this is not the only way how this term may be used.

<sup>34</sup> See Smith (1997). Smith’s solution is to assume that while breaking a promise has negative value, keeping a promise has *no* positive value. In combination with VBT, this 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 is in tension with the plausible principle that if there is reason against  $\phi$ -ing, and  $\psi$ -ing is part of a necessary (cf. Kiesewetter 2015; 2018) or optimal (cf. Kiesewetter and Gertken 2021) way to avoid  $\phi$ -ing, then one has reason to  $\psi$ —for at least often, keeping a promise is part of a necessary or optimal way to avoid breaking a promise.

than for *being promoted*, this paradox is dissolved.<sup>35</sup> 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.

Finally, to anticipate a point that will be clear at the end of this chapter, there are strong structural analogies between promise-keeping and other obligatory acts that do not obviously serve any further value, such as obeying authorities or respecting property. Generalizing the response under discussion would mean positing an independent and irreducible value in *each* of these cases. The alternative view, according to which the goodness of *all* of these acts is to be explained in terms of the value of meeting one's obligations, seems preferable not only for reasons of parsimony, but also for its ability to account for what these cases have in common.

#### **4. 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, let me first introduce the notion of a normative power. 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).<sup>36</sup> 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

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

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

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”.<sup>37</sup>

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*.<sup>38</sup> 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.<sup>39</sup> 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.).

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 meeting 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

<sup>37</sup> See e.g. Raz (1986, 173–6) and Owens (2012, ch. 8).

<sup>38</sup> See Raz (1986, 35–7) who adopts the notion of a content-independent reason from Hart (1982, 254–5). Owens (2012, 3–6) distinguishes different grades of choice-dependence, the strongest of which is the one I have in mind.

<sup>39</sup> This is only a rough characterization because a reference to the choice of creating a reason to  $\phi$  involves a reference to  $\phi$ -ing and thus also to the content of the reason. The difference is that the reference to  $\phi$ -ing is mediated through the choice of the power-holder and thus indirect.

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.

## 5. Reasons to Obey

Consider the following principle:

*The authority principle:* If A has legitimate authority over B, and A validly commands B to  $\varphi$ , then B has an obligation, and thus a reason to  $\varphi$ .<sup>40</sup>

To illustrate, suppose that the captain 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 generally more likely to comply with their (authority-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.<sup>41</sup>

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

<sup>40</sup> See also Raz (1986, 60).

<sup>41</sup> See Raz (1986, ch. 3).

may not in fact serve any value. Moreover, it might also lack *expected* value for the sailors, as their information about the weather might differ from the captain's. 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 to have value 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 provide reasons to act directly 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".<sup>42</sup>

It might be objected that Raz's own conception of authority requires that following authoritative demands has at least positive *expected* value, because according to Raz's *normal justification thesis*, "the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with [authority-independent] reasons...if he accepts the directives of the alleged authority...and tries to follow them".<sup>43</sup> For this objection to work, the *normal justification thesis* must be understood as requiring that obedience increases the likelihood of compliance with authority-independent reasons *in each particular case*. But this interpretation runs directly into the problem of pre-emption, as it entails that the existence of a reason to obey depends *in each particular case* on substantial first-order questions and a potentially difficult assessment of probabilities. According to a natural alternative interpretation of the *normal justification thesis*, it is not each instance of obedience that must increase the likelihood of compliance in the particular case; rather, it is the adoption of a *general policy* to follow the directives of an authority that must increase the likelihood of compliance *in the long run*. This interpretation avoids the problem with pre-emption, but it no longer supports

<sup>42</sup> Raz (1986, 47).

<sup>43</sup> Raz (1986, 53). The objection is based on the assumption that authority-independent reasons are value-based, which I grant here for the sake of the argument. I also ignore (on behalf of the objection) that, as it stands, the normal justification thesis does not state a necessary condition.

the objection, as it does not conflict with the assumption that *in a particular case* obeying a legitimate authority need not have positive expected value. This point generalizes: it seems that any interpretation of the *normal justification thesis* that supports the view that obedience must have positive expected value in the particular case runs into the problem with pre-emption, and no interpretation that avoids this problem can serve to support this view.

These reflections suggest 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 makes it good? In many cases, disobedience subverts (to some degree) a *practice* of authority that serves valuable purposes. But a reason against subverting a valuable practice of authority does not depend on the legitimacy of the authority or the validity of the command, while the reasons appealed to in the authority principle are specifically those provided by valid commands. Moreover, disobeying a valid command need not subvert a valuable practice of authority—for example, in case it goes unnoticed—while a conscientious subordinate will not regard her reasons to obey as depending on whether or not her disobedience would be detected.

It seems that the only *necessary* feature of obeying legitimate authorities that makes such acts good and that is specific to the obedience of *valid* commands is that doing so meets an 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.

## 6. 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, I will present a counter-example to VBT that is not a choice-dependent reason. It follows that my argument cannot be rejected on grounds of scepticism about the normative power to create reasons.

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.<sup>44</sup>

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 exclusive use, and this means that others have an obligation to refrain from using it without the owner's consent.<sup>45</sup>

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, on a particular occasion (i.e. value or disvalue that is independent of any presumed badness of using other people's property). 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

<sup>44</sup> 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.

<sup>45</sup> 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.

refraining from using it in a particular case, 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.

## 7. Summary, Diagnosis, and Upshots

I have presented three examples of practical reasons that seem to resist an explanation in terms of the value of actions. The first two examples—promissory reasons and reasons to obey—are naturally understood as choice-dependent reasons that arise from the exercise of a normative power, but the third example—reasons to refrain from using other people's property—isn't. Is there still something that unites these cases?

Arguably, all of them involve reasons that correspond to moral claim rights. Owners have a right to an exclusive use, promisees have a right to the promised action, and on at least some conceptions of authority, legitimate authorities have a right to obedience.<sup>46</sup> 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; that is, they do not guarantee that there is anything good about them other than the fact that they respect rights or satisfy a corresponding obligation.

Are rights-corresponding reasons generally not value-based? According to the so-called *will theory of rights*, rights generally give the

<sup>46</sup> If authorities have no claim right to obedience, then the three examples may still be unified as reasons involved in obligations that are subject to voluntary control (see below).

right-holder voluntary control over the obligations of others, and one might conjecture that reasons involved in such obligations are generally not value-based. The will theory, however, is often criticized for being unable to account for certain rights, including inalienable rights or rights held by beings that lack the relevant capacities of choice.<sup>47</sup> Nevertheless, a plausible hypothesis is that *those* rights that equip right-holders with control over moral obligations all correspond to reasons that are not value-based—either because these reasons are choice-based (like promissory reasons and reasons to obey), or because they are waivable by choice (like reasons to refrain from using other people’s property).

As these reflections already suggest, the arguments provided in this chapter have implications not only for the theory of reasons, but also for the theory of rights. In particular, one might wonder whether they rule out the so-called *interest theory of rights*, according to which it is the function of a right to protect some interest of the right-holder. On a strict interpretation of this theory, there can be a right to an action only if performance of that action is in the right-holder’s interest.<sup>48</sup> As a result, there can be no right to a promised action, and no promissory obligation to perform that action, unless that action is good for the promisee. But we have seen 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’s version of the interest theory allows that the right to a promised action is based on the “interest to have voluntary special bonds with other people” rather than the interest in the promised action.<sup>49</sup> As long as the interest theory does not require that the interest on which a right is based must be the interest in the object of the right (or obligation), it is consistent with what I have argued.

<sup>47</sup> See e.g. MacCormick (1977).

<sup>48</sup> Compare Pettit’s statement that rights “are claims the satisfaction of which are presumed to be in the interest of the bearer” (Pettit 1988, 45).

<sup>49</sup> Raz (1986, 175).

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 (perhaps apart from the interest in the non-violation of one's rights itself). 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).

The distinction between the strict and the liberal interpretation of the interest theory corresponds to the distinction between a direct and an indirect value-based theory of reasons mentioned in Section 1. Insofar as one finds a liberal interest theory plausible, one will also be drawn to an indirect value-based view about the reasons discussed above, and it is natural for those sympathetic to the Value-First Approach to abandon VBT in favour of an indirect value-based view.

As pointed out in the beginning, this conclusion is consistent with what I purported to establish in this chapter. But there is also reason to think that the arguments provided here have more far-reaching implications for the Value-First Approach. While indirect value-based accounts of specific kinds of reasons, such as promissory reasons,<sup>50</sup> are surely worth taking seriously, such accounts do not seem to generalize to all practical reasons. In fact, I am not aware of a single proposal of a *general* indirect value-based account of reasons, and coming up with an even minimally plausible candidate is far from trivial.<sup>51</sup> Given the sparse prospects of a general indirect value-based view, any argument against VBT also lends support to the conclusion that *there is no general value-based explanation (direct or indirect) of practical reasons*. And this is bad news for the Value-First Approach, at least insofar as it aspires to *reduce* practical reasons to value. For if there is no general value-based explanation of practical reasons, there cannot be a reduction of practical reasons to value that preserves the idea that practical reasons are a

<sup>50</sup> See e.g. Bruno's (2020) account, which is inspired by Raz (1977) and Owens (2012).

<sup>51</sup> The only general indirect value-based views of reasons I am aware of are in terms of *attributive* value rather than personal or impersonal value; see e.g. Thomson (2008), Setiya (2014), Gregory (2016).

unified, non-disjunctive category. And this certainly makes the Value-First Approach much less attractive.

## 8. Conclusion

I have argued that a number of practical reasons resist an explanation in terms of the value of the actions they support. Let me conclude by way of reflecting on the theoretical options that this conclusion leaves us with. If not all practical reasons are value-based (which, to recall, I use as shorthand for ‘directly 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 (and perhaps to the value of having such a power), and 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 of reasons in terms of correct reasoning. In any case, it seems that the kind of explanation in terms of the action’s 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 the value of the actions they support. 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 chapter will push one in either of two directions: a certain kind of pluralism about the explanation of reasons that includes explanations in terms of the value of the supported action as one case among others, or a buck-passing view of value in terms of (a certain set of) practical reasons.<sup>52</sup>

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