Promises, Promises

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We promise a lot and we are promised a lot. Promises lie at the heart of our social life. They are also the foundation of electoral democracies, in which political programs take the form of commitments. Why do we keep our promises? To what do they commit us? And why is it that, every now and then, we keep them?

Reviewed: Hanoch Sheinman (ed.), *Promises and Agreements. Philosophical Essays*, New York, Oxford University Press, 2011, 409 p, 65$.

At the end of his January 2012 presidential platform, entitled "Change is Now: My Sixty Commitments to France," François Hollande—to whom, it should be made clear, we are referring simply by way of example—concludes with the following sentences: "These are my commitments. I will keep them." (p. 3) If you think about it, this phrase is quite surprising. François Hollande is committing himself to keeping his commitments, as if commitment alone was insufficient. This new promise—which one might call a "meta-promise," as it is a promise about a promise—seeks to reassure us and to solicit our trust. Yet it risks, to the contrary, revealing the intrinsic fragility of all commitments. Indeed, as we read him, we have every reason to worry: what is the value of commitments (e.g., "I will create 60,000 new positions in national education," a first-order promise) that only have force to the extent that they are reinforced by another commitment? And from whence does this other commitment (i.e., "I will keep it," a second-order promise) derive its own force?

The Problem of Promising

The topical problem of trusting electoral promises is a perfect illustration of what contemporary English-speaking philosophers have called "the problem of promising." This problem has its origin in a broader question, which in technical terms is known as that of "moral motivation." It deals, among other things, with obeying moral rules: why, when I act, do I obey a moral rule rather than remaining indifferent to it? In the case of promises, this problem is further complicated. It can be formulated as such: why, when I act, must I follow a rule *that I have voluntarily and freely imposed upon myself,* rather than remaining indifferent to it?[1] Indeed, if codes exist that govern our individual and collective behavior, there seems to exist no fundamental rule that requires us to obey these rules, whether they are self-imposed or not—no rule, in other words, that says not *what* I should do but *that I must do* what I must do. And why is it, one might well ask, that I must follow *this* rule?[2]

To free this objection from the prospect of infinite regress, one might reply that if we comply with rules, it is not, as paradoxical as it might sound, because we must, but because these rules allow us to do certain things. A moral rule, such as one that commits us to keeping our promises, would differ from, say, a kitchen rule only insofar as the situation that the former promotes has previously been deemed moral, the only valid reason for following it. Yet it is just as inconceivable to derive the moral force of promises from the utility of keeping them. If this were the case, no promise could ever function properly. Don't we make others promise to do certain things to ensure our own security and to prevent them from later considering the consequences of their promises? It thus seems legitimate to speak of the problem—and even the mystery[3]—of promising. We would expect a theory of promising worth its salt to offer a better solution.

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[1] Indeed, as Alain Sériaux has observed about the definition of a contract found in article 1101 of the Civil Code, "The purpose of a contract [as a source of obligation] is not […] to obligate others, as is the case with a law or a custom. It obligates those who have made it" *(Droit des obligations*, second edition, Presses universitaires de France, 1998, chapter 1, p. 21-22). This remark seems equally valid for the kind of obligation characteristic of a promise.

[2] On this question, see Vincent Descombes' discussion in *Le complément de sujet. Enquête sur le fait d'agir de soi-même*, Paris, Gallimard, 2004, notably the last chapter, entitled "Le cercle de l'autonomie" [The Circle of Autonomy,] p. 457-465.

[3] Thus the Scottish philosopher David Hume wrote in 1740, in the famous third book of his *Treatise on Human Nature,* that promising is "one of the most mysterious and incomprehensible operations that can possibly be imagined." We shall see that this phrase is not quite as ironic as it might seem.

Such is the ambition of the volume published in 2011 under the title *Promises and Agreements,* which consists of papers given at a conference at Rice University in Texas in 2008. It includes various theories of promising that claim to have resolved the "problem of promising," which the editor, Hanoch Sheinman, formulates as such: "How can one give oneself a reason (or motive, or obligation) to do X simply by promising to do X?" (p. 5). As the volume's sixteen essays embark in often very different directions, we will simply offer a necessarily limited overview,[4] in which the problem of promising will be our guiding thread.

Agreements and Promises

One way of resolving the problem of promising, which also explains the collection's title, is to consider promising as an essentially social phenomenon tied to the concept of "agreement." It has indeed been suggested that if we commit ourselves when we make promises, it is because of a prior agreement, to which we have more or less tacitly consented, which holds that we are bound to keep our promises as long as certain conditions are met. The challenge is obviously to prove that this prior agreement does not itself take the form of a promise or of a double promise, lest the argument become vulnerable to the legitimate charge of circular reasoning. This is the approach adopted in the paper by Margaret Gilbert ("Three Dogmas about Promises," p. 80-108). In her view, an agreement is in no way an exchange of promises. She considers the following trivial agreement: "Anne says: 'How about my doing the laundry after dinner, and your going to the store for groceries?' Belle responds: 'Okay,'" (p. 95). Due to this agreement, Anne has incurred an obligation to Belle to do the laundry, while Belle has incurred an obligation to Anne to get groceries. Yet Anne never even implicitly said to Belle: "I promise that I'll do the laundry after dinner *if* you get the groceries"; nor, conversely, did Belle say: "I promise that I'll get the groceries *if* you do the laundry after dinner." This would be absurd and impractical, as each would have to wait until the other acted before acting in turn. Yet this is the assumption made by anyone who maintains that an agreement that creates a bond of obligation consists of a mutual

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[4] We will not, for instance, mention the very interesting question of the conditions for forming promises, which is discussed by several articles in the volume devoted to particular types of promises, notably: Connie Rosati, "The Importance of Self-Promises" (p. 124-155), Eric Schwang's "On Coerced Promises" (p. 156-182), Julia Driver "On Promising Too Much," (p. 183-197) ; and Daniel Markovits on promises between strangers ("Promise as an Arm's Length Relation," p. 295-326).

exchange of promises. Similarly, it would seem that agreeing that we must keep our promises is not the same as promising to keep our promises.

It is thus interesting to note that Gilbert goes a step further, as her solution to the problem of the obligation in promising compels her to redefine the common understanding of promising, which, she maintains, must be an agreement if it is to have an obligatory force. Indeed, for Gilbert, promises are simply one kind of agreement among others, which she calls a "joint commitment" between a "promisor" and a "promise:" "for one person to make a promise to another is for them jointly to commit themselves, by an appropriate, explicit process, that one of them ('the promisor') is to perform one or more specified action" (p. 99). Promises would thus be nothing more than a kind of transaction[5] or agreement, in which the promisor commits herself only on the condition that she will receive something (defined by the transaction itself) in return. Yet doesn't the social "demystification" of the problem of promising trivialize it, reducing it to something other than itself, defining it ultimately in completely economic terms as a bargain that always requires something in return? Certain kinds of promises, which have nothing in common with agreements, could not be accounted for by these theories, such as pure promises, made with no expectation of something in return (as in the case of deathbed promises).[6] This defect leads us to consider alternative solutions to the problem of obligation in promising.

Promises and Values

Another solution consists not of referring to a past agreement, but of appealing to values that we might respect or even maximize by keeping most of our promises. These values are multiple, and we can partially follow the discussion of Daniel Friedrich and Nicholas Southwood ("Promises and Trust," p. 277-294), who list a number of them. For David Owens ("The Problem with Promising," p. 58-79), promising is valued because it is a way of granting to others the authority we typically have over our own actions. Once we have made someone a promise—for instance, to walk him home—it is no longer within our power, but his, to decide if we will in fact walk him home. In keeping our promise, we respect the authority that we have granted him. For

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[5] In his paper ("Demystifying Promises," p. 255-276), Stephen Darwall is close to Gilbert's solution when he defines promising as a particular form of transaction.

[6] According to Sheinman, while it is legitimate for a theory of promising to consider a case that it will consider as central (the "central case method"), this theory must also be capable of accounting for, at least indirectly, other kinds of promises (p. 9-12).

her part, Judith Jarvis Thomson, who is not included in the collection, emphasizes the importance of reliance; for her, obligation in promising consists solely in the duty not to harm someone who in acting has legitimately relied on our promise.[7] Trust, finally, is the value that Friedrich and Southwood defend in their article. They maintain that breaking a promise is violating the trust that someone has placed in us. Keeping a promise would then consist in respecting or increasing this trust—a concept that they see as more expansive than reliance, in the sense that promising something to someone will not necessarily entail a specific behavior on their part, as long as they accept to place their trust in us.

Without delving into the specifics of these theories, we might ask if they truly account for what we usually mean by the obligation to keep our promises. According to these theories, we must keep our word because not doing so would amount to not respecting certain values: authority, reliance, trust, and so on. But in what way does failure to keep one's word call these values into question? Is it not because we are still assuming that, as a general rule, we must keep our promises? Indeed, to consider the example of the "reliance view," if someone counts on me to keep my word and acts accordingly, is it not because she presumes in the first place that we have an obligation to keep our promises simply because we have promised to do so? We cannot harm someone unless we are *already* obliged to keep our promises. Consequently, this harm cannot account for our obligation. We have returned to the point of departure. The promissory obligation remains a mystery.

This Is How We Usually Act

What is to be done with this mysterious promissory obligation which, as we see it, compels candidates to promise to keep their promises, as if this almost incantatory doubling sufficed to solve the problem? The two proposed solutions—one based on agreements, the other, which is close to the consequentialist position, based on values—have begged the question more than they have answered it. Faced with this impasse, a more modest solution consists in demonstrating, as Stan Husi has done ("Is Promising a Practice and Nothing More?," p. 109-123), that the mystery need not be solved and that it is perhaps philosophical inquiry itself that

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[7] Judith Jarvis Thomson, *The Realm of Rights*, Harvard University Press, 1990, chapter 12, "Giving One's World," 294-321.

creates its own "practical angst." When we act and follow rules on a daily basis, we do not in fact ask ourselves the question of why we follow them. Husi observes: "At the heart of the worry lies our reflective ability to stay indifferent toward the dictates of social norms, and to ask what reason we have to do what they say" (p. 122). In a sense, we are accustomed, *most of the time,* to keeping our promises. Philosophical angst is fixated on and generalizes those marginal cases in which we remain indifferent to "the demands of social norms" pertaining to promises. A parallel can be drawn with a practice that resembles promising: declaring one's intention to vote ("I will vote on April 22"). This practice can exist because *most of the time* we act consistently with what we have declared. Yet this does not mean that this regularity requires any other foundation: simply, the day when all or most of our declarations of intent fail, this practice will vanish and its concept will be empty. The same holds true, according to Husi, for promising, which has no needed to be founded on anything other than our ordinary practices—a stance that he calls "the "exhaustive practice position" (p. 110-113)—and certainly not, contrary to what some believe, on a prior promise, which, far from strengthening this practice, makes it all the more fragile.

Further Reading:

• Allen Habib has an article-by-article book review that complements this one in the *Notre Dame Philosophical Review* (http://ndpr.nd.edu/news/28239-promises-and-agreements-philosophical-essays/).

• Two relevant encyclopedia entries are: Allen Habib, "Promises," in the *Stanford Encyclopedia of Philosophy* (http://plato.stanford.edu/archives/win2008/entries/promises/)
and Thomas Scanlon (which is more synthetic but older), "Promising," (1998),
in the *Routledge Encyclopedia of Philosophy Online* (www.rep.routledge.com/*).*