

DISCUSSION NOTES

A RESOLUTION OF A PARADOX OF PROMISING

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In their recent articles, Julia Driver presents a paradox of promising, and A.P. Martinich proposes a solution to the paradox.¹ I will argue that Martinich fails to solve the paradox, but the paradox can be resolved.

The paradox is presented as three jointly inconsistent propositions:

- (1) Whenever a person makes a promise to do x , he thereby puts himself under an obligation to do x .
- (2) If someone is obliged to do x , then he can do x ('ought' implies 'can').
- (3) Some people sometimes make promises they cannot keep.

Driver argues that 'each of these propositions is intuitively plausible', so 'we have a true paradox here'.² Her arguments for (3) are an appeal to common sense and an example of a promise that cannot be kept, a president's promise to balance the federal budget.³

Martinich rejects both arguments. He does not deny that common sense supports (3), but he points out that common sense can be rejected in some cases. He responds to Driver's example by claiming that, if the president cannot balance the budget, he cannot really make a promise to balance the budget, even if he says 'I promise to balance the budget.' Martinich also extends this claim to other examples, so he claims that nobody can ever make a promise that he cannot keep. Thus, Martinich claims that (3) is false.⁴

Martinich is right that common sense is not absolutely unrevisable. However, as far as I can see, he does not provide any argument for his claim that (3) and common sense should be rejected. He might argue that (3) must be rejected in order to avoid the paradox. However, this would beg the question. What makes the above propositions paradoxical is that they all seem plausible apart from the paradox, so the paradox can be solved only by providing an

independent argument against one of the propositions. Furthermore, any one of the propositions can be rejected, so the paradox itself cannot provide a reason to reject one rather than another. I will argue below that it is (2) instead of (3) that should be rejected.

Martinich seems to suggest an argument against (3) when he claims that 'a preparatory condition for a speech act of promising [is] that the speaker must be able to do what he says he promises he will do...[and] a preparatory condition is a necessary condition for the success of a speech act'.⁵ However, he gives no argument to show that this ability really is a preparatory condition of the right kind. He does appeal to the authority of Searle, so maybe he thinks Searle has provided enough argument. However, Searle does not claim that being able to fulfill a promise is a preparatory condition of promising, and Searle does not even say that the preparatory conditions of promising are necessary for a promise to be made successfully but only for a promise to be happy or felicitous.⁶ Thus, Searle does not lend any support to Martinich's claim. Martinich still might be right, but he has not given any argument against the common sense view that one can promise to do what one cannot do.

Instead of arguing for his claim, Martinich seems content to offer explanations of why his opponents might think that (3) is true when it really is not. He realizes that some such explanation is necessary, because common sense supports (3). Martinich's explanation has two parts.

First, he claims that people who subscribe to the paradox confuse (3) with the similar claims that some people sometimes try to or think that they do or are thought to or are said to make promises that they cannot keep.⁷ However, Martinich gives no evidence that any such confusion is involved. It is not enough to show that these other claims are similar to (3), since we have no trouble distinguishing parallel claims in other areas.

The second part of his explanation is based on Grice's theory of conversation.⁸ Martinich points out that to say, 'Joe tried to make a promise he could not keep' conversationally implies that Joe failed to make the promise. Martinich adds that it is often impolite to point out the failures of others and that we often choose a form of conversation that is polite even though it is a bit inaccurate. All of this is true. However, this is not an adequate explanation of why I want to say that Ronald Reagan promised to balance the federal budget. I have little or no desire to be polite to Ronald Reagan, so I do not say 'promised' instead of 'tried to promise' simply out of

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politeness. In fact, we often say that someone promised to do something he could not do in order to criticize him, because he knew or should have known that he could not do it. It is unlikely that considerations of politeness control our speech in all such contexts of criticism. Furthermore, it is not always more polite to say that someone promised than to say that he tried but failed to promise. In most contexts, it is impolite to point out a failure, as in Martinich's example of someone trying but failing to fix a carburetor.⁹ However, when someone is trying to do something that is wrong, it need not be less polite to point out a failure than to say that he succeeded in doing what was wrong. And it is wrong to make promises that you cannot keep, because it usually leads to a violation of an obligation. Thus, I am not trying to be polite or less critical when I say that Reagan promised instead of that he tried to promise, because it is at least as critical to point out that he did promise to do what he knew or should have known that he could not do.

Furthermore, it seems that we must admit that someone promised to do what he could not do in order to account for the obligations in situations like the following. Suppose I say, 'I promise to drive you to the airport,' even though I know that my only car does not work, and I know that you think it does. Martinich would claim that I do not succeed in promising, although I try. Now suppose (albeit unlikely) that the mechanic finishes my car early, so that when the time comes, I can drive you to the airport. It is obvious that I would then have an obligation to drive you to the airport, if you still want a ride. However, if Martinich were right, I did not promise, so I would not have any obligation to drive you to the airport. You do have expectations that result from what I said, but there is still no obligation unless I promised, since many things I say can create expectations without creating an obligation. Martinich might respond that I did something wrong when I tried to promise to do what I could not do, so now I have an obligation to repay you in some way. However, in the absence of any promise to drive you to the airport, it is not clear why I would have an obligation to repay you in the specific way of driving you to the airport. Furthermore, I might already have repaid you in some other way, but I would still have an obligation to keep my promise when my car becomes available. Thus, Martinich seems unable to account for an obligation in a case where one does exist.

This example not only refutes Martinich's solution, but it also shows that (3) must be true in order to explain our intuitions in such cases. Furthermore, as Driver claims, (3) is supported by common sense, and Martinich offers no adequate explanation of why we would think (3) is true when it is not. We need not agree with common sense in all cases, but in the absence of any explanation of why so many people would be wrong, it seems best to stick with common sense when we can.

How then can we escape the paradox? One solution would be to deny (1), i.e. to deny that, whenever a person makes a promise to do something, he thereby puts himself under an obligation to do that thing. In a recent article, J.E.J. Altham argues that wicked promises and some coerced promises are counterexamples to this general principle.¹⁰ Nonetheless, the paradox still arises for promises that are neither wicked nor coerced, if (1) is qualified, and the necessary propositions are added. Thus, the paradox cannot be completely resolved by denying (1) for this reason.

The best solution to the paradox is to deny (2). Martinich gives no reason for accepting (2). Driver does give an argument, but it really supports a claim that is weaker than (2). She follows van Fraassen in arguing that, 'in order to fulfill an obligation, one must fulfill all of the necessary conditions for it. And, if one is obliged to do a logically impossible act, then all propositions are necessary conditions for the fulfillment of that act... In this case, any 'wrong' act will also be a 'right' act... Since this consequence is false... 'ought' implies 'can'.'¹¹ This argument has some force, but it does not show that 'ought' implies 'can' in the relevant sense. Instead, this argument supports at most the claim that 'ought' implies 'logically possible.' That weaker claim is not enough to generate the paradox, unless what the person promises to do is logically impossible. Balancing the budget is not logically impossible. Admittedly, someone might promise to do something else that is logically impossible. However, we have sufficient reason to deny that such promises create obligations, namely, if they did, everything would be right. Thus, this argument does not support (2) in the way that is necessary to generate the paradox.

Not only is (2) unjustified, but there is some independent reason to believe that it is false. I argued elsewhere that 'ought' does not entail 'can' but only conversationally implies 'can'.¹² I cannot repeat all of my arguments here. However, I used counterexamples with promises, because they are easier to construct, so it might seem that

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my arguments beg the question of the present paradox. Consequently, I should mention that my arguments apply to situations where what an agent ought to do does not depend on any promise, so my arguments do not beg the question of the present paradox. For example, a lifeguard cannot cancel his obligation to save drowning people by walking so far away from his post that he cannot save them. However, a lifeguard's obligation is a professional obligation, so it need not be based on any promise to those drowning people to whom his obligation is owed. Similarly, if a mother knows that she will not be able to take care of her child, but she chooses to have the child anyway, she has an obligation to take care of the child in the ways, even though she is unable to do so. However, this obligation is not due to any promise to the child. And, if such obligations are not overridden by any conflicting moral reasons, the agents ought to do what they cannot do. A different kind of example can also be constructed where an agent ought to have done something unconnected to any promise, but he did do it. Such past tense contexts refute 'ought' implies 'can' even when no promise has been made. Thus, my arguments against 'ought' implies 'can' do not depend on my claim that one can make promises that one cannot keep.

It is still true that 'ought' often conversationally implies 'can', since judgements with 'ought' are often used for pragmatic purposes (such as affecting action) that cannot be accomplished unless the agent can do what the speaker says he ought to do. However, if 'ought' only conversationally implies 'can', the paradox dissolves. Someone can promise to do what he cannot do, and, if no other reason overrides, he ought to do it, even though it might be odd to say so, because this utterance would not serve the relevant pragmatic purpose. Thus, both (1) and (3) can be true because (2) is false.

Finally, it is important to notice that (2) does not really claim that 'ought' implies 'can'. The consequent of (1) is that someone puts himself under an obligation to do x , and this presumably is supposed to imply that the agent is under of has an obligation to do x . The paradox then arises only if 'is under an obligation' implies 'can'. Someone could escape the paradox by claiming that 'is under an obligation' would not imply 'can' even if 'ought' did imply 'can'. However, it is not necessary to insist on this distinction, since, if 'ought' does not imply 'can', it is even less plausible to claim that 'is under an obligation' implies 'can'.

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Consequently, even though Martinich fails to solve the paradox, the paradox can be resolved by denying (2) without giving up (3), (1), or common sense.

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- ¹ Julia Driver, 'Promises, Obligations and Abilities,' *Philosophical Studies* 44 (1983), pp. 221-3, and A.P. Martinich 'A Solution to a Paradox of Promising,' *Philosophia* 15 (1985), pp. 117-22.
- ² Driver, pp. 221 and 223.
- ³ Driver, p. 222.
- ⁴ Martinich, pp. 117-8.
- ⁵ Martinich, p. 20.
- ⁶ John Searle, *Speech Acts* (New York; Cambridge, 1969), p. 60.
- ⁷ Martinich, p. 118.
- ⁸ Martinich, pp. 118 ff. uses a modified version of Grice's theory that Martinich presented in 'Conversational Implication and Some Philosophical Problems,' *The Philosophical Quarterly* 30 (1980), pp. 215-228.
- ⁹ Martinich, pp. 114-20.
- ¹⁰ J.E.J. Altham, 'Wicked Promises,' in *Essays in Analysis*, ed. Ian Hacking (New York; Cambridge Univ. Press, 1985), pp. 1-21.
- ¹¹ Driver, pp. 221-2.
- ¹² "'Ought' Conversationally Implies 'Can'," *Philosophical Review* 93 (1984), pp. 249-261. See also "'Ought' to have' and 'Could have'," *Analysis* 45 (1985), pp. 44-48.