



Hare's Debtors

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VII.—DISCUSSIONS

HARE'S DEBTORS

ONE might propose many objections to the theory of moral reasoning outlined by R. M. Hare in *Freedom and Reason*.¹ I intend to present only one objection, to show that prescriptivity and universalizability are not as efficacious as Hare supposes in enabling us to reject moral evaluations. I shall, therefore, accept here much of Hare's thought which seems to me very doubtful, or even positively mistaken.

My concern is with Hare's crucial example. "A owes money to B, and B owes money to C, and it is the law that creditors may exact their debts by putting their debtors into prison. B asks himself, 'Can I say that I ought to take this measure against A in order to make him pay?' " (*FR*, pp. 90-91). Hare tries to show that, for B to say this using 'ought' both universalizably and prescriptively, he must commit himself "to accepting the singular prescription 'Let C put me into prison' and this he is not ready to accept". Thus Hare concludes that B must reject the judgement that he ought to put A into prison for debt.

There are three issues here which I shall examine :

- (I) Precisely what does B ask himself? What does he seek to be able to say?
- (II) What is logically entailed, according to Hare, by what B seeks to be able to say? In particular, is the singular prescription 'Let C put me into prison' so entailed?
- (III) Precisely what is it to accept a singular prescription?

I

In the situation envisaged, it is unlikely that B asks himself 'Do I have an obligation to take this measure against A?', or 'Is it my duty to take this measure against A?', or 'Would it be wrong of me not to take this measure against A?' B is not concerned to escape censure for *failing* to put A into prison. Rather, as Hare points out, B "is no doubt *inclined* to do this, or *wants* to do it", but we may suppose he is concerned not to incur censure for putting A into prison. What he asks, then, is 'Is it all right for me to take this measure against A?', or 'Would I be justified in taking this measure against A?', or 'Would it be wrong of me to take this measure against A?'

More generally, B's question 'Can I say that I ought to take this measure against A?' is to be understood as a question about what is morally *permitted*, and not about what is morally *required*. B is concerned, not so much with showing that he *ought* to imprison A, as with showing that it is *not* the case that he *ought not* to imprison A.

¹ R. M. Hare, *Freedom and Reason* (Oxford at the Clarendon Press, 1963), henceforth *FR*.

Hence Hare's formulation of the question may be misleading ; it is necessary to emphasize that it concerns what is all right for B to do, or what B *may* do.

Thus we may answer the two questions posed in I above as follows. B asks himself ' May I put A into prison ? ' And he seeks to be able to say ' I may put A into prison. '

II

Hare's argument neglects the distinction we have just made between what is morally permitted and what is morally required. It proceeds in the following manner :

- (1) From the singular prescription ' Let me put A into prison ', B moves to the moral judgement ' I *ought* to put A into prison because he will not pay me what he owes '.
- (2) But this involves " accepting the principle ' Anyone who is in my position ought to put his debtor into prison if he does not pay ' " (*FR*, p. 91). This step in the argument is justified by an appeal to universalizability.
- (3) From this principle, it follows that C, who " is in the same position of unpaid creditor with regard to himself (B), " ought to put B into prison. There is no difficulty about this step in the argument ; if anyone in B's position ought to put his debtor into prison, then C, who is in B's position, ought to put his debtor into prison.
- (4) But " to accept the moral prescription ' C ought to put me into prison ' would commit . . . [B] . . . to accepting the singular prescription ' Let C put me into prison ' ". This step in the argument is justified by an appeal to prescriptivity.

I do not propose to quarrel with either universalizability or prescriptivity. The argument fails because the moral judgement formulated in step (1) is interpreted as a statement of what is required, and not what is permitted. Thus it is universalized, in step (2), to give the principle ' Anyone who is in my position ought to put his debtor into prison if he does not pay '. But the relevant principle, which B must accept to justify his moral judgement ' I may put A into prison ', is ' Anyone who is in my position may put his debtor into prison if he does not pay '. Hare's argument may be acceptable once the shift from permission to requirement is made, but that shift is not justified.

Let us, then, replace the first two steps in Hare's argument by :

- (1') From the singular prescription ' Let me put A into prison ', B moves to the moral judgement ' I *may* put A into prison because he will not pay me what he owes '.
- (2') But this involves accepting the principle ' Anyone who is in my position may put his debtor into prison if he does not pay '.

From (2') we proceed to :

(3') From this principle, it follows that C, who is in the same position of unpaid creditor with regard to himself (B), may put B into prison.

Can we now construct a step (4') analogous to (4) ? That is, does any singular prescription analogous to 'Let C put me into prison' follow from the moral judgement 'C may put me into prison' ? I am here concerned to answer these questions only in terms of Hare's theory of prescriptive inference, as developed in *The Language of Morals*.¹

According to this theory, the following entailments hold (*cf. LM*, pp. 168-169) :

(A) 'P ought to do x' entails 'Let P do x'.

(B) 'P ought not to do x' entails 'Let P not do x'.

'Let P do x' and 'Let P not do x' are *commands*; thus their force may be seen more easily if we formulate them using Hare's distinction of phrastic and neustic (*cf. LM*, pp. 17-21). We have :

(A') 'P ought to do x' entails 'P doing x, please'.

(B') 'P ought not to do x' entails 'P not doing x, please'.

(A') and (B') indicate clearly that 'P ought to do x' and 'P ought not to do x' state requirements, not permissions. 'P ought to do x' and 'P ought not to do x' are thus contraries; they cannot be jointly true, although they can of course be jointly false when neither the doing nor the not-doing of x is required. Similarly 'P doing x, please' and 'P not doing x, please' are contrary commands. So we add to (A') and (B') :

(C) 'P ought to do x' entails 'It is not the case that P ought not to do x'.

(D) 'P doing x, please' entails 'P not doing x, not-please'.

We may interpret the permission 'P may do x' in either of two senses. In the weaker sense it is merely the denial of the requirement 'P ought not to do x'; thus it is compatible with the requirement 'P ought to do x'. In the stronger sense it is the denial of both requirements 'P ought to do x' and 'P ought not to do x'; thus in this sense it is equivalent to 'P may or may not do x'.

A simple appeal to truth-functional considerations shows that, given only (A') (B') (C) and (D), the permission 'P may do x', whether interpreted in the weaker or the stronger sense, is compatible with either the command 'P doing x, please' or the command 'P not doing x, please'. It is further compatible with the denials of either or both commands—'P doing x, not-please' and 'P not doing x, not-please'. Therefore no singular prescription follows from 'P may do x'.

¹ R. M. Hare, *The Language of Morals* (Oxford at the Clarendon Press, 1952), henceforth, *LM*.

Thus we have shown that, according to Hare's theory of prescriptive inference, no singular prescription analogous to 'Let C put me into prison' follows from 'C may put me into prison'. In particular, the singular prescription 'Let C put me into prison' is not entailed by 'C may put me into prison', and so not entailed by what B seeks to be able to say. B may consistently assert both the singular imperative 'Let C not put me into prison' and the general principle 'Anyone may put his debtor into prison', or the two singular imperatives 'Let C not put me into prison' and 'Let me put A into prison'.

III

I have maintained that according to Hare's theory of prescriptive inference 'P may do x' is compatible with 'P not doing x, please'. But if I say to you "You may do x", I should normally be taken to be giving you permission, or to be indicating that you are permitted, to do it. And if I say to you "Don't do x!", I should normally be taken to be enjoining you or prohibiting you from doing it. Of course I might say "You may do x, but don't!", indicating that I intend to oppose my might to your right. But in most cases to combine permission with prohibition is unjustifiable, and in some cases it is self-defeating. Permission and prohibition are not generally compatible, so that either Hare's theory or my account of it, must be mistaken.

This objection confuses two senses of 'permit'. So far I have used 'permit' to refer to what is morally permitted, what is permissible. And I have used it, more widely than in common usage, so that what is morally permitted includes what is morally indifferent or irrelevant. The judgement 'You may do x' has been taken to mean 'You are justified (not unjustified) in doing x', or 'It is all right for you to do x'. But we may also speak of what a person permits—what he acquiesces in, or allows to happen. And it is not always the case that a person need, or even should, allow what is permissible to happen. He may be entitled to oppose it. So if permission is taken to imply acquiescence, or withholding opposition, then a person may rightly not permit what he acknowledges to be permissible.

Competitive situations illustrate this distinction most clearly. In a football match team X may score, and team Y may prevent team X from scoring. Each rightly endeavours to do what the other with equal right opposes. This opposition is the very essence of competition.

The application of this distinction to the objection will be obvious. 'I permit you and I prohibit you' is, of course, self-defeating. 'You are (morally) permitted and you are (morally) prohibited' is a self-contradiction. 'You are prohibited and I permit you' and 'You are permitted and I prohibit you' may or may not be justifiable depending on the type of situation under consideration. No reason

has been given for rejecting 'You are permitted to put me into prison (if you can) and I (am going to) prohibit you from so doing (if I can)'.

Hare's one attempt to distinguish what is permitted from what is required seems to confuse the senses of 'permit' which we have distinguished. B, he argues, has "either to say that neither he nor C ought to exercise their legal rights to imprison their debtors; or that both ought . . .; or that it is indifferent whether they do" (*FR*, p. 102). It is of course this third possibility which I have been examining. Hare says of it only that "the last alternative leaves it open to B and C to do what they like in the matter; and we may suppose that, though B would like to have this freedom, he will be unwilling to allow it to C. It is as unlikely that he will *permit* C to put him (B) into prison as that he will *prescribe* it."

In what sense is Hare using 'permit'? If he means that B is unlikely to acquiesce in being put into prison then his claim may well be true, but irrelevant. For B's refusal to acquiesce is quite compatible with his admission that C is justified in imprisoning him.

On the other hand, if Hare means that B is unlikely to admit that C is justified in imprisoning him, then his claim is relevant but unsubstantiated. Given the requirements of prescriptivity and universalizability, if B does not admit that C is justified in imprisoning him then he cannot suppose himself justified in imprisoning his own debtor, A. But Hare gives no reason why B should refuse to admit that C's action is permissible.

Much of the difficulty in Hare's account stems from his concept of accepting an imperative or prescription. Hare insists that B is not ready to accept the singular prescription 'Let C put me into prison' "since he has a strong inclination not to go to prison" (*FR*, p. 92). Hare gives no definition of 'accept', but he seems to use it as an equivalent to 'assent', and he says; "In the case of third-person commands, to assent is to join in affirming" (*LM*, p. 20). 'Let C put me into prison' is, for Hare, a third-person command, and we can no doubt agree that B is not ready to join in affirming this because of his inclination not to go to prison.

But I have shown that no singular prescription is entailed by 'C may put me into prison'. It is, however, natural to interpret 'Let C put me into prison', not as a third-person command, or singular prescription, but as an expression of permission. And it may then be urged that 'C may put me into prison' does entail the permission 'Let C put me into prison', so that if one cannot accept the latter, one must also reject the former.

What is it to accept 'Let C put me into prison', where this is taken as an expression of permission? Once again we must distinguish the two senses of 'permit'. It seems most natural to use it here in the second sense, so that to accept 'Let C put me into prison' would be to acquiesce in being imprisoned, which B is not ready to do. But 'Let C put me into prison', interpreted as an

expression of acquiescence, is *not* entailed by 'C may put me into prison', where this is the equivalent of 'C is morally permitted to put me into prison'. And if 'C may put me into prison' is re-interpreted as a statement of acquiescence, then it is not the moral judgement logically entailed by the principle implicit in B's claim that he may (is morally permitted to) put A into prison.

Suppose, then, that 'permit' is used in the first sense, so that 'Let C put me into prison' is an expression of what is permissible. It is then entailed by 'C may put me into prison', but only because it is itself a moral judgement. Accepting it can no longer be assumed to depend on inclination. B can refuse to accept it, because of his strong inclination not to go to prison, only if he maintains that his inclination makes C's attempt to imprison him unjustifiable. And Hare cannot suppose this as the basis of his argument. Of course if B considers that it would be unjustifiable for C to do to him what he would do to A, then *ceteris paribus*, he must agree that what he would do to A is also unjustifiable. But Hare is seeking a method of moral argument in which only "facts . . . logic . . . inclinations . . . enable us . . . to *reject* an evaluative proposition" (*FR*, p. 93).

A owes money to B, and B owes money to C, and it is the law that creditors may exact their debts by putting their debtors into prison. B asks himself 'Can I say that I may take this measure against A in order to make him pay?' And he rightly concludes that he may, even though he is not prepared to accept the singular prescription or permission 'Let C put me into prison' in any sense other than as a statement of what C may do. Neither Hare nor anyone else can build a theory of moral reasoning on *this* example.

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