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HARE'S USE OF HUME'S FORK

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According to Richard Hare, the "best instrument" to use in getting rid of tangles in moral philosophy is "still the old fork invented by Hume," the analytic-synthetic distinction.¹ Both in his ongoing debate with the descriptivists (with Philippa Foot in particular), and in his recent criticism of John Rawls's *A Theory of Justice*, it is Hume's fork, we believe, that is his crucial implement.² We will try here to make explicit his use of it in these two debates. We would also like to offer some critical reflections on the underlying significance of such use of the analytic-synthetic distinction.

One who is familiar with Hare's prescriptivism will find nothing unusual in his continued criticism of the descriptivists for their failure to distinguish sufficiently between description and evaluation, or to see the nondeducibility of the latter from the former. Their mistake seems to be but a repeat of the old naturalistic fallacy of trying to derive an 'ought' from an 'is.' And yet under closer scrutiny this simple sharp line separating Hare from the neonaturalists seems to blur and fade. His current stance, as revealed through his recent articles and lectures, seems strikingly similar to the familiar poses of those he ostensibly opposes.³ Both he and Philippa Foot, for example, resort to a type of Utilitarianism as a basis of moral judgments. Both appeal for a grounding of what men ought to do to a consideration of what desires and

1. R. M. Hare, "Descriptivism," in *The Is-Ought Question: A Collection of Papers on the Central Problem of Moral Philosophy*, ed. W. D. Hudson (London: Macmillan Co., 1969), p. 240.

2. One of the main sources for this paper was a series of lectures and discussions by R. M. Hare and P. Foot in the Carnegie Institute in Ethics held at the University of Notre Dame during the summer 1972. Hare's lectures on Rawls are now published in more detail in "Rawls' Theory of Justice," *Philosophical Quarterly* 23, no. 91 (April 1973): 144-55; and no. 92 (July 1973): 241-52. Also relied upon as sources for Philippa Foot's position are "Goodness and Choice," *Proceedings of the Aristotelian Society* 25 (1961): 45-60; "In Defence of the Hypothetical Imperative," *Philosophic Exchange* 1, no. 2 (Summer 1971): 137-45; "Moral Arguments," *Readings in Contemporary Ethical Theory*, ed. K. Pahel and M. Schiller (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1970), pp. 145-55; and an unpublished paper entitled "Nietzsche: The Revaluation of Values." Sources from R. M. Hare will be noted as referred to. Source for John Rawls is his *A Theory of Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971).

3. "Institute in Ethics"; "Descriptivism"; "Meaning and Speech Acts," *Philosophical Review* 79 (1970): 3-24; "The Argument from Received Opinion," *Essays on Philosophical Method* (New York: Macmillan Co., 1971), pp. 117-35.

interests men actually do have. If this is so, then is not Hare also linking evaluation with description in a way that he has held to be fallacious?

In the first part of this paper we would like to show that there still does remain a crucial difference between Hare and the descriptivists, and that the difference does lie in the relation which they hold exists between evaluation and description. However, we believe that their difference here is crucially dependent on Hare's reliance on the analytic-synthetic distinction.

That this is the key to the difference between them can be shown by a simple example. Take the well-worn case of courage. A man has risked his life for another, and because of this we call him "courageous." According to the descriptivists, 'courageous' is an evaluative term which has a definite connection with a certain describable behavior. The evaluative meaning of the term, according to Philippa Foot, derives from its direct connection with human interests and desires—either standard interests, such as wine that is considered by the experts to be 'good wine,' or personal interests, such as what I consider to be good for my purposes and desires.⁴

That such behavior is generally commended is also admitted by Hare. We commend courage because it generally accords with human interests. The meaning of moral evaluatives lies primarily in the act of commending, a commending with implications of universalizability. When I say that something ought to be done, I mean that anyone in a similar situation ought to do the same thing. The test of whether I ought to do something is whether I can will that everyone in a similar situation should do the same. In order to carry out this test, I need to put myself also into the shoes of all other affected persons and consider also how their interests and desires would be affected by this action. Since a person generally does not will to have his interests overridden, they should not be overridden. This, then, is the basis for the ought, the recommendation or lack of recommendation. In the case of 'courage,' such action generally promotes persons' interests, and they generally do not want these interests overridden.⁵

Two things are to be noted here, both being connected with the key word 'generally' in the previous sentence. First of all, it seems to be the case that people generally do not want their interests overridden. However, there are exceptions to this. The idealist, or "fanatic" as Hare calls him, is such a type of person. In favor of his ideal, he would have even his own interests overridden.⁶ In the second place, there are also exceptions to the general practice of recommending courage. In some cases, courage may not be the best type of behavior; it may not accord with standard or personal interests. That persons do have the desires that they do have is a purely contingent matter. They need not have such interests. Moreover, even if they do have such interests, they need not will to have them furthered. They may be idealists or

4. "Goodness and Choice," pp. 53, 60. See also Hare's discussion of Foot's position in "Descriptivism," pp. 242-43.

5. Cf. especially his chapter on Utilitarianism in *Freedom and Reason* (New York: Oxford University Press, 1963), pp. 112-36.

6. *Freedom and Reason*, chap. 9. The importance of the "fanatic" to Hare's position was quite apparent in "Institute in Ethics," and is also key in an essay entitled "Wrongness and Harm," in *Essays on the Moral Concepts* (Berkeley: University of California Press, 1972).

"fanatics." It may be "contingently extremely unlikely" that either of these exceptions exist, but it is not logically impossible.⁷

Here, then, lies the difference between Foot and Hare. She does not seem to be bothered by such contingency. In fact, she admits that persons might not have the interests they do have, and that only because they do is there any obligation. All obligation is hypothetical; there is no categorical obligation.⁸

Hare, however, is bothered by such contingency. The reason he is, we believe, is his concern that in moral philosophy one should follow a strict process of deduction. All connections in the moral reasoning process must be strictly logical connections; all sentences must be analytic. The elements of contingency in the realm of our interests and desires lead him to disconnect evaluation from description. Only if there were a logical connection between the description and evaluation would he allow himself to be classified as a descriptivist. But there is no such logical connection, he contends. Thus he concludes that the distinctive meaning of 'ought' derives from the recommending act itself, the prescription implicit in any use of 'ought'.⁹

Thus, the crucial element in his prescriptivism and in his criticism of the descriptivists is not any total lack of connection which he sees to exist between description and evaluation, but rather the lack of any logically necessary, that is, analytic, connection. It would seem that the analytic-synthetic distinction, then, is the key to understanding his debate with the descriptivists. Hume's old fork still divides the dissidents.

The debate between the prescriptivists and descriptivists is a fundamental, yet long familiar, issue in moral philosophy. Now moral philosophy seems to be entering on a new and strikingly significant direction through the publication of John Rawls's *A Theory of Justice*. Stuart Hampshire, in a review of this work, speaks of it as "the most substantial and interesting contribution to moral philosophy since the war."¹⁰ Its approach is quite different from that of Richard Hare, and we believe that the key to the difference between their two moral philosophies again lies in Hare's reliance on the analytic-synthetic distinction. It is this that we will try to show in this second part of our paper.

The major difference between Rawls and Hare would seem, in a prima facie comparison, to lie in their reaching substantively different conclusions about the good. For Hare the good is determined by the Utilitarian principle of maximizing happiness. Rawls, however, rejects a maximization of total interests at the expense of any individual or minority group as something which offends our sense of justice. While admitting some inequality in the distribution of the goods of a society, his principles of justice would still protect the interests of the least advantaged. The rich

7. "Descriptivism," pp. 254-57. Here he speaks of our having a fairly consistent set of needs and desires. However, these are unlimited; they do not form a closed set. Nor, he says, is it "logically necessary" that our desires be as they are. Moreover, our reasons for choosing are connected with these desires, and thus they also are not logically connected with our moral evaluations.

8. "Institute in Ethics," and "In Defence of the Hypothetical Imperative."

9. Hare's presupposition that the meaning of words is based on speech acts involves some highly controverted issues. For a discussion of these see Edward MacKinnon, "Language, Speech and Speech Acts," *Philosophy and Phenomenological Research*, vol. 34, no. 2 (December 1973).

10. *New York Review of Books* 18, no. 3 (February 24, 1972): 34.

may be made richer only if this creates a general advantage to all, especially the person on the bottom of the ladder.¹¹

While this is the most evident difference between the two, it is a difference which Hare believes is more apparent than real, for he holds that there is a formal identity between his own and Rawls's principles. Thus, according to Hare, since he and Rawls really reason from identical principles, they should reach similar conclusions. Rawls should also admit of Utilitarian substantive conclusions, he argues.¹²

What I wish to argue is that, though Hare is correct in his contention that he and Rawls share principles that are formally identical, yet he is not correct in arguing that Rawls must logically share his conclusions. There is a reason why these two reach substantively different conclusions with regard to Utilitarianism. That reason is again Hare's reliance on the analytic-synthetic distinction.

Let us first consider Hare's contention that there is a formal identity between his own moral principles of prescriptivity and universalizability and Rawls's principle of justice as fairness. According to Hare, when one makes a moral judgment that *x* is good or ought to be done, *x* must be an action which can be prescribed universally. This is implicit in the moral language we use. To be able to pass this test of goodness, an action must be one whose consequences you could accept when the interests of all affected by the action were given equal weight, or in other words, no matter whose shoes you were in and whose interests you had.

There is an immediately recognized similarity between these principles and Rawls's principle of fairness. According to Rawls, the just society is one which is set up on the principles of fairness. The guarantee that these principles are fair is their having been arrived at by a certain procedure. Rawls would have us imagine a purely hypothetical situation in which we are planning to set up principles for forming a just society. In order to insure our choice of the best principles, we must have certain qualifications. We must first of all be rational, that is, prudent in the sense of being able to choose efficient means to specified ends. Second, we must, in certain important respects, be ignorant. Since each person is motivated by self-interest, he must be ignorant of, or able to prescind from, what position he would have in the ensuing society. This is to insure impartiality.¹³

Hare's contention is that his own restriction on the moral decider is similar to that of Rawls. The condition Hare sets of being able to imagine oneself in any particular role has the same practical effect as Rawls's requirement of ignorance. Moreover, Hare points out that both of these theories are also similar in form to the "Ideal Observer Theory" according to which the observer does know the roles of all, including his own, but is limited in his self-interest by being equally benevolent to all. They all have the same practical effect.¹⁴

It would seem that Hare is correct in this contention. The question then becomes, What is the real reason for the difference in their substantive conclusions? We

11. *A Theory of Justice*, pp. 14-15, 60-61, and throughout the book. These principles are not new in Rawls's writings. For an interesting commentary on his earlier publications from the viewpoint of a Utilitarian, see Robert L. Cunningham, "Justice: Efficiency or Fairness?" *Personalist* 52, no. 2 (Spring 1971): 253-81.

12. "Institute in Ethics."

13. *A Theory of Justice*, p. 12.

14. "Institute in Ethics."

believe that it is in the area of philosophical methodology that their crucial differences lie, differences that may account for their substantively different conclusions.

For Rawls, as opposed to Hare, the analytic method and the formal truths of logic are but minimally important in establishing a substantive theory of justice. This can be seen from the following quote from *A Theory of Justice*.

A theory of justice is subject to the same rules of method as other theories. Definitions and analyses of meaning do not have a special place: Definition is but one device used in setting up the general structure of theory. Once the whole framework is worked out, definitions have no distinct status and stand or fall with the theory itself. In any case, it is obviously impossible to develop a substantive theory of justice founded solely on truths of logic and definition. The analysis of moral concepts and the a priori, however traditionally understood, is too slender a basis. Moral philosophy must be free to use contingent assumptions and general facts as it pleases.¹⁵

Moral philosophy, Rawls contends, should proceed in the same way as the empirical sciences. Its theories must be tested by the facts. "There is a definite class of facts against which conjectured principles can be checked, namely our considered judgments in reflective equilibrium."¹⁶ Our considered judgments are "those judgments in which our moral capacities are most likely to be displayed without distortion."¹⁷ In addition to these considered judgments, we have a sense of justice, similar to our sense of grammaticalness. In both areas we try to formulate principles which would come to the same conclusions as those to which our natural sense leads us. Then we check our considered judgments by that set of principles of justice which we find fits our sense of justice. In so doing we may be led to revise our judgments and find the source of their erroneousess. However, our principles are also checked against our considered judgments. Thus, neither of the two is given priority, and there is rather a dialectic between the two as they are used to check and revise each other.¹⁸

This type of moral reasoning, as full as it is of probabilities, is simply not a reliable method of knowledge, according to Hare. In his article, "The Argument from Received Opinion," written before he read Rawls, but which he nevertheless believes speaks to Rawls's method, we find his arguments for opposing such moral reasoning, reasons which we believe are related to his reliance on the analytic-synthetic distinction.¹⁹

The question to which this article addresses itself is whether currently received opinion ought to be authoritative. Should our theories be revised if they conflict with ordinary opinions, or should such a conflict lead us to revise our opinions? History shows that popular opinion is often wrong. However, there is a way in which current

15. *A Theory of Justice*, p. 51.

16. *Ibid.*

17. *Ibid.*, pp. 47-48. There are more favorable conditions and less favorable ones, ones in which we are more likely to make mistakes and ones in which we are less likely to do so. It is the controllability of these conditions that Rawls seems to have in mind.

18. *Ibid.* Rawls believes he is following Aristotle in the *Nicomachean Ethics*, and also Sidgwick in *The Methods of Ethics*, from which he quotes the following interesting passage: the history of moral philosophy is a series of attempts to state "in full breadth and clearness those primary intuitions of Reason, by the scientific application of which the common moral thought of mankind may be at once systematized and corrected" (n. 26, p. 51).

19. "The Argument from Received Opinion."

opinion may have probative force, according to Hare. While people are often likely to be wrong, they do not often continue in self-contradiction. Thus, if our analysis of moral terms leads to conclusions which would make the statements or opinions of ordinary people self-contradictory, then we must refuse to admit such theories or definitions. It is the meaning of moral terms such as 'good' that have probative force, and not what things people call good. Moore's distinction between what 'good' means and what things are good is what Hare is relying on here. We may question what things people call good, but not the current use of moral words.²⁰

Hare contends that Rawls is making this very mistake. He is relying on current opinions about what things are good or what procedural principles are just, rather than on the meaning of moral terms, and that thus he is not standing on solid ground in his moral philosophizing about justice. A more certain way to proceed, according to Hare, is by an analysis of moral concepts. Using this method, whenever one can continue to proceed without running into contradiction, one can be assured of being on the right track. Only on this basis, he contends, can one hope to communicate and argue with someone who shares the same moral language, but who does not share our intuitions or opinions. Only on the basis of the necessity of logic, and not on the basis of the contingency of our moral intuitions, can we hope to have valid moral judgments. It is his insistence on logical necessity, a necessity obtained only in analysis, that is, his reliance on the analytic-synthetic distinction, that is the basis of his criticism of Rawls.

In summary, then, we believe that the critical issue distinguishing Hare's position from both the descriptivist position and that of John Rawls is his insistence that the only locus of necessity and certainty is in analytic propositions. This is the basis of his insistent claim that moral reasoning must proceed only by analyzing the meaning of our moral language. The only thing logically implied in our recommendations is our disposition to choose or prescribe some course of action. Thus, while recognizing some relation between description and evaluation, he contends that he is not a descriptivist, but a prescriptivist. Likewise, it is this insistence on logically necessary connections in our moral reasoning which distinguishes his method from that of John Rawls. Rather than rely on opinions or judgments about what is just, he would have us proceed by the analysis of our moral concepts, for only here is there any certitude, any necessity in our knowledge.

Perhaps this latter difference is merely symptomatic of the differences in the philosophical traditions of Oxford Analysis and American Pragmatism. Nevertheless, it does raise some questions about the methodology of the traditions themselves. Without delving into the wider debate over the use of the analytic-synthetic distinction in general, we would like in concluding simply to comment briefly on Hare's seemingly uncritical reliance on it.²¹

Hare takes ordinary language as authoritative; it is the quarry out of which he

20. *Ibid.*, p. 120. We shall return to this key passage in our concluding remarks.

21. The debate is capsulized in W. V. O. Quine, "Two Dogmas of Empiricism," *From a Logical Point of View* (Cambridge, Mass.: Harvard University Press, 1953), pp. 20-46, and in the response to this article by H. P. Grice and P. F. Strawson in "In Defense of a Dogma," *Philosophical Review* 65, no. 2 (April 1956): 141-58.

extracts all of his conclusions in moral philosophy. Moreover, "the current use of moral words," he says, is something which "I may not wish to question."²² And yet any philosophy worthy of that name must at some point cast a critical eye upon its foundations. Such important issues as those at the basis of morality surely cannot be settled in an uncritical manner. The father of American pragmatism, C. S. Peirce, had a good description of this type of uncritical "fixation of belief." He called it "the method of tenacity." While it does give a certain peace of mind, the security is illusory and surely not worthy of a philosopher.

22. "Argument from Received Opinion," p. 120.