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## Utilitarianism and Double Standards: a reply to Dr Annas

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R. M. HARE

On p. 65 of my book *Moral Thinking (MT)* I said 'Nothing is so difficult in philosophical writing as to get people to be sympathetic enough to what one is saying to understand what it is.' Dr Annas (*Oxford Review of Education*, Vol. 8, 1982, pp. 199–210) has neither taken this plea to heart, nor even been sympathetic enough to read this and the other writings to which she refers with the care that can justly be asked of a critic. Some of the resulting inaccuracies are merely historical, others of more philosophical importance. I will set the record straight on only one of the first kind. On her p. 203 she says that I 'veer verbally' between different answers to the imputation that I have turned my coat and become a descriptivist. But all the remarks on this question in the book are to the same effect, that I have not, except one (*MT* p. 227) which is attributed to 'a kindly philosophical friend' and at once set aside.

It is worth mentioning in this connection that the article she refers to by Mr Howard Robinson in which this imputation is made was written before, but published after, my book appeared; it is therefore mere luck that it receives an answer (adequate in general terms) in the book, and no doubt more needs to be said about the details of its argument. I must also take the opportunity of saying that Dr Annas is quite wrong to be surprised (p. 200) by the uncompromising rationalism of my latest book. This is hardly the place to list the many places in my earlier *Freedom and Reason (FR)* and even in *The Language of Morals* where it was anticipated. But in the preface to *FR* I said of discussions of my earlier work 'though they have added much to what I thought before, they have not taken much away'; and the same is true of *MT*. The newly added theses will seem to be inconsistent departures only to those who did not understand the old, most commonly owing to a prejudice that descriptivism is the only possible kind of rationalism.

It would be tedious to list all Dr Annas' other, and philosophically more important, inaccuracies; but I will cite some from her first page. She says 'Hare has always insisted that, if I am to make a moral judgement (as opposed to an aesthetic . . . one) I must be prepared to universalise it.' But in *FR* (pp. 39 ff.), in a passage referred to on *MT* p. 53 and implied by the succeeding argument, I spent six pages showing that aesthetic judgements are universalisable. Again, in the next sentence she attributes to me the view that 'the reasons for a moral judgement have to be independent of the way I happen to be . . .' But this is no part of my understanding of universalisability. They have to be independent of the fact that it is I, that individual, who happen to be that way; but if anybody else happened to be that way, the judgements would have, in consistency, to apply to him too, so they are not independent of the way. She goes on ' . . . and to apply with equal force to anyone

in a relevantly similar situation.' This might be all right, if 'or exactly' were added after 'relevantly' and it were made clear that the situation includes the personal characteristics of the people in it, so that if I imagine myself in your situation, I imagine myself having your preferences and other motivations. In the next sentence she says 'The basic idea is the Kantian one that morality applies to all agents regardless of personal differences.' If 'personal differences' here means 'differences of individual identity', it is all right; but if it means 'differences in personal characteristics', it gets me wrong. It is not clear which she means, nor whether she has noticed the distinction. It certainly looks as if she is unable to distinguish between two entirely different views, of which one makes reasons for moral judgements independent of references to individuals, and the other makes them independent of the universal properties of the individuals and their situations. I would defend the first, but my entire argument depends on rejecting the second. I had hoped that such passages as *MT* pp. 21, 42 and 108 made all this clear.

Another misinterpretation is to be found several times in the first few pages; and because it may be responsible for some of the trouble later on, I will go into it in more detail. On the same page she attributes to me the view that 'if I make a moral judgement *in* one situation, I cannot refuse to make the same judgement *in* a relevantly similar situation'; the mistake is repeated in the next paragraph: '... prepared to stick to the principle even *in* the hypothetical situation of turning out to be a Jew', and elsewhere (my italics in both places). As we shall see, it is crucial that 'in' be amended to 'with regard to' (an expression she herself correctly uses on p. 200, apparently without noticing the difference). The point is that the universalisation of preferences or prescriptions (which is a necessary condition for their becoming moral judgements) demands that the same preference, prescription or judgement be made *with regard to* situations which the speaker agrees to be relevantly or exactly similar, not that if he later finds himself *in* a similar situation, he is logically constrained to make the same judgement; for there is no logical ban on changing one's mind, only on contradicting oneself in the same breath. It may be that Dr Annas uses 'inconsistency' indiscriminately to cover both (see below). On *MT* p. 95 I emphasised the difference between what I *now* prefer *should* happen in some situation and what I *should then* prefer to happen, were I in that situation; and the same point is made in different words on *FR* p. 108, where it is applied to moral judgements.

It may be confusion on this point which leads Dr Annas to find a difficulty where there is none. On p. 200 she attributes to me the view that 'in coming to understand your situation I come to *have*' (her italics) 'your preferences; imagining myself in your position with your motivational states is having your motivational states. Of course I do not have your states in just the same straightforward way that I have my own; I have yours only with regard to the possible situations in which I am in your place, whereas I have mine *in*' (my italics) 'the actual world'. But if I now have a preference *with regard to* a hypothetical situation, it too is my preference *in* the actual world in as straightforward a sense as that in which my preferences *with regard to* my own future or even present states are my preferences. So there is no difficulty in understanding me if I say 'Let it be' (or alternatively 'it ought to be') 'the case that, if I find myself in that person's situation, *x* does not happen'; such prescriptions would be being issued by me now, *in* my present situation (*in propria persona*, as I said on *FR* p. 108).

The new point being made in *MT* is that, if I truly understand and represent to myself the situation (including the preferences) of another, I shall come to have

now, not his preferences as Dr Annas thinks I think, but preferences of my own (now) that, were I in his situation with his preferences, those preferences which I should then have should be satisfied. This thesis is then used in the main argument on *MT* p. 108 f., which I can only repeat:

It follows from universalizability that if I now say that I ought to do a certain thing to a certain person, I am committed to the view that the very same thing ought to be done to me, were I in exactly his situation, including having the same personal characteristics and in particular the same motivational states. But the motivational states he actually now has may run quite counter to my own present ones. For example, he may very much want not to have done to him what I am saying I ought to do to him (which involves prescribing that I do it). But we have seen that if I fully represent to myself his situation, including his motivations, I shall myself acquire a corresponding [*N.B. not 'the identical'*] motivation, which would be expressed in the prescription that the same thing *not be* done to me, were I to be forthwith in that situation. But this prescription is inconsistent with my original 'ought'-statement, if that was, as we have been assuming, prescriptive. For, as we have just seen, the statement that I ought to do it to him commits me to the view that it ought to be done to me, were I in his situation. And this, since 'ought' is prescriptive, entails the prescription that the same *be* done to me in that situation. So, if I have this full knowledge of his situation, I am left with two incompatible prescriptions. I can avoid this 'contradiction in the will'... only by abandoning my original 'ought'-statement, given my present knowledge of my victim's situation.

Dr Annas is therefore wrong to suppose that my reduction, via universalisability, of interpersonal conflicts of preferences to intrapersonal ones involves any loss of my own 'special deliberative relation to preferences that are mine' (p. 202). I do not have to 'take on' other people's preferences in any such mysterious sense. All I have to take on is a preference of my own that, were I in the other's situation with his preferences, something, which he prefers should not happen to him, should not then happen to me; and, once I fully know what his preferences are, it is fairly obvious that I shall take on this preference, given the concern for my own future (hypothetical or actual) which is part of what we mean by calling it 'my own'. When I deliberate about what should happen to me in certain hypothetical circumstances, I am not deliberating in any *persona* but my own; it is simply that the hypothetical situation I am deliberating *with regard to* is one that I am not actually *in*.

For those who have not read the book I must explain that this preference I acquire about the hypothetical situation is only one of my preferences, and may (as we have already seen) compete with others which are inconsistent with it. We then have the problem of reducing our preferences to consistency, which can only be done by abandoning or changing some of them. Dr Annas, indeed, thinks consistency dispensable; but I wrote the book in the belief that what readers would like would be a procedure for thinking about moral questions without contradicting oneself. As noted above, this self-contradiction is to be distinguished from the 'inconsistency' which takes the form of changes of mind, however, frequent. She is right if she thinks that some manage to live with kinds of consistency less extreme

than self-contradiction (p. 199); it may be confusion between the different kinds which leads her to think this relevant.

She accuses me in several places of arguing in a circle, or (worse) assuming theses without arguing for them at all. This is always because she has not looked in the right place for the argument, although my books are more liberally provided with cross-references than most. She appears to be making such an accusation when on p. 201 she calls my move on *MT* p. 178 ('So let us assume that [our theory] is correct, and see what it will do') a 'brief answer', which she says is 'inadequate', to an objection first mentioned by me on *MT* p. 111, and answered by me in the paragraph before on p. 178. But the preceding two sentences make it clear that the remark she quotes was not intended as an answer to *that* objection, but is addressed to a different point. I will quote the passage in full:

It is important to be clear that what is at issue here is not whether our theory is the correct one; we have already argued that question. It is, rather, whether, assuming that it is correct, we can use it to defeat the fanatic in argument. So let us assume that it is correct, and see what it will do.

There is no circularity involved in assuming the truth of a theory in order to see whether, *if true*, it is effective in showing something.

The objection Dr Annas is here canvassing is, in her words, 'How can *any* moral judgement come from mere preference-calculations? . . . Our preferences are a motley crew of good, bad and indifferent, and weighing their strength would surely seem irrelevant to the matter of their moral import' (p. 201). I give several complementary answers in the book to this double-barrelled objection. The most basic is provided by my general theory. This is amply argued for in my previous books, the arguments being summarised in this one, which is for the most part concerned to defend the theory by showing how objections to it arise through concentrating on only a part of our moral experience and discourse. Briefly, if, as I argue, moral judgements are universal prescriptions, and if prescriptions are the expressions of preferences in the most general sense, then to make a moral judgement is to express a particular kind of preference (one which we are prepared to universalise). So moral reasoning is bound, on this theory, to resolve itself into an attempt to reduce our preferences to consistency subject to the constraint that one very important section of them (our moral preferences) has to be universalised. It is obvious that in such a system preferences are going to be the counters that we play with. Dr Annas recognises this, and quotes one of my summary statements of my view (p. 201, *MT* pp. 16 f.). If she disagrees with it, she has to argue against the theory as a whole.

The objection that it would be wrong to give equal weight to good and evil desires is answered in two ways. The first answer is implicit in the general theory. Faced with a requirement to universalise our preferences when making moral judgements, we shall be compelled to discard those preferences which we cannot either universalise or at least render consistent with the universalised preferences which constitute our moral system. This of itself causes us to discard or modify certain of our preferences, and so it would be wrong to accuse the theory of leaving good and evil preferences alike undisturbed.

I can therefore readily agree with Dr Annas that 'some preferences are merely that, whereas others have a moral basis' (p. 201). It is not this view that I dismiss ('rudely' or otherwise) but the attempt of the fanatic to give added weight to his own moral intuitions by claiming an indisputable epistemological status for them.

Against this I say two things: one is that others (and not just utilitarians, which would be circular, as Dr Annas says) have contrary intuitions; the second is that these contrary intuitions are not 'mere' preferences either, but are moral convictions of equal status to his. What we need is a way of adjudicating this dispute, and this, unlike intuitionism, my theory provides. The case being discussed is one in which a fanatical doctor thinks he ought to preserve a patient's life at absolutely any cost in suffering. Dr Annas thinks (*ib.*) that only a utilitarian will dispute this view. It is surprising that she has not met any non-utilitarians who think that in such a case the prevention of suffering can be a moral imperative in conflict with the preservation of life.

But it might be objected that even though some evil preferences get discarded in the end, they are all given equal weight by my theory initially, contrary to our common-sense idea that some desires are intrinsically evil and should be given no, or even a negative, weight. This objection is dealt with at length on *MT* pp. 140–6, which Dr Annas does not discuss. I try to show that our common intuitions can easily be justified by a system of reasoning which starts by giving equal weight to preferences of equal strength, no matter what they are preferences for. This is done by showing how a wise educator, seeking to maximise the satisfaction of all preferences indiscriminately, weight for weight, would try to cultivate some of them and discourage others. He would cultivate those whose satisfaction is compatible with, and discourage those whose satisfaction militates against, the satisfaction of preferences as a whole. Thus he will discourage sadistic desires, cultivating the disposition to think intuitively that they are evil (as they are). He would do this because their prevalence and indulgence would lessen the desire-satisfaction of victims more than they would increase that of sadists, and also put us all in fear of becoming victims.

We have most of us, very wisely, been brought up in this way. It is thus no argument against me that the intuitions exist. This, indeed, is my principal defence against intuitionist objectors. I can find a comfortable place in my system for the intuitions to which they appeal; and I, unlike intuitionists, can produce justifying reasons for the education which cultivates them. The defence consists in pointing out that our moral thinking takes place at two levels, only the first of which is attended to by my intuitionist opponents. All that they say about the use of intuition in our moral thinking I can agree to; I wish merely to add that we need, and are not given by them, a means of deciding *what* intuitions our moral education should cultivate (for in the past it has cultivated some bad ones among the good), and of resolving conflicts such as inevitably occur between them in our practical experience.

We must therefore now turn to my separation of the levels of moral thinking, which is what most of the book is about, and to Dr Annas' criticisms of it, or rather of a travesty of it. One, but only one, of the things it does for us is to show how common-sense moral ideas can be (nearly all of them) retained at the intuitive level at which we do most of our moral thinking, although a perfect moral thinker armed with a complete knowledge of the facts (which in practice we never have) might say something at variance with these ideas in unusual cases. The explanation is that, not being perfect moral thinkers, and not being omniscient, we rightly do not trust our ability to arrive at the conclusions that such thinkers would reach, and therefore do our everyday moral thinking in a different way which, it is hoped, gives us the best chance in nearly all cases of arriving at the same conclusions. What we do is to teach ourselves and our children what we think are sound general principles, together with very firm dispositions to follow them (so that we feel awful if we do not); and we

judge the soundness of the principles by whether they do on the whole give the answers that subsequent critical reflection shows to have been the right ones.

In such a procedure, it is much more important that we should get the right answers in the great majority of cases than that we should not get 'shocking' answers in cases which we are never going to confront. So the common anti-utilitarian ploy of adducing bizarre examples in which critical thinking yields counter-intuitive moral prescriptions is valueless as an argument. The fact that in extraordinary cases the principles would not be acted on by an omniscient utilitarian does nothing to impugn utilitarianism as a way of selecting principles for use in ordinary cases.

On p. 204 Dr Annas accuses me of assuming without argument that intuitive thinking is entirely passive and uncritical. The reason, however, is obvious. In so far as we distinguish intuitive thinking as the appeal to our intuitions without criticising them, it has to be passive and uncritical. And it is characteristic of intuitionists to treat intuitions as in this way unquestionable. We cannot at the same time treat our moral convictions in the intuitionist way as epistemologically sacrosanct, and be prepared to criticise them. What we can do is to combine intuitive thinking with a readiness to use critical thinking when appropriate, in the way discussed below. On *MT* p. 76 I deal with a possible retort by intuitionists that they too can be critical. My answer is that this does them no good if the basis of their criticism of their intuitions is other intuitions; they have no firm ground to stand on.

In order to expound clearly the distinction between the critical and intuitive levels of moral thinking, I adopt in *MT* ch. 3 the device of imagining two 'notional' (Dr Annas' word, p. 204) pure types of moral thinker, one of them the 'perfect moral thinker' just alluded to, and the other a person who can think only at the intuitive level. I call the first 'the archangel' and the second 'the prole'. So far from thinking that there is no problem about the relationship between the two levels (p. 205), I discuss the problem at some length (*MT* pp. 46–52). To think that a problem is soluble is different from thinking that there is no problem. Dr Annas says (p. 204) that I give 'a variety of answers' to the question 'When is it appropriate to think like archangels and when like proles?'; but her complaint here may arise from a failure to distinguish between different questions. My consistent position has been that intuitive thinking is appropriate in normal everyday life, and doubly appropriate when we are (as we usually are) subject to stress and temptation and not fully informed. In such circumstances it can be safer to follow our intuitions, given that we have in general had a sound upbringing. But because intuitive principles have to be rather simple and general, there will inevitably be cases in which they conflict *per accidens*; and in such 'tragic' cases we may have, dangerous though it is, to have recourse to critical thinking, and had therefore better cultivate the ability to do it.

On the question of tragedy, she reveals her own unfamiliarity with the texts rather than my 'philistinism' by citing *King Lear* and the *Iliad* as tragedies based on moral conflict. Tragedies certainly can be so based, but in these ones moral conflict plays a small part if any. Perhaps she has reasoned 'All moral conflicts are tragic situations, therefore all tragic situations are moral conflicts.' Of course it *is* tragic, as I say on *MT* p. 32, when people get into these conflicts, and the word 'only' in her p. 205 line 10 is hers not mine; but I must confess to a certain distaste for philosophers who wallow vicariously in such tragedies instead of trying to fulfil their philosophical task of showing us the way out of them.

She also accuses me of assuming without argument that irresolvable moral conflicts occur (she should have said 'need to occur') only at the intuitive and not at the critical level (p. 204). But pretty well the whole book argues for this position by first

distinguishing between the levels, as so many philosophers do not; then showing how, to these one-level philosophers, the conflicts would appear irresolvable; and then pointing out that the appearance of irresolvability, which was the only reason for assuming it, vanishes once we understand about the critical level, one of whose main functions is to resolve these conflicts. Once this is understood, it becomes hard to see why anybody should want it to be the case that there is 'no determinate procedure' (p. 205) for resolving moral conflicts. It is a perfectly good argument against a position to show that it would not have been taken up in the first place if its proponent had not been unaware of important aspects of the problem, and that awareness of these reveals the position as a gratuitous affront to our rationality. Some people, no doubt, like to be irrational, and some have become addicted to insoluble problems, moral and other; but for the rest of us, it is surely an attraction of a theory that it makes it unnecessary to have moral dilemmas which are irresolvable by reason, even that of a perfect and fully informed thinker.

I say on *MT* p. 45, in a passage which Dr Annas seems to have read (cf. her p. 204, line 3), 'It is far from my intention to divide up the human race into archangels and proles; we all share the characteristics of both to limited and varying degrees and at different times.' In spite of this very clear statement, she proceeds to criticise my view as if it entailed that in the normal teacher-child relationship the teacher should behave as if he were an archangel and knew it, and the child a prole. She does this, no doubt, in order to fasten on me the accusation, made already in her title, that I wish to advocate a double standard, one law for teachers and another for children—a suggestion which she rightly finds repulsive. I do not think she can have read the writings of mine on moral education whose titles she cites in her first note, let alone one which she does not cite ('Adolescents into Adults', in *Aims in Education*, ed. T. Hollins, Manchester U.P., 1964).

Not much is said directly in *MT* about moral education, though there are three lines in the index, and I was very conscious when writing the book of its implications in that area, which are fully explored in some of the earlier writings she lists. In terms of the distinction between levels, what has to happen in moral education is this. When children are very young, we are mainly concerned to instil into them dispositions which will lead them, in general and probably, to live their lives in the best way. That may be all we can do at the earliest stages, because very young children cannot understand the reasons why such dispositions are the best ones (although my daughter does often explain the reasons for her prescriptions to my two-year-old grandson, and I think he sometimes takes them in). But from the very beginning, so far from treating children as proles, we are, or should be, trying to introduce them to critical thinking. That is our aim, even when we are just cultivating good dispositions in them; for otherwise it would be mere indoctrination (see my article just cited). On *MT* p. 174 I criticise some parents 'for failing to introduce their children to critical thinking at an early enough age', and others for 'trying to force [rigid principles] on their children'. So the whole scheme is one of moral development from intuitive thinking to a combination of it with critical thinking. We can never do without intuitive thinking, not being archangels; but, not being proles, we are capable of some critical thinking, and have to do it as best we can at times when it is appropriate. Learning to do this is the most important part of moral education. Dr Annas allows (p. 206) that parents can make such development their aim; but for some reason she seems to think that teachers cannot. Instead she thinks (I cannot understand why), that it follows from my view, although I am



blissfully unaware of this, that they are committed to 'manipulation and force on a massive scale'.

She also thinks that moral development is somehow a different process from the progress toward critical thinking that I have described, and could conflict with it (ib). 'While a parent is aiming at the autonomous moral development of his or her child, and can therefore be open about the double standards employed to achieve this once the need for them is past, the archangel' (i.e. the teacher on the view she is fathering on me) 'is aiming at maximising utility; inculcating principles into the prole is simply an indirect way of doing this, and is not to be held up by considerations of the prole's' (i.e. the child's) 'own development if this were to involve him or her having principles whose acceptance was not utility-maximising.' But if, as I have argued, moral development is a development towards critical thinking, it is hard to think of a better way of furthering it than by parents or teachers first imparting to children the results of the best critical thinking they can do, in the form of the intuitive principles which they themselves are already living by, and then, as soon as may be, encouraging the children themselves to think critically about these principles in order to make them their own in the autonomous sense, justify them, or, if they cannot, substitute better ones.

Dr Annas wants to make us think, by concentrating on the case where an archangel is supposedly educating a prole, that it is difficult for one person to combine the roles of critical and intuitive thinker. How is it possible, she seems to be asking, to give full force to one's moral intuitions, and yet on occasion stand back and criticise them, or wonder whether they are the right ones to have? Is not this to try to be two people at once? How can we recognise that in cases of conflict between the principles we might have to bring in a higher level of thinking to resolve the conflict, and yet, while recognising this, cleave to them in ordinary cases where there is no conflict? But neither here, nor earlier when she raises the difficulty about 'taking on' another's preferences, has she shown that I have to believe in the possibility of being two people at once. In my own moral thinking I simply do not find the difficulty that she thinks I ought to find; this may be because her own thinking is so exclusively intuitive as to make the problem of combining the two kinds of thinking an unfamiliar one to her, and therefore more daunting than it is to those who do it all the time. I cited on *MT* p. 52 the case of the military commander who does have to 'compartmentalise' his mind in this way; and on pp. 36 ff. I mention the cases of car-drivers and chess- and backgammon-players, who do something very similar. She says those cases are unlike the moral case, and cites the soldier in Vietnam who has to think both morally and militarily, and may find this difficult. I do not see so much difference between the cases, in the respect in which I was drawing an analogy between them (though no doubt there are differences in other respects).

In the Vietnam case (to give her the benefit of her own example), the soldier has, let us say, initially the intuition that his moral duty is to fight for his country and against the evils of communism. No doubt many had such intuitions. He then comes to think, say, as a result of his military calculations, that in the course of doing this, if he is to do it effectively, he has to commit acts which run violently counter to other moral intuitions of his (e.g. acts of killing innocent civilians). This is a classical case of moral conflict, and how Dr Annas would cope with it I do not know (perhaps she would throw up her hands and say that it shows the truth of her contention that some moral conflicts are irresolvable—which would then have been

revealed as a self-fulfilling prophecy, for of course nobody is going to solve problems by declaring them insoluble).

To understand the case, we have first to distinguish the military from the moral thinking. The first is one kind of technical reasoning. Its effect, if cogent, is to show that there is a conflict: the moral intuition that he ought to do his utmost to promote victory and combat Communism, and the moral intuition that he ought not to kill innocent civilians, cannot both be complied with. Let us assume for the sake of argument (though in this case I am very doubtful of it) that the military reasoning is correct, and then forget about it and concentrate on the moral dilemma. The objection alleged is that it is impossible to 'compartmentalise' one's mind so as to feel the force of these moral intuitions, and at the same time ask, with a hope of finding an answer, which of them we ought to allow to override the other in this case. But why should one not come to see that *in that situation* a victory that could only be achieved by such means ought not to be sought? If one were thinking critically and rationally, one might be led to this conclusion by asking what was for the best in that situation; but one might be led on to ask whether the intuitions themselves ought not to be qualified, perhaps by adopting a somewhat less simple-minded kind of patriotism with a higher acceptance-utility. Such thinking is dangerous, as I say many times in the book (one might easily get it wrong, and perhaps in Vietnam many people did get it wrong like Lieut. Calley, and suppressed the intuitions which they should have followed); but, as I also say, we sometimes cannot escape it, and must prepare ourselves for it.

If Dr Annas does not think critical thinking possible in such situations, can it be because she does not want there to be a solution? I am old enough to remember how people's moral intuitions about patriotism had altered as a result of their experiences in the first World War. They had been led to think critically. It is not a 'romantic assumption' that people change their moral convictions when they have come to think it for the best to have different ones; I have seen it happen (sometimes for the worse, if they do the thinking badly, but often for the better); and the process goes on. I feel bound to ask what philosophers of Dr Annas' stamp have to contribute to this kind of moral progress. Having no idea of how critical thinking should be done, can they help us do it better?