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Ethics, Vol. 95, No. 1 (Oct., 1984), 81-85.

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Some Reasoning about Preferences: A Response to Essays by Persson, Feldman, and Schueler*

R. M. Hare

I take the occasion of Schueler's essay to discuss, not only some points raised in it, but also other closely related points made in essays by F. Feldman and I. Persson,¹ all about an argument in chapters 5 and 6 of my *Moral Thinking*.² I must confess that in that book I as usual succumbed to my besetting vice of concision and failed to spell out moves and counter-moves in the game which I thought would at once suggest themselves to an alert reader. Obviously there are many more of these than can be discussed in a short book, and in my long experience it is not always of much use to do so, both because, whichever of them one chooses, somebody is bound to pick on others and because, even if one does mention a point, it is often not noticed. The second sentence of the preface to my *Language of Morals* still represents my considered policy.³ However, since even Feldman, whose essay is fuller and more careful than the other essays, misunderstands my argument, it looks as if I did not express myself clearly enough. I shall therefore explain some points which affect more than one of the three essays, leaving aside minor points or those which affect only one of them.

All three discussants use arguments which would imperil my position only if I held that, if someone has a preference that something should happen to him, he has no other preferences that could outweigh this. This is the point of Persson's example about Odysseus and the Sirens,⁴ which was very much in my mind when I wrote the book but got omitted from the final draft, and of the similar example of the dentist, which

* I must thank Fred Feldman for some interesting and helpful discussion, which unfortunately occurred only after he had already committed his essay in its present form.

1. G. F. Schueler, "Some Reasoning about Preferences," in this issue; Fred Feldman, "Hare's Proof," *Philosophical Studies* 45 (1984): 269–83; and Ingemar Persson, "Hare on Universal Prescriptivism and Utilitarianism," *Analysis* 43 (1983): 43–49.

2. R. M. Hare, *Moral Thinking* (Oxford: Oxford University Press, 1981), hereafter cited as *MT*.

3. R. M. Hare, *The Language of Morals* (Oxford: Oxford University Press, 1952).

4. Persson, p. 47; Homer, *Odyssey* 12, 160 ff.

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also occurs in *MT*,⁵ as well as that of the alcoholic or drug addict.⁶ In all these examples, somebody has a preference as to what should happen to him in a certain contingency. Odysseus prefers that, should he beseech his companions to release him, they should not do so, because if they do their ship will be wrecked; the dentist prefers that, should he be in the position of the child he is drilling, *his* dentist should go on drilling, because otherwise he would not avoid toothache in the future; the drug addict's beneficent friend prefers that, were he to be in precisely the addict's situation with the addict's preferences, his preference to be given more of the drug should be frustrated; the alcoholic (now cured) prefers that, were he himself to form a preference for having a drink, the drink should be withheld. In all these cases, a now-for-then preference is in conflict with a foreseen then-for-then preference, in the sense that if the first is satisfied the second will not be. In some of the cases the thens are hypothetical thens; but that, as we shall see later, makes no difference to the argument.

It is obvious that, if my view were that a preference on the part of A that, were he in B's situation with B's preferences, *x* should happen to him, automatically overrides all other preferences that A has, then these would be counterexamples to it. Although Odysseus will then prefer that his sailors should set him free, he does not now prefer overall that they then should. My argument was (put in terms of this example) that if he fully represents to himself now the situation that he will then be in, with its preferences, he will form *a* preference for what should happen to him in that situation that is identical in content and strength to that which he will actually have in that situation. And in the other examples my view is that the person who fully represents to himself another's situation with the other's preferences will form *a* preference for what should happen to him, were he in the other's situation with the other's preferences, which is identical in content and strength to that which the other has. I did not say that he would have no other preferences that might conflict with this; indeed I said a lot about what happens when he has.⁷

Obviously one may have *a* preference (what Feldman calls a "preliminary preference"⁸ that, if *p*, then *q* rather than not *q*, but at the same time have preferences for other things whose realization would make it impossible that *q*, or which cannot be realized if *q*. Thus Odysseus, although (indeed because) he fully represents to himself the situation (with its preferences) that he will be in when he hears the Sirens, prefers *overall* that his sailors should not set him free, although he will then have, *pro*

5. *MT*, pp. 93, 97.

6. Schueler, p. 78; Persson, p. 44; cf. my *Freedom and Reason* (Oxford: Oxford University Press, 1963), p. 174, hereafter cited as *FR*.

7. *MT*, pp. 93, 102 ff.

8. Feldman, p. 277.

tanto, a preference that they should free him, in order that he might listen to the songs from nearby. He prefers overall that they should not free him because he also knows that if they do the ship will be wrecked, which will frustrate other much stronger preferences which he now has and knows that he will later have (e.g., to see Ithaca and Penelope again).

So there is a contradiction in Odysseus's will very analogous to that which occurs in moral cases.⁹ He is compelled to choose in order to resolve the contradiction; and my thesis is that he will choose on the basis of the overall strength of his preferences. No one preference has a veto. All I need for my argument in the moral case is that the person who fully represents to himself the situation of another, including the other's preferences, should inevitably form a preference that, if he were in the other's situation with the other's preferences, that should happen to him which the other now prefers should happen to him. He can form this preference but have it overridden by other stronger preferences, if they really are stronger. The similarity of my view to utilitarianism survives this overriding of preferences by stronger preferences; that, indeed, is precisely what a preference-utilitarian will say should happen.

In other words, the argument in *MT*, chapter 5, is intended to put into our moral reasonings the ingredient supplied by the preferences of other people, which universalization, employed thereafter in chapter 6¹⁰ compels us to treat as of equal weight with our own equal preferences and those of all affected parties. The argument of chapter 6 shows how these preferences are to be balanced against one another: they are to be given equal weight, strength for strength, as utilitarianism also enjoins. The claim is not made that any person's preference (whoever he is and whatever its content or weight) has to override those of other affected parties if its weight does not entitle it to. The "veto" theory (if I may call it that) which is attributed to me by Schueler and Persson, and at one point by Feldman though he subsequently relents, is very far from what I intended, and I thought (mistakenly it turns out) that I had made this clear. The "veto" theory is well expressed by Feldman as follows: "A fully rational critical thinker could never endorse any ought-statement that prescribed an action that anyone preferred not to occur."¹¹

It is worth noticing that these objections are similar in form to one made by Kant to a too simple application of the Golden Rule and advanced by some against my own views in *FR*, in spite of receiving there a very clear answer.¹² The point made in *FR* is that, if the judge is applying the same Golden Rule to all those affected by his decision, he will punish the criminal if that produces the best consequences for their interests

9. *MT*, p. 109.

10. Though not in chap. 5, as explained in *MT*, p. 108; Schueler gets this wrong on p. 78.

11. Feldman, p. 277.

12. Kant, *Grundlegung*, in *The Moral Law*, ed. H. J. Paton, 2d ed. (London: Hutchinson, 1948), p. 92, n. 68; *FR*, pp. 155 ff.

overall, considered impartially. If the laws and the legal system are good, and the accused is really guilty, this will be the case. If they are defective, or if he is not, it will not be the case. A utilitarian theory of punishment can deal quite easily with the vulgar objections to this claim based on bizarre examples, on the lines suggested for the handling of all such examples in *MT*, chapter 8, and for the treatment of justice in chapter 9. The answers to them depend on the recognition that moral thinking takes place at more than one level, at one of which (the intuitive) we apply without question the principles of justice (as the judge should in this case) but at the other of which we justify these principles by their acceptance-utility and settle conflicts between them, and between any two moral principles, in unusual cases.

The other main move made by Feldman and Schueler concerns the need, if my argument is to go through, to treat hypothetical cases as if they were going to be actual.¹³ This point is discussed at length on pages 112–16 of *MT*, a discussion to which neither refers. I shall not repeat the argument here, and I cannot at present improve on it. Another way, however, of putting the same point may help: the universal principles involved in any moral prescription are nomological and not merely material conditionals, as Schueler supposes.¹⁴

If that argument be accepted, then Feldman cannot legitimately make the move he makes when he says that (in the car-bicycle example adapted from *MT*, p. 109) the following propositions logically both could be true and do not contradict one another because the first is categorical and the second conditional or hypothetical:

- (9) A prefers, with strength 3, that the bicycle be moved: (11) A preliminarily prefers, with strength 2, that, if he were to swap places with B, then the bicycle should not be moved.¹⁵

A, if he is making a moral judgment, and if 9 and 11 are true, will have to find some universal prescription to accept which is consistent with the preferences described in them. But if it is a requirement of moral thinking that hypothetical cases just like the actual in their universal properties should be treated as if they were going to be actual, then he cannot do this. If the moral prescription has to be universal, and hypothetical cases count as if they were going to be actual, then he will have to say the same about the situation in which he has swapped roles with B as he does about the actual case. In other words, he has to prefer universally (since the prescription he is going to adopt has to be a universal one) that the same thing should be done whether he occupies the role of A or of B. So, if he sticks to the preference described in 11, he will have to abandon that described in 9, and vice versa. Both preferences, though

13. Feldman, p. 278; Schueler, p. 79.

14. Schueler, p. 80. On this, see my "Supervenience," in *Proceedings of the Aristotelian Society*, suppl. ser., 58 (1984): 1–16.

15. Feldman, p. 278.

they are of different strengths, are positive, and they are for outcomes both of which cannot be realized, if the same has to be done whichever individual occupies whichever role. I further argue in *MT* that his decision which to abandon will depend on the strength of the preferences (which is in accord with utilitarianism); but that is not immediately relevant to the move of Feldman that I am presently discussing and which I think I have now countered.

Exactly the same answer can be given to the similar objection raised by Schueler.¹⁶ He makes the further mistake (specifically warned against in *MT*)¹⁷ of taking together hypothetical cases different in their universal properties from the actual and cases which differ only in the roles played by individuals. His "lethal injection" case is of the former sort and therefore has no bearing on the argument. Feldman's principle AC,¹⁸ which he rightly rejects, involves an analogous though not identical mistake.

16. Schueler, p. 79.

17. *MT*, pp. 113–14.

18. AC: "If *A* prefers, with strength *S*, that *p* occur, then *A* preliminarily prefers, with strength *S*, that if *A* swaps roles with *B*, then *p* occur"; Feldman, p. 280.