UNDERSTANDING MORAL JUDGMENT:

A CRITIQUE OF R.M. HARE

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By

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PREFACE

The following thesis draws together a group of diverse points, and the reader may find it useful in following if I initially indicate the most important of them. My central concern is to show that R.M. Hare's claim about the nature of our freedom in formulating moral judgments is mistaken. The first of five points I would draw the reader's attention to is the way I understand Hare to interpret this freedom.

1) Freedom exists for Hare because there are no conceptual constraints on individual desires or wants. The individual is free to hold anything as morally good, because, Hare claims, all that is required to think morally is to avoid claims that would be inconsistent, in that I would be committed to claims about my wants that I do not hold. The inconsistencies that Hare rules out are therefore a function of my wants and desires, and given Hare's claim that there are no conceptual constraints on my desires or wants, it follows there is no such constraint on the wants I may have when thinking morally. Moral argument and agreement on this view depend ultimately on the contingent fact of whether persons happen to be different or alike in their wants, and Hare's freedom leaves us with an extreme form of moral individualism that is mitigated only by the contingent fact that in Hare's opinion human beings do happen to be similar

in their wants.

2) In contrast to Hare, Philippa Foot holds that there _are_ conceptual constraints on what we can want. Her arguments take two forms. There is the absurdity in saying that anyone could desire to be harmed, for example; and there is the negative consideration that, since all other evaluations seem to be made in contexts that set limits of a conceptual kind on what can be held to be good, it is difficult to see why moral judgments should not be of this type too. Alan Montefiore suggests how the latter point may be supported by a positive argument according to which there are indeed conceptual restrictions on our moral judgments.

3) Hare points to errors in Foot's accounts. One is a failure to see that although words may contain evaluative aspects as part of their meaning, this in no way limits what we can want, for we may always find neutral terms in which to express ourselves. Another error relates to failing to take account of two aspects of the concept of wants. In one sense wants have to do only with one's own interests while in the other they may run counter to these interests. The distinction enables Hare to distinguish the ordinary moral man from the moral fanatic and to argue that what Foot considers conceptual absurdity is only contingent oddity. My thesis attempts to show that Foot's distinction rather than Hare's is correct.

4) Hare's view excludes any claim that our moral

iii

beliefs are logically determined by "a certain conceptual apparatus", and hence affirms that opinions about what constitutes a moral good are logically independent of the particular culture in which they occur. Whereas this dismissal of moral relativism is a consequence of Hare's analysis of moral judgments, my analysis indicates that his can occur only within a context of normative presuppositions which, consequently, are not brought into question. Inasmuch as these presuppositions are embodied in the conceptual apparatus of a certain culture it is not evident, if I am correct, that Hare has avoided what is correct in the claims of the relativist.

5) Relativism can have a strong and a week form, and my account commits me only to the weaker. According to the stronger form we must indicate the cultural context in which the moral evaluation is made if we are to understand the evaluation, but that we can not then ask if one culture is morally superior to another. The weaker version, while also holding that moral judgments are only understood in the context of a specific culture, does not go on to deny that we can then morally evaluate between them, and also make internal changes. In this weak form the constraints imposed on the individual moral claims are analogous to restrictions on scientific claims, so that although we are faced with conceptual restrictions not admitted by Hare it does not follow that we each do not have in some sense to make up our own minds on moral issues in the same way

that we do on scientific theories. There are restrictions on what constitutes comprehensible criticisms in both, but nothing impossible in giving criticisms and alternatives in either.

I am indebted to Professor E. Simpson for his patient help in making my thesis clearer than it would otherwise have been.

INTRODUCTION

The aim of my thesis is to show that R.M. Hare gives a mistaken account of the relevance of facts in moral judgements. In chapter one I outline his view and express some misgivings as to what is involved in 'imaginatively putting ourselves in another's place', indicating that the very move tends to presuppose certain types of beliefs. My argument is an attempt to show how Hare avoids the constraints of such presuppositions only by failing to distinguish two aspects of the way we may claim to understand what a person is doing. It follows, once the distinction is made, that moral discourse takes place in a context in which a person's claims could be nonsensical although fulfilling Hare's demands of intelligibility. In chapter two I outline how P. Foot and A. Montefiore give us clues as to the nature of this context as one in which we characterize persons as having roles or functions. In chapter three I attempt to show that the domain of moral behaviour is rule-governed and can be considered to occur in a context in which roles and functions are understood to exist. In chapter four I indicate how particular contexts of this kind involve criteria for deciding if facts introduced into moral discussion are understandable as relevant or not. The clarifying of relevancy indicates what is involved in the types of presuppositions one must make in order to differentiate between persons.

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CHAPTER I

I will accept Hare's distinction between the descriptive and prescriptive components in evaluative judgements. I will not disagree with his arguments against those who would show that certain descriptive elements involve some sort of entailment of an evaluative judgment. Instead, I will ask: Why may some facts be relevant as opposed to others, although no logical link exists between the fact and the evaluation? For example, why is it relevant as an account of why I am punishing someone that they stole something, whereas the fact that they have brown eyes is not?

Most discussion of Hare is with respect to the way the descriptive elements may entail the evaluative judgment. If such entailments could be established we would have a solution as to why some feature was morally relevant. The feature would be relevant in virtue of entailing some moral evaluation. In this thesis I will accept Hare's view that no such entailments are ever necessary and hence cannot be used for determining if certain facts are morally relevant or not. I will argue that Hare's account of what makes certain facts morally relevant is inadequate.

Hare is concerned to counteract the naturalist's view that there is some logical link between facts and our evaluations, for the sound reason that only in this way can we guard

against conservativism and authoritarianism. Only if there is no hard and fast link between the descriptive and prescriptive components, however explained, can we account for the possibility of 'making up our own minds' on moral issues. However, from the reasonable position that there is a certain gap between facts and prescriptions which permits us sometimes to bring the latter into question, he moves to the more questionable view that apart from the restriction of universalisability, we are free to follow our own inclinations. Thus, although there are rational restraints which prevent complete arbitrariness, we nonetheless have an individual freedom in evaluation quite unlike anything in description. Thus he says:

> For one of the most important constituents of our freedom, as moral agents, is the freedom to form our own opinions about moral questions, even if that involves changing the language.
>
> It might be objected that moral questions are not peculiar in this respect -- that we are free also to form our own opinions about such matters as whether the world is round. In a sense this is true; but we are free to form our own moral opinions in a much stronger sense than this. For if we say the world is flat, we can in principle be shown certain facts such that, once we have admitted them, we cannot go on saying that the world is flat without being guilty of self-contradiction or of a misuse of the language. _That nothing of this sort can be done in morals is a thesis which must have the support of all those who reject naturalism_...But for the moment let us assume that there can be no logical deduction of moral judgments from statements of fact. If this be once granted, it follows that we are free to form our own moral opinions in a much stronger sense than we are free to form our own opinions as to what the facts are.[1]

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1. Hare, _Freedom and Reason_ (FR), pp. 1-2 (My italics)

I have said that I will assume his arguments against naturalism correct. What I do not concede is the obviousness in that we have moral freedom contrasting with lack of liberty to determine facts. The difference is not so great, even in science we have to allow a gap between its claims and their truth values to allow us to bring the claims into question. Analogously there is a gap between what we are evaluating and the facts adduced. On the other hand, as Hare sees there is in the case of science a limit on what can be relevantly produced to indicate in which direction we should choose, but I do not see why there should not be such limits on relevancy in the moral domain as well. In a scientific discussion someone who produces facts will have to relate them to the questions at issue, and, I will argue, the moral context is such that the same demand can be made.

One reason for the attractiveness of Hare's account is that science seems to gain a certain range of facts from experience of the world, and it is this that accounts for the fact that there is a tendency to agree in our judgments. By contrast, moral judgments don't seem to be shown right or wrong by any clear reference to a content that is accessible to us all. Hare gives a plausible account of where the content for moral judgments does come from in placing it in the domain of each of our individual inclinations, desires, wants or ideals. In this case, unlike that of science, we

do not have a single subject matter but one which <u>could</u> <u>be</u> as diverse as the number of individuals. A simple objection would of course appear if our wants and inclinations were socially determined, for then such diversity would <u>not</u> be possible. However, there is a weak sense in which even a scientist is socially determined in that any causal account of how he came by his knowledge would involve indicating that he was taught within the social context. This determination does not prevent <u>him</u> from going on to hold views which are differnt from his teachers and seeing that he can question what he was taught, and unless the claim of social conditioning is stronger in the case of morals, then the same holds for it: any individual may logically, no matter how unlikely, question what most are conditioned to accept without question. Contingent facts that make certain types of questioning by individuals unlikely would not form a real objection to Hare. The real objection is that by failing to take account of certain distinctions he illegitimately moves outside the conceptual limits of what can be offered as relevant facts in moral discussion, thus exaggerating the difference between science and morality.

Having stressed the fact that moral opinions are an individual matter, Hare attempts to show why morality does not therefore degenerate into an arbitrary matter: "the freedom that we have in morals is to be distinguished from

the freedom which comes when it simply does not matter what
we do or say."[1] What Hare requires to do is to show that
there are limits on the evaluations I can ordinarily make
as a consequence of certain contingencies about myself. In
the context of his account of these limitations we can clarify
how Hare determines that some facts can be morally relevant.
It is this latter aspect that my thesis concerns itself with.
Hare concedes a certain resemblance to science in that our
moral judgment has to be brought to some kind of test.[2]

He suggests that Popper's view that science involves
showing that our claims can be falsified by a counter instance
may be extended to our moral judgments. Inasmuch as moral
judgments should hold universally given certain descriptive
conditions, he thinks the test involves showing that there
is one kind of case where the same descriptive features hold
but where we would not be willing to continue to hold to a
connected prescription. This kind of case occurs when, see-
ing that when the prescriptive features relate to myself, I
would not be willing to subscribe still to the prescription.
Inasmuch as the counter instance excludes the possibility of
its being a universal judgment, it can no longer be held as
a moral one. Thus I may say "all people with brown eyes
should be shot"; if, however, it was then pointed out to me

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1. _FR_, p.3
2. _FR_, pp 87-93.

I have brown eyes I can only hold to my initial universalized prescription if I concede that I should be shot. If I do not then we have a counter instance and I must withdraw the initial claim.

As well as showing how the actual moral judgment may be brought to the test, this criterion of moral rationality indicates what makes the facts relevant or not. Those facts concern the descriptive content of a moral judgment that I can consistently universalize over. If I had been, even given the hypothetical situation of myself having brown eyes, willing to say this was a condition for shooting people then it would have become a relevant moral feature. In other words, relevancy is determined by what I am willing to universalize over.

The question now arises as to what restraints there are on what I am willing to universalize over. The key feature is in _imagining_ myself in a situation when the events that I am prescribing would have me as the object rather than the agent, and seeing if I could still be inclined to make the prescription. It is thus in termsof my own wants that I can put content into the refuting situation. It is because I would not want to be shot, even if I had brown eyes that I can not hold the universal prescription. It is at this point that Hare thinks his 'freedom' to form his own moral opinions enters in. For there are no _logical_ constraints

on what we can want.[1] Hare thinks that it is merely a contingent matter that most of us have similar wants and more importantly do not subordinate those wants or self-interests to other overriding aims. There are two aspects here. On the one hand it is logically possible someone would wish others to hit him, and therefore would not see his own case as refuting a universalized claim to hit certain people. For Hare it is not merely a matter of imagining oneself in a relevantly similar situation; it is also to take on the inclinations and interests of the other as though they were one's own. Thus he says "In other words, he must be prepared to give weight to A's inclinations and interests as if they were his own. This is what turns selfish prudential reasoning into moral reasoning."[2] Given that in particular cases we may have clashes of interests, Hare can go on to resolve them with the following consideration. "The natural way for the argument then to run is for B to admit that he is not prepared to prescribe universally that people's likes and dislikes should be disregarded by other people, because this would entail prescribing that other people should disregard his own likes and dislikes."[3] Thus the sado-masochist will take account of a normal person's interests, rather than

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1. For some discussion of this see the first half on Chapter 3.
2. _FR_, p. 94.
3. _FR_, p.113.

projecting his own. However, the logical freedom allows people to have wants that do not conform to their own interests. These Hare characterizes as 'ideals'. Thus he says "The distinguishing characteristic of the ideals of the Nazi... is that they are made by their holders to override all considerations of people's interests, even the holders' own in actual or hypothetical cases."[1]

That someone may so disregard his own interests is the crucial move by which Hare lets in his freedom. It should be noted that Hare is aware of a wider and narrower usage of desire: "The wide sense...is that in which any felt disposition to action counts as a desire; there is also a narrower and commoner sense in which desires are contrasted with other dispositions to action, such as a feeling of obligation (which in the wider sense of 'desire' could be called a desire to do what one ought.)"[2] It may be suggested that to talk of a person's interests lends itself to the same wide and narrow interpretations. It is the logical possibility to disregard interests in the narrow sense that here concerns us. Hare says "It is, indeed in the logical possibility of wanting anything (neutrally described) that the 'freedom' which is alluded to in my title essentially consists and

1. FR, p. 175.
2. FR, p. 170.

it is this, as we shall see, that lets by the person whom I shall call the 'fanatic'"[1] The fanatic for Hare is just someone who does prescribe in a way that does not relate to his own interests. In our example he would be willing to be shot if he had brown eyes, which could hardly be in his interests. That we agree morally, is based on the <u>contingent</u> fact that most of us would not so disregard our interests.

Once a person adopts the position of a 'fanatic' Hare thinks that we can bring no other considerations to his attention that will if he is reasonable make him change his mind. I will argue in chapter three that Hare can adopt this view only in virtue of neglecting certain distinctions involved in our claims that a person's intentions are understandable. For Hare so long as the fanatic is consistent we would not be able to argue him out of a belief as ludicrous even as our example of shooting people with brown eyes. Hare says,"if his desires were sufficiently eccentric they might lead him to hold eccentric moral opinions against which argument would be impossible."[2] My claim will be that once we clarify what it is to 'understand' certain claims about behaviour then we will see that the 'fanatic' must add more if his claims are to be comprehensible in a certain sense. The obdurate person who denies this will be in - -

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1. <u>FR</u>, p. 110

2. <u>FR</u>, p. 173. Here Hare is using "desires" in the extended sense.

the same position as someone who claims the world is flat without further comment.

These limits on what the fanatic can comprehensibly claim hold also for people Hare would not characterize as fanatics. In their case they consider their interests in the restricted sense and hence will not consider features of a situation to be relevant if they appear to conflict with these interests. Such people would never persecute those with brown eyes because they realize that should they have brown eyes they would not allow some'ideal' which demanded their death to override their desire to go on living. While such imaginative exercises as Hare suggests may help make people more sensitive about their treatment of other men, it already involves certain presuppositions which may be value-laden and which Hare's method can not bring into question. The exercise will not therefore free the individual to make up his own mind on moral issues to the extent that Hare claims when he says, "For one of the most important constituents of our moral freedom, as moral agents, is the freedom to form our own opinions about moral questions, even if that involves changing our language".[1]

The restrictions on the freedom are apparent in the way a person can go about claiming that some differentiation in

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1. FR, p.2

an individual is <u>relevant</u> to justifying some form of dif-
ferential treatment. For Hare this depends only on the fact
that we are willing to see these features as relevant to the
differential treatment under all circumstances. Hare thinks
our agreement on these matters is to be explained through
our similar inclinations. To test these inclinations with
respect to considering some feature relevant we must imagine
ourselves in a context with this feature. The problem is
that these features are never given as uninterpreted des-
criptions, but rather as part and parcel of some interrelated
group of judgments or theory from which the individual is
not free to disengage himself. To take an extreme example
a person may be considering whether certain forms of mental
illness are relevant in differentiating how we treat people.
Any account of how such illnesses do differentiate people
will involve a group of beliefs, that must be held if we are
to use the illness as a differentiating principle. Yet these
assumptions may involve normative elements as well as purely
descriptive features, so that someone using it as a principle
of differentiation may be bringing implicit normative judg-
ments to bear on the context, which he cannot question. Thus
any account of mental illness may involve claims as to how
humans <u>should</u> behave. It is difficult to see how they could
wholly avoid some consideration of what is involved in being
a person, and this runs a great risk of being normative
rather than descriptive.

To ask if I would like to be differentiated in this way hardly makes sense, as is clearly seen in the case of mental illness. More appropriately I may say that I would not like to be mentally ill. Once the initial discrimination is seen to rest on certain presuppositions, it is also clear that any special treatment will be seen to be relevant in the context of these presuppositions. Just as features picked out in discriminating people are theory-laden, so any special treatment directed at people will also be theory-laden. A person does not have to merely wonder if he would like an electric shock to be applied to his temples, he has to see the event in the whole theoretical setting of electro-convulsive therapy. Such theoretical accounts will be intimately related to the ones involved in the initial discriminations that are claimed as grounds for the treatment.

I will be arguing in what follows that moral discussions are possible only given a context of such presuppositions. Hare's 'fanatic' must in consequence give significance to his claims by showing that they relate to such presuppositions. The man who in Hare's account avoids being a fanatic will also have to relate his claims to such presuppositions if he is to be understood. In chapters two and three I will draw out what may be involved in the presuppositions. In chapter three I will indicate how they relate to what we can and cannot 'understand', while in chapter four I will try

to draw out some of the internal features by which we can use them to attempt to justify some of our claims about relevant differences. It should be noted that although any discussion of the presuppositions involves making them explicit, they may often be only implicit in our moral dialogues.

CHAPTER II

In this chapter I will consider two possible ways our conceptual freedom to evaluate and to decide what facts are relevantly involved in moral judgments may appear to be restricted. These restrictions have been presented with an interest to taking evaluation out of the handsof the individual entirely.[1] My own interest in these considerations is that they may help us to clarify what would be involved in showing the truth of my weaker thesis that there are only certain limits set on the individual's freedom to choose what facts are relevant in moral discussion, not absolute ones. I will discuss some of the concepts used in developing the stronger thesis in the hope of clarifying some of the aspects of my own argument.

The first case of the possible restrictions arises from claims about what we can be said to understand with respect to evaluative claims in general; the second from the fact that the context in which choices are made sets limits on evaluations. Such contexts as will be discussed are spelled out in terms of functions or roles.

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1. My discussion will make reference to Foot's discussion in "Moral Beliefs" and the symposium between herself and Montefiore under the title "Goodness and Choice".

With regard to the first restriction, Foot claims that we can only be said to understand what someone is doing if we know the reason.[1] She gives the example of a moral eccentric who claims that clasping the hands three times an hour was a good action. As this stands Foot claims that it doesn't have a clear meaning and that hence "someone who said that clasping the hands three times an hour was a good action would first have to answer the question 'How do you mean?'"[2] Those who, like Hare, think that we understand it without a further question are, Foot thinks, deceiving themselves by surreptitiously introducing a special background to explain the claim's significance.

Hare responds by claiming that Foot has confused "on the one hand, logical absurdity and its various weaker analogues, and on the other various sorts of contingent improbability."[3] Hare correctly stresses with regard to the moral eccentric that "...what he says has in its liberal sense nothing <u>logically</u> wrong with it. It follows that no conclusions whatever are to be drawn concerning the meanings or uses of words from the oddity of such a remark;.."[4] Hare's remarks carry force just because we know what sort of performance to expect from eccentrics and this makes it

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1. "Moral Beliefs", pp. 83-92.
2. Ibid, p.91.
3. "Descriptivism", p.130.
4. Ibid, p.130.

unreasonable to claim that we have not understood him. On
the other hand Foot's stressing of our tendency to be in
some sense puzzled and ask for the point of his antics seems
also correct. The question is whether this is a matter of
understanding or merely a response of surprise. Hare takes
the latter view and relates the puzzlement not to a matter
of understanding but to its unusualness in virtue of the con-
tingent fact that most of us are not so disposed to act.[1]
In chapter three I will try to indicate that both Foot and
Hare are partially correct. This is in virtue of two senses
of 'understanding' entering into the discussion, and these
are to be distinguished.

The second attempt to set constraints on Hare's freedom
arises from considerations of functional contexts and the
suggestion that the domain of moral considerations is such
a context. The way the concepts of purpose, end and use,
and those of function, role and activity interrelate is a
difficult problem. Where any one of these six concepts ap-
pears to be invoked in the description of a state of affairs
I will refer to it as a 'functional context'. How, internal
to such a context, the various concepts mentioned are to be
mapped out I will briefly consider as a prelude to indicating
the distinctions Foot draws with their aid. Her discussion

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1. "Descriptivism", p.130.

forms the background material for Montefiore's indications of how Hare could avoid functional contexts, assuming they do restrict his freedom. This leads Montefiore to the central question of whether the concept of man itself occurs only in a functional context.[1]

In the following I try to be sensitive to the way the functional concepts do interrelate. If I appear somewhat arbitrary and prescriptive I can only plead the excuse of simplifying so that the discussion doesn't become overwhelmed by possible confusions due to the different ways these words may be used. Hare offers an account of functional words as follows, "A word is a functional word if, in order to explain its meaning fully we have to say what the object it refers to is *for*, or what it is supposed to do. Functional words include, not only the names of instruments in the narrow sense, but also the names of technicians and techniques." [2] Hare's threefold division of instrument, technician, and techniques may be generalized to include any object that may be used for some end, anyone involved in pursuing some end, and any activity that culminates in some end.[3] In other

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1. For the discussion cf., "Goodness and Choice".
2. Language of Morals, (LM), p. 100.
3. As we will see this leads beyond strictly functional words which relate to certain ends in virtue of their meaning.

words, it includes anything that has a purpose or function, roles and activities. The latter two are intimately related in that we can not understand them in independence. We could not talk of someone as having a role unless he actually partook in some activity. For someone to claim to be a farmer and under no circumstances to farm would not be acceptable. On the other hand, although saying what a thing's end is in order to explain its function may demand relating it to some activity, this does not mean that it must be actually so used. It should also be noted that the characterizing of actions and relatedly of roles is often not in terms of further ends. The function of something will indicate that it must have features relevant to what we expect it to do. In the use of a 'role', with its intimate link to that of an 'activity', the question of relevant features becomes somewhat different. We may ask what distinguishes a role or activity from others and what features are relevant to being able to do it or not. However, given that there may be no clear end where the activity is an end-in-itself, the considerations may be less clear cut as to what features relate to roles. Relatedly, the role need not be in virtue of any natural properties, as say a 'bouncer's' muscles, but determined by conventional contexts, such as being a guest. In chapter four I will attempt to indicate some of the ways considerations within such contexts may come into play.

The concept of an 'end' in this discussion seems to relate to a blocking of the question as to why one is doing something. However, this can be seen to generate a possibly vicious regress in that the question of why we are trying to achieve that particular end can always arise. Thus one may claim that one is leaving the house to catch the bus. This end of catching the bus then comes into question, and the questioner may be told, "We are off to play cricket." But even this allows of the question "Why?". This indicates that there is a context of human activity and relatedly of roles which are characterized by the diverse activities which do not allow of the question "Why?"

The question then is as to how the activity which seems fundamental to our account of roles and functions, may be characterized and demarcated from other activities. An answer may be forthcoming from the analogy with a game such as chess. Here the game is characterized in terms of a particular set of rules. Inasmuch as they define the game we may call them the 'constitutive rules'. Certain of these rules constitute accounts of the 'roles' that each piece may take on within the context of the game. The pieces are characterized in terms of these rules which delimit for each piece a specific role.

With these remarks I will pass to the symposium[1] between

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1. Any claims in the rest of the chapter will refer to this symposium.

Foot and Montefiore to see how it helps us clarify what
would be involved in using functional contexts to restrict
Hare's claims for the individual's freedom. Foot indicates
that some words are defined purely in terms of their func-
tion. Examples are 'knife' and 'pen', for the meanings of
these words could not be given without reference to the
function.[1] Other words do not have such a dependence on
functions as part of their meaning, yet do normally serve
certain functions. Coal may serve several ends for humans
but 'coal' is not defined in terms of any of these.

Another group of words which Foot considers to be non-
functional in virtue of the fact that we cannot define them
in terms of an end, includes 'farmer', 'rider', and 'liar'.
Thus she says"it would be comic to speak of the function of
a rider or a liar, and we can only think of a farmer as
having a function if we think of him in some special way, as
serving the community."[2] Such examples all have to do with
characterizations in terms of a role and, as we saw earlier,
if this is correct there are certain points where it is un-
reasonable to ask to be told some further point to the role
or related activity.

The question facing us now is as to whether our moral

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1. I will not discuss the possibility of talking about
   functions outside a context of human ends.
2. Here interest in the group of words is because she can go
   on to say "But although words such as "farmer", "rider"
   and"liar"are not functional words...when joined with
   "good" they yield criteria of goodness as functional words
   were seen to do." Foot, "Goodness and Choice", p.49.

judgments do take place in a context where we are concerned
with functions or roles that set limits incompatible with Hare's
freedom in evaluating and characterizing relevant facts in
moral considerations. It is the latter area that explicitly
concerns us in this thesis. Hare explicitly denies that such
contexts do enter into moral ones. He says, "My own view is
that the mere occurrence of a functional word after 'good'
is normally an indication that the context is not a moral
one".[1] Montefiore, following Foot's lead, shows what the dis-
agreement involves and what must be done if either side is
to make its case.

Montefiore sees the question as being that of how far
we can disassociate ourselves from functionally descriptive
language. In the cases where the functional word classifies
its object in independence of any function, as in the case
of the word 'coal', he thinks there is no problem; for we
can always disassociate ourselves from any particular pur-
pose to which the object is put, and no link is forced upon
us in virtue of the word's meaning.[2] Where the word is
functionally defined as in the examples of knife and pen, he
notes that it is a more difficult problem to extricate our-
selves from the functional aspect of describing such an ob-
ject. He argues, though, that inasmuch as we can isolate
the object which we use as a pen, we could then list the

1. Foot,(ed), p.80.
2. Montefiore, "Goodness and Choice", p.72.

features that are relevant to its purpose so as to characterize the object without reference to the purpose. Thus he says of such a would-be describer, "...the use of the word 'pen' may be regarded as involving only a hypothetical reference to a standpoint to which he himself is not necessarily committed."[1]

The last group Montefiore considers seem to present even greater difficulties if we are to give some account of their meanings without depending on functionally descriptive language. Words such as 'farmer', 'liar' and 'rider' are apparently the names of things with roles or activities, but were we merely concerned with functional words the above procedure of merely listing certain features of the object would appear to be open to us. However, to characterize an activity or role in non-purposive language seems a far more radical undertaking. Montefiore seems to think it may be possible to describe them without these purposive categories. I can only think this would involve spelling them out purely in terms of event sequences,[2] and the program would be significant only if all human activity could be reduced to such neutral descriptions.

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1. Montefiore, 'Goodness and Choice,' p. 73.
2. He says of a farmer, "One may try, though it will not be easy, to describe what such a man does or is likely to do in funcionally asceptic terms, separating off the point of what he is doing to be stated as further facts about what he or society at large intended and believe". "Goodness and Choice", p.74.

This would be impossible if it turned out that the concept of man is such as to need elucidating in a functional context.[1] This could happen in one of two ways. On the one hand it would be a matter of the meaning of the word, while on the other, the meaning of 'man' would be independent of any functional, context, but we would not be able to extricate the independently defined object from a functional context.[2]

These distinctions are important for they help clarify what I will attempt to show in chapter three. There it is the first possibility that I will claim holds for the concept of a 'person'. To distinguish aspects of the concept of 'man' I will talk about 'persons', rather than mean, as the objects that interest us in our moral considerations, and talk about men as the objects that may become characterized as persons by partaking in the contexts which include the

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1. "Goodness and Choice", p. 74.
2. Montefiore spells out two possibilities which do not seem to directly parallel mine. Both his distinctions seem to indicate that the function is part of the meaning of the concept 'man', and the full force of this distinction eludes me, even in the context of his earlier discussion of the nature of an object. He says "(i) The concept of "man" may demand completion by reference to some specific function or vocation in roughly the way in which the concept of object demands completion by specification of some minimum period of existence. (ii) The concept of 'man' may be functional in its own right." Ibid, 74-75.

moral within their domain. I will argue that the concept
of a person belongs to the first option and can not be charac-
terized outside a functional context. This doesnot preclude
diversity of moral belief, however, and I will argue that
the concept is more analagous to the terms that indicate
roles than to words functionally defined in terms of some
end they may serve. In the case of role-words, as we have
seen, such specifications are not always required. Also it
was noted that we could not say someone had a role if he did
not partake in it when the circumstances that characterize
its related activity prevailed. In the same way we would
be unable to characterize men as persons unless they partook
in the functional context. Thus I will attempt to argue
that the aspect about humans that interests us as moralists
as opposed to say biologists, is a role-concept analogous
to that of 'farmer'. My claim then is that 'roles' gain
their meaning in terms of constitutive rules. The concept
of a person is intimately related to these rules so that if
we remove a human from contexts in which roles are charac-
terized we would not be able to characterize him as a person.
We are not dealing with an indepedently characterizable
object that it just happens can never avoid such contexts.
We are dealing with a concept defined by such contexts.

Montefiore claims that Hare must show "he can report
any range of facts without thereby becoming entangled in

the evaluative commitments of functionally descriptive language.[1] My claim in chapter three will only be that the very nature of our actions and the roles we take on in per-forming these constitute as a whole (see below) a context from which we cannot extricate ourselves. To do so would be to cease to be 'persons' and be characterized only by our biological features. Crudely put, we are persons only inasmuch as we take on a role which is mapped out by a loose network of rules. This is a limiting sense of role which I hope may be made a little clearer in terms of constitutive rules. Although it itself is not embraced by any more general role, it is analogous to that, for example, of farmer, in that different roles fall under it. In the example, such sub-roles would be harvester, herdsman or sower, while those falling under that of being a person would be, farmer, liar, lover, father, murderer and saint.

These examples draw our attention to three important points. 1) Such roles are governed by rules that may be more or less clear. Rules may be clearly laid out, as in the case of what a judge's role in court consists in, or they may not be, as in cases of a role such as friend, where it is very hard to clarify the rules. 2) The rules may be explicit or implicit as in the two examples above. I hope

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1. _Ibid_, p.76.

that chapter three will indicate that even if we are dealing
with implicit and unclear rules, my thesis can still be sus-
tained. 3) The question may arise as to what is involved in
characterizing a certain role or activity in moral terms.
My concern is not to define the nature of moral categories
but to show that given the general functional context of
human activity there are constraints on the way facts are
introduced into considerations about these activities. Thus,
unless the range of events in the lives of humans which one
wished to categorize by moral concepts fell outside this
context, they would be subject to the same constraints.
Within the terms of reference set by Hare we are at least
concerned as moralists with the domain of behaviour that re-
lates to other people.[1] Our account of the fanatic must
take into account of their or his own interests. So even
given the extension of morality to include the pursuite of
ideals, we can characterize these only by reference to the way
they differ from cases where interests are considered. As it
is a consideration of what is involved in such transactions
that will concern us in chapter three, its conclusions are
bound to be applicable to what Hare would concede as the moral
domain.

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1. Strictly speaking his characterization of moral judgments
   is more in virtue of the way we universalize the judgment.
   However, although this may characterize a moral judgment,
   Hare says "...morality appeared as a way of arbitrating
   between conflicting interests". FR, p. 157.

Given what we have seen Hare has to say about the use of the concept of person in moral considerations, it may be thought that I am merely forcing the issue by setting up arbitrary definitions from which to draw my conclusions. What I am attempting to do is indicate that Hare can empty the concept of a person of content and gain his freedom only by overriding important conceptual distinctions. By neglecting the distinctions he can neglect the presupposed context which gives force to the distinctions and which as we will see constitutes the functional context. It is this context that sets constraints on Hare's freedom with regard to what makes facts relevent or not in moral considerations.

The key conceptual distinction he neglects is the one we indicated at the begining of the chapter concerning two aspects of understanding. In clarifying the distinction in the next chapter, I will stress the area of behaviour which is rule-governed. It is a somewhat two-way argument in that the need to account for the distinction stimulates the analysis, while the analysis indicates the distinction is important. To the extent that this may look as though I beg the question, I would reply that the distinction has itself to be invoked by Hare, as I will indicate at the beginning of chapter three.

CHAPTER THREE

The discussion that follows depends on an analysis of the nature of human behaviour, which involves distinguishing two aspects to our concept of understanding such behaviour. These two aspects are not those covered by Hare's distinction between what we fail to understand and what strikes us as odd or unusual, and the following consideration points to the importance of recognizing the need for some other distinction. This is the simple point that when confronted by the moral eccentric we not only note that his behaviour is unusual but attempt to go on to understand it in a sense other than merely knowing the motions he is going through. The request for such understanding can not be dismissed for the simple reason that often what may appear odd behaviour allows of the sort of explanation that brings about understanding at this level. Hare's account only distinguishes odd from normal behaviour and ignores a further sense of understanding eccentric moral behaviour.

Before proceeding to clarify this distinction, I will consider some other points that Hare presents in connection with the nature of understanding and its relationship to conceptual restraints on our freedom. Hare's reply to Foot, as already noted, hinges on distinguishing "incomprehensible" and "odd" and on the claim that constraints can not appear

within moral contexts simply as a result of the meaning of
words. His consideration of one group of meaning relation-
ships and the limits on what inferences can be drawn from
them is interesting, however, in that it admits a link be-
tween certain types of end in human activity and our moral
judgments. He agrees that there may be a _logical_ connection
between what is a need and the use of "good". He indicates
how this leads into error by considering arguments revolving
around the closely related concept of desire. He argues[1]
that the error arises from confusing of two senses of"de-
sirability characterizations". The first sense he character-
izes as "...a description of that about the object which
makes it an object of desire."[2] He stresses that he has
never denied that "good" will link with such descriptions.
Elsewhere he says "...both naturalism and my own view lay
great stress on the fact that when we make a moral judgment
about something, we make it _because_ of the possession by it
of certain non-moral properties."[3]

The way descriptive elements and prescriptions link for
Hare was discussed in Chapter 1, but further light is thrown
by his claim, "...whenever we think something good, it must
be, or be thought by us to be a means to, something to 'try
to get' which (in actual or hypothetical circumstances) we

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1. "Descriptivism", 122-125.
2. _Ibid._, 122
3. _FR_, p.21

have at least some disposition."[1] Disposition here plays a
similar and basic role to that of 'inclination' in other
parts of Hare's writing. It indicates the existence of a
contingent state of affairs in the form of human dispositions
which are the link between the prescriptive and descriptive
elements. The important part of his argument in resisting
the 'internal' or meaning relationships that Foot and others
would defend, appears when he says, "The crucial thing to
notice, however, is that the argument does nothing to show
what may or may not be the subject of a desirability charac-
terization."[2] In other words, there are no logical limits on
what we may desire, which is where Hare sneaks in his
'freedom', in both the issue of morally evaluating and de-
ciding what features are relevent to moral considerations.
Desires and wants are not the sorts of things Hare thinks
that may be understood in the two different senses I pointed
to at the commencement of this chapter.

The second sense of 'desirability characterization' of
an object has to do with saying, "...something about it
which is logically tied in some way (weak or strong) to de-
siring."[3] Here the concepts in question are those such as
'fun' or 'interesting' which are conceptually so linked to
desires that to say we do not desire them in the least requires

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1. "Descriptivism", 123. "Try to get" is Anscombe's phrase.
2. Ibid, 123.
3. The error arises for philosophers who like Foot are con-
fusing certain utterances as being descriptive when they
are not.

further explanation. Hare suggests the descriptivists[1] simply confuse the two senses of 'desirability characterization' so that the logical link in the second sense is projected on to the first sense and they are mistakenly led to think that in the first sense there are similar links between desires, and the features desired or needed. Thus while such desires and needs may tend to some biological norm in terms of which we can explain cases of "oddity" or "eccentricity", they do not set <u>logical</u> limits on what peoples' desires, needs, inclinations or dispositions may be. Hence they do not set limits on what they may prescribe in a universal manner, and hence relatedly on what they can pick out as morally relevant features. As this stands it seems a reasonable criticism of Foot's claim that, "it is surely clear that moral virtues must be connected with human good and harm, and it is quite impossible to call anything you like good or harm".[2] 'Harm' as used here would seem to involve the second type of 'desirability characterization'; just as it would be in need of further comment if I said that I wanted to be bored, the same is true of saying that I want to be harmed. Hare's point is that although some words have such conventional meanings we can always avoid

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1. "Descriptivism", p. 125.
2. "Moral Beliefs", p. 92.

them.[1] Foot makes her claim as an attempt to show where the question "What's the point?", asked of the moral eccentric must find its answer. In terms of ends it would seem reasonable that we relate the point to a context of human good and harm, because the ends must relate to what the person wants. When we bring in the concept of harm we seem to have restricted what the person could want. The illicit move is to introduce such a concept into the context where we are considering 'desirability characterizations' in the first sense so that it is left open as to what we may happen to desire. That we all turn out to be similar in Hare's view means that we do not in fact need a dubious conceptual limitation to guarantee a remarkable similarity between men as to what they want and the sort of wants they find odd.

Although differing on whether in the final analysis there is a conceptual limitation which means our understanding breaks down over certain claims, or whether these are merely odd, both Foot and Hare seem to agree that there is a 'basic level' in our account of human beings. This on the one hand demands a language of wants and on the other 'inclinations' and 'dispositions'. If Foot's attempt to clarify human ends in terms of wants, with the latter concept having no restrictions, then we would seem to be forced back on

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1. This is in virtue of primary evaluative words which have no such link to some description. c.f. _FR_ p. 25.

such ends merely as the diverse inclinations of individuals which may or may not be similar. Part of the argument that follows will be to indicate that there are limitations on the individual, and that Foot's initial point that some behaviour we do not understand, was in the right direction, although it is a mistake to think that understanding involves discovering certain types of end which make comprehensible our behaviour.[1]

I will now attempt to clarify what is involved when we claim to understand human behaviour in the sense that Foot requires, and how it relates to the strong aspect of Hare's theory that we do in another sense understand what the moral eccentric will do.

What is important in Hare's distinction of "odd" and "understandable" prescriptions is that in both cases we give an account in terms of 'inclinations' or 'dispositions'. In the case where they appear 'odd' or 'eccentric', it is because of the contingent fact that most people are driven in similar ways. That we are here dealing with an account of human 'activity' in terms of 'drives' means that they merge with a biologist's description of animal behaviour. This failure to differentiate animal and human behaviour is accentuated by Hare's application of a theory of adaptation to explain the basic drives in an individual.

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1. This is of course not to claim that we never make clear what we are doing by referring to ends. Only that the distinction of what is understandable or not does not ultimately rest on being able to specify ends.

Thus he says, "if there have been any races of men or animals who have made the clasping and unclasping of their hands a prime object of their pro-attitudes, to the exclusion of other more survival-promoting activities, they have gone under in the struggle for existence."[1] Here he has followed Foot in at least thinking we are entitled to an explanation to our feeling of unease about the moral eccentric's behaviour. In Foot's case the unease is that we require a certain type of explanation to bring about an understanding of the behaviour. Analogously, Hare gives us an explanation to account for the oddity. I think a consequence of clarifying the two senses of 'understanding' is that it becomes apparent that the demand for 'explanations' itself takes on two aspects. The one relates intimately to bringing about understanding in the sense Foot requires, while the other is part of the language we invoke in our description of those features of the world which do not allow of being understood in Foot's sense, when we seem to have embraced it by a language that fails to provide a clear demarcation between events of behaviour that allow of 'understanding' and those that do not and can in consequence be merely described.

Following Winch's thesis as developed in <u>The Idea of a Social Science</u>, I will attempt to show that 'understanding'

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1. "Descriptivism", 131.

human activity is quite distinct from giving such descriptions. Failure to make the distinction arises, I think, from failure to observe the two aspects of 'understanding' that are clarified within the context of Winch's discussion. My discussion of these involves two steps. The first is to characterize the type of behaviour we claim to understand, as opposed to merely describe. Crudely, this may be thought to characterize the difference between the activity of persons and the behaviour of animals. The second step is to show how consideration of the differences in the behaviour of persons and animals throws light on what 'understanding' involves. Three aspects of human behaviour will be distinguished: 1) least interestingly, that which is unintended and clearly falls outside the range of understandable behaviour; 2) intended behaviour, where the behaviour itself can be said to be understood in the sense of what was intended but not to be understood in some other sense; 3) behaviour which is immediately understandable.

I will begin with the first step of indicating how personal activity becomes demarcated from other behaviour. The central claim is that certain behaviour, linguistic behaviour, for example, may be characterized as understandable or not in virtue of the fact that it may be governed by rules. Now the concept of 'rule' intimately links to that of 'error' or 'mistake'. Thus Winch says that "the notion of following a rule is logically inseparable from the notion of making a

<u>mistake</u>. If it is possible to say of someone that he is following a rule, then one can ask whether what he does is correct or not. Otherwise there is no foothold in his behaviour in which the notion of a rule can take a grip; there is no <u>sense</u> in describing his behaviour in that way, since everything he does is as good as anything else he might do, whereas the point of the concept of a rule is that it should enable us to <u>evaluate</u> what is being done."[1] Winch goes on to draw out what is important in demarcating this group of concepts. "A mistake is a contravention of what is <u>established</u> as correct; as such it must be <u>recognizable</u> as such a contravention. That is, if I make a mistake in, say, my use of a word, other people must be able to point this out to me. If this is not so I can do what I like and there is no external check on what I do; that is, nothing is established."

Winch goes on to indicate a necessary condition for the existence of such rule-governed behaviour. He says "establishing a standard is not an activity which it makes sense to ascribe to any individual in complete isolation from other individuals. For it is the contact with other individuals which alone makes possible the external check on one's actions which is inseparable from an established standard".[2]

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1. Winch, p. 32.
2. <u>Ibid</u>, p. 32.

I may attempt to establish a rule about hand clasping at
mid-day, but although people may know my intentions and indi-
cate when I fail, it would seem that the behaviour does not
come ready made with rules that relate it to other aspects
of human behaviour. It is just this network of rules that
interrelate our various activities and allows us to say they
are rule-governed. This makes them understandable in a way
that behaviour or intentions which do not relate to the net-
work of rules are not. Thus, if a domain of behaviour is
to be said to be demarcated as rule-governed it must be open
to external checks; this demands a social context in terms
of which the notion of error may be cashed. For it is as
members of communities that we can speak of the possibility
of error entering into some action, and when we fail to see
how the behaviour could be correct or incorrect there is a
failure to understand.

Inasmuch as rule-governed behaviour is possible only in
a social setting it is clearly demarcated from accounts of
'habitual' behaviour in animals. These may display uniform
patterns but need not in virtue of this be linked to the
concept of error. Thus Winch says in the case of a dog
which has acquired a conditioned pattern of behaviour (which
may in Hare's terms tempt us to speak of its 'disposition'
or 'inclination'), "...here there can be no question of 'the
reflective application of a criterion'." [1]

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1. _Ibid_, p. 32.

This is a consequence of the fact that a dog can not belong to a community in which the notion of error could be cashed. Thus Winch says of a human describing the dog's behaviour, "He can say the dog has done the trick 'correctly' or 'incorrectly'. But it is important to notice that this is an anthropomorphic way of speaking. It requires a reference to <u>human</u> activities and norms which are here applied analogically to animals."[1]

Winch is careful not to demand that the rules governing the behaviour are explicitly stable. They are seen to be implicitly present in that a person can say when some behaviour is correct or incorrect. Thus Winch says, "I want to say that the test of whether a man's actions are the application of a rule is not whether he can <u>formulate</u> it but whether it makes sense to distinguish between a right and wrong way of doing things in connection with what he does. When that makes sense, then it must also make sense to say that he is applying a criterion in what he does, even though he does not, and perhaps cannot, formulate that criterion."[2]

I now come to the second part of this discussion which involves the relationship of rule-governed behaviour to understanding. It is because some behaviour is rule-governed that it may be characterized by a special sense of 'understandable'. It is only in terms of the rules that it becomes

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1. <u>Ibid</u>, p.61.
2. <u>Ibid</u>, p. 58.

differentiated from other behaviour which in terms of event sequences may appear the same. The crucial distinction is the understanding of what the person says he will do or is doing in terms of events which are not rule-governed and the understanding which is additional to this and allows us to see the context of rules in which this basically described behaviour has its place. In the first place we understand what the person says he will do, while in the second we understand the behaviour, in that we see its place in a rule-governed context.

As was suggested on page 36 behaviour that can not immediately be characterized may allow of accounts that bring about understanding by linking it to our rule-governed contexts. On the other hand, some activity is such that the agent is as much at a loss to understand it (in terms of relating it to a rule-governed context) as anyone else. Although he can clearly say what he is about to do, he, like everyone else, would agree that it was incomprehensible and categorize it as some drive, impulse, or obsession. It is by concentrating upon the existence of this sort of action one can argue that all human behaviour can be understood in the same way. In fact, such actions can not be understood in the sense of rule-governed behaviour so that the explanation is not one that relates them to such contexts, but rather to pseudo-causal explanations, in terms of 'basic drives','inclinations'

or 'dispositions'. Whatever force these types of explanation may have they are not of the sort that allow the type of understanding that relates to rule-governed contexts, and hence they can be of no relevance when it is this type of understanding that we require.

These pseudo-causal explanations would fail to distinguish various activities which have the same basic description before they are related to a rule-governed context. Only in terms of the context of rules could we distinguish an act of jealousy from one of envy. This context allows us often to perceive human behaviour as a clearly characterized act. There is, however, a complex interplay between those actions we understand without further explanation and those that we do not, or mistakenly think that we do understand. As will be seen in chapter four, it is this possibility that produces a demand that we clarify the nature of activities and the related roles in terms of categories that we do understand. It is clearly important to know if the same action is to be characterized as a murder or an accident during a play rehearsal. It is thus only by relating to the context of rules that we can characterize and sometimes differentiate actions or roles. Winch says, "But whereas a dog's acquisition of a habit does not involve _it_ in any understanding of what is meant by 'doing the same thing on the same occasion'; this is precisely what a human being has to understand

before he can be said to have acquired a rule".[1]   To be able
to do this is to catch on to two things at once, whereas
Winch seems here to consider it a sequential matter, where
recognition precedes the having of the rule.   I would suggest
this is misleading, for we cannot abstract the recognition
from the having of the rule.   The two concepts intimately
relate just in virtue of the fact that an activity which
may allow of the same basic description such as a real and
a stage murder, are as activities characterized quite dif-
ferently.   The recognition of pretence murders on various
occasions may indicate that the rules governing and differ-
entiating the behaviour have been grasped, but this is be-
cause recognition must itself relate the behaviour to the
rule-governed context.

Where we have difficulty in understanding what is being
done we require the agent to clarify how what he is doing re-
lates to those categories of rule-governed behaviour that
we do understand.   This involves showing that certain features
of the context are relevant to characterize it as one acti-
vity rather than another, or that it is a means to some end
within a context of some understandable activity, although
this may not have been immediately apparent.   In such cases
an 'understanding' of the activity requires relating it to
rule-governed contexts that we do understand, rather than
a shift outside this context of rules to the description of

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1. _Ibid_, p. 61

events which at best merely exhibit regularities or law-like patterns. This latter sense of behaviour which shows regularities is quite distinct from the sense of rule-governed behaviour which was clarified by showing how this aspect of 'rule', unlike that of 'regularity', relates to the concept of a 'mistake'. All that we are able to say in the case of regularities is that they hold or not on some occasion, and not that some mistake is involved when they do not. That the behaviour is regular or uniform in no way allows for the type of understanding that relates to the sense of rules which links to the concept of 'mistakes'.

It might be suggested that we can make a rule for any behaviour and that this then becomes the significance of Hare's claim that we are free from conceptual restraints in our evaluations and decisions as to what are morally relevant features. Two aspects of this suggestion must be noted. One is that whenever I express an intention to do something I have laid down a ruling for my future behaviour; the other is that I may lay down rules to actually demarcate an activity such that someone will pick out instances of it, and therefore in the sense of relating to a context of rules be able to claim to understand it. This latter, we saw,[1] is not possible and the former, as we have just seen, may allow us to know what

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1. Page 38 of this chapter.

the agent will do, but not necessarily to understand the behaviour. Failure to allow for intended behaviour which is not understandable as behaviour means we cannot distinguish a person who intentionally follows some odd whim or urge, and one whose behaviour appears odd, but can after an explanation be made comprehensible.

The important domain of behaviour for moral philosophy is this latter rule-governed type. By moving outside this context, Hare seems to avoid the distinction within intended behaviour between that which can be characterized as understandable and that which is not immediately so characterizable. It is just by allowing the distinction to go unnoticed that Hare guarantees his freedom in that it looks as though the domain of moral behaviour that interests us is the former which construes all behaviour no matter how bizarre, that a person may wish to describe, to be on the same level of 'understanding.'

Once the distinction is drawn it is an easy matter to see that it is only the rule-governed domain of behaviour that can be of interest to us as moral philosophers.

Hare has stressed that moral thought at least involves the considering of our own and others' interests or wants. Once the two senses of 'understanding' are clarified it would seem that there is a context in terms of which I can understand these wants and interests, and so categorize and assess them. When they move outside this range the possibility

of understanding would seem to be lost; more pertinently, if individuals wish to enter into transactions they are dependent on being able to characterize each other's behaviour so as to be able to make the correct types of response. The understanding that the rule-governed context makes possible allows each person to take on a certain role within the transaction. When a person's actions towards another are such that it is not possible to understand them, then they fail to take account of the other human as someone who may partake in transactions. That is to say, the object of the action can not respond as a person, for he is not being treated as such. In this sense I think a decision has been made to treat the other human as someone to whom I may direct intentions which, inasmuch as they do not relate to any rule-governed context, are quite arbitrary. They are arbitrary inasmuch as one such incomprehensible action would have the same status as another in being uncharacterizable, except by being contrasted with the behaviour that is rule-governed. The decision if universalized in Hare's sense would therefore condone this whole range of activity being perpetrated at any time. The onus would be on someone to show why it was acceptable, and this, as will be seen, would usually involve attempting to show that the human object acted upon could not partake in the transactional relationships that would make us consider him a person.[1]

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1. This theme will be taken up again at the beginning of chapter four. In particular cf. pp. 50-51.

If we fall back on 'inclinations' as reasons within a
rational structure, rather than as pseudo-casual explanations
then it is because within our culture they are acceptable
characterizations of an activity. That is to say, the brief
explanation indicates a socially circumscribed pattern of
behaviour, where rules defining its appropriateness are
laid down. Thus, to say someone acted out of jealousy may
seem to point to some 'basic drive'. But it is 'understood'
because it isolates human activity governed by rules which
make it appropriate or inappropriate and distinguishes it
from other activities. This is not to say the existence of
such culturally delineated activities makes them morally
desirable. Such basic characterizations of human activity
form a social framework for the 'understanding' of behaviour
as reasonable or not. It is the extension of such accounts
to handle new situations that must demand secondary rules
which allow of correct or incorrect usage and hence a con-
text in which behaviour or prescriptions may be 'understood'
or characterized.

Inasmuch as an 'action' or person is demarcated by
rules that must relate the action to certain states of af-
fairs, the question arises whether this relating at the
primary level of rules involves internal conceptual links
between the prescriptions and the states of affairs. This
is important not only in showing that these relations are
not simply matters of convention but also in showing how the

internal relationship may be sustained when we are hand-
ling prescriptions in new states of affairs or considering
the merits of different moral systems. To show what this
relationship is and thus to show the conceptual restraints
on what can be understood as relevant descriptive elements
will be the central aim of the next chapter, where I will
attempt to clarify what restrictions hold on understanding
a prescription as reasonable. However, before this, a final
word from Winch may indicate that Foot is closer to the truth
than Hare in seeing that an internal relation is involved
in evaluations. Winch points out that just as an 'action'
is only understood in the context of rules governing behaviour
so also are the descriptive elements that may relevantly re-
late to a description of an activity. For understanding
facts is placing them in some 'mode of life' from which they
gain their significance. Only the complexity of overlapping
and conflicting views can make us think that 'the facts'
somehow stand in independence of their intimate relation-
ship to our activities or 'modes of life'. To understand
the significance of some 'fact' for some society is to see
how it fits into their activities. In our society an array
of overlapping activities may give us potentially diversi-
fied characterizations of the same phenomena. The rainbow
to the fundamentalist, painter, or scientist presents a di-
versified datum as it fits into a diversity of activities,
all of which may be aspects of the life of a single individual

within our society. Winch says, "We may be able to say
that particular facts are given but that is not to say that
the concept of factuality is given; it arises out of the way
men live. We have to consider the conditions which make it
possible for us to have a concept of 'the facts', which in-
volves taking into account the modes of human life, together.
with the decisions involved in them, in which the concept
of the facts plays a part and from which it receives its
sense."[1]

It is the complexity of 'modes of life' which overlap,
not to mention at the moral level a diversification and
overlapping of implicit and explicit moral theories, that
accounts for the ease in accepting Hare's position. For in
the history of societies these 'theories' have been used to
make almost any possible prescription, such that it may seem
that we do not have to demand any understanding beyond the
basic one of what would be involved in the carrying out of
the prescription, and that Hare's one limitation of uni-
versalizing in the name of reasonableness is the only required
restriction. However, it is just this richness of theory
that presents us with our moral problem of conflicting judg-
ments. What I have, in this chapter, tried to indicate is
that prescriptions may be comprehensible; the resulting be-
haviour is understandable only if it belongs to the accepted

1."Nature and Convention", 237.

patterns of rule-governed behaviour or to some <u>reasonable</u> extension of these. It is where conflicting rules governing behaviour in a society arise that we enter the realm of moral problems.

In the next chapter I will try to show how we may still see the significance of moral prescriptions residing in the fact that they belong to rule-governed practices. How we can set about seeing what is required as a prelude to moral discussions will be indicated. This will involve indicating how each moral theory forms an internal system. From this the way the prescriptive and descriptive aspects interrelate will be indicated.

CHAPTER FOUR

Chapter two briefly considered how the group of words 'function', 'role' and 'activity', interrelate in functional contexts. Following Foot and Montefiore, I then discussed what would be involved in showing that moral contexts are not of the functional type. In chapter three I hope I have shown that the moral domain is one of rule-governed behaviour. It was seen that these rules are intimately related to the characterizing of human activities and consequently the roles humans may assume in relationship to each other. My task in this chapter will be to show how this now gives us a context that sets constraints on what facts can be morally relevant, ones which go beyond those that we saw Hare set in Chapter One.

The link between chapter two and three is the concept of 'constitutive rules': in chapter two their 'roles' and in chapter three the importance of the rules to account for the 'understandability' of social behaviour. These latter rules may be seen as constitutive in defining a society and mapping out roles internal to it, in the same way that the rules of chess are constitutive. Roles within a society, I suggest, form a sub-grouping of the individual's more general role of partaking in the context of rules. The constitutive rules of a society form a limiting case in that they are not further embraced by role-defining rules, as say chess is in

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that it is embraced by the social context of game playing.
This limiting point is a basis of 'understanding'. The exist-
ence of social constitutive rules thus explains why we can
demarcate between behaviour that is understandable without
further explanation and that which is not. Foot has always
to push back to say what the point is, and it seemed a point
in Hare's favour that our understanding of behaviour is not
dependent on such regressive moves. However, as I have in-
dicated he fails to take account of the distinction, that
Foot was perhaps reacting to and considers all intended be-
haviour 'understandable' in the same way.[1]

From the assumption that we are concerned with persons
treating each other as such[2], our concern was seen to be
with the domain of behaviour that is characterized directly
or indirectly as being rule-governed. This is a context
that characterizes activities and hence roles and functions.
Any discussion of human activity to the extent that it is
not merely whim, urge, or impulse must relate to this context.
To the extent that it does fall into the latter group of im-
pulses and the like, it would seem that unless a special
account can be forthcoming it would be characterized as
arbitrary and incomprehensible.

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1. Ch. 3, pp. 33-35.
2. Ch. 3, pp. 44-45.

Neither agent nor victim could characterize what they are
doing. No normative conclusions follow except that inasmuch
as I do not wish my actions to fall outside the range of
rule-governed, and in this sense understandable behaviour,
I will be committed to giving explanations where these are
demanded. Given Hare's stress on behaviour relating to others
this will involve characterizing my actions where this is
not only to clarify my role but that of the person with whom
I am transacting. If I am in fact not transacting or allow-
ing him some 'role' in the sense that there are rules that
characterize what is expected of him in the overall trans-
action, then the onus is upon me to give the relevant facts
for so treating him and these can not just be my whim, for
that is to condone the arbitrary treating of persons as
though they were not persons. The need is to show some theory
of persons that excludes him or to show that it is a trans-
action in which he has a role, in which case there may then
be various reasons why I so relate to the person and expect
him to take on a certain role. The facts that I present
will relate to my initial view as to what is involved in
being a person and possible ways this concept may divide
into that of different types of person.

Three important considerations enter into the way people
may be differentiated as persons, related in complex ways.
i) Social conventions or facts, such as the claim that so
and so is a slave or a soldier and so may act or be treated

in certain ways. ii) Facts about the nature of humans that
will relate to what they may be expected to do. These facts
may be internal to already accepted views about persons and
what we expect from them. Thus the fact that someone is
very short-sighted will be a good reason for not putting him
in the infantry. On the other hand, they may be facts at a
more theoretical level relating to the very nature of a per-
son or some general role. Thus a theory such as Freud's may
belong to the former, while Bowlby's observations on maternal
deprivation may relate to the role of a mother. iii) Dif-
ferentiation may be merely in terms of the activity that the
individual happens to choose. Thus, rather than having li-
mits or demands in terms of roles thrust upon us we take
them upon ourselves in virtue of the activities or transactions
we partake in. For example, when I go into a shop I may take
on the role of a buyer or salesman. Of more interest to the
moralist, I may take on the role of liar or philanthropist.
In the actual discussion of morality these three intimately
relate. Thus the role I may take upon myself may still be
characterized by accounts in terms of the nature of persons
or societies. The accounts of persons may be in terms of
societies and vice-versa. These latter then will muddle de--
scriptive and normative claims, as for instance when it is
assumed that normative conventions such as having slaves is
a natural state of affairs for a society.

Hare, I suspect, reacts against the whole picture because

of the apparent conventionalism that enters when we accept
the force of aspects like (i). For although someone may
order his slave to do something, Hare's point would be that
the master would not like to be in the slave's position.
My claim is that this begs the question in that many people
have accepted as relevant differentiation social facts al-
though these are often linked to non-social facts as some
sort of backing. To imagine myself as a slave demands ask-
ing if there is a relevant difference that would prevent any
such imaginative leap. Here at least we have in a certain
form of society a context in which people 'understand' what is
going on and how to respond to teach other. Hare gains his
freedom from this conventionalism by allowing in principle
any fact to become relevant on the whim of an individual.
The important feature of these three aspects is that it is
discussion in and around them or more generally around the
concept of a person that forms the point of reference that
determines the relevancy of facts that are introduced into
moral discussion. In what follows my attention will tend
toward large scale moral discussions where our basic as-
sumptions about the nature of persons and their relationship
to the rule-governed context or loosely, 'society', are
being brought into question.

It may be wondered how such questions could come about
if all understanding of behaviour must come back to some
presupposed or basic level of behaviour. Does not such

questioning involve the inventing of new rules? A full answer is two-fold. On the one hand I think it is possible to avoid conventionalism even given the Winchian line I have adopted, by showing a close analogy between the development of moral and social thought to that of science. However, for our purposes, a simple but not unrelated consideration is at hand. It is that our society is in fact rich in social-person complexes and sub-cultures, so that people are merely stressing aspects already present at the expense of others in their theorizing. Slaves only consider alternatives because they are present and to understand their roles as slaves they must understand the alternatives. Conversely the wrongness of slavery only arises because it is a form of transaction that has existed and can be contrasted with others. Crudely, what happens is a juggling with the categories that are already available rather than an inventing of new ones.

Montefiore left us with the basic question of whether man can be defined functionally or not and we have tried to answer this question by clarifying the nature of functional contexts and showing how such a cashing of a man lays limits on Hare's moral individualism. I have so far only outlined how these limits are to be discerned. In claiming that the functional aspect of man sets limits on what can be relevant in moral discussion, we are not denying that within these limits questions for individual decision will arise. As in science we continue our moral dialogues by taking certain

things for granted, but this is not to say that they cannot
in principle be brought into question. As in science com-
munication remains possible because we do not bring everything
into question at the same time and as a community have a
background of shared assumptions. Hare incongruously uses
Popper's position[1] as a basis for gaining personal <u>certainty</u>
in his moral judgments. He allows only one thing that can
refute such a judgment and that is one's own disinclination
to universalize when we consider the hypothetical case of
ourselves being in a similar situation to the present re-
cipient of the action. It is this use of the self as the
refuting case that I would question on the grounds that it
already begs the theoretical question in favour of egalitaria-
nism, and assumes that all people are in morally relevant
respects similar. If I am correct then the moral dialogue
will, like that within science, be a matter for the community.
The personal element will be possible only in the context of
a more extended and morally 'theory-laden' language, be the
theory implicit or explicit. The theory explicates in terms
of a complex of rules or prescriptions what is involved in
being a person, and this like all theories will be open con-
stantly to the possibility of revision. Unlike the case in
science it is not clear how we do in fact refute or decide
between competing theories, but this question is beyond the
scope of this thesis.

I turn now to a concrete expansion of the first part of

1. <u>FR</u>, p.87

this chapter, and will be especially concerned with what is involved in deciding which features of a context are morally relevant and what is involved in our perception of other persons with regard to our moral transactions with them.

We have placed man as a person within a functional context, the rules governing which define the person or more extensively the social complex which is made up of communicating persons. Inasmuch as the constitutive rules give us a way of viewing social relations, a person who wishes to question this 'way of life' will either question the concepts of a person it determines, or will question the way the prescriptions it makes reasonable link to states of affairs. In these links it is always possible for someone to ask for an account of the connection, and our problem is to clarify the kind of account which can be given. The solution is implicit in the preceding. Under normal circumstances when we are discussing new moral contingencies or a new moral theory, we sustain objective communication by delimiting the descriptive components in the context of the role and function by demanding that it be possible to indicate how they relevantly relate to the role or function. Thus, to give a non-moral example, a person may ask why the choke of a car should be let in at times. Here, a 'comprehensible' answer will be one that relates it to the 'functioning' of the engine. The behaviour of putting the choke in is comprehensible just because it can be related to a more extended

functional context, such as that of saving petrol, which is achieved by stopping the engine racing. This context not only makes comprehensible the prescription of "always push in choke after engine warms up", but also the way it relates to certain specific states of affairs, such as when it is appropriate, and those that are extensions of the action itself; in this example the pulling of the choke control rather than some other control. This sort of situation is clearly distinct from one in which, say, the driving-instructor suggested some bizarre behaviour such as putting one's wallet into one's right hand pocket: it would be bizarre just because of the lack of any connection to the functional context.

The context that concerns us at a moral level is that involving interpersonal transactions, and here if my earlier account is correct, we are still involved with a functional context, internal to which we make our evaluations. The understandability of moral prescriptions and their relation to familiar or novel states of affairs is dependent on the constitutive rules of the society which may be explicit rules when they are laid down at a theoretical level. It should be noted that inasmuch as the theories will arise within a given society, with its implicit definition of the person in terms of its constitutive rules, there will be a two-way process of transformation in which theory and the actualities of social structure meet. Because of this interaction

societies may exhibit a diversity of both implicit and ex-
plicit definitions of the person-society complex, hence a
diversity of criteria of relevance of states of affairs in
men's moral judgments. The implicit rulings may arise in
the form of overlapping institutions or sub-cultures, whose
explicit theories about the person-society complex may be
contained in disciplines such as law, sociology and psychology,
and also in folk-lore, superstition and religious thought.
It is because of this complexity of factions that it is
easy to lose sight of the central threads that run through
the diversity of theories, the related concept of a person
they involve. It is this central thread that allows dis-
entangling others so that we may clarify what is involved
in moral disagreements.

If theoreticians deny the essential aspect of social
existence, i.e. that it depends on 'modes of life' which
are demarcated as rule-governed, then they reduce the re-
lationship between humans to that of any animal community
and are likely to be interested in a theory such as Hare's.
For Hare at least commences from a position of attempting
to clarify criteria that relate to behaviour that is not
purely arbitrary. I have merely tried to suggest that there
are more such limits than Hare perceives and they constitute
limits on our objective basis of communication on moral
issues. For an important element of the descriptive com-
ponent in his account is about persons and our problem has

been just how we can decide on the relevance of the factors included in such descriptions. A problem generated by the complexity of overlapping theories about persons in our society is that it makes it look as though it is only a matter of arbitrary inclination. This chapter has attempted to show that an adequate account of persons must indicate the existence of a theoretical complex relating individuals to others through the constitutive rules of a culture. Thus it is only because of a loose network of rules that may from one perspective form a theory about persons that actions may be characterized in the contexts of 'folk'lore and its legacy to our age. Our moral judgments concerning our relations with other people will depend intimately on our theories concerning other persons. These will depend both om our reflective attitude as to how the person-society complex should be and also on the constitutive rules of the society in which we live and which force themselves upon us. Thus, even if we resist the way a society determines certain concepts of a person, our resistence is a reflection of their existence and domination over our lives.

Wilberforce advanced a theoretical view of persons, and thereby condemned aspects of his own society as immoral, but as suggested, this was to contrast two aspects which were contained within the conventions. I claim that the real moral dilemmas occur where such theories of 'persons' come into questions, and, as Montefiore sees, Hare really has a

view that is theory-laden in the sense discussed here, for
it demands a certain type of society. Thus Montefiore claims
as one of the conditions for Hare's individualism, "..for
a system of language and a common value in which individualism
is already entrenched as social possibility."[1] This is
merely to indicate that inherent in Hare's position is a
presupposition of egalitarnianism and of a society in which
to imagine oneself as someone else is not to radically change
the 'perspective' from which we comprehend the world.

Because he does not recognize his view of the person-
society complex as theory-laden, Hare fails even in his
egalitarian context to show what must be considered 'reasonable'
differences and, as was argued in Chapter Three, falls back
on 'inclinations' which fail to give any account at all.
However, from recognition of a background theory or theories
of man we will be able to discern what is relevant in our
moral arguments with others. Also, we will have a context
for the more extended moral decisions as to how we should
live our lives in general, as opposed to judgments made in
particular moral encounters. It is because morality has
this complex theoretical nature that we usually see 'principles'
and 'ideals' as belonging to moral thought, rather than as
Hare is inclined, to place them close to aesthetic thought.
Talking of the Nazi he says, "His ideals have, on the face
of it, nothing to do with self-interest or with a morality
which can be guaranteed by universalizing self-interest; they

1. PAS p. 78

seem much more akin to the aesthetic evaluations discussed in the last chapter. The enormity of Nazism is that it extends an aesthetic style of evaluation into the field where the bulk of mankind think that such evaluations should be subordinated to the interests of other people."[1] I will not discuss the similarities I think do exist between ethics and aesthetics, but will rather indicate why in terms of my own view the Nazi's views form a perfectly comprehensible though incorrect, social and moral theory. They do, if they attempt to reason at all, take account of people and their interests, but they take an idiosyncratic view of how other persons are differentiated.

It is not just on the broad issues of whether we wish to be liberals or Nazis that we may theoretically differ, but also internal to our culture there will be sub-cultures and institutions that are theory-laden with regard to the nature of persons and may thus involve us in moral disagreements. Two clear and important ones relate to education and the treatment of social deviants.

For Hare we have seen that the relevance of the descriptive elements is based ultimately upon the inclination of the individual, so that if I am willing in the descriptive component to include ethnic characteristics and then to prescribe and universalize, I am not logically required to provide further explanation. It is here my position conflicts

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1. _F&R_, p. 161.

with Hare's, for it accepts Foot's demand for a point or
further account of the reasons for the link, if the prescrip-
tion is to be accepted as comprehensible and the features
relevant. When in the functional context the account does
not relate to such reasons, then the link becomes incompre-
hensible and cannot be considered either eccentric or wrong.
In practice, I think people show my view of moral reasoning
to be correct as opposed to Hare's. For even those whom
Hare considers take 'fanatical' positions do not attempt to
justify their views by their eccentric self-interests or re-
gard for aesthetics. They communicate their positions by
spelling out in terms of 'roles' and 'functions' the way they
perceive men. They will attempt to base differentiations
among persons on descriptive features that relate to certain
'functional contexts', in terms of some theory of group guilt
for some crime or a linking of ethnic origin to cranial size
and hence ability to function in certain ways. For example,
if a person claims that all people with birthmarks on their
breasts should be burnt, and is willing to sincerely universa-
lize this prescription, he would, on Hare's account, have to
say no more, and we must be thankful the 'inclinations' of
Protestants and Catholics have undergone a remarkable and
uniform change, so that more of us have normal urges than of
yore. But it is here that the force of my theoretical dis-
cussion can be clearly seen for the question that is asked

is why is this feature relevant, rather than some other, and of course, if this is not allowed as part of the rational process of moral discussion then an unbridgable gap lies between us and others in moral debate. In the example taken, not only is the question pertinent but was seen as such by those who used such criteria as birthmarks for sending people to the stake. This was not an unimaginable fanaticism, but a comprehensible theory in which the descriptive and pre-scriptive elements were linked in a functional context which involved pseudo-scientific theories to show how certain descriptive features correlated with certain functions. That the whole underlying theory of witchcraft was as false as any theorizing by the Nazis on the nature of Semites, and accepted with equal credulity due to some group neurosis, is beside the point at issue, which is merely that internal to decisions concerning other people, there must be a theory-laden view of the nature of persons.

What is important to realize is that the context in which the facts are introduced will be such that they do allow for a relevant distinguishing of persons. This context which by its very nature will be one that relates to roles and connected functions sets the context for what facts will be relevant. Hare[1] considers ways in which facts are introduced in ways that he considers illicit. The key problem I think

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1. FR pp. 204-213

is the fact that we do not have an initially neutral account
of what it is to be a person, in terms of which we may use
the facts to show someone is not a person or has special
status.[1]   The force of my argument has been to show that al-
though not normatively limiting there is an aspect of a
person that we cannot avoid. This is just that one can not
avoid partaking in a context of roles. It is in this context
that the facts may become relevant. The claim is extremely
minimal, amounting to no more than that at certain points
in moral discussion we will, if claiming that facts are
relevant, be relating them to some sort of role, where this
must be in some sense established within one's society. That
is to say my ability to give myself or another a special
role is dependent upon showing how the distinguishing features
relate to that role. The special 'role' may be characterized
by social norms, or by special facts, or what the person
does. Thus in the first case a person belongs to a slave
class merely because he is born into it. On the other hand,
someone may be exempted from military service because of a
physical defect, while someone else may be hung because of
what he did to characterize himself as a murderer. Whether
these are good reasons for role differentiation themselves
become factual and normative questions.

1 c.f. FR p. 213, and end of Ch. 1 of this thesis.

Being born to a slave certainly does not seem to us a good
reason for being a slave, and we might be dubious that be-
ing short of one finger was a good reason for exemption from
military service. One reason that we tend towards egalitari-
anism is just because the broader functional contexts that
justified the alternatives have tended to be debunked.

One consequence of Hare's view is that he thinks re-
lations to other persons is only in matter of degree removed
from our relationships with animals. Our affinity with a
Bantu tribesman is somehow a matter of coming to realize he
has similar feelings. This I think is mistaken in that it
fails to stress that we may eventually learn to partake in
transactions which gain their significance within each 'way-
of-life'. The danger of Hare's position is that he really
can not set limits on those who claim that a Bantu is not a
person,[1] or has some special status. From the position I
have been expounding it is quite clear that to the extent
that he may partake in rule-governed behaviour we cannot
exclude him as a person. What we can then say as to how we
may be differentiated from other persons will depend on a
theoretical background, and a clear distinction of factual
and normative claims will be difficult to make. It is be-
cause of this link of norms and facts that it is difficult

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1. FR p. 206

to make Hare's imaginative leaps do their work in breaking
the hold of conventionalism and relativism.

When I imagine how I would feel if I were in a certain
situation e.g. that of being mentally ill, the answer I
would come up with would relate to the account I would now
give of how I think mental illness should be treated. That
is not to say that I may not sometimes be shaken into reali-
sing that even from my present perspective I would not if
mentally ill wish to be treated in certain ways. Thus I
may be outraged to see a lack of adequate facilities for
feeding patients in a hospital. That such thought experiments
may have a chastening effect on what people may inflict on
their fellows is a perfectly correct insight on Hare's part.
However, at certain points it will not cut through conventional-
ly accepted practices. Thus if I am assured the mentally ill
are quite different from myself the thought experiment will
not tell me otherwise. Although we may now think they should
be adequately fed, we still depend on the facts psychiatrists
present in conceeding that certain desirable changes may be
produced in the mentally ill by the use of e.g. surgery.
The facts that are relevant to differentiating the patient
and justifying the special treatment are such that in the
thought experiment of changing places with the patient I will

carry them over as preconceived reins. To the extent that
I remain myself in terms of knowledge in these imaginings
then at these crucial points my moral preconceptions as to
how people may be relevantly differentiated will be carried
across. This holds for the Nazi putting himself in the
Jew's place as well as for the doctor putting himself in a
mental patient's place. Again let me stress I think Hare
is correct that often we may lead people to a greater sensi-
tivity to others. However if the differentiation has some
sort of basis, it will merely be carried over in the thought
experiment. If the Nazi thinks the Jews are morally in-
ferior imagining himself in their position will not change
this. If he thinks for some reason this is grounds for ex-
termination, then any doubts he may have as to a desire to
be exterminated if he were morally inferior are merely analo-
gous to the doctor's natural repulsion at the idea of having
a lobotomy. The differentiation involved in treating some-
one as e.g. a slave, may be based purely on social norms and
no one may have attempted to justify it. Even here I think
the thought experiment will fail to cut across the conven-
tions, if only because an unreflective society will fail to
distinguish natural and normative states. In consequence
an individual can do no more than perceive the slave in the
same way he perceives the blind. To think things could be
otherwise would be already to have started theorizing in an
effort to distinguish natural and normative states of affairs.

The thought experiment may (depending on other theories that are present) make for a more considerate treatment of slaves, but will not in itself bring the institution into question. It merely makes us consistent in the application of our beliefs; it can not bring them into question.

One aspect of my view that importantly contrasts with that of Hare, and points to its correctness at a practical level, is that we move from a theory which as such is general in nature and merely expanded in the case of new contingencies. Thus just as my language which is finite enables me to handle the new contingencies of the day, so does the moral theory, unlike Hare's account of moral judgment which suggests that on each new occasion we start afresh and arrive at moral decisions by the random exploration that seems here suggested: "The kind of argument which I have been recommending is rather a kind of exploration. We are to go about looking for moral judgments which we can both accept for our own conduct and universalize to cover the conduct of other actual or hypothetical people."[1] In the particular case of a man struck by another our victim does not go through a random testing process starting with the colour of the assailant's eyes, but rather falls back on his own theories of what it is to be a person and how this situation is to be characterized.

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1. FR p. 193

Nor, it should be noted, would any instinctive responses or inclinations, no matter how useful to the survival of the species, be of any interest in considering this as a moral encounter, as opposed to a pattern of behaviour an ethologist could describe. For many, as with their ability to use language, the theory underlying their behaviour will be implicit and reflected in the way they go about things. Understanding their behaviour as rule-governed and socially determined will depend on seeing how it fits into the implicit constitutive rules of the culture to which such an individual belongs. Thus, in the last example, the response may be 'understandable' in that it belongs to a culture that delimits the possible responses by placing a positive value on male aggression. On the other hand a response such as turning the other cheek may arise from an explicit theoretical outlook which may be complex in its functional ramifications and its relating of man to man, and men to God.

Hare left it open for the individual to act on inclination which had no logical, only, and hopefully, psychological constraints upon it. I have been arguing that at least some form of conceptual constraint exists which goes beyond what Hare will allow in the name of personal freedom and avoidance of the problems of naturalism. If I am correct, then we can comprehend another position in moral considerations only to the extent that it is from the standpoint of some theoretical outlook of the type discussed, i.e. it forms a context

for significantly distinguishing persons. This means an objective point of contact in the discussion and comprehension of differing moral views, but leaves the question open of how the different theories are to be evaluated. Thus at the limiting point the question would remain open as a moral issue in the case for example of a racist who did establish the existence of some form of functional disability, as to whether the functional context in which he was cashing the concept of a person was acceptable or not. Thus the moral question of how we treat the infirm is dependent on ways of defining persons that are such that the infirmities demand preferential consideration rather than vice-versa. Why the racist above would not now behave in the same way is a consequence of conflicting theories rather than isolated judgements.

It may be wondered what happened to the Naturalistic Fallacy argument in that prescriptive and descriptive components seem at least to have some form of link within my account. This is because the linking is <u>internal</u> to a Functional context, in terms of which the notion of relevance may be spelled out. It is because they are internal to the functional context that they are not perceived as 'brute-facts'. However, while this brings about the bridge at one level it in no way derives the evaluations or functional context from facts, and the problem of justifying which functional context with its accompanying concepts of a person

remains open. The Naturalistic Fallacy argument indicates that the one way such justification can not be achieved is through attempting it in terms of arguments involving merely descriptive premises. To find an alternative is not the intention of this thesis, which attempts only to indicate that Hare's attempt to do it achieves a moral isolationism which is conceptually unacceptable, given the relation of man to society, and false too, given the way we evidently do go about the process of moral thought and argument.

The strength of Hare's position against a conventionalist position such as Foot seems sometimes to take lies in the complexity of our culture, which as already mentioned contains in confused array explicit and implicit theories of man. Hare replies against the conventionalism thus, "The upshot is that the mere existence of a certain conceptual apparatus cannot compel anybody to accept any particular evaluation, although it is more difficult to break away from evaluations which are encapsulated in the very language we use.."[1] While my view concedes the ultimate openness of moral judgments it has attempted to show there are greater restraints on what is possible than Hare concedes. What Foot may miss in stressing the way language closes possibilities is the fact that a conceptual framework as rich in moral theories as each of us inherits as a birthright makes it possible to 'understand'

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1. F&R, p. 191

a vast range of moral judgments. It is this rich confusion
that to Hare's delight may make his thesis seem reasonable.
However, I have argued that if from this confusion the pos-
sibility of moral discussion is to be rescued, we must cut
out with our conceptual knives the centres around which
moral arguments flourish and from which isolated judgments,
such as "burn X" gain their significance.

Again, it must be stressed that such clarification does
not resolve the underlying problem of which theoretical out-
look is correct or right. It does, however, allow not only
for a clarification of theories that are in conflict and
the conceptual limitations internal to the theories, but also
as a consequence of the latter clarifies how purely factual
knowledge may be relevant to our moral judgments. Thus in-
ternal to a liberal view the problem of how children should
be educated, given a clarification of the ends, may become a
question for the psychologist to answer. On the other hand,
the conservative will differ in what he wishes to achieve
and knows only too well how this is to be done.

While claiming no less than Hare that men may hold in-
sane views of themselves and their fellows, I would claim
there is at least a clear point to demarcate those who still
belong to the world of communicating persons, and those who
have left comprehensible reasoning behind in moral discussion.
It is the conceptual constraints that such persons abide by
that I have attempted to clarify in this section. Inherent

in my account is a view as to what is involved in being a 'person', and the claim that moral disagreements arise out of the various ways it may be cashed. One anomolous theory should be noted for it looks as though it presents a theory about persons and sets of prescriptions to go along with it. The theorists I have in mind are the behaviouristically orientated psychologists. It demands special note just because while it superficially looks as though it could be a basis for a moral or social theory on my account, it does in fact fail by eliminating from consideration the concepts of person as I presented it, and also prescriptions inasmuch as these belong to rule-governed behaviour. What they do present are causal chains, given in a law-like form that may mislead us into seeing them as defining in the same way as the constitutive rules. The arguments of Chapter Three should be sufficient to indicate that if such descriptions of home sapiens were complete then the context for moral behaviour would be excluded.

In his account of racism Hare shows some cognizance of the way facts are interrelated with prescriptions.[1] He sees that we may invoke the concept of a person to forge the link but throws out the suggestion with, "...might say that by establishing that X is a person one has established that X

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1. F&R, p. 208.

ought to be treated as a person; and that this is analytic, because 'as a person' means merely 'as a person ought to be treated'. But thought it is certainly analytic that people ought to be treated as people ought to be treated, the question is, 'How ought people to be treated?'"[1] He then suggests this may be built into the concept of a person, but then we require a test independent of that for the way he should be treated in order to decide if he is a person. As Hare presents this it is unobjectionable and merely highlights where I differ from him. That is the difference elaborated in Chapter Three, which in part indicated how persons were to be demarcated. The concept of a person is to be cashed out in a functional context which sets conceptual constraints on decisions as to what facts are relevant. What is claimed is that a diversity of accounts of persons can be given and that this is an important feature of moral discussions. Given the acceptance of a certain functional account, then, the problem of choosing which context to accept remains open. Although we may at times be perplexed by such choices they are often forced upon us by the morally theory-laden glasses with which we perceive our relation to others from the moment we become communicating members of our society.

Two points should be stressed in conclusion. The first is that this discussion has tended to point to moral

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1. <u>F&R</u>, p.213

disagreements that revolve around the very nature of a person and what is involved in differentiating persons. This is not to say that often we aren't concerned with more mundane moral problems that have a working set of moral categories. Here facts come into play to enable us to decide which is the most appropriate characterization. The other is as to how far I really differ from Hare. It may look as, though I have merely propounded the view that social forces determine our moral views, or wants. This is not so. Rather, I have indicated how the concepts of 'understanding behaviour' and of 'persons' and 'society' may interrelate. This is very different from some sort of causal account which, if true, would tell us nothing as to what people could and could not do at a conceptual level. It would be a contingent matter that someone did not suddenly defy the causal ruling not to go around clapping their hands. It would merely reinforce Hare's point that it is odd; it would not explain, as I have attempted to explain, why we require some further account. That even given some sort of limitation on individual wants or inclinations in some context, it may be thought that Hare may still have something important to say. I think, however, the vital step in avoiding what may otherwise land us in some form of relativism was the imaginative leap. Yet it is just this that forces us back on our own wants and interests which allow us to understand others and in terms of these what we consider relevant differences, and if my

discussion has been correct, this inner peeping will not find a free domain but rather one that is either arbitrary or responds to that context against which arbitrary activity was contrasted, and this was what Hare was trying to bypass. Without this special domain of inner knowledge with which to cut through relativism, the universalization principle merely indicates that, as always, we should be consistent but does not help us in setting up refuting cases in moral judgments.

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