ABSTRACT. This paper is a critique of R.M. Hare's argument that rational universal prescriptions are equivalent to utilitarian judgments. The problem with Hare's argument is his restrictive model of rationality. He succeeds in proving that awareness of certain facts is essential to making a fully rational universal prescription. But he fails to prove that other facts, such as the ultimate separateness of persons, are irrelevant. Once such facts are taken seriously, the utilitarian implication is invalidated.

R.M. Hare has made the bold claim that it is impossible to make universal prescriptions rationally without, eo ipso, making moral judgments equivalent to utilitarianism. He has explained and defended this controversial claim repeatedly in his recent work. A number of critical papers have raised a host of problems with Hare's "proof".

I have decided to add another critical analysis because I am convinced that his argument construes the rationality condition in a question begging manner. Hare claims that a universal prescription is rational only to the extent that the person making the prescription is aware of all relevant facts. This rationality condition is, of course, an ideal which we can merely approximate. The relevant facts consist of the criticized preferences of all affected parties to the conflict of interest which generates the need for a moral judgment. The full awareness condition requires sympathetic identification with the criticized preferences of all affected parties, and from this perspective, one will, if rationally prudent, prescribe in a way that is equivalent to act utilitarianism. It is crucial for Hare that the criticized desires of all affected parties are present as the prescription is made. This will require the perspective of an "extended person" who identifies with the set of all relevant preferences at the same time.

I have no quarrel with the complex argumentation that yields a possible utilitarian prescription. Indeed, I will attempt to reconstruct some of this argumentation as I explain my objection. My objection is that Hare's argument merely establishes the possibility that an ideally rational universal prescription will be utilitarian, not the necessity. The ideally rational prescriber has more than one option. He might choose, in accordance with Hare's contention, to make the universal prescription from the perspective of the extended person. But he might go on to pause over the fact that there really is no extended person. There
are only individual persons with their limited lives to enjoy. He might
choose to lower the net level of utility in order to extend the domain of
somewhat happy lives. In other words he might choose to rank some
preferences in a manner disproportionate to the intensity with which
they are held.

There is nothing irrational about this choice. The ideally rational
prescriber might know what the extended person knows, and at the
same time be fully aware of the possible harm that particular individuals
might suffer. A moral judgment is not a prudential judgment which at­
tempts to maximize the fulfillment of one's criticized preferences. One
can rationalize loss and suffering at some point in one's life insofar as
this is part of the best available plan of life. But the losses and suf­
fering associated with rational universal prescriptions have no such
compensation. These sufferings are imposed on individual people, and
the harm done to them is permanent.

The fact that rational universal prescriptions need not be utility
maximizing seems evident from careful attention to scenarios depicting
conflicts of interest. Consider the following hypothetical case modeled on
a yearly conflict in which many of us are participants. It is the sort of
conflict which requires critical moral thinking because there are no rel­
levant level-l or prima facie principles, and it rarely terminates in
unanimous agreement. Imagine that four philosophy professors are dele­
gated by their department to select candidates for hire. In case of
deadlock they agree to select a chairperson at random. This chairperson
then will have to make a moral judgment about the best way to resolve
the dispute. Their charge is to propose two candidates for the coming
academic year. The following are their preferences:

A prefers to hire W. W's area of expertise is ethical theory
and the history of ethics. She has an outstanding record of
scholarly publications, and she is committed to research and
writing as her top priority.

B prefers to hire X. X is an innovative and gifted teacher
in the area of applied ethics. His education includes field
experience in hospitals, battlefields, prisons, asylums, etc.
His superior teaching evaluations allude to long hours of tu­
toring and optional discussion sections. He indicates little
interest in scholarly research.

C prefers to hire Y. Y is a rigorous logician. She has pub­
lished in journals that specialize in formal logic and philoso­
phy of language. She intends to devote much of her time to
research. She also intends to integrate computer program­
mimg models into her logic classes.

D prefers to hire Z. Z's area of specialization is informal
logic or critical reasoning. He wants to cooperate with the
English Department to develop courses emphasizing writing
skills, as well as to improve the student writing clinic. He
would devote almost all his time to teaching with special em­
phasis upon tutoring students who are academically handi­
capped.
Each professor has chosen his candidate after carefully studying the needs of the department, the school, and the profession. After hours of debate they concede deadlock. There is no majority vote on a slate of two candidates. Hence, an ad hoc chairperson is selected to render a moral verdict. This chairperson accepts Hare's account of moral judgments at the formal or analytic level, viz., they are universal prescriptions of overriding significance. Ideally, they are rendered with the knowledge and analytic skill of an archangel.

Imagine that D draws the high card. Conscientiously he makes the rounds and, in so doing, identifies with the criticized preferences of each affected person. This will include faculty, students, parents, scholars present and future, etc. While he does so, he fully sympathizes with that person's preferences. Because of his archangelic ability he succeeds in preferring just as that person would prefer, if s/he were fully rational. After he has finished going the rounds of each party to the dispute, including his own perspective, he is prepared to render his moral verdict. This will be a judgment willed as binding for any similar situation regardless of the identity of anyone affected by it. Even if he were in the position of a student, parent, or colleague who would be hurt by the judgment, he wills that it be done. His prescription is sincere.

Let's assume that D renders his verdict in accord with Hare's model of rationality. It isn't enough for D (merely) to go the rounds and imaginatively identify with the criticized preferences of each affected party. That will leave D with full sympathetic awareness of a multitude of preferences from a long series of personal perspectives. (If I were A, such would be my preference, but if I were B ...) All the disparate preferences need to be weighed against each other in order to make an impartial judgment. As Hare states: "It is in accordance with our method to assign equal weight, strength for strength, to all preferences alike, provided they survive exposure to logic and facts . . . "

Crucial for the comparison of these disparate preferences is Hare's claim about what it means to have a personal point of view. Hare maintains that "'I' is not a wholly descriptive word but in part prescriptive. In identifying myself with some person either actually or hypothetically, I identify with his prescriptions. . . I can identify to a greater or lesser extent with the prescriptions of the future inhabitant of my body . . . and I can identify with the prescriptions of other people. . . . " One can identify oneself as a subject, an I, with sets of prescriptions distinct from those of the spatio-temporal entity who goes by your name. Within the context of making a universal prescription, rationality requires full awareness of the preferences of all affected parties. Not only will the universal prescriber come to prefer as each party prefers seriatim, but this person will become identified with all the preferences at the same time. The universal prescriber will become an "extended person" who, if prudent, will choose to maximize the set of his possible preferences.

Hare's argument that the logic of universal prescriptivism implies this extended personal perspective can be reconstructed like a mathematical induction. Since the person who must render the moral judgment has a stake in the dispute, some preferences count in proportion to their strength. Since moral judgments are overriding universal prescriptions, the moral judge realizes that he might be affected personally by the entailed commands. Sympathy needs to be grounded on some ba-
sis. It would be imprudent for the moral judge not to care about his own good, and the good or welfare of an agent is explained by Hare in terms of maximal satisfaction of criticized preferences over time, regardless of content. Hence, some preferences count in exact proportion to their strength. This is the "basis clause" of the argument, viz., D's preferences in regard to the hires count in exact proportion to their strength.

Its proof is obvious. D has privileged access to the strength of his own preferences. Insofar as he is rationally prudent, he will determine which of the six possible options he ultimately prefers on the basis of comparing and combining all his preferences in regard to the qualities that a colleague in his department should display. Incompatible preferences will be factored out in proportion to their strength. Hare claims that "our resultant preferences all in all is a function of our separate and perhaps conflicting preferences and their respective intensities and nothing else." D might want the new hire to work ten to twelve hours per day preparing classes, teaching four courses per semester, grading weekly papers, tutoring marginal students, etc. He may also want this person to do high quality research which is published in the best of journals. But he realizes that s/he can't do both at the same time. Ceteris paribus, the stronger of these preferences will prevail over the weaker.

His resultant preference will be the outcome of considering how well each option measures up to his criticized preferences. In regard to the hire it is possible that D most prefers X and Z. He wants to work with devoted teachers more than scholars. The other five options will be ranked in accord with how well they measure up to his overall preferences in regard to new colleagues.

For the inductive step the prescriber needs to imagine that the relevant preferences of all affected persons are lined up in one long series. The inductive step is that if any relevant preference K, along with preferences previous to K in the series, count in exact proportion to their strength as compared and harmonized with previous preferences, K + 1, or the next preference in the series, will count in the same way. The proof is that the moral judge must identify with each relevant preference with perfect sympathy. This is part of the idealized rationality condition. But this knowledge alone is not useful for determining what he most prefers unless it is compared in strength to his previous preferences. Without the comparison step he would only be conscious of a series of disparate preferences. Once the comparison is made he will, given his archangelic powers, know exactly how it harmonizes or combines with his previous preferences. If the added preference is inconsistent with a previous preference, such as a preference that college teachers do substantial research, then either K + 1 will be eliminated and the previous preference will survive at reduced strength, K + 1 will survive at a reduced strength, or both K + 1 and the previous preference will cancel each other.

This process involving full sympathy with each affected preference, comparison of the strengths, and elimination of inconsistency will result in the attainment of the perspective of an extended person. This extended person is a logical construct formed by a sympathetic, rational merging of all preferences with his original preferences. Of course, at
each step the fully rational prescriber knows which option will best ac­
cord with the harmonized preferences.

Insofar as D makes an ideally rational universal prescription he
understands what option would be most prudent from the perspective of
an extended person. This would be a rational way to make the universal
prescription. All possible affected preferences have been considered and
compared in exact proportion to their strength, and then joined into a
consistent set. No one could complain that his preferences didn’t count
in the same way as another person’s preferences. This perspective com­
bines the properties of impartiality and sympathy. The most prudent
judgment from the perspective of the extended person would be utilitar­
ian. According to Hare “the logical constraints have . . . compelled us, if
we are to arrive at a moral judgment about the case, to coordinate our
individual preferences into a total preference which is impartial between
us. The claim is that this impartial preference will be the same for all,
and will be utilitarian”.11

From this perspective D might choose to offer the position to can­
didate Y (the rigorous logician) and candidate W (the scholarly ethician).
He knows that this decision will hurt some faculty, students, and par­
ents. Their lectures will be purely philosophical, their grading will be
based upon abstract reasoning ability, and their concern for marginal
students will be limited. In addition, their scholarly productiveness will
result in pressure applied to their colleagues to follow their good exam­
ple. Nevertheless, this choice might be justified in terms of the strong­
est set of preferences. The frustration of students with little interest or
skill in abstract reasoning might be outweighed by the scholarly
achievements as well as the stimulation of students with ability to do
philosophy. My point is that the choice of Y and W might be justifiable
in terms of overall utility. And overall utility might overwhelm the pref­
erences of some affected parties. From this extended perspective D
might prescribe that if he were a marginal student without the ability to
do abstract reasoning, then he should be frustrated if he were assigned
to one of their classes. Such is the price of impartial regard for all rel­
evant preferences in exact proportion to their strength alone.

However, D will also realize that the perspective of the extended
person is merely a logical construct. Awareness of this perspective is a
necessary step in making a rational universal prescription. But this per­
spective does not exhaust all possible considerations. He is also aware of
the sources of the preferences. They stem from individual persons. He
cannot compare all their points of view without, at the same time, con­
structing the overall merged set of preferences. But once this overall
assessment has been made, he can isolate particular points of view or
sets of preferences. He knows how each option will affect each person,
and he knows how preference satisfaction or frustration of one person
compares with that of another person. D could not make a rational uni­
versal prescription without the overall calculation as if it were an in­
trapersonal question about his most prudent choice.12 But that perspec­
tive can now be questioned. Some individual persons will be hurt by the
utility maximizing choice. They have everything to lose, and nothing to
gain from the utilitarian solution. This might be their only chance for an
education, and it might be frustrated for the sake of long range prefer­
ence satisfactions that have nothing to do with their lives. They will
suffer permanent loss as the debit side of the utility maximizing choice.
D realizes that his prescription is meant to resolve an interpersonal conflict of interest. Taking the perspective of a strictly impartial extended person will detach him from this basic fact. Indeed, it will annihilate this fact. The problem that generated the conflict is that a number of persons cannot be satisfied at the same time. Some important preferences have to be sacrificed, and that means that some persons will be hurt. It will be of little solace for them to know that they were damaged so that others will flourish. On one hand the preferences of each should count in proportion to their strength. On the other hand he might think that the number of persons who are significantly hurt by his prescription should be kept to a minimum. It is reasonable to try to "balance" overall utility against significant harm done to individuals. This balancing is awkward because there is no common scale whereby one knows if it is done correctly. Both considerations are important. Some loss in overall utility might be warranted if fewer persons were severely hurt. Some damage to persons might be justified by a significant rise in overall preference satisfaction.

It is possible that D will attempt to balance overall utility against a concern that individual persons not be harmed. Hence, he might prescribe that W and Z be the candidates for hire. W is chosen because her strong scholarly interests are justifiable in terms of the overall utility of the university, profession, and talented students. Z is chosen because his emphasis upon informal logic and writing skills will meet the needs of many marginal students who could not make a successful transition into college without remedial training done in a sensitive way. Perhaps next year there will be a slot for a rigorous formal logician.

Which rational prescription ought D to make? It is my contention that D has more than one option. D might restrict the factual data to specific preferences, and then go on carefully to weigh, compare, and combine them. This restriction is rationally motivated by the quest for a simple, clear decision procedure for resolving significant conflicts of interest. If apparently disparate considerations can be eliminated by reduction to more basic considerations, one has reason to attempt to do so, especially if this results in a theoretically simple model. D might prescribe as a utilitarian at the level of critical thinking, i.e., the level of applying the logic of universal prescriptivism to a substantive problem.

But D might accept the interpersonal aspect of the conflict of interest as a basic consideration. Individual lives seem to count in a manner which cannot be calculated in terms of preference satisfaction alone. The importance of each person's opportunity to live a happy life is not entirely captured by the construal of rational choice as maximizing the net level of happiness. It isn't irrational to recognize this additional consideration at the expense of the simple decision procedure. Once this irreducible value is allowed, something counts which is independent of both preferences and the maximizing model. Harm to an individual can be explained in terms of rational preferences and their frustration. But the fact that there is something bad or wrong about individuals being forced to make substantial, uncompensated sacrifices is not just a prima facie principle derived from maximizing utility. It is a hedge against utility. Thus, D might prescribe partially as a utilitarian and partially as concerned that no person should suffer significant and avoidable frustration.
D is left with the choice between a clear and simple decision procedure on one hand (Hare's construal of rationality) and an unwieldy model of balancing incommensurables on the other hand. If he decides to accept Hare's model something important seems to be left out. If he tries to balance the incommensurables, he will not know, even in theory, whether or not he is making the decision in the most rational way. Either way, D will not have the satisfaction of knowing that he made the most rational universal prescription. Hence, rationality and logic do not dictate one, and only one, correct way to make universal prescriptions. An element of free choice remains in rational decisions of ultimate principle. 14

ENDNOTES

1 The clearest presentation of the claim and argument is found in R.M. Hare, Moral Thinking (Oxford: Clarendon, 1981). Two of his recent papers are also good sources for the claim and argument, viz., R.M. Hare, "Ethical Theory and Utilitarianism", printed in H.D. Lewis, Contemporary British Philosophy (London: Allen and Unwin, 1976), 113–31, and R.M. Hare, "Relevance", printed in Alvin Goldman and Jaegwan Kim, Value and Morals: Essays in Honor of William Frankena, Charles Stevenson, and Richard Brandt (Holland: Reidel, 1978), 73–90. Hare's claim is that "a theory about the meanings of the moral words can be the foundation for a theory of normative moral reasoning" ("Ethical theory and Utilitarianism", 114). He also explained the basic claim as follows: "... the formal logical properties of the moral words, the understanding of which we owe above all to Kant, yield a system of moral reasoning whose conclusions have a content identical with that of a certain kind of utilitarianism" (Moral Thinking, 4. See also Moral Thinking, 189.).


3 For this distinction see Moral Thinking, 39–52, and "Ethical Theory and Utilitarianism", 122–23.

4 See Moral Thinking, 20–24.

5 See Moral Thinking, 180. See also 144–45, Freedom and Reason, 123, "Relevance", 88, and "Reply to J.L. Mackie", 111–12.

6 Moral Thinking, 96–7. See also 221–23.
See "Relevance", 88-9, where Hare explicitly claims that all relevant desires which a moral author has experienced as part of his fact gathering project are present in their full intensity at the moment of making the universal prescription. See also Moral Thinking, 222.

One would misinterpret Hare's regular appeal to archangelic knowledge and rationality if one makes the archangel the ultimate moral judge. The archangel has no personal stake in the dispute. It is a completed detached observer. After the archangel has gone the rounds and identified with every affected party, it isn't clear what universal prescription the archangel would make, if any. If the archangel were motivated by sympathy alone, it would make utilitarian judgments. But this, of course, begs the question. Hare noted this point in his earlier work: "... impartiality by itself is not enough. If, in becoming impartial, B became also completely dispassionate and apathetic, and moved as little by other people's interests as by his own, then, as we have seen, there would be nothing to make him accept or reject one moral principle rather than another. That is why those who, like Adam Smith and Professor Kneale, advocate what have been called 'Ideal Observer Theories' of ethics, sometimes postulate as their imaginary ideal observer not merely an impartial spectator, but an impartially sympathetic spectator" (Freedom and Reason, 94). McDermott argues that Hare's moral author is construed as such a detached observer, and hence lacks a reason to make a moral judgment. See McDermott, "Hare's Argument for Utilitarianism". Obviously, I do not read Hare as making the moral author detached.

Since there are four final candidates there will be six possible combinations, viz., W and X, W and Y, W and Z, X and Y, X and Z, and Y and Z.

Moral Thinking, 225.

Moral Thinking, 227.

See Moral Thinking, 110.

Hare explains prima facie principles as relatively general standards of conduct which are justified in terms of critical thinking. Such principles can be revised, and even transcended, by appealing to critical thinking. See footnote 3.

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