

An alternative to charitable interpretation, with H.L.A. Hart

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Abstract. Philosophers, and students of philosophy, are often advised to interpret other philosophers charitably. In this paper, I present an alternative to interpreting charitably. I call it “the simple-model technique” and use H.L.A. Hart responding to John Rawls to illustrate it.

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Introduction. The concept of interpreting charitably plays at least two roles in contemporary philosophy. One role is within a project in philosophy of language which addresses the question of what a sentence means (see Davidson 1973-4: 18-19). I shall set aside this role below. The other role is as part of advice regarding how a philosopher, or student of philosophy, should interpret other philosophers. My aim is to present an alternative to interpreting charitably.¹ I use material from a legal philosopher to illustrate this alternative.

It will be useful to specify what it is to interpret charitably. That is a more difficult task than it seems, and below is an attempt to specify part of what it is to interpret charitably.

- (a) Let us suppose that an interpreter has found that two interpretations of a philosophical text fit equally well with the evidence provided by that text, as well as evidence about the context in which the text was produced.
- (b) Let us further suppose that, apart from these two interpretations, the

¹I don't know who came up with the advice, but in 1942 Charles Stevenson wrote “since we habitually try to make consistent sense out of any utterance, we might be led to more charitable interpretations.” (1942: 74)

interpreter has found no other interpretations which fit as well with this evidence.

- (c) One of the two interpretations is less erroneous, given the interpreter's set of beliefs.
- (d) The interpreter has interpreted charitably, in this situation, if and only if they prefer the interpretation which is less erroneous.

My aim is to examine an alternative to the requirement, or advice, that one must prefer the interpretation that is less erroneous in the situation described.

The simple model technique. The simple model technique involves substituting the complicated things a philosopher says for a toy version, metaphorically speaking, and then responding to this toy version. We can use H.L.A. Hart responding to John Rawls as a step towards illustrating this technique, before trying to capture more carefully what it is in general. Rawls recommends that institutions in a society implement a principle that gives citizens certain liberties. "Which liberties? What exactly are the details?" it is natural to ask. Hart offers two interpretations.

The first interpretation is simple: Rawls is recommending that the law gives each adult citizen as much equal liberty as possible, where liberty means freedom from interference. We can call this *the no interference interpretation*. Philosophers who recommend giving equal liberty, understood as no interference, go back to before the twentieth century, and Hart introduces some old objections to Rawls's recommended liberty principle, with this filling of the detail. For example, sometimes we restrict liberty to protect against harms which are not the deprivation of liberty (1973: 538), such as harms from publications that grossly invade privacy.

But Hart introduces a second interpretation of what the details of Rawls's proposal are, which we can call *the basic liberty interpretation*: Rawls is recommending that the law gives each adult citizen as much equal basic liberty as possible. This interpretation is more complicated, or more complicated by a traditional empiricist measure, because it features the concept of basic liberty. What is that? Hart tries to clarify the concept. Others have also done so more recently (McLeod and Tanyi 2021). There is a set of basic liberties. Hart lists them and considers why these are basic and not others and what to do when they conflict. But after all that clarification, Hart just makes the same objection again. Sometimes we restrict liberty to protect against harms other than the deprivation of liberty, such as harms from publications that grossly infringe privacy (1973: 548). Rawls's recommendation, on either interpretation, is mistaken in Hart's eyes and for the same reason.

Hart is actually not as critical as I have portrayed him. He says that given this more complicated second interpretation, the basic liberty interpretation, Rawls avoids some old objections that apply on the first interpretation (1973: 539-540). It is just that he does not avoid all of them. However, what a harsher interpreter might do is this: she (or he) attributes to Rawls a simple interpretation; then she objects to Rawls; then she says, "Maybe this is not Rawls's actual view, but straining to capture his exact view is not going to help. Come back to us, Professor Rawls, when you have overcome all the problems with the simple interpretation, and then we will present the complicated things you say and respond to your actual claims."

This example is an instance of the simple model technique being applied and in which it comes apart from the principle of charity. Here are the general criteria for a case of philosophical interpretation with these qualities:

- (a) An interpreter attributes a simple thesis to a philosopher's text.
- (b) The interpreter regards the simple thesis as fitting with some textual evidence, but also regards a more complicated thesis as fitting equally well with the textual evidence, or better.
- (c) The interpreter regards the more complicated thesis as less objectionable.
- (d) But there is an objection which applies to what the philosopher says when using either the simple or the more complicated interpretation.
- (e) The interpreter appeals to this objection to justify working with the simple interpretation, because that is the objection they wish to make.

There are other kinds of case which one might count as using the simple model technique, but this is the kind of case I wish to draw attention to. Owing to criteria (b) and (c), the interpreter's preferred interpretation violates the conditions for charitable interpretation. Indeed, the content of such an interpretation can actually come apart significantly from standard interpretations. For example, textbook interpretations of Rawls's liberty principle usually make much of his reference to basic liberty, or basic liberties (e.g. Freeman 2007: 45; Graham 2016: 56).

I doubt that it is a good idea for students to get into the habit of using this technique, because evaluators will not know what their skills in presenting more complicated interpretations are. Those skills matter for a number of projects. For example, a university has some graduate students who have a sound grasp of Rawls, largely by means of secondary literature, and an academic has arrived who can run a project of Rawls versus a certain other philosopher. Let us call this other "R." There is a lot of rich material to mine for evaluation, and it would be rewarding for a number of overlapping research communities (and you don't have to agree with what R says); but he is quite a complicated philosopher and it matters to get more accurate

interpretations of this philosopher – maybe not perfect, but good, otherwise the project risks not coming close to realizing its potential. Is this project doable or not? The academic may well have to make an intuitive judgment, on the basis of scant data about the interpretive skills of his students. What our new academic may unfortunately be faced with is a team of graduate students who have tactical skills in certain low transparency environments, but these skills are of limited use for this project, indeed most projects.

References

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