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## Comparativism: The Grounds of Rational Choice

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### 1 Grounds and Rational Choice

What grounds objectively rational choice? The question of interest here is a normative, as opposed to a meta-normative, grounding question. Meta-normative grounding questions about the normative prescind from first-order normative theorizing and ask, from a metaphysical point of view, what makes claims of a normative theory true? I've proposed elsewhere a "hybrid" view about the meta-normative grounds of claims about reasons and values.

In this paper, I engage in first-order normative theorizing and ask *from within* the normative practice, what makes something what you have most or sufficient reason to choose (or do)? Such normative grounding questions are perfectly familiar. A traditional act utilitarian might hold that what makes a choice rational is that it maximizes happiness for the greatest number; a Kantian might say that a choice is rational in virtue of the fact that the maxim of its associated action conforms with the Categorical Imperative; a virtue theorist might say that the ground of rational choice is that the alternative displays a correct balance of the virtues. I approach the normative grounding question at one remove; I step back from substantive normative theories about what makes an action rational and ask whether what grounds a rational choice must have a certain *structure*. Put another way, I ask whether there is some structural constraint on what any answer a substantive normative theory must give to the grounding question. Must the answer to the question of what grounds a rational choice have a certain form?

So we might say that my question is, more precisely, 'What is the structural ground of something's being what you have most or sufficient reason to choose?' Or, equivalently, we might say that we are looking for a structural answer to the grounding question that, say, a utilitarian gives a substantive answer to.

The answer I propose is what I call "comparativism." According to comparativism, comparative facts are what make a choice objectively correct; they are that

in virtue of which a choice is objectively rational or what one has most or sufficient normative reason to do. So whether you are a consequentialist, deontologist, virtue theorist, perfectionist, contractualist, etc., about the grounds of rational choice, you should be, first and foremost, I suggest, a comparativist. Whatever substantive values, goods, or norms turn out to be those that make a choice or action objectively rational, the form of the fact that does the work must be comparative. Or so I argue here.

If comparativism is true, then substantive normative theories that are incompatible with it should be rejected. I leave open, for the most part, which those theories are, since sometimes the substance of a theory that is couched in non-comparative terms can be reformulated without loss in comparative terms.<sup>1</sup> My aim here is not to cast doubt on certain normative theories but rather to propose a general framework within which we might fruitfully conduct normative theorizing. Having an explicitly articulated, shared framework within which we might do normative theorizing may help focus disagreements between competing normative theories. At the very least, it sharpens the issue of what framework under which a specific normative theory is operating, of which comparativism might be only one of various options.

It's worth noting that comparativism assumes that there is a unified account of the grounds of rational choice. This might be denied; it might be thought, for instance, that what makes a choice rational in law is different from what makes it rational in morality or etiquette. Perhaps the structure of rationality is fragmented according to the subdomain of normativity in which it figures. I am more hopeful that practical rationality has a unified structure. Comparativism is my attempt to explore what that unified structure might be.

The paper has two parts. In the first, I explain the main features of comparativism and clarify the idea of a comparative fact. In the second, I confront what I believe are the three most deep and serious challenges to comparativism and suggest how each can be answered.

## 2 Comparativism

### 2.1 WHAT IS COMPARATIVISM?

Comparativism can be formulated in terms of values or reasons.

**Comparativism** (values version): Comparative facts about the evaluative merits of the options with respect to what matters in a well-formed choice situation is that in virtue of which a choice is rational in that situation.

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<sup>1</sup>I believe this is true of some, but not all, deontological theories. I mention in a later note some extreme theories that have to be rejected if comparativism is true.

**Comparativism (reasons version):** Comparative facts about the strengths of the reasons for and against the options with respect to what matters in a well-formed choice situation is that in virtue of which a choice is rational in that situation.

A “well-formed choice situation” is one in which there is a determinate and small set of alternatives, each of which one is capable of choosing, something that matters in the choice—a “covering consideration(s)”—and a reasonably determinate set of background facts that are the circumstances in which a choice is to be made. To simplify, I will henceforth treat choice situations as involving only two alternatives. So instead of comparative facts determining rational choice, I will assume there is a single comparative fact that does the grounding work in relating just two alternatives.

Since the arguments for one version also hold for the other, I’ll move between talk in terms of reasons and of values. This will be unproblematic for anyone who thinks that the one can be understood and explained in terms of the other—i.e., conceptual and metaphysical “buckpassers.” If you are a reasons fundamentalist—e.g., Scanlon, Parfit—passing the buck from values to reasons, just think “reason-providing properties” whenever there is talk of “value” or “merit.” If you are a values fundamentalist—e.g., my own view and the old-fashioned one held by many—passing the buck from reasons to values, just think “value of the alternative” whenever there is talk of “reason” for an alternative. And if you think values and reasons are two irreducibly distinct fundamental normative phenomena—e.g., Raz—then take the version that is most plausible given your view about how values and reasons relate and understand the arguments in those terms. Comparativism is, I believe, true regardless of your favorite conceptual and metanormative view about the relation of values to reasons.<sup>2</sup>

So here’s an example of comparativism in action: You’re choosing between a seared tuna nicoise salad and a waygu beef burger for lunch. What matters in the choice between them, say, is tastiness and healthfulness to you. The burger tastes better but the salad is more healthful. According to comparativism, what makes your choice of one of them rational is a comparative fact about how the merits of the options—or the reasons for and against them—compare with respect to tastiness and healthfulness. Indeed, who in their right mind would think otherwise?

Before turning to this question, we need to make a few clarifications. First, comparativism is a view about practical reason but not about practical reasoning. There is a distinguished tradition of philosophers who have argued—persuasively in my view—that evaluative comparisons of alternatives or of the strengths of their

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<sup>2</sup>I am here assuming the everyday, ordinary notion of values that includes rights, obligations, and excellences, which is broader than some ethicists have stipulated it to be. Values need not be consequentialist or aggregative normative criteria, for instance, but include any evaluative criteria that could in principle give rise to reasons. Cf. Thomas Scanlon’s similar appeal to the broader, ordinary notion of values in *What We Owe to Each Other* (Cambridge, MA: Belknap, 1998), Chapter 2.

corresponding reasons don't explain how we should arrive at rational choice.<sup>3</sup> Comparativism tells us instead *that in virtue of which* a choice is rational, however we should arrive at it.<sup>4</sup> Nor is comparativism a view about the rational explanation of action, of what makes someone's behavior intelligible as rational given her own mental states. It's not a view in the philosophy of mind or of action that tells us that in virtue of which some behavior counts as rational in terms of the agent's own view of her reasons, but a view in the philosophy of practical reason about what makes something what one has most or sufficient reason to choose.

Nor is comparativism new. Indeed to many, I hope most, philosophers comparativism will seem like old and delicious wine in a vaguely familiar bottle; they will already assume that something like comparativism is correct, although without explicitly understanding it as a framework for the grounds of rational choice or being explicit about how to defend it against its detractors. To those who count themselves as part of the choir, the interest of this paper will be in the ecumenical generality of the view and its defense against what I take to be its deepest challenges.

To other philosophers, however, comparativism will seem like old and irredeemably foul wine, however bottled; they will think that relying on comparative facts to understand the grounds of rational choice reflects the doggedly pernicious influence of crude and outmoded decision-theoretic approaches to rational choice. To those who find themselves unsympathetic to comparativism, the interest of this paper will be both in the ecumenical form favored here, which does not presuppose what is usually found objectionable about appeal to comparative facts, and in the doubt cast on what I take to be the best alternative noncomparativist framework for thinking about the grounds of rational choice.

My interest here is in comparativism in its most general, framework form. In other work I have suggested a specific comparativist theory that defends a particular conception of "weighing" or "balancing" reasons or values; I believe that the comparative facts that ground rational choice derive from "weighing" in this particular way.<sup>5</sup> Comparativism as I present it here is neutral as between different conceptions of "weighing" or "balancing" that might be thought to generate comparative facts.

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<sup>3</sup>Iris Murdoch, *The Sovereignty of Good* (London: Routledge & Kegan Paul, 1970); Henry Richardson, *Practical Reasoning about Final Ends* (Cambridge: Cambridge University Press, 1994); Michael Stocker, *Plural and Conflicting Values* (Oxford: Oxford University Press, 1990); Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993).

<sup>4</sup>Of course some might think that the correct decision procedure determines the correct ground of rational choice, or vice versa. But these are controversial positions about which we needn't take a stand here.

<sup>5</sup>The view of "weighing" I defend stands in contrast to those inspired by economics and decision theory. For example, contra John Broome, I argue that reasons don't have "weights" all by themselves but are given weights by the normative relations they stand in with other reasons, which are determined by the covering consideration in a well-formed choice situation. Moreover, since the relations among determined by a covering consideration do not always—indeed, rarely—conform to the maxims of expected utility theory, "weighing" is not a matter of aggregation or properly modeled by expected utility

## 2.2 WHAT ARE COMPARATIVE FACTS?

Comparativism tells us that comparative facts are that in virtue of which you should do what you should do. But what are comparative facts? By “comparative fact,” I mean a *positive* comparative fact, that is, a fact that describes how something is rather than how it is not. Metaphysicians sometimes make a distinction between positive and negative facts of the world. If God were to describe what’s in the world, she would say “There’s a tree there,” but not “There isn’t a table there,” the latter which would report a negative fact—what’s not in the world as opposed to what’s in the world.

A comparative fact tells us something *positive* about how two items relate. If I say “X is better than Y with respect to beauty,” I’m telling you something positive about how they relate. If I say “X is not better than Y with respect to beauty,” I’m describing only how they don’t relate. By “comparative fact” (and its cognates), I mean a fact that gives a positive relation between two items in some respect. A positive relation is a comparative relation. Thus, being better than, worse than, and equally good are all comparative relations and give rise to corresponding comparative facts. By contrast, being not worse than, not better than, not equal to, and neither better nor worse are not comparative relations and do not give rise to comparative facts.

By “comparative fact” I also mean a *normative* comparative fact. The comparisons of interest here are not nonnormative comparisons of length, mass, or depth of color but comparisons of alternatives with respect to some evaluative criteria or of reasons with respect to strength or importance or weight with respect to what matters in the choice.<sup>6</sup> So comparativism should be understood as the view that positive, normative comparative facts about the merits of the alternatives or the reasons for and against them are what make a choice rational.

A surprising number of philosophers dismiss comparative facts as being of little use in understanding practical reason because they assume that a comparison must relay *cardinal* information—that is, representation of the value of an item by a function unique up to linear transformations, or what Derek Parfit calls

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theory. See, e.g., John Broome, *Rationality Through Reasoning* (Oxford: Blackwell, 2013). Cf. my “All Things Considered” *Philosophical Perspectives* 18 (December 2004), 1–22, and “Putting Together Morality and Well-Being” in *Practical Conflicts*, eds. M. Betzler and P. Baumann (Cambridge: Cambridge University Press, 2004), pp. 118–158.

<sup>6</sup>I make this point to distinguish the ground of a rational choice from the reason(s) for choosing it—what Broome calls the *pro toto* reason for choosing something. A *pro toto* reason might be a non-normative comparative fact, but the ground of rational choice is a normative fact. Furthermore, it is a mistake, I believe, to think that the ground is part of what Broome and Scanlon call the “complete” reason—which includes *pro toto* reasons—for doing something. The ground of rational choice plays a different explanatory role: it explains that in virtue of which an alternative supported by your *pro toto* reason is rational and that in virtue of which the complete reason is a complete reason for a rational choice. See Broome, “Rationality Through Reasoning,” p. 50; Scanlon *What We Owe . . .*, Chapter 1.

“precisely comparable.”<sup>7</sup> But comparability should not be thrown out with cardinality. We might have orderings on the differences between items that allow us to talk of greater and lesser differences without representability by such functions.<sup>8</sup> Or we might have mere orderings of items. As I have noted elsewhere, “nominal-notable” comparisons—e.g., Beethoven is a greater creative genius than Talentlessi, a limerick writer—don’t presuppose that the relative merits of each can be represented by cardinal units of creative genius or by standard expected utility functions.

Nor need comparative facts be aggregative. Suppose you must choose between torturing one to save five from torture and letting five be tortured. It could be that with respect to morality, it is better that you not torture one. If so, that needn’t be because the only way not torturing one can be better than saving five from torture is by totting up the badness of each torturing. It can be better because, morally speaking, torturing is not something one does—it’s prohibited, and it’s better not to do something prohibited than to do something that’s permissible, if, say, allowing five to be tortured is permissible in these circumstances. There is nothing in the concept of being better than that requires aggregation.

Lexical superiorities are also comparative facts. A recent study showed that 90% of random subjects said that there was no amount of money for which they would stick a pin into the palm of a child they didn’t know, and 87% claimed that no amount of money would be worth the cost of kicking a dog in the head.<sup>9</sup> If these declarations report facts, the facts would be comparative. Achieving a worthwhile, lifetime goal might be lexically superior with respect to what makes your life go best than having as much ice cream in the world, even discounting diminishing marginal utility. Achieving the lifetime goal is better with respect to your well-being than having the ice cream but not necessarily because the aggregation of the value of the achievement beats the aggregation of the value of the ice cream. Instead there could simply be a lexical ordering of the options from which it follows that one is better than the other. Similarly, when one consideration trumps another, it follows that it is better than the other. If with respect to justice, respecting your right to free speech trumps the utility of muzzling you, then your right is

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<sup>7</sup>See Derek Parfit, “How to Avoid the Repugnant Conclusion,” unpublished manuscript. (I have elsewhere called what Parfit calls “imprecise comparability,” “incommensurability,” the failure of a cardinal unit of measure of the merits of two items or the strengths of the reasons for and against them and treat the phenomenon as orthogonal to comparability.) Philosophers who seem to reject comparability as important for practical reason because they assume that comparability presupposes cardinality include Thomas Nagel, “The Fragmentation of Value,” in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979); and Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993), but there are many others.

<sup>8</sup>I pursue such a strategy in my *Making Comparisons Count*, (New York: Routledge, 2001).

<sup>9</sup>This data comes from [http://blogs.thearda.com/trend/featured/morality-study-what-would-you-do-for-a-million-dollars/?utm\\_content=bufferc9c61&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://blogs.thearda.com/trend/featured/morality-study-what-would-you-do-for-a-million-dollars/?utm_content=bufferc9c61&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer), which reports the results of an online survey during March 2012 as part of the study “Measuring Morality,” directed by Stephen Vaisey of Duke University.

better than the utility with respect to justice. So those who have argued that rights cannot be compared with utility on the grounds that there is no unit or quantity that admits of aggregation according to which rights can be better than utility have imported a substantive assumption about comparisons that is no part of the ordinary notion.<sup>10</sup>

I've belabored the points about cardinality and aggregation because it is so often assumed that comparisons entail one or the other, and it is easy, on these assumptions, to dismiss comparative facts as too crude a tool by which to understand the grounds of rational choice. But there is nothing in the notion of a comparative fact that requires these assumptions. Perfectly ordinary relations like being ordinally better than, lexically superior to, trumping, being more significant than, being prohibited while an alternative is permitted, being the lesser of two evils, being Pareto superior, and so on all yield positive comparative facts about their relata.

Now, with such a minimalist understanding of comparative facts in place, it might seem that pretty much any positive evaluative relation between two items will count as a comparison between them. The upshot would then be that comparativism is perhaps true, but in a way that significantly diminishes its interest. After all, who would quarrel with the claim that a comparative fact—in particular being better than—makes a choice rational, if being better than doesn't presuppose cardinality or aggregation but allows for more subtle relations such as trumping, being permitted when the alternative is prohibited, being the lesser of two evils, and so on?

But comparativism, even minimally understood, doesn't come so easily. There are three main challenges to it.

First, if one consideration affects a reason or value in a noncomparative way, for example, by excluding it as irrelevant, the relation between the reasons is not one of comparison. The excluding consideration isn't *better* than the excluded one; it just prevents the other consideration from coming into play. If what makes a choice rational is the fact that reasons against it are excluded, then that's not a comparative fact.

Second, some have thought that practical life is a matter of doing "the thing to do," where what makes something "the thing to do" is, for example, virtue, a concrete good, or conformity with the Categorical Imperative. A virtuous person just "sees" that the thing to do is to give up his seat on the subway to the elderly person who needs it; someone with a good will does the thing to do when the maxim of her action passes the test of the Categorical Imperative. If what makes something "the" or "a" thing to do is not a comparative fact, then comparativism is fundamentally wrongheaded.

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<sup>10</sup>Nagel seems to make just such an argument in his "The Fragmentation of Value" in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 128–141.

Finally, if two items are incomparable there is no positive fact about how they relate and thus no comparative fact. But many have thought that being incomparable or, more generally, being “not worse than” is sufficient to make a choice rational. Indeed, it is an assumption of non-standard decision-theoretic approaches to rational choice that being not worse than the other alternative is what makes a choice rational. But being not worse than is not a comparative fact. So if, as many have thought, a choice or action can be rational so long as it’s not worse than any alternative, then comparativism must be rejected.

Each of these challenges has a benign and malignant version, with some versions being more plausible than others. The first challenge, for instance, is best taken as posing a relatively benign challenge to comparativism; at best it foists onto comparativism an exception to the rule: in most cases a comparative fact grounds rational choice, with the exception given by cases where exclusionary reasons ground rational choice. The best version of the third challenge, however, goes much deeper. If being incomparable is compatible with the possibility of rational choice, then a noncomparative fact—being not worse than—is always what grounds a choice as rational, and comparativism is wrong to the core.

We examine each challenge in turn.

### 3 Challenges to Comparativism

#### 3.1 EXCLUSION

Sometimes the consideration in virtue of which a choice is rational seems not be comparative in nature but preemptory, silencing, exclusionary, cancelling, enabling, amplifying, diminishing, or otherwise modifying in some way. Since claims of this sort are usually made in terms of reasons, I will follow suit, although the same points can be made in terms of values.

The worry for comparativism is that sometimes the grounds of rational choice seem to be more complex than what can be captured by comparative facts about the strength of reasons for and against each of the alternatives. Sometimes one consideration—a reason or circumstantial factor—affects a reason in a noncomparative way, and this noncomparative relation between the consideration and reason seems to ground the choice as rational.

There are two distinct ways in which a factor can affect a reason. One is by affecting the *strength* of a reason and the other is by affecting its *role*, which for our purposes we can restrict to its *relevance*.<sup>11</sup> Sometimes a consideration “silences,” “cancels,” “pre-empts,” “brackets,” “disables,” or “excludes” a reason from having

<sup>11</sup>See also Jonathan Dancy, *Ethics Without Principles* (Oxford University Press, 2006), p. 38ff.



normative “force” by rendering it irrelevant to the choice at hand. These are “excluders.” But sometimes a consideration “diminishes,” “amplifies,” or otherwise “modifies” a reason that is not excluded as irrelevant to the choice situation by changing its strength vis-à-vis other reasons that are also relevant to the choice. These are “modifiers.”<sup>12</sup> Modifiers affect the strength of reasons and are compatible with the comparative strength of the reasons being the grounds of rational choice. So modifiers don’t pose a challenge to comparativism. Excluders, however, affect which reasons are relevant in a choice situation. If all—or the strongest—reasons against an option are excluded, then that option might be the rational choice. What makes it rational, the thought goes, is the fact that the reasons against it have been excluded—a noncomparative fact. So the challenge to comparativism comes from excluders, not modifiers.

Putative examples of exclusion abound. John McDowell famously argued that reasons of virtue aren’t stronger than other reasons; they don’t “override” other reasons but “silence” them. One reason silences another if it blocks it from counting as a reason in the situation. As McDowell reminds us: “What shall it profit a man, if he shall gain the whole world, and lose his soul?”<sup>13</sup> There is no lexical superiority here, only one kind of reason blocking others from being relevant to the choice.

Tim Scanlon tells us that the fact that you are playing to win the tennis match “brackets” the reason that winning would hurt your opponent’s feelings in choosing whether to try to ace your serve.<sup>14</sup> On what grounds is your choice to attempt to ace your serve rational? On the grounds that the reasons against acing your serve are bracketed by the reasons you have to win given that you are playing to win. Hurt feelings, which certainly count against acing your serve, just aren’t relevant.

There are many other cases of putative exclusion. An eccentric billionaire offers you a billion dollars to give up your newborn. Or a new luxury yacht to end a friendship. Or, to take a Hollywood plot, a million dollars if you will have

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<sup>12</sup>A modifier can reduce the normative force of a consideration to nil but through modifying that force. An excluder makes the force nil through excluding it as irrelevant. See, e.g., Ralf Bader, this volume, for a discussion of modifiers that is, I believe, consistent with this gloss (though I understand “source” and “ground,” I believe, differently than Bader does; see my discussion at the outset of this paper and my “Practical Reasons: the Problem of Gridlock,” in *Companion to Analytical Philosophy*, eds. Barry Dainton and Howard Robinson (London: Bloomsbury Press, 2013), pp. 474–499, for further distinctions).

<sup>13</sup>See John McDowell, “Are Moral Requirements Hypothetical Imperatives?,” *Proceedings of the Aristotelian Society Supplement*, 52 (July 7–9, 1978): 13–29. ISBN: 0900193638, p. 26. McDowell writes: “. . . the dictates of virtue, if properly appreciated, are not weighed with other reasons at all, not even on a scale which always tips on their side.” Note that none of McDowell, Scanlon, or Raz talk in terms of the grounds of rational choice, and so I am adapting their claims for present purposes. See also Jonathan Dancy’s “disablers” in his *Ethics Without Principles*.

<sup>14</sup>See Scanlon, *What We Owe . . .*, p. 51.

sex with him or her.<sup>15</sup> The thought is that reasons concerning (or features of) certain goods—a newborn, friendship, sexual intimacy—exclude considerations that count in favor from being relevant in a choice involving those goods. And this fact of exclusion is what makes the choice not to sell your newborn, friendship, or sexual virtue, rational.

The idea that a consideration can make what would otherwise be a relevant reason irrelevant to a choice has its classic statement in the idea of an “exclusionary reason” introduced by Joseph Raz. I’ll use Raz as the foil, but what I have to say here against exclusionary reasons applies to all other excluders—that is, to silencers, bracketers, cancellers, disablers, and so on.

Here’s Raz’s original example (which I slightly modify and expand for clarity):

You’ve just arrived home after a very long and grueling day at the office. Before you can kick off your shoes, the phone rings. It’s your financial wiz friend, Sally, with an urgent investment opportunity she thinks you should take a look at. For the past month or so, you’ve been looking for a way to invest your year-end bonus. Nothing has grabbed you yet, and Sally says this may be the one. She has emailed over all 250 crucial pages of prospectus materials relating to the investment. The details are complicated, and it would take you a solid two hours of concentrated study to figure out whether it makes sense for you to invest in the venture. Moreover, the offer to invest will be withdrawn at midnight. It’s now 9:55 p.m. Should you invest or not?

You’re exhausted and feeling too tired to read through the investment materials carefully. This reason—being too exhausted to read the materials carefully—Raz says, seems to rationalize your deciding not to spend the next two hours figuring out whether to invest. But by choosing not to spend the next two hours reading the prospectus, you thereby choose not to invest. So it seems that we have a case in which a reason—being too tired to read the materials carefully—rationalizes your choice not to invest where that choice is not based on the merits of investing vs. not investing. What makes your choice of not investing rational, then, is not a comparative fact about the merits of investing vs. not-investing but the fact that your being too tired makes the reasons for investing irrelevant. And this exclusionary relation between being too tired and all the reasons for investing, whatever they might be, is not a comparative one.

Raz suggests that the reason of being too tired is a “second-order reason,” an “exclusionary” reason that is not itself a reason for action but a reason for disregarding other reasons for action, reasons such as the fact that, let’s suppose, you’d

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<sup>15</sup>*Indecent Proposal* (1993), directed by Adrian Lyne. I’ve argued elsewhere that these cases are cases of “emphatic” comparability in my “Against Constitutive Incommensurability, or, Buying and Selling Friends” *Philosophical Issues* 11 (annual special issues supplement to *Nous*, December 2001), 33–60. Cf. Joseph Raz, “Incommensurability and Agency,” in *Incommensurability, Incomparability, and Practical Reason* (Cambridge, MA: Harvard University Press, 1997).

make a lot of money by investing.<sup>16</sup> Crucially, Raz thinks that exclusionary reasons challenge the validity of the principle of rational choice, "P1":<sup>17</sup>

"P1: It is always the case that one ought, all-things-considered, to do whatever one ought to do on the balance of reasons."<sup>18</sup>

This principle is very close to comparativism in that it suggests that what grounds what you ought to do, all-things-considered, is a comparative fact about the strengths of the reasons for and against the alternatives.

But there is a problem with the challenge from exclusionary reasons. It overlooks a distinction between two questions: (1) what grounds a rational choice in a well-formed choice situation? and (2) what determines which well-formed choice situation one should be in? Once we are mindful of this distinction, we will see that the very idea of an exclusionary reason is otiose. Every putative exclusionary reason can instead be understood as an ordinary reason relevant to the question of which well-formed choice situation you should be. And since all rational choice occurs relative to a well-formed choice situation, we can dispense with the idea of an exclusionary reason.

Let's return to the scene. You might describe it as follows. "You arrive home after a grueling day at the office and the investment opportunity awaits you. You take yourself to be in a choice situation where you must decide whether to invest or not to invest." But describing the scenario as one in which you must decide whether to invest or not to invest is not to specify a well-formed choice situation. This is because there are two ways not to invest: one, by omitting to invest by doing something else—such as going straight to bed—and the other by explicitly considering the matter of whether to invest on its merits and deliberately deciding not to invest. The alternatives are not sufficiently determinate and so you aren't in a well-formed choice situation.

When you come home and put your feet up, you face a jumble of facts. There is as yet no well-formed choice situation you are in—or, more precisely, there are multiple well-formed choice situations you *could* be in. And since there are multiple choice situations you could be in, there is the associated normative question, which choice situation *should* you be in? This is not to say that which choice situation you should be in is therefore a matter of choice—it may or may not be, depending on the circumstances—but in any case there are considerations that count in favor of being in one choice situation rather than another. Should you, for

<sup>16</sup>Joseph Raz, *Practical Reason and Norms* (Oxford: Oxford University Press, 1975), p. 38.

<sup>17</sup>*Ibid.*, pp. 36–38. As Raz writes, "... though she is taking a decision against the offer, she can rationally do so not on the ground that on the merits the offer ought to be rejected but because she has a reason not to act on the merits of the case. This ... is a kind of reason not recognized in [the principle P1: 'It is always the case that one ought, all things considered, to do whatever one ought to do on the balance of reasons']. ... and shows that [P1] is not valid." (p. 37). Thanks to Connie Rosati for discussion of Raz's example.

<sup>18</sup>*Ibid.*, p. 36. Again, Raz does not talk in terms of grounds, but I adapt his claims for my purposes.

example, be in choice situation A, in which the alternatives are: (1) grit your teeth and read through the prospectus, even though you are too exhausted to read the materials carefully, with the upshot that you explicitly decide to invest or not to invest, or (2) go straight to bed, with the upshot that you omit to invest? Or should you be in choice situation B, in which the alternatives are: (1) watch the final episode of *Breaking Bad*, or (2) go straight to bed, both with the upshot that you omit to invest?

Exclusionary reasons are relevant to the question of which choice situation you should be in; they are considerations that count in favor of being in one choice situation rather than another. Your being too tired to read the prospectus materials carefully—being too tired to appreciate in full the reasons to invest in the opportunity—is a reason for you to be in a choice situation in which your alternatives don't include reading those materials. This is not to say that all-things-considered you should be in such a choice situation, but being too tired to read the materials carefully counts in favor of being in a choice situation in which full appreciation of those reasons isn't relevant to the choice. In general, an inability to appreciate the reasons relevant to the choice is a reason not to be in a choice situation that requires such appreciation.

This is a cousin of the idea that if the facts are that you can't x—e.g., jump to the moon—then you have a reason not to be in a situation in which one of your options is x—e.g., jumping to the moon. Of course a difference is that in the latter case, the physical impossibility of your performing an action gives you a reason not to have that as an alternative, while in the case at issue, the normative “impossibility”—i.e., difficulty—is what gives you a reason not to have something as an alternative. None of this is to say that if you find it difficult to do something, you're off the hook. It could be that, all-things-considered, you should be in a choice situation in which one of the alternatives is to saw off your leg or read a student's overlong paper. The point here is simply that what Raz calls an exclusionary reason can instead be interpreted as a reason to be in one well-formed choice situation rather than another.<sup>19</sup> Whether the reason to be in situation A, for example, outweighs or overrides the reason to be in situation B is a matter for substantive theorizing about the weights of such reasons.

So that reason—being too tired—is relevant to the question of which choice situation you should be in. You now have a reason to be in a choice situation in which none of your alternatives is to read the prospectus—since the reasons for reading the prospectus are diminished in strength by the fact that you are too tired

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<sup>19</sup>The same goes for Raz's “order” case. The soldier has a reason given by his rank to be in a choice situation in which one of his alternatives is not disobeying the order of his superior. Similarly, you have a reason given by the fact that you are already reading this paper to be in a choice situation in which your alternatives are to continue to read or to take a nap, as opposed to a choice situation in which your alternatives are to cook dinner or hop on a plane as a volunteer for Doctors Without Borders. Again, which choice situation one should be in is a matter of the weighing of the reasons.

to read carefully. Thus, the fact that you are too tired is relevant to the question of what choice situation you should be in.

Note that there is no exclusion or noncomparative relation holding between reasons here. The fact that you're too tired to appreciate the reasons to invest that would be uncovered by reading the prospectus carefully is a reason—not necessarily decisive by any means—not to be in a choice situation in which one alternative is to read the prospectus. But being too tired doesn't *exclude* the reasons for investing, or indeed any reason whatever. It is, rather, an ordinary reason relevant to the question of which choice situation you should be in that stands in comparative relations with other reasons for or against being in one choice situation rather than another. So-called exclusionary reasons are reasons that are relevant to determining which well-formed choice situation you should be in.<sup>20</sup>

So-called exclusionary reasons can also be relevant once a well-formed choice situation is determined. But, again, they are relevant as ordinary reasons that compare with other reasons in determining what you should do in that choice situation. Suppose you are in a choice situation in which what matters is both being fresh in the morning and not neglecting a great investment opportunity. Your alternatives, say, are to force yourself to read the prospectus, gleaning as much information as you can in order to make a deliberate decision about whether to invest, on the one hand, and going straight to bed, on the other. The key point is that the fact that you are too tired to read the prospectus carefully is a reason that operates as an ordinary reason, standing in comparative relations with other reasons for and against choosing one alternative rather than another. Being too tired gives you greater reason to go to bed than you would have had otherwise.<sup>21</sup> So, again, when so-called "exclusionary reasons" are relevant in a well-formed choice situation, they stand in comparative relations with other reasons and help to determine what it's rational for you to do.

And, of course, sometimes "exclusionary reasons" are completely irrelevant in a well-formed choice situation. Suppose you're in a choice situation in which what matters is being fresh for an important meeting tomorrow morning, and your alternatives are watching TV and going straight to bed. In this choice situation, being too tired to appreciate the reasons to invest in an investment opportunity

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<sup>20</sup>Put another way, so-called "exclusionary reasons" are ordinary reasons for determining what you should do in a choice situation in which your alternatives are different well-formed choice situations. Again, none of this is to presuppose that what choice situation you should be in is itself always a matter of deliberate, conscious choice—the sense of choice here is broadly that of "intentional action"; it may just be a normative fact that you should, right now, be in the choice situation in which your alternatives are to donate 20% of your income to charity or to join an international relief organization to aid starving children, rather than a choice situation in which your alternatives are to continue reading this paper or to take an aspirin and lie down. These are matters of substantive argument.

<sup>21</sup>It is perhaps worth underscoring here that it is no part of the definition of a well-formed choice situation that the agent is in a good position to evaluate the alternatives appropriately or fully. Thanks to Connie Rosati for pressing me to clarify this point.

you just heard about is irrelevant to determining what you should do. Again, so-called "exclusionary reasons" don't exclude any reasons.

The very idea of "exclusionary reasons" is, I believe, mistaken and inapplicable to practical reason. The thought that it captures something true and correct about a way reasons can relate turns on a failure to recognize that rational choice is always relative to a well-formed choice situation and what that entails. Some reasons can be reasons to be in one choice situation rather than another. So-called "exclusionary reasons" are typically such reasons. Sometimes so-called exclusionary reasons are ordinary reasons that weigh against other reasons in a well-formed choice situation. And sometimes they are completely irrelevant to a well-formed choice situation. To say that a reason counts in favor of being in one choice situation rather than another, or that it weighs against another in a well-formed choice situation, or that it is irrelevant to a well-formed choice situation is not to say that it "excludes" any ordinary, first-order reason in a well-formed choice situation.<sup>22</sup> As Raz says, the "second-order" "exclusionary" reason of being too tired is not compared with the first-order reasons to invest or not to invest.<sup>23</sup> But this is to presuppose a certain range of well-formed choice situations, and not others.

In short, the idea of an exclusionary reason fails to take on board the fact that rational choice is always relative to a well-formed choice situation. Such reasons can always be redescribed as a consideration that favors being in one well-formed choice situation rather than another. Neglecting the idea that rational choice must always be relative to a well-formed choice situation leads to what we might call The Peters' Problem,<sup>24</sup> the problem that the untold suffering by others seems always to exclude (or, alternatively, trump) the reasons we have to carry on in our ordinary bourgeois lives. Indeed, the fact that millions around the world are suffering right now might be said to exclude any reason you have to continue reading this paper, teach your classes, or pursue your philosophy PhD. If, instead, we allow that the rationality of choice is always relative to a well-formed choice situation, there is room for the normative question of which well-formed choice situation you should be in. It could be that you should be in a choice situation in which your alternatives are to continue reading this paper or lie down for a nap. Or one in which

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<sup>22</sup>It is perhaps worth saying that the same goes for the matter of how we should deliberate to a rational choice. Raz has argued that authorities, who are better at deliberating substantively about certain matters, *x* and *y*, than we are, give us exclusionary reasons when they decree that we should *x* rather than *y*. We should take their decree to be a reason not to deliberate on the merits about whether to *x* or to *y*. I suggest that the authority's decree is not an exclusionary reason, a reason that excludes our thinking about the substantive reasons for and against *x* and *y*, but rather a reason to be in a choice situation in which our alternatives are not *x* vs. *y* but *x* vs., say, *z*. See Joseph Raz, *The Authority of Law* (Oxford: Clarendon Press, 1979), and *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

<sup>23</sup>Ibid. pp. 36–38.

<sup>24</sup>I name this problem in honor of Peter Singer and Peter Unger and, more distantly, St. Peter, who was the first Apostle in Jesus's reported concern for the suffering of others.

your alternatives are to write a check to Oxfam or buy new shoes for your children. Putative exclusionary reasons are nothing more than background facts that help determine what well-formed choice situation you should be in.

If this is right, then “exclusionary reasons” pose no threat to comparativism; reasons don’t exclude other reasons in well-formed choice situations. What you should do in a well-formed choice situation may well be grounded by a comparative fact about the alternatives with respect to what matters in the choice between them.

### 3.2 THE THING TO DO

Sometimes what we are rational in doing doesn’t seem to be a matter of “choosing” between alternatives; rather there is just the “thing to do” or “a thing to do” when various options are rationally “eligible.” But comparativism is not restricted to “choice” narrowly understood as conscious or deliberate selection among alternatives; “choice” is the doing of intentional action whenever something else could possibly be done instead. Comparativism thus aims to give the grounds of rational choice when the rational choice is “the” or “a” thing to do.

There are important traditions in both Aristotelian and Confucian virtue ethics, on the one hand, and Kantian-inspired deontology, on the other, according to which rational choice—action—is not a matter of the comparative merits of competing options.<sup>25</sup> Rational action is a matter of exercising practical wisdom and *seeing* that such-and-such is the thing to do and then doing it, or of conforming to the Categorical Imperative. When faced with two possible actions, the rational thing to do is whatever conforms with the Categorical Imperative or virtue. A comparative fact about how the alternatives fare with respect to conformity with the Categorical Imperative or virtue, or indeed anything else is, at best, otiose. What makes an action rational is the fact that the action conforms with the Categorical Imperative or virtue—not some epiphenomenal fact about the comparative merits of the alternatives. Thus if doing what one has most or sufficient reason to do is a matter of doing “the thing to do” because that is what the Categorical Imperative or virtue demands, then comparativism as a framework for thinking about rational choice seems completely wrongheaded.

Here’s an example. Suppose you are walking along a deserted lane and come upon the proverbial baby who has fallen face-down in a large puddle of

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<sup>25</sup>For an interesting paper describing a Confucian view of practical wisdom according to which “choice” (understood as the conscious selection among alternatives) is largely irrelevant, see Amy Olberding, “Etiquette and Moral Framing: A Confucian Contribution to Moral Philosophy,” unpublished manuscript. If what I say here is correct, even though an agent may not “see” alternatives, there is a comparative fact about alternative actions in principle open to the agent that grounds her rational choice. It is perhaps worth noting that both this second challenge and the first from exclusionary reasons are drawn from claims sometimes not about what makes a choice rational but about rational forms of deliberation. I co-opt the claims about rational deliberation to present the strongest challenge to comparativism that I can muster.

accumulated rainwater. There's no question of what you have most or sufficient reason to do; the thing to do is to remove the baby from the puddle. Every moment you delay leads to a higher risk of the baby's drowning. Now the thought that what makes your action rational is a comparative fact about saving the baby relative to something else you could do seems to misunderstand the situation. The same might be said about saving your drowning husband in lieu of a stranger, giving up your seat on the subway to someone who needs it, avoiding microaggressions in a department meeting, and so on. Practical life is not a matter of comparative merits among alternatives or the relative weights of reasons for and against alternatives but of doing "the thing to do." So the story goes.<sup>26</sup>

The thought that sometimes there is just "a" or "the" thing to do has sometimes been parlayed into a more sweeping claim about the structure of rationality—that it's not a matter of maximizing but (sometimes) satisficing. Satisficing, the rationality of doing what's good enough, might seem to be a competitor to comparativism since being "good enough" is, on the face of things, a noncomparative fact. Michael Stocker has done much to promote this view by suggesting, for example, that the specific, concrete goods of your current job, so long as they are good enough, can make staying in your current job rational even if someone offers you what is in fact (and even by your own lights) a better one.<sup>27</sup>

But being "the" or "a" thing to do is compatible with comparativism and poses no challenge to it. As it turns out, a comparative fact is *that in virtue of which* an action that is "the" or "a" thing to do.

Start with the thought that the alternatives in a well-formed choice situation must be either incomparable or comparable. If they are incomparable, let's suppose—a supposition we will be returning to defend later—that there can be no rational choice between them. But since, by hypothesis, rational choice is possible—there is "the" or "a" thing to do—the alternatives must be comparable. So, on our supposition about incomparability, they are comparable. But if they are comparable—as I'll now argue—then a comparative fact grounds the choice as rational. Thus, a comparative fact grounds "the" or "a" thing to do, modulo the promissory note about incomparability.

Why should we think that, if the alternatives of saving the baby and doing something else are comparable, that a comparative fact about the merits of those alternatives grounds the fact that saving the baby is the thing to do?<sup>28</sup>

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<sup>26</sup>The same goes for cases of instrumental rationality. You have goal A, and x, y, and z are each sufficient means to this end. None of the means affects any other end you might have. So, the story goes, taking any one of these means is "a" thing to do—each is rational because each is sufficient to achieving your end. The fact that the means is sufficient isn't a comparative fact. And so it might seem that a comparative fact doesn't make your taking a sufficient means rational.

<sup>27</sup>See Stocker, *Plural and Conflicting*.

<sup>28</sup>Again, the ground of the rational action should not be confused with the reason for it; the reason that justifies the action is that the baby needs help.



Note that saving the baby could *not* be the thing to do unless it was *not worse* than the alternative actions you could perform in that choice situation.<sup>29</sup> This is the case even if only saving the baby—and not the alternative—passes the test of the Categorical Imperative. If saving the baby is *worse* than allowing it to drown—perhaps an evil demon has arranged things so that unless the baby is allowed to drown, there will be nuclear holocaust—then saving the baby would not be the thing to do; it would not, suppose, pass the test of the Categorical Imperative.

Now if saving the baby is not worse than, while being comparable with, the alternative thing you could do, then saving the baby is better than (or on a par with<sup>30</sup>) the alternative. Our question then becomes what role, if any, does this comparative fact play in grounding the thing to do?

We've already seen that the comparative fact is necessary, on the assumption of comparability. For if saving the baby is worse than something else you could do with respect to whatever matters in the choice—here we're assuming that what matters is given by the Categorical Imperative—it could not be the thing to do. Is it sufficient?

By hypothesis, saving the baby is better than the alternative thing you could do. Would this fact be sufficient for saving the baby to be rational? It seems plausible that it would be. What more would be required? We have a well-formed choice situation, which includes two alternatives and a specification of what matters in the choice. If saving the baby is better with respect to what matters to the choice, then it very plausibly follows that saving the baby is rational. So it seems plausible to suppose that the comparative fact about the alternatives is both necessary and sufficient for saving the baby to be rational.

Of course we haven't yet shown that the comparative fact grounds the fact that saving the baby is the thing to do. For one thing, a biconditional need not be explanatory (P iff P doesn't explain anything). For another, we've so far only suggested that it's plausible that the comparative fact is both necessary and sufficient for explaining the rationality of saving the baby. We still need to explain what grounds its being *the thing to do*.

So we need to ask, does the fact that saving the baby is better than the alternative with respect to what matters in the choice *explain* the rationality of saving the

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<sup>29</sup>There are some extreme forms of deontology that might deny this. They hold not that saving the baby and the alternative are incomparable but that it *makes no sense* to say that saving the baby is better. In short, they deny that an alternative meets a toggle standard, such as the Categorical Imperative, is better with respect to meeting that standard than an alternative that does not. These are extreme forms of normative theory that comparativism rules out as simply false. Recall that a comparative fact need not be aggregative or even presuppose the continuity of value or merit. With these clarifications on what it is to be a comparative fact, I cannot see how the denial can be plausible. Thanks to Colin Macleod for discussion.

<sup>30</sup>To simplify, I will assume what I have elsewhere called "the trichotomy thesis," the thesis that if two items are comparable with respect to some V, one must be better, worse, or as good as the other. I argue that this assumption is mistaken in my "The Possibility of Parity," *Ethics* 112 (2002), 659–688.

baby? And here the answer is plausibly “yes.” And we also need to ask, does the fact of being better explain why saving the baby is rational by grounding the rationality of saving the baby? Grounding relations are asymmetric, so we might ask, is the comparative fact that saving the baby is better explained by the fact that saving the baby is rational? And here the answer is plausibly “no.” The fact that saving the baby is better than the alternative explains why saving the baby is rational, but the fact that saving the baby is rational does not explain why saving the baby is better than not saving it; that comparative fact is explained by, among other things, specific facts about how the alternatives normatively relate. Finally, we must ask where the “thensness” of being “the thing to do” comes from. It’s plausible to think that it comes from whatever matters in the choice. If what matters is a “toggle,” something that sets a standard that is either met or not met, then if something is better than an alternative—perhaps by meeting the standard while the alternative does not—then it is “the” thing to do.

All told, then, it’s plausible to think that the comparative fact, which is a necessary and sufficient condition for the rationality of the choice and explains but is not explained by the rational action, is what *makes* the choice rational. The comparative fact is the ground of rational choice even in cases where there is “the” or “a” thing to do.<sup>31</sup>

The conclusion that a comparative fact grounds the thing to do does not give short-shrift to deontology or virtue ethics. What ultimately matters in the choice, according to these theories, is universalizability, or treating people as ends and not merely as means, virtue, perfecting our natures, and so on. Those are striking and important claims in normative theorizing. But when we are looking to the grounds of rational choice—of what *makes* an action rational—Kant and Aristotle were, in a way, not formal enough. If they took a step back from their claims about what ultimately matters in choice, they would have noticed a structural feature common to all rational choice. That structural feature, comparativism holds, is a comparative fact about the alternatives with respect to whatever matters in the choice between them.

We can now also see why satisficing isn’t a plausible theory about the structure of rationality—though it may be sound as a theory of deliberation or rational thought.

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<sup>31</sup>The same goes for the instrumental case. In discovering the grounds of rational choice where the choice is one between means to an end, it is crucial that we fully specify the end so that it is a determinate matter which means are sufficient for that end. On the assumption that alternatives must be comparable for there to be a rational choice between them, it must be true that all sufficient means to a fully specified end are equally good. And that fact is both necessary and sufficient for a sufficient means to be rational. Moreover, being an equally good means to the end explains but is not explained by the fact that taking the sufficient means is rational—the asymmetry of explanation typical of a grounding explanation. So once again the comparative fact—this time, the fact that the chosen alternative is as good as the others with respect to what matters—is plausibly that in virtue of which taking a sufficient means to the end is rational.

Your present job may be “good enough.” But, assuming that your present job and the new job are comparable, its being good enough presupposes its being as good as the alternative job with respect to what matters in the choice between them. Once what matters in the choice between staying in your current job or uprooting for the new one is fully specified, it makes no sense to say that it is rational for you to do what is worse with respect to what matters. If, with respect to everything that matters to the choice, including the concrete goods of the present job, the new job is better, then the concrete goods of the present job cannot rationalize staying put. The only way the concrete goods of your current job can justify staying put is if their being “good enough” already presupposes that with respect to everything that matters, including the concrete goods at stake, staying put is as good as uprooting for the new job. Once again, a comparative fact does the grounding work.

Thus, even in situations where there is “the” or “a” thing to do, what makes a choice rational is a comparative fact about the alternatives.

### 3.3 INCOMPARABILITY AND BEING NOT WORSE

In the last section we assumed that the incomparability of alternatives is not compatible with rational choice between them. We now need to make good on this assumption. The main argument in support of it will involve examining—and casting doubt on—an alternative framework to comparativism according to which the incomparability of alternatives is compatible with the possibility of rational choice between them. But first we need to make clear what incomparability is and what threat it poses to comparativism.

Incomparability per se is compatible with comparativism. Although the comparability of the alternatives or their reasons is what makes a choice rational, the existence of a bit of incomparability is compatible with comparativism; they will simply be exceptional cases in which there can be no rational choice.

Things get trickier, however, if incomparability is widespread. If incomparability is more the norm than the exception, comparativism would entail that most of the choices we face or could face are ones in which rational choice is impossible. This would cast doubt on comparativism because it seems *prima facie* implausible that the right framework for rational choice would allow that rational choice is, more often than not, impossible. Widespread incomparability puts pressure on comparativism as an adequate framework for thinking about rational choice.

To assess the challenge posed by widespread incomparability, we need be clear on what it is and whether there is any.

Following decision theorists and economists, philosophers have tended to assume that if neither item is better than the other and they are not equally good, then they are incomparable. But as I have argued elsewhere, this assumption is a mistake. We should understand incomparability as not building in a

substantive assumption about which relations exhaust the conceptual space of comparability between two items. Instead, we should hold that two items are incomparable with respect to some set of criteria—"covering considerations"—*V*, just in case there is no "positive" value relation that holds between them with respect to *V*. Two alternatives are incomparable if there is no positive value relation that holds between them with respect to what matters in the choice. Positive value relations tell us how items relate, while negative ones tell us how they fail to relate. So "better than," "worse than," "equally good," "on a par with" are all positive, while "not better than," "not worse than," "not equally as good as," "not on a par with," and "incomparable with" are all negative. Comparability holds, in other words, when there is a comparative fact that holds, since comparative facts are positive.

Moreover, the arguments for the existence of incomparability—even assuming that "better than," "worse than," and "equally good" exhaust the conceptual space of comparability between two items—are deeply problematic. In other work, I have canvassed and criticized seven leading arguments for the existence of incomparability.<sup>32</sup> I won't repeat those arguments here. So, at the very least, we have good reason to be cautious about whether incomparability is a widespread phenomenon.

Of course, none of this is to establish that incomparability isn't widespread. If it is, the main challenge it poses runs deep—we should reject comparativism and adopt a framework for the grounds of rational choice according to which the incomparability of alternatives is compatible with rational choice between them.

We could adopt a bifurcated view about the grounds of rational choice. Perhaps what grounds rational choice is a comparative fact when there is one, and something else—maybe even the fact of incomparability—when there isn't. But there is a unified alternative that would be coextensive: a single noncomparative fact grounds rational choice, namely being *not worse*. If one alternative is not worse than the other in a well-formed choice situation, or if the reasons for and against one alternative are not less strong than the reasons for and against the others, then it's in virtue of that fact that the choice of that alternative is rational. Call such a view "maximalism":

**Maximalism:** The fact that an alternative is not worse than the other, i.e., is "maximal," with respect to what matters in a well-formed choice situation is that in virtue of which that alternative is a rational choice in that choice situation.

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<sup>32</sup>See my "Introduction," in *Incommensurability, Incomparability, and Practical Reason* (Cambridge, MA: Harvard University Press, 1997). These arguments have assumed the "trichotomy thesis," that "better than," "worse than," and "equally good" exhaust the conceptual space of comparability between two items.

Maximalism is a noncomparativist view about the grounds of rational choice because being “not worse” is not a comparative fact.<sup>33</sup> It is, I believe, the best non-comparativist alternative to comparativism and is routinely accepted by decision theorists (typically those who think that rational choice is possible in partial orderings) and many philosophers (typically those who think that rational choice is a matter of “eligibility” or being “undefeated” by opposing reasons). So the deepest threat posed by incomparability is that if incomparability is compatible with rational choice, then comparativism is just fundamentally mistaken.

Now there are a variety of ways in which one alternative can be “not worse” than another, and we need to distinguish them. They might be better. They might be equally good. They might be on a par. Perhaps there are others. These are all ways of being “not worse” that presuppose comparability. In the alternative, one item might be “not worse” than another by being incomparable. Being incomparable is a distinctive way in which one item can be “not worse” than another.

Some of the intuitive attractiveness of the idea that what grounds a rational choice is being “not worse” than the alternative may derive from the attractiveness of thinking that what makes a choice rational is its being better, equal, or on a par with the alternative. Like maximalism, comparativism too can be said to appeal to the idea of being “not worse.” But while comparativism holds that being rational is a matter of being “not worse” *and* being comparable, maximalism allows that being rational is a matter of being “not worse” without any such restriction: it allows that one way an alternative can be “not worse” is by being incomparable with the other. So in understanding the appeal of maximalism, we need explicitly to focus on its claim that being incomparable with the alternative is compatible with being a rational choice.<sup>34</sup> That’s what distinguishes it from comparativism.

The deepest difference between comparativism and maximalism, then, is over whether alternatives must be comparable in order for a rational choice between them to be possible. Both views can be said to hold that a choice is rational if the alternative chosen is “undefeated” or “eligible.” But there are two ways in which an alternative can be “undefeated” or “eligible” that mark the difference between the two frameworks. Spelling out this difference isn’t a straightforward matter. But some metaphors can help.

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<sup>33</sup>Of course you can call the fact that *x* is not worse than *y* “comparative” if you want. My stipulative distinction between comparative and noncomparative facts, according to which comparative facts are always positive, marks the theoretical difference between two substantive views about the grounds of rational choice.

<sup>34</sup>It is important to emphasize that the incompatibility of rational choice with incomparable alternatives is relative to the given choice situation in which the alternatives figure. You might face incomparable alternatives in one choice situation, and then modify what matters in the choice situation so that there is now the possibility of a rational choice—e.g., because time is short, because you have new information, because something else matters in the choice. The comparativist claim is that if the alternatives are incomparable with respect to what matters in that well-formed choice situation then rational choice is impossible in that situation.

According to comparativism, alternatives must “do battle” in the arena of reasons. Whichever alternatives emerge as victors can be rationally chosen. Or less violently: the alternatives “meet and discuss” which of them will go forth into the world of intention and action. The ones that go forward as a result of that discussion can be rationally chosen. According to maximalism, by contrast, alternatives don’t have to do battle in the arena of reasons. Although they gather in the arena of reasons, they fail to engage one another in battle. Any alternative left standing, even as the result of failure to engage in battle, can be rationally chosen. Or, again, less violently: the alternatives meet but fail to discuss which of them should enter the world of intention and action. All of them may then enter the world of intention and action, not as a result of discussion, but because there has been no discussion.

In short, comparativism holds that what makes a choice rational is some achievement, a stamp of approval, a gold star. There must be a comparative fact about the alternatives – some positive fact about how they normatively relate. Maximalism, by contrast, holds that what makes a choice rational is the avoidance of a blot, demerit, or stain. There needs only to be a negative fact about how the alternatives relate – a rational choice must not be worse than the alternatives.

I suspect that there is no knock-down argument in favor of one view over the other. But there are, nevertheless, reasons to doubt maximalism. There are two kinds of cases in which it seems that the incomparability of the alternatives is compatible with a rational choice between them. As I’ll suggest, however, these cases trade on specific factors that don’t allow them to be generalized to practical reason *writ large*. Thus they do not support maximalism as a framework for rational choice. Moreover, as it turns out, the sorts of cases that explain maximalism’s appeal can be readily accounted for in comparativist terms. Therefore, insofar as we are looking for a unified account of the grounds of rational choice, we have good reason to accept comparativism over maximalism.

### 3.3.1 Rationality as a Matter of Default

The first kind of case in which it might seem that rational choice between incomparables is possible depends on a special way in which a choice can be said to be rational.

Every subdomain of practical reason has limited jurisdiction: its norms or standards don’t cover every possible intentional action but only actions that meet some criteria. Consider, for example, the law. The law governs what you should do within a certain range of possible actions. In normal choice situations involving alternatives such as having tea or coffee at breakfast or brushing your teeth two or three times a day, the law is silent. Its dictates don’t have jurisdiction over matters of breakfast beverages or personal oral hygiene.

It doesn't follow, however, that having one breakfast beverage rather than another, or brushing your teeth only two instead of three times a day is illegal or, loosely speaking, "irrational" by the lights of the law. On the contrary, actions in choice situations falling outside of the law's jurisdiction are *ipso facto* legal—"rational" by the lights of the law—as a matter of default.

The same might be said for morality. In a choice situation where the alternatives are, say, to tie your shoes by the single loop method or to tie them in the double loop method, morality is silent; the action of tying your shoes (in normal cases) is not one over which morality has jurisdiction. But even though such actions fall outside of morality's jurisdiction, both ways of tying your shoes are morally permitted. Actions falling outside of the jurisdiction of a subdomain are rational by the lights of the norms of that subdomain, as a matter of default.

It is important to note that the way in which various ways of tying your shoes are morally permissible is very different from the way it might be morally permissible, say, for you to let one die to save five. In the former case, your choice to tie your shoes one way rather than another is morally justified as a matter of default—because the choice does not fall within morality's jurisdiction. In the latter case, your choice to allow one to die in order to save five falls within morality's jurisdiction and is morally permissible on substantive moral grounds. Thus there are two ways in which something can be morally permissible or "rational" by the lights of morality—one by default, that is by failing to fall within morality's jurisdiction, and the other as a substantive matter according to the standards of morality.

Now suppose for the sake of argument that brushing your teeth two times a day is incomparable with brushing them three times a day with respect to what you legally ought to do—that is, that there is no comparative fact about their relative merits with respect to legal values and duties. Nevertheless, whichever you choose, your choice is rational according to the law simply because the law has no jurisdiction over the matter. When alternatives are rational as a matter of default—because they fall outside the jurisdiction of the subdomain in which they figure<sup>35</sup>—they can be incomparable with respect to the standards of that subdomain and still be rational according to those standards, as a matter of default. This is one way in which there can be a rational choice between incomparables—when the alternatives fall outside the jurisdiction of the subdomain in which they figure.

<sup>35</sup>Note that failing to fall within the jurisdiction of the standards of a subdomain is a very different idea from failing to fall within the domain of the application of the predicate associated with those standards that give what matters in the choice. The latter phenomenon I call "noncomparability" and describe in greater detail in Chang, "Introduction." Two alternatives—such as courses of oral hygiene—might fail to fall within the jurisdiction of the law as a substantive matter of law, but they may strictly speaking nevertheless fall within the domain of application of, say, "legally permitted" in just the way that an ugly building falls within the domain of application (the application would be "false") of the predicate "is a beautiful building."

So when we are dealing with rationality by the lights of the standards of a subdomain of practical reason and that rationality holds as a matter of default—that is, because the subdomain has no jurisdiction over the choice—then the incomparability of those alternatives is compatible with the possibility of a rational choice between them *as a matter of default*.

But if we try to extend the idea of being “rational as a matter of default” to the domain of practical reason itself, we will fail. Practical reason has jurisdiction over every choice—every intentional action—and so no choice can fall outside of its jurisdiction and be rational as a matter of default. The idea of being rational because the choice fails outside the jurisdiction of practical reason makes no sense. Put another way, when discussing the grounds of rationality within a subdomain of practical reason, such as law, we can assume that all our choices are rational and focus on what makes a choice irrational by the lights of that subdomain. “Irrationality first,” makes sense within a subdomain of practical reason since actions can be rational as a matter of default. But when we are looking for the grounds of rational choice *writ large*, it is highly implausible to assume that everything we do is rational as a matter of default. “Rationality first” is the right slogan for practical reason *writ large* since there is no room for rationality as a matter of default.<sup>36</sup>

I believe that at least some of the appeal of the idea that rational choice is possible between incomparables turns on a confusion between these two ways in which a choice can be rational. A choice can be rational because it falls outside the jurisdiction of the subdomain by which it is being evaluated. Or it can be rational because it falls within the jurisdiction of the subdomain and is supported by most or sufficient reason.<sup>37</sup> The incomparability of the alternatives is compatible with rational choice in the first case; it is not compatible in the second. And it is the second sort of rationality—the rationality of being supported by most or sufficient reason, not the rationality of default—that is of relevance to understanding the grounds of rational choice in practical reason *writ large*. Thus being incomparable and yet rational as matter of default can’t lend support to maximalism as the correct framework for thinking about rational choice and action.

### 3.3.2 The “Absolutist” Character of some Subdomains of Practical Reason

The second kind of case in which maximalism might seem plausible depends on the “character” of the subdomain from which the case is drawn. Some subdomains of practical reason, arguably law and etiquette for instance, have an “absolutist” character; that is, their primary evaluative materials are by and large toggles—you either meet certain standards or you don’t. Most absolutist subdomains are

<sup>36</sup>Thanks to Eric Wiland for a question that led me to make this distinction about our “starting points” in theorizing about the grounds of rational choice.

<sup>37</sup>It seems to me nonaccidental that some of the leading proponents of maximalism, such as Joseph Raz, have expertise in particular subdomains of practical reason. As I’ve suggested, the temptation to generalize from a subdomain—illicitly it turns out—may explain some of maximalism’s appeal.



ones in which negative requirements and prohibitions feature more prominently than positive, aspirational codes, which tend to admit of degrees of failure and satisfaction.

Consider the legal rule, "No vehicles in the park." Suppose you have a choice between bringing your remote-controlled flying toy pig to the park or your Matchbox Ferrari. What matters in the choice is not violating the rule. Suppose that neither toy violates the rule, and that the flying pig and Matchbox car are incomparable with respect to violating the rule—there's no positive comparative fact about how they relate with respect to violating the rule. In this case, since neither violates the rule, you are legally justified—"rational" by the lights of the law—in bringing either (or both) into the park. It doesn't matter that they are incomparable with respect to violating the rule; all that matters is that each individually does not violate the rule.<sup>38</sup> So this seems to be a case in which the incomparability of the alternatives is compatible with there being a rational choice between them.

But this line of thought fails to support maximalism. Not all subdomains of practical reason have this absolutist character, and so it cannot be said of practical reason itself that it is absolutist in character. Morality—at least of the secular kind—is arguably not absolutist in character. In the main, you can be more or less morally good, and one action can be more morally "rational"—more acceptable by the lights of moral principles—than another.<sup>39</sup>

Thus morality is not a subdomain in which maximalism is plausible. Even if there are some absolutist subdomains in which the incomparability of alternatives appears to be compatible with the possibility of rational choice, this fact lends no support to maximalism as a general framework for understanding rational choice and action. Since not all subdomains are absolutist in character, practical reason itself is not absolutist in character.

We said that there were two sorts of case in which maximalism seems to have *prima facie* appeal. Since neither of them lends support to maximalism as a framework for thinking about rational choice, we should, I think, accept comparativism as our working framework.

As it turns out, moreover, comparativism can easily account for the two sorts of cases that seem to support maximalism. It is no threat to comparativism that incomparable alternatives can be rational as a matter of default. In accounting for

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<sup>38</sup>Of course it might be argued that if two actions don't violate an absolutist standard such as a prohibition, then they cannot be incomparable with respect to violation of that standard: they must be equally good (or perhaps on a par). But we grant this point, *arguendo*.

<sup>39</sup>Another reason to be suspicious of maximalism is that it requires us to reject our ordinary understanding of a moral dilemma and so may be "too substantive" in its upshot to be a plausible framework for thinking about rational choice. A moral dilemma, intuitively, is a choice you have to make between two incomparable alternatives such that whichever you choose, you will be morally wrong—"irrational" by the lights of morality. Maximalism would hold that you'd be rational by the lights of morality—not wrong—no matter which you chose. In one fell swoop, maximalism would remove one of the most vexing problems in normative theory.

the grounds of rational choice, we are not attempting to explain the grounds of being rational as a matter of default—that explanation is readily given by pointing out that the alternatives fall beyond the jurisdiction of the norms and standards of the subdomain at issue. Instead we are attempting to explain what makes an alternative what one has most or sufficient reason to choose.

And comparativism can readily account for rational choice in absolutist subdomains. When there is an absolutist standard that gives what matters in the choice, the alternatives that meet that standard are equally good in that choice situation. It's a comparative fact that makes the choice rational.<sup>40</sup>

#### 4 Conclusion

This paper defends comparativism as a framework for understanding the grounds of rational choice. What makes a choice rational is a comparative fact about the alternatives or their reasons.

We examined three challenges to the framework: (1) the idea that noncomparative relations among reasons, in particular “exclusion,” can be the grounds of rational choice, (2) the idea that in some or all choice situations there is just “the” or “a” thing to do and so comparative facts are irrelevant to making the choice rational, and (3) the idea that the incomparability of the alternatives is compatible with the possibility of a rational choice.

Against (1) we argued that so-called exclusionary reasons do not in fact exclude reasons and, in any case, pose no threat to comparativism because either they play a role in determining which well-formed choice situation one should be facing, or once a choice situation is well-formed, they are irrelevant or ordinary reasons that compare in strength with other reasons. All this is compatible with the view that a comparative fact is what makes a choice rational. Against (2) we argued that a comparative fact about the alternatives is both a necessary and sufficient condition for a rational action, explains but is not explained by the rational action and therefore plausibly grounds an action as being “the” or “a” thing to do. So deontologists and virtue theorists can be comparativists. Against (3) we clarified what it would take to establish the existence of widespread incomparability and then undermined the appeal of the best noncomparativist view—“maximalism”—according to which rational choice between incomparables is possible. We showed that the two kinds of cases in which maximalism seems plausible lend no support to maximalism as a framework for thinking about rational choice because they turn on peculiar features of the case that do not extend to thinking about practical reason generally.

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<sup>40</sup>Moreover, comparativism fits nicely with our understanding of moral—and other—dilemmas. Dilemmas seem to involve alternatives that are incomparable and yet no matter which you choose, your choice will be mistaken—“irrational” by the lights of the relevant subdomain. That is just how comparativism would have it.

If comparativism is correct, then we philosophers need to devote more attention to comparisons, comparability, incomparability, evaluative relations, choice situations, and the like, for these notions will be central to understanding practical reason.<sup>41</sup> Comparative facts should not be thought to be important only if certain substantive theories, such as consequentialism, are true. They form the bedrock of rational choice and action no matter one's favored view about the substantive principles of practical reason. Comparative facts are what *make* our actions rational.<sup>42</sup>

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<sup>41</sup>There is a similar *cri de coeur* by Ralph Weber, who writes, "Comparison is fundamental to the practice and subject-matter of philosophy, but has received scant attention by philosophers." See Ralph Weber, "Comparative Philosophy and the *Tertium*: Comparing What with What, and in What Respect?" *Dao* 13 (2) (June 2014), 151–171. There are, I believe, interesting parallels between the "ranking" comparisons of interest to those who study practical reason and the "compare and contrast" comparisons of interest to those who engage in comparative philosophy, especially in the idea of a "covering consideration."

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