Normativity of Reasons – a Critical Notice of Joshua Gert's *Brute Rationality*[1]

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1 Introduction

Normative reasons are said to be considerations that "count in favor of" some actions or attitudes. For some, the normative force of these reasons in itself has seemed to be something too basic for philosophical analysis (Scanlon, 1998: p. 17). In opposition to this view, Joshua Gert argues in his new book *Brute Rationality* that the normativity of reasons can after all be philosophically analyzed (Gert 2004: chap. 1–8). He has already presented the basics of his account in a series of articles and has now collected these ideas together to form a systematic theory of practical rationality (Gert, 2000; Gert 2002; Gert, 2003a; Gert, 2003b). He argues that the ground for a philosophical analysis of the normativity of reasons is a distinction between logically independent justifying and requiring strengths of reasons. He also claims that this distinction between two strengths is obvious; something our 'common sense' expresses (Gert, 2004: chap. 2; Gert, 2003b: 25–6). It can be brought about just by looking at our intuitive judgments about the status of rationality of some acts. Yet, all the philosophers, who have been arguing about reasons, have so far managed to miss this important distinction.

The main purpose of this critical notice is to argue against Gert's project of separating different normative strengths of reasons. The philosophers analysing reasons so far have had good reasons to avoid Gert's distinction. The course of my argument is following. I

will first introduce Gert's motivating example that leads him to separate the requiring and justifying forces. After this I will introduce the problems his view has. Then I will, with the help of Scanlon's contractualist theory of morality, illustrate how we can account for Gert's examples without separating different normative dimensions of reasons. This will lead us to a framework that can avoid the problems Gert's theory has and which fits the phenomenology of practical deliberation better than his account. I will end my inquiry by showing that the general worries about dissolution of moral responsibility and widespread mental illness, which Gert apparently would have against my account, are unnecessary.

2 Gert's motivating example and two normative strengths of reasons

Gert's main project is to argue that even if there are some acts that are rationally required and many acts that are rationally prohibited, there is also extensive logical room for a class of acts, which are rationally justified but not required (Gert, 2004: chap.1, sec. 3, chap. 3, sec. 3; Gert, 2003a: p. 57). These acts are rational both to do and not to do. For example, most of immoral action falls into this category. Gert also argues that however strong the justification for an act grows, this never amounts to a requirement for doing the act (Gert, 2000; Gert, 2004: chap. 1). For this to be possible Gert needs to show that reasons have two distinct normative strengths, one for justifying and one for requiring. The best way to do this is simple: It is sufficient to give an example of a situation where our judgments about the rationality of certain acts show that there are reasons that have a lot of the one strength and none of the other.

Gert repeatedly uses the following example (Gert, 2000: pp. 229–30; Gert, 2004: chap.2, chap. 4, sec. 1, chap. 5, sec 2; Gert, 2003b: pp. 8–10). You have a possibility of saving

40 children from serious malnutrition, starvation and illnesses by smuggling them food and medication through a war zone. The situation of the children provides a strong reason to do so, so strong that it seems rational to risk even your own life to help them. For risking your own life you would need strong reasons or otherwise it would be outright irrational. In this case, we would certainly judge taking the risk to be rational. Gert then asks would it be at all irrational to fail to save the children when one had only weak reasons against doing so. Consider the case of donating money to charity. We may assume that there is an equal chance of saving 40 children also by giving $200 to charity. In answering the question above, we can see that usually failing to donate $200 to charity would not be irrational even when one does not have any reasons against doing it. Here we then find a situation where there are strong reasons (the children's interests for which you can even risk your life) for donating the money and only weak reasons against (not being able to spend extra $200) and yet failing to donate money is a rational option. In this other sense, the same strong reason the children provide appears to be a weak one. It does not have strength to rationally require acting in a certain way. We may think that failing to donate money is selfish, but we do not question the irrationality of a person who intentionally uses the money to other purposes.

One way out of this dilemma of the same reason being both strong and weak would be to refer to the 'margin of practical indifference' (Gert, 2004: chap.5, sec. 2–3; Gert, 2003b: pp. 14–5). If we look at the rationality judgments in the example above, this would mean that we would say that (1) not risking one's own life is roughly as important as saving the life of 40 children, that (2) saving the life of 40 children is roughly as important as saving $200, and that (3) not risking one's life is more important than saving $200. Now, a defender of single-value view normativity of reasons could claim that the "roughly as

important as" in claims (1) and (2) could enable us to hold onto claim (3) even if we really ought to by transitivity from (1) and (2) say something absurd like (3*) not risking one's own life is roughly as important as saving $200. Gert provides solid, logical arguments, which show how this does not succeed (Gert, 2004: chap. 5, sec. 3.1–3.2).

On the basis of this example Gert then seems to be able to draw the conclusions he wanted to reach. The only possible way of explaining that the interests of the 40 children provide a reason, which is in the same time both strong and weak, is to separate two different normative strengths of the reason (Gert, 2004: chap. 2). The interests of the 40 children as a reason provides strong justification for acts that would otherwise be irrational, and yet are unable to create requirements for those very same acts. This is possible only if reasons have two distinct strengths on two logically independent axis – justifying strength and requiring strength. Gert characterizes these strengths in the following way: requiring strength makes it irrational to fail to act on the reason, and justifying strength makes it rational to act in a way that would otherwise be irrational (Gert, 2004: chap. 4, sec. 2; Gert, 2003a: pp. 54–7; Gert, 2003b: pp. 15–8). These are the two ways in which reasons are normative. In order to avoid this conclusion one could either try to use widespread incommensurability of reasons or a technical device called "exclusionary permissions" to save the thesis of single value of normative strength (Gert, 2004: chap. 5, sec. 4; Gert, 2003b: pp. 21–30; Raz, 1999a: pp. 99–105; Raz, 1999b: pp. 89–95). Gert convincingly argues in length that neither of these arguments can save the single-value views.

3 An Analogy from Morality and the Significance of Persons

Gert has another way of arguing for distinct normative forces of reasons. This argument is an analogy from morality (Gert, 2000: pp. 232–5; Gert, 2004: chap. 2, sec. 1; Gert, 2003b: pp. 18–9). Gert observes that one common feature of almost all moral theories is that they classify a group of acts prima facie immoral. For example, acts that harm others are often thought to belong to this group. In addition, these theories also contain descriptions of circumstances, where these acts are justified and therefore not immoral. For this purpose of being able to differentiate such circumstances moral theories refer to a set of considerations that can justify acting in a way that would otherwise be immoral.

To form an analogy from morality to practical reasons Gert shows that this set of justifying considerations is different than the set of wrong-making considerations. Consenting to some act is a good example of a consideration that can only serve to justify certain, otherwise immoral acts. However, consent as such cannot make acting in a certain way morally required. So, in the moral realm of normative though, the distinction between requirements and justification is acceptable. This speaks for accepting the same distinction also in the case of practical reasons. If in morality we find considerations, which either only require or justify, then it would be odd that reasons in practical rationality would be such items, which only had a single strength for both justification and requiring.

The limits of this analogy illustrate another feature of practical reasons that Gert argues for. He maintains that the distinction between different persons is relevant for the different normative strengths of reasons, but in just the opposite way that it is in morality (Gert, 2000: pp. 235–7; Gert, 2004: chap. 2, sec. 1.4, chap. 5, sec. 2; Gert, 2003b: pp. 18–9). In morality, harming others seems to make an act prima facie wrong. Harming others

is the kind of typical immoral act that requires at least some moral justification, for example consent. The case of rationality is different. In rationality, it is harm to oneself that seems to make acts irrational. And, like consent of others for some reason can *morally* justify their harm, similarly my willingness for some reason to forgo harm can *rationally* justify my harms. Gert claims that if your actions that harm you and which would therefore be irrational create benefits of at least equal size or enable to avoid harms of at least equal sized, then these actions are rationally justified. In rational justification it does not even matter for whom the benefits are created or who avoids the harms, the agent or someone else (Gert, 2004: chap. 5, sec. 2, chap. 7, sec. 3; Gert, 2003b: pp. 14–8). This illustrates how Gert believes that altruistic reasons have only justifying and no requiring strength – only self-interested reasons to avoid harm can require acts.

4 The Problems of Gert's Account

I will now present some problems of Gert's central thesis that for me seem unsolvable. It must be reminded that Gert uses his distinction between the justifying and requiring strengths of reasons to solve a variety of problems in theory of practical rationality. Therefore, also these views become questionable if he is unable to defend his distinction.

(i) Harms and Benefits Let us begin from Gert's draft for a fundamental principle of rationality. Principle (RP) states that '[A]n action is irrational iff: (i) It involves the risk of a non-trivial harm for the agent [requiring reason]. (ii) It is not likely to avoid at least as important a harm, or to get at least as important a benefit, for anyone at all [no justifying reason] (Gert, 2003b: p. 15).' Presumably not irrational acts are rational. As Gert observes, we need to specify what we mean by harms and benefits in this principle

(Gert, 2004: chap. 3 sec. 3), if we want to avoid 'empty formalism'. This criticism would claim that concept of harm merely means considerations that can make acts irrational and benefits considerations that can make acts rational. Therefore, these concepts cannot be used substantively to clarify what makes certain choices rational.

Gert believes that we can give substance to the concepts of harm and benefits, and therefore principles like (RP) can help to explain what rationality is (Gert, 2004: chap. 7, sec. 3). Gert claims that non-trivial risk of non-trivial pain, disability, loss of pleasure, loss of freedom, and premature death are considerations, which are harms that systematically require acts, and pleasure, ability and freedom are benefits that can systematically justify (Gert, 2004: chap. 7, sec. 3). These characterisations make Gert's account vulnerable for another kind of criticism. Consider pleasure as a reason with justifying strength. We can understand it in an empty way to mean any mental experiences we have reason to pursue. This would take us back to emptiness. Or, we can understand pleasure substantively as certain sensational experiences.

If we do this, then it is questionable, how such sensations can have constant justifying strength in every context (Dancy, 1993: pp. 55–64). Think of a sadist, who gets pleasant sensations of seeing others in pain. Does her sensational pleasure make it rationally justified at all for others to hurt themselves? It is hard to see just how pure pleasurable experience could have such strength, which Gert's principles would surely have to attribute to it. The point of this example is to bring out a general problem in finding fundamental principles of rationality. Either (a) we end up with something completely formal and empty that gives us only platitudes about the meaning of such words as harm and benefit ('to be avoided' or 'to be pursued'), or (b) we face the problem of how

difficult it is to find considerations, which uniformly, in each context, have strength to require or justify actions, reasons that systematically contribute to the rationality status of acts.

(ii) Conflicting Intuitions For Gert, one feature of principles such as (RP) is that they are supposed to describe the distribution of requiring and justifying strength of different reasons (Gert, 2003b: pp. 15–7). So, intuitions that would differ about rationality of some actions would hint that Gert may have erred in making his distinction. I have two conflicting intuitions, which do not fit to principle (RP). First, besides possible harms to oneself, also benefits to oneself can be reasons with requiring strength. We do suspect the irrationality of someone, who does not react to obvious possibilities of obtaining benefits. Not doing so does not harm the agent, she only misses a benefit. If this intuition is correct and we make the relevant corrections to (RP), the self-centred considerations as reasons do not have different requiring and justifying strengths like Gert claims.

In Gert's example it is the altruistic reasons that illustrate how the requiring strength of reasons is different from the justifying force. Our intuitions are supposed to show how altruistic reasons have only justifying force and no requiring force at all. However, consider an agent who could save another person from drowning in a river merely by throwing a rope; no personal risk and very little effort. Imagine that this agent does not offer help despite the pleas of the person in trouble. This would be a legal offence. In this situation, it is likely that the mental health of the agent and therefore her legal responsibility too would be questioned. It looks like something went wrong in her mental functioning. If this is true, she could be correctly described as deranged (more extreme irrationality) and not merely selfish. She failed to see the situation of the other person as

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a requirement for her actions. We expect that normal persons can understand this reason and therefore save lives of others. This example would illustrate how altruistic reasons have requiring strength.

Gert often comes close to accepting this account of the lifesaving example (Gert, 2004: chap. 5, sec. 2; Gert, 2003b: p. 17). He argues that this example merely proves that some altruistic reasons have requiring strength, but this requiring strength is considerably weaker than their justifying strength. It does not imply that the whole distinction between the strengths is unsound. We can imagine cases where the agent would have to do significantly more than throw a rope to save others from drowning. Doing this would still be considered rational, but in these cases failing to do so would not be irrational. In these cases the altruistic reason can justify but not require, because of the weakness of the requiring strength.

(iii) Logical Independence Gert opposes the idea that justifying and requiring would be merely two different roles that one normative value of reasons can play. Instead he claims that there are two independent strengths, which each play their own roles in justifying and requiring action (Gert, 2004: chap. 4, sec. 2; Gert, 2003a: p. 57). This is what his motivating example is supposed to show. However, there is a problem. If this is true, how can we be so certain that in every case where a reason has strength to require it also has a lot of strength to justify. Gert, in one of his articles, even bases one of his arguments on the fact that it would be absurd to think of a reason which could only require but not justify (Gert, 2003a: p. 68).

Why is this a problem? Consider two pairs of concepts. Colour and weight are concepts, which refer to two logically independent properties. In other words, whatever colour an object is, it is purely contingent how heavy the same object is. The weight of an object cannot be determined by merely looking at it, and the colour of an object cannot be known by weighing it. Next, consider the concepts of 'being water' and 'being H_2O'. These concepts are attached to a single property. Therefore, we know that if some substance is water it is H_2O and vice versa. Now, in Gert's account the concepts of justifying and requiring force of reasons seem to fall awkwardly in between these two cases. They have a conceptual connection between them in one way. Merely by looking at the requiring force of a reason we can determine that this reason has justifying strength. Yet these concepts are meant to refer to two independent properties. This is needed to explain the fact that merely by looking at the justifying force of a reason we cannot determine the requiring strength it has. Why is this connection of logical (semi)independence[2] problematic? Well, we need an explanation about the features of the requiring force, which explains how having this force guarantees that the reason would also have justificatory force. Yet, this explanation cannot characterise the requiring force in a way that enables us to determine the amount of requiring force of a reason merely by determining the amount of the justificatory force – that would be against the independence thesis.

(iv) The Status of Morality My fourth objection is against the role of morality in Gert's system. Let us concentrate on immoral actions, which Gert too investigates. He believes that they are mainly a subgroup of rational action (if they don't harm the agent herself) (Gert, 2004: chap. 1, sec. 3, chap. 4, sec. 8; Gert, 2003b: p. 30). It is easy to see why Gert thinks this. All we need to do is to take an act which is clearly immoral and compare it to

Gert's principle (RP). Consider hitting someone out of anger. The principle (RP) would classify this act as rational; it does not harm the agent and can even satisfy her – a clear benefit. Because the act harms the other person, we can call the act immoral and cruel but not 'irrational' according to Gert.

What is wrong with this account? The problem with it is that it attributes to those who assess the acts of others unconvincing, contradictory attitudes. This means also that we would be sending strange, mixed messages to each other. First, think of what it means to call an act rational. Gert himself is more interested in the class of irrational action. According to him 'a good heuristic in thinking about what it is to regard something as irrational in the sense given by (1)[3] is provided by keeping in mind that it should not be possible for anyone to recommend an action to a friend if one regards it as irrational in this sense (Gert, 2004: chap. 7, sec. 2 and 3).' After this characterisation of our attitudes (negative, 'not to be recommended') towards irrational action, Gert then connects 'objective' irrationality to those acts that have the property of prompting this attitude in the overwhelming majority of people. What distinguishes rational action then from irrational action? It would be easy to say that they prompt in vast majority a positive attitude, because there are grounds to recommend those actions to others. Gert never claims this. He does have an option that although vast majority has negative attitudes towards those acts, which are irrational, they still are indifferent towards those acts which are rational. This is not convincing, because a widespread indifference towards acts judged to be rational would make the practice of calling some acts rational quite useless.

Next, what does it mean to call an act immoral? Whatever theory would be the correct account of the exact meaning of moral concepts such as 'immoral' at least they are in

most cases used to express disapproving attitudes against the given act. Naïve emotivists would say that this use is all there is to the meaning of moral concepts (Ayer, 1936: chap. 6). However, even the most platonic realists would say that there has to be some point in the practice of making moral judgments and in voicing them to others. It is easy to say that we voice them generally because we do not want that others go on doing immoral acts. Now, there is something schizophrenic in Gert's proposal that there is a large group of actions, which are both immoral and rational. There would be a widespread recommendation and disapproval of these acts in the same time. The question would be then that why would we, as members of both rational and moral community, be doing this to others.

Another problem rises in this context from the idea of what follows from the fact that we call some act immoral, and how an agent who is deliberating about whether to do something wrong should relate to this fact. For Gert the fact that we call an act immoral seem to have little effect on the status of rationality of that act. Wrong acts are in his account often rational. Wrongness of an act seems to have no reason-providing force to the effect that it could make some acts rationally required. This overlooks the fact that when we, the members of moral community, are making claims about the moral status of an act and there is some consensus in these claims, we are also giving reasons to ourselves just by making these moral claims. Our relationship to those who overlook our attitudes will change for the worse and this is something those others should at least see as a reason for not doing the immoral act. Thus, immoral acts quite often harm the agent for this reason and therefore they would be irrational even in Gert's account. This seems to hint that there is a stronger connection between rationality and morality than Gert is implying for.

(v) The Function of Reasons According to Gert, reasons have two and just two normative dimensions – the requiring and the justifying strengths. Now my thesis is that neither of these strengths is suitable for one of the most central functions of reasons in practical rationality. Therefore these two strengths cannot be all there is to the normativity of reasons.

When do we need reasons and what do we need them for? We need reasons in times of practical uncertainty, when our natural impulses point to different and conflicting directions, when we lack such impulses altogether, or when we have reason to believe that our impulses are misguided. This is when we deliberate and make considered judgments about what we are to do. Normative reasons are items used in this deliberation; they are what we pay attention to when we reflect (Blackburn, 1998: pp. 250–6). And, it is presumably the acknowledgement of the normativity of reasons which guides us in such reflection. In addition to this, acts are often decided on grounds of longer term plans and combinations of plans, sometimes called 'self-governing policies' (Bratman, 2000: pp. 40–8). Reasons are then also needed for constructing such plans and policies that in part determine which considerations are reasons for us in particular contexts (Scanlon, 2004). We weight the pros and cons of living different kinds of lives and reasons are needed for this too.

If being the objects used in deciding on acts, plans, and policies is an important function of reasons, then it is easy to see that Gert's two normative strengths of reasons cannot be the correct characterisation of normativity of reasons. Neither of the normative strengths he ascribes to reasons would be useful in such deliberation. Consider first the justifying

strength of reasons. For Gert, any consideration that can count as a benefit or as avoidance of harms is a justifying reason (Gert, 2004: chap. 7, sec. 3; Gert, 2003b: p. 17). It is never irrational to overlook such reasons. It is only 'allowed' for us, by the lights of reason, to act on these reasons. This makes evident that at least this strength of reasons is not the strength of reasons, which make reasons something we needed to be concerned about in our practical deliberation. Coming to a conclusion about the allowed courses of action does not answer our main practical question, what we are to do. This is simply because too many acts can be described as creating benefits or avoiding harms.

It is also evident that the requiring strength of reasons is no good either for this purpose of reasons – to be used in practical deliberation. This type of normativity of reasons is too rarely present to give us real guidance in decision making. According to Gert only considerations that are related to avoiding harms such as 'non-trivial pain, disability, loss of pleasure, or loss of freedom, or premature death' are reasons with requiring strength (Gert, 2004: chap. 7, sec. 3). Yet, we cannot construct our future plans or policies purely on grounds of avoiding the mentioned misfortunes. There are just too many types of lives that are not connected to any harm or include equal amounts of such harms, which Gert describes. Such harms are not even present in many individual decisions about what to do. The requiring strength of reasons in Gert's account could close off some choices from our hands, but gives no help in deciding which of the rest of the possible courses of action we ought to choose.

I have another, linguistic worry about the requiring strength of reasons. Requiring is closely connected to the idea of forcing someone *reluctant* to act in certain way. You *require* of a child that she does something, when she does not want to. For, Gert some

reasons have strength to 'require' action on the threat (Gert wisely does not use this term) of irrationality. This is not how we experience reasons in our deliberation. We are not generally reluctant in acting according to them. We often look for reasons, and we want to act on them. Whatever rational 'pull' reasons then have, it is hard to understand as a 'requiring' force. Reasons give in a lot of cases a gloss of desirability to some choices.

5 A Contractualist Alternative

So, Gert's analysis of the normativity of reasons in terms of the requiring and justifying strengths is problematic. Disappointingly I will not offer an alternative theory of normativity of reasons. I am sceptical about whether there is one to be given[4]. Instead I will show how our pre-theoretical understanding about the normativity of reasons within a framework of a plausible theory of morality, contractualism, is sufficient in accounting for the intuitions behind Gert's distinction. This means that, in the end, we have no reason for facing the problems his theory lead us to. So, let us return to the traditional idea that reasons have only one, primitive normative force. It is often written that reasons are considerations, which 'speak for' our actions, which 'support' our acting in certain ways, which 'count in favor of' certain course of action, etc. (Scanlon, 1998: pp. 17–20; Dancy, 2000: p. 1). However, none of these can be taken as an analysis of normativity of reasons. They really would be unhelpful for that person, who has never experienced what it is like to come to see some consideration as a reason for some act.

We can account for the strong intuitions behind Gert's original example with this simple picture of the normativity of reasons, if we only change his example slightly. Changing examples may seem suspicious, but in this case it is legitimate. Much of Gert's case depends on our intuitions about the case, which he presents to us; that it is rational to take

the risk and smuggle goods to save the 40 children and it is also rational to fail to save the same children even if one has an opportunity to do so by safely donating money. If someone claimed otherwise, we might suspect if she really understood the concept of rationality (Gert, 2000: p. 232; Gert, 2004: chap. 2). The unavoidable, common meaning of this concept seems to provide Gert with a solid background for his argument. Yet, his example does not exactly fit to the actual world where the extension of the word 'rational' is determined. Were it really the case that we lived in a world, where there were only 40 children in need of help, our intuitions about the rationality of different options would differ from our present intuitions. In the real world, there are actually according to UN estimates 350 million children in need of help. The real question is then, why we are allowed to overlook the interests of all of these children (of which any group of 40 children is an insignificant sub-group) and still be judged rational.

The situation of these children, each and everyone, does provide us with a normative reason to help them. There are many who willingly help the children, and those who do so are rational in acting for this reason. Why doesn't overlooking this reason then make others irrational? My claim is that these persons have equally strong reasons, on the single strength of reasons, not to act on it. These reasons can make their not acting on the reason, which the children provide, rational.

Now, we need to consider if it would be immoral not follow the requirement for aid the children make. Our inclinations may be more towards acting on other impulses we see fit and reasonable to follow in our lives. In the heart of contractualist account of morality is the idea that it would be wrong not to help the children if we could not justify to the children on reasonable grounds our failure in helping them. We owe it to the children

also that we act only in justifiable way (Scanlon, 1998: pp. 153–8). If it would be wrong (i.e. unjustifiable) not to help the children, then this wrongness would give us such a strong reason to help them that it could not be rationally overlooked. So how could we justify that we do not help the children? What bad would happen to us if not helping children would be considered morally wrong and we would follow this principle, because it shows what we have reason to do?

We have to start from what life would be like, if we were required in every case to give the interests of all 350 million children priority over our own reasonable preferences. Of course, the bad that would follow could not be on the level of not being able to buy a bottle of wine or having to forgo the pleasant experience of drinking it. Forgoing this kind of trivial experiences could hardly be our justification for the children. Instead, one thing that could be said about such life as a whole is that it could hardly be called the 'own' life of the agent. This characterisation echoes Bernard Williams' criticism against utilitarianism (Williams, 1973: pp. 116–7). In normal life, we all have our own projects and commitments that define our individual lives. They form the deliberative perspective from which we assess the value of different choices and make decisions about our acts. Williams claims that it would be absurd to demand from us that we should step aside from this perspective and act on the basis of utilitarian calculations. It would alienate us from our own lives and the sources of our actions. Williams sees the utilitarian requirement as an attack on our integrity and agency that would ultimately be self-defeating – it would not leave any 'agents' to act on it. Similarly, Christine Korsgaard claims that this, not being able live *own* life, is the only thing worse than dying (Korsgaard, 1996: p. 18). It is easy to see that a requirement to give the interests of the

children priority in every case would be essentially a similar kind of 'attack on integrity' as act-utilitarian morality.

A life lived by giving in each decision priority to requirements others make would then be hardly any better than those lives that create the requirements for our actions. Therefore we have a legitimate and justified claim for practical decision-space for free action to pursue our own projects. Within this space we can rationally decide to buy a bottle of wine if we want to rather than donate money to charity to save 40 children. These kinds of trivial decisions are part of what forms our practical identities, our own ways of life. It is this fact that constitutes the rationality of some, often trivial choices that is expressed in our intuitions to which Gert often refers to. For this reason, the distinction between the justifying and requiring forces of reasons is unnecessary to account for these intuitions.

Of course, I do not want claim that the current situation of the world is generally free from moral wrongdoing. As Elisabeth Ashford argues, we could be required on reasonable grounds to do considerably more to help the children under constant and extreme poverty (Ashford, 2003). By institutionalizing the aid through some kind of a global taxation system and professional aid-workers the helping could be worked out without massive disturbances to anyone's agency (Nagel, 1991: pp. 53–62). But, even if we admit this, it would not make the trivial decisions in Gert's examples irrational.

6 Irrationality and Moral Responsibility

In the previous section, I referred to an idea that moral wrongness of an act gives a strong, even overriding reason to avoid the given act (Scanlon, 1998: pp. 153–4 and pp.

160–8). It would not be rational overall to do wrong acts. This is illustrated by fact that it is hard to come in terms with a situation where one agent considers certain action to be morally wrong and in the same time sincerely advices her friend to do it. Gert has an objection against this idea that I want to respond to as a way of concluding this notice.

Gert's argument is roughly the following (Gert, 2000: p. 236; Gert, 2004: chap. 1, sec. 2 and 3). Let us assume first that there is a strong reason not to do an act which is clearly morally wrong. Acting against such a strong reason would be irrational. If someone acts irrationally, then, by the common understanding of this concept, something has gone wrong in the mental functioning of this agent. The problem with this is that we usually think that if something goes wrong in the mental functioning of the person this has an effect on the moral responsibility of the given agent. For example, we do not think that mentally ill are morally responsible for what they do. Therefore, if we want to hang on to moral responsibility on a larger scale we must allow that acting immorally is rational. This is the way to guarantee that agents who act wrongly are mentally functioning well. Therefore, we would need to abandon the two original assumptions: that there are strong reasons not to do the wrong acts and that overlooking these reasons is irrational.

My reply to this objection begins from the idea that there are not one but two different notions of rationality doing work in this argument and therefore it fails. The two notions of rationality are of course subjective and objective rationality. Gert too discusses these different types of rationality, but his account is based on the already criticized difference between requiring and justifying strengths of reasons (see Gert, 2004: chap. 7 for his discussion of two concepts of rationality). Therefore I again rely on a simpler model based on the work of Thomas Scanlon. Scanlon calls subjective rationality 'narrow

rationality' and objective rationality 'ideal rationality' (Scanlon, 1998: pp. 22–32). Subjective rationality is clearly connected to the mental functioning of the agent and internal coherence between different mental states. Scanlon claims that an agent is subjectively irrational for example when her judgment-sensitive attitudes, such as intentions to act, fail to track the reason-judgments the agent makes. It is this type of irrationality that is connected to moral responsibility. If one's reason has no control over what one does, then it hard to maintain that one could be blameworthy. Objective rationality is a notion which is equivalent to acting on the strongest reasons. Ideally rational agent does what she has most reason to do. Objective irrationality then is acting on reason-judgments that failed to provide information about the best available reasons. This type of irrationality does not take away responsibility in a same way as the former type of irrationality; one is as responsible for stupid bets for which one fails to estimate the odds as one is for advantageous ones.

This distinction can be used to answer Gert's challenge. It is objectively irrational to act immorally, but this type of irrationality does not necessarily have an effect on the moral responsibility of the agent. Doing acts, which are wrong, is to act on weaker reasons than the moral reasons present in the situation. Subjective irrationality would have that kind of an effect of reducing moral responsibility, but in the cases of immoral actions agents in general do make judgments about what they have reason to do and act on these judgments. The agents who act wrongly just fail in getting these judgments right. They do think that they have reason to do things they would in fact have stronger reasons to avoid. Therefore their responsibility for their acts does not seem to be undermined and Gert's argument seems to pose no problem for contractualist accounts at least in the present form.

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[1] I thank Joshua Gert for the manuscript of his excellent book and for extensive comments on my critical notice. Thanks also to Teemu Toppinen and Pekka Mäkelä for comments.

[2] This is Gert's own term for the connection (in private correspondence).

[3] This (1) comes from passage: 'Thus, to say that an action is irrational seems to be to say 1) The action absolutely should not be performed (Gert, 2004: chap. 7, sec. 1).'

[4] The situation reminds us of the situation in which Saul Kripke commented one thesis in the philosophy of language in the following way: 'It really is a nice theory. The only defect I think it has is probably common to all philosophical theories. It's wrong. You may suspect me of proposing another theory in its place; but I hope not, because I'm sure it's wrong too if it is a theory (Kripke, 1972: p. 280).'