

ARE HARD CHOICES CASES OF INCOMPARABILITY?

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This paper presents an argument against the widespread view that ‘hard choices’ are hard because of the incomparability of the alternatives. The argument has two parts. First, I argue that any plausible theory of practical reason must be ‘comparativist’ in form, that is, it must hold that a comparative relation between the alternatives with respect to what matters in the choice determines a justified choice in that situation. If comparativist views of practical reason are correct, however, the incomparabilist view of hard choices should be rejected. Incomparabilism about hard choices leads to an implausible error theory about the phenomenology of hard choices, threatens an unattractive view of human agency, and leaves us in perplexity about what we are doing when we choose in hard choices. The second part of the argument explores the main competitor to comparativist views of practical reason, the noncomparativist view, according to which a choice is justified so long as it is not worse than any of the alternatives. This view is often assumed by rational choice theorists, but has its best philosophical defense in work by Joseph Raz. On Raz’s noncomparativist view, incomparabilism about hard choices avoids the problems faced if comparativism is correct, but it faces different difficulties. I argue that Raz’s noncomparativist view mistakenly assimilates practical reason to more restricted normative domains such as the law.

1. Introduction

Consider the following choice situations.

- * You are a single parent unhappy in your current job and have just received your dream job offer in a different city. But your young

children are leading happy, fulfilled lives which would be less good were you to move the family. Should you take the job?

* You have decided to spend your Saturdays giving back to the community. You can help organize for your favorite candidate's re-election campaign or mentor a disadvantaged child in your neighborhood. How should you spend your Saturdays?

* You're getting a bonus in your paycheck and could buy a new car or donate the funds to Oxfam. What should you do?

Filled out in the right ways, these situations pose paradigmatic *hard choices*. Such choices run the gamut of conflicts between partial values, between impartial values, and between partial and impartial values. They are present not only in individual choice but also in group or social choice, as when, for example, a government must determine which of two policies to implement, and in institutional choices by individuals, as when a judge must determine whether to rule for the plaintiff or the defendant. In the most general terms, hard choices are ones in which reasons 'run out': they fail, in some sense, to determine what you should do.

One leading view of what makes a choice hard is *incomparabilist*: choices are hard because the alternatives between which one must choose are *incomparable*; reasons 'run out' on this view because the alternatives cannot be compared. Indeed, if, as it is widely assumed, alternatives must be comparable in order for justified choice between them to be possible, the incomparability of alternatives precludes the possibility of justified choice.

In this paper, I offer an argument for thinking that the incomparabilist view is mistaken. Although I have my own view about what makes a choice hard, I won't be discussing it here.¹ My aim in this paper is wholly negative—to raise some doubt about the view that hard choices are hard because of the incomparability of the alternatives.

Of course, the intuitive idea of a 'hard choice' is not a neat unity—there are many types of choice situations that are considered 'hard'—many ways in which reasons can 'run out'—and so the incomparability of alternatives might be *one* way in which choices can be 'hard'. I am going to assume, however, that we have an intuitive fix on one unified kind of hard choice, roughly characterized by the examples at the outset of the paper, about which we can engage in substantive argument. We might call these 'paradigmatic' hard choices. My suggestion is that paradigmatic hard choices are not hard because of the incomparability of the alternatives; hard choices—from now on understood with the qualifier 'paradigmatic'—are cases of comparability, not incomparability. If this is right, then since the main significance of incomparability is as a possible ground of hard choices, the phenomenon of incomparability may turn out to be not all that important after all.

Whether hard choices are cases of incomparability depends in part on what is meant by 'incomparability'. After refining the notion (§ 3), I present

the argument against the incomparabilist view of hard choices. The argument has two parts. In the first (§ 4), I suggest that any plausible theory of practical reason should be ‘comparativist’ in form. Comparativism, properly understood, is compatible with most views about practical reason. It respects two deep and intuitive principles that, arguably, any theory of practical reason should accommodate. It also admits of an attractive isomorphism between values, reasons, and action. If comparativist views of practical reason are correct, however, the incomparabilist view of hard choices should be rejected. Incomparabilism about hard choices leads us to an implausible error theory about the phenomenology of hard choices, threatens an unattractive view of human agency, and leaves us in perplexity about what we are doing when we choose in hard choices.

The second part of the argument (§ 5) explores what I take to be the main competitor to comparativist views of practical reason, the noncomparativist view as it is developed by Joseph Raz. On Raz’s view, incomparabilism about hard choices avoids the problems faced if comparativism is correct, but, as I will argue, it faces different difficulties. If my arguments are sound, then the widespread view that hard choices are hard because of the incomparability of the alternatives requires reassessment.

2. Hard Choices as Cases of Uncertainty

We said that one leading view of hard choices maintains that they are hard because of the incomparability of the alternatives. There is, however, another, perhaps more widespread, view: what makes choices hard is *epistemic*, in particular, uncertainty about the normative and non-normative factors that determine the reasons for and against a choice. What matters in a hard choice is typically multifarious, and whatever relation holds among the reasons or values at stake—be it outweighing, trumping, silencing, excluding, cancelling, and so on—determining that relation seems bound to be riddled with normative and nonnormative uncertainty.² On this view, reasons ‘run out’ in the sense that we lack epistemic access to them.

I doubt, however, that epistemic difficulties are what make hard choices hard. My grounds for doubt are by no means conclusive, and if you are not swayed by the time you reach the end of this section, consider its conclusion an assumption to be granted for the sake of argument. Since the thought that epistemic difficulties make choices hard is so pervasive, however, it might be worth laying out a possible case against it.

Start with the thought that some choices are ones over which we have first-personal authority. You’re a rational agent with a choice between rocky road ice cream and mango sorbet for dessert. What matters in the choice between them is which tastes best to you right now. Tastiness to you right now is, arguably, something over which you have first-personal authority, at

least in normal circumstances, like ones in which your memory is functioning properly and you know it.³ Tasting each dessert in turn, you might come to the following judgment: Neither tastes better to you right now. After all, they taste very different, and while both would be delicious, they would be delicious in rather different ways. You might also judge that they aren't equally tasty. Being a clever philosopher, you might arrive at this judgment by experiment. You make the rocky road definitely tastier to you by adding some marshmallows. But, tasting the improved rocky road and the mango sorbet, you judge that the neither tastes better to you. As a rational agent, you would be forced to judge that the improved rocky road tastes better to you if the original rocky road and mango sorbet were equally tasty. So you conclude that with respect to tastiness to you right now, neither is tastier than the other and nor are they equally tasty. Assuming reasons correspond to values (about which more later), we can conclude that you don't have most or sufficient reason to choose either dessert. Your reasons for choosing one dessert over the other have 'run out' but not epistemically.

The same might go for two pains, say a sharp, quick pain from a papercut and a few minutes of a dull headache. What matters in the choice is having the experience that hurts least by your lights. Insofar as you have first-personal authority over which hurts least to you, there can be two pains of which you judge that neither hurts less than the other and nor do they hurt exactly the same. So you don't have most reason to choose one pain nor do you have sufficient reason to choose either. The choice between the pains is hard, but not hard epistemically.

Of course, choices in which we have first-personal authority are not all that common, and they are not typical of significant life choices like those between careers, places to live, and ways to do good in the world. What typically matters in these choices includes not only our well-being but the well-being of others, matters over which we do not have first-personal authority. So while having first personal authority over what matters in the choice can be one way in which uncertainty can be blocked, that will go only so far towards showing that hard cases are not hard essentially because of uncertainty. At best, we've shown that there are exceptions to what may be the rule.

There is, however, a second way we can face hard choices without uncertainty—at least of a problematic sort. Although we lack first-personal authority over what matters in many choices, we can achieve a level of 'practical certainty' about the factors relevant to the choice. We can perhaps never be certain with a capital Cartesian 'C' about anything, but we can be practically certain about what is relevant to the choice, which may be all that is required.

Suppose you're walking to the bus stop on your way to work and find yourself wondering whether you turned off the kitchen lights. You are faced with a practical problem: should you go back to check whether you did? What

matters in the choice, say, are the costs of your utility bill, the environmental impact of wasted electricity, and not being late for your meeting in town. You might be pretty sure that you flicked the switch to ‘off’, and your level of certainty—or credence—might make it irrational for you to turn back given what matters in the choice. If so, you are *practically certain* that you turned off the lights. Practical certainty about a fact or proposition is a function of your level of confidence—or degree of belief—and what matters in the choice. If you are uncertain as to whether you turned off the gas stove, for instance, the level of confidence needed to achieve practical certainty may be higher since what matters may have greater significance.⁴

In the same way, it could be argued, we can be practically certain about everything relevant to a hard choice, even if those factors are multifarious. This is not to say that we actually achieve practical certainty in such choice situations but only that *we can*. This may seem dubious. Can we really achieve practical certainty in the life-altering hard choices of interest—choices between careers, people with whom to spend our lives, ways to do good in the world, and so on?

It depends on how we conceive of choice situations. Roughly speaking, choice situations can be understood as falling along a spectrum of possible perspectives on choice ranging from ‘ideal’ to ‘nonideal’. At the ideal end, choice situations are those faced by god-like advisors who are omniscient and have the best possible sensibilities. If we understand choice situations in this ideal way, we are justified in doing what our god-like advisor would advise us to do on the basis of the reasons she thinks we have. But since we can never achieve this god-like status ourselves, our choices will at best be approximations of a justified choice since we can never know the reasons on the basis of which we should choose. At the other end of the spectrum, by contrast, choice situations are those faced by our actual present selves without prospect of improvement or correction. If we understand choice situations in this nonideal way, whatever choice we end up making will be justified. Naturally, the right way to conceive of choice situations lies between these extremes.

The question now arises: Is it plausible to think that, given the right conception of hard choices somewhere between these extremes, it is possible for us to achieve practical certainty in those choices? That is, given the right conception of a choice between careers, charitable works, places to live, and so on, is practical certainty about such choices *within our ken*?⁵ If we think not, then we think that the factors relevant to a hard choice are *in principle* beyond our epistemic reach—that the correct conception of hard choices is, in effect, at the far, ‘ideal’, end of the spectrum so that no matter how hard we tried, we would *necessarily* fail to be practically certain about which alternative to choose. This strikes me as an implausible conception of such choices. If it were correct, then we would need radically to alter our practice of deliberating about hard choices. Since it would be impossible for us to have

the requisite epistemic access to the factors relevant to the choice, instead of agonizing over which alternative to choose, we might as well approach hard choices with the flip of coin. If, instead, achieving practical certainty is within our ken, our practice of carefully examining the alternatives, soberly reflecting on their merits, and imaginatively exercising our sensibilities makes sense: we are attempting to achieve practical certainty about which to choose.

If we are capable of achieving practical certainty, then there is no *a priori* argument—aside from antecedent philosophical prejudice—that the correct judgment about which we could be practically certain could not be, for instance, that, with respect to what matters in the choice, we fail to have most or sufficient reason to choose either alternative. In this case, our reasons have run out not epistemically but *structurally*. Reasons run out structurally when the nonepistemic, normative relations among the alternatives for choice fail, in some sense, to determine what we should do.

In what follows, I explore the leading view of what it is for reasons to run out structurally: incomparabilism about hard choices. According to this view, reasons run out because the alternatives are incomparable. But what is it for two items to be incomparable?

3. What is Incomparability?

Many thinkers *define* incomparability as the failure of three relations to hold: two items are incomparable if one is neither ‘better than’, ‘worse than’, nor ‘equally as good as’ the other.⁶ This definition, however, fails to capture the intuitive notion of incomparability it is meant to capture.⁷ These thinkers aim to give a precise expression of the intuitive idea that items cannot be compared but they mistakenly import the substantive assumption—call it the Trichotomy Thesis—that the only possibilities for comparison are given by the standard trichotomy of relations ‘better than’, ‘worse than’, and ‘equally good’ (or their cognates).

That the ordinary intuitive notion of incomparability does not presuppose the Trichotomy Thesis can be established by way of a thought experiment. Imagine ‘dichotomists’ who define incomparability as the failure of ‘better than’ and ‘worse than’ to hold between two items. When the ‘trichotomist’ comes along and says, ‘You’ve overlooked the relation of ‘equality’’, and the dichotomist demurs, the disagreement is substantive. Both are trying to characterize the intuitive idea of being incomparable, not simply stipulating the use of a term to mean the failure of some favored set of value relations. Both are maintaining that their set of value relations exhausts the conceptual space of comparability between items, and they substantively disagree about which set of relations exhausts that space. In just the same way, we might imagine a ‘tetrachotomist’ who defines incomparability as the failure of four basic relations, one in addition to the usual trichotomy. She and the

trichotomist would similarly have a substantive debate over which account best captured the intuitive notion of incomparability. What this shows is that the intuitive notion of incomparability permits substantive disagreement over which relations exhaust the conceptual space of comparability, and we should not build into its definition a substantive position on the matter.

How, then, should the intuitive notion of incomparability be defined? Incomparability is, I think, best approached via its negation, comparability. Intuitively, two items are comparable if there is some *positive* way they evaluatively relate. Items relate positively when their relation describes how they relate, for example, by one being better than another, as opposed to how they do not relate, for example, by one being not better than the other. Here's an analogy with color. If I tell you that *x* is red, I'm telling you what color it is. If I say instead that *x* is not red, I haven't told you its color; I've just told you what color it is not. In the same way, if I tell you that *x* is not better than *y*, I haven't told you how *x* and *y* relate; I've only said how they don't relate.⁸ Two items are comparable, then, just in case there is a positive evaluative relation that holds between them. They are incomparable if there is no positive evaluative relation that holds between them.

We need to make one more refinement. Do positive relations hold between items *simpliciter*? Can, for instance, one item be better than another, period? Just as the thought that one thing is greater than another is incomplete, so too is the thought that one thing is better than another. We need some respect in which one thing is greater or better than another, such as in height or kindness. I have called this the 'covering consideration' of a comparison and have argued that all comparisons must proceed with respect to a covering consideration or considerations.⁹ Too often, the fact that comparisons are three-place relations is overlooked, and this has profound effects, I believe, on the claims some thinkers go on to make about both comparability and incomparability. For present purposes, we can note just one upshot. If comparisons must proceed relative to a covering consideration, then incomparability, its negation, must also proceed relative to a covering consideration. It makes no sense to say that *x* is incomparable with *y*, period, because it might be comparable in some respects and not others. Just as comparability is a three-place relation, so is incomparability.

Putting these points together, we arrive at the following definitions of comparability and incomparability: two items are *comparable* with respect to a covering consideration just in case there is a positive value relation that holds between them with respect to that consideration; two items are *incomparable* with respect to a covering consideration just in case there is no positive value relation that holds between them with respect to that consideration. These definitions are neutral as to the substantive question of which set of relations exhausts the conceptual space of comparability between two items and make good on the observation that comparability, and so its negation, are three-place relations.¹⁰

We now have a better understanding of the incomparabilist position concerning hard choices. What makes a choice hard is the failure of a positive value relation to hold between the alternatives with respect to what matters in the choice (the covering consideration). If there is no positive way in which the alternatives relate with respect to what matters in the choice, the choice is hard. This is such a plausible understanding of hard choices that it is not surprising that it has passed through the philosophical canon with relatively little comment.

4. Are Hard Choices Cases of Incomparability?

Nonetheless, the thought that hard choices are cases of incomparability faces serious difficulties. One, which I have discussed elsewhere, is that there are no good arguments for incomparability.¹¹ This may seem surprising, but a canvas of the leading arguments in the literature show that each is subject to a decisive objection.¹² So we are still waiting for incomparabilists to give us a strong argument for the existence of incomparability. But I won't rehash that debate here.

There is another, potentially deeper, problem. Understanding hard choices as cases of incomparability does not sit well with any plausible theory of practical reason. Or so I will now suggest.

A. Comparativism

Return to the intuitive thought about practical reason mentioned earlier: if alternatives are incomparable with respect to what matters in the choice, there can be no justified choice between them. Call this *minimal comparativism*.

Some clarifications are in order. First, minimal comparativism isn't a view about practical deliberation—it doesn't hold that an agent must actually make a comparison of the alternatives in order to arrive at a justified choice—but is instead a thesis about the nature of justified choice—the alternatives must in fact be comparable in order for a justified choice between them to exist.

Second, the view is neutral between 'values' and 'reasons': for there to be a justified choice, either the alternatives must be evaluatively comparable with respect to the values that matter in the choice—for example, one is better than the other with respect to kindness—or the reasons for and against them must be comparable with respect to what matters in the choice—for example, the reasons favoring one alternative outweigh the reasons favoring the other. Moreover, 'values' should be understood in its ordinary, folk sense, which includes what philosophers sometimes call 'deontic' considerations such as

rights, duties, and obligations.¹³ ‘What matters in a choice’, then, can be conveniently characterized in terms of ‘values’, broadly understood.

Third, the comparative relations among reasons include not only ‘weighing’ relations but also ‘nonweighing’ relations such as silencing, excluding, trumping and cancelling. If one alternative is supported by more reason than another, this might be because those reasons outweigh the others but it might instead be because they silence them. Too often philosophers import substantive views about how comparisons must be quantitative or relate aggregations of some quality, or they assume that the only comparative relations in which reasons can stand are ones of balancing or outweighing. But such substantive views are no part of minimal comparativism properly understood. Minimal comparativism is consistent with all standard forms of practical theorizing—deontology, consequentialism, virtue theory, perfectionism. It is arguably the bedrock of any correct theory practical reason.

Theories of practical reason that accept minimal comparativism often make a further claim: the comparative relation between the alternatives with respect to what matters is not only a necessary condition for the existence of a justified choice, but it also *determines* which alternative is justified. If, with respect to what matters in the choice, for example, one alternative is better or supported by more reason than the other, then choosing it is justified. Call the view that holds both minimal comparativism and the further determination thesis *comparativism*. I believe that comparativism is the general form that any correct theory of practical reason must take. Some reasons for thinking this are offered in the next two sections.

B. Two Principles of Practical Reason

Comparativist theories respect two deep and intuitive principles of practical reason. The first might be summarized as follows: “Justified choice is not a matter of default”. Consider the law. The law takes our intentional actions writ large to be legal as a matter of default. When you brush your teeth in the morning, that’s legal. When you put on pink socks, eat your oatmeal, wear your hair a certain way—your actions are legal. In general, your intentional actions are deemed legal as a matter of default. Actions are illegal, on the other hand, just in case they violate a legal rule. The same goes for club rules. Your local Rotary Club has a charter listing rules by which members are to abide. Your ordinary intentional actions—going to the store, cleaning out your garage—are deemed ‘Rotary-Club-appropriate’ as a matter of default. You are unjustified, Rotary-wise, only if your actions violate the rules of the charter.

Practical reason is not like the law or a set of club rules in this way. Your choices are not practically justified as a matter of default and only unjustified if you violate the rules of practical reason. This is because, unlike the law,

club rules, or any sub-domain of practical normativity, practical reason has universal jurisdiction over intentional actions. It is, we might say, 'the mother of all that is practically normative'. Law, by contrast, has limited jurisdiction; it aims to govern only intentional actions that bear a certain relationship to the appropriate application of state coercive power. That's why there is no law about brushing your teeth, it's none of the state's business. So if the law is 'silent' about an intentional action, say tooth-brushing, because that action falls outside its jurisdiction, the action is legally justified as a matter of default. Practical reason, by contrast, is the law that governs all intentional actions, whatever their subject matter. No intentional action falls outside of its jurisdiction and so cannot for that reason be justified as a matter of default. Put another way, practical reason is never 'silent' about an intentional action because that action is none of its business. Intentional action is its business.

Comparativist theories respect this fact about practical reason. All choices are intentional actions. According to comparativism, what determines a choice as justified is a comparative relation between the alternatives with respect to what matters in the choice. Thus if a choice is justified, it is justified because of the comparative relation between the alternatives, not as a matter of default. Now if there is no relation that determines a choice as justified, there is no justified choice. So, according to comparativism, if practical reason is 'silent' on the question of what to choose, this is because the choice is no longer within the scope of practical reason.

A second deep principle of practical reason holds that in any given choice situation there should be a correspondence or 'isomorphism' between 1) facts about how alternatives evaluatively relate, 2) facts about how the reasons for and against choosing an alternative relate, and 3) facts about the appropriate practical response in that choice situation.

Consider the correspondence between values and reasons. If an alternative has some value, then there will be a corresponding reason, and if there is a reason to choose an alternative, then there will be a corresponding value it bears. And if an alternative bears greater value with respect to what matters, then it should correspondingly be supported by the greater reason with respect to what matters.¹⁴ Although philosophers have differed over whether values or reasons are explanatorily more basic, most accept that there is an isomorphism between them. 'Value primitivists', who think values are explanatorily prior to reasons, also tend to think that every value gives rise to reasons, and 'buckpassers', who think that reasons are explanatorily prior to values, tend to allow that all reasons correspond to a value, broadly understood. The same goes for the correspondence between values or reasons, on the one hand, and an appropriate practical response, on the other. If the appropriate action for you to take in a choice situation is to choose an alternative, then there will be corresponding facts about the value of the alternative and the reasons for you to choose it, and vice versa.

In short, value facts should correspond with reasons facts, which should correspond with facts about appropriate action.

Comparativism allows for such a correspondence. What determines a choice as justified is a “comparative relation with respect to what matters in the choice” and this relation could be either an evaluative comparison of the alternatives or a comparative relation among reasons. There is nothing in comparativism, moreover, that blocks a further mapping of facts about how alternatives evaluatively relate or, correspondingly, how their reasons do, onto different putatively appropriate responses to the choice situation.

So one attraction of comparativism is that it respects two deep principles of practical reason. A second attraction follows on from the first. Comparativism offers an appealing, commonsensical substantive account of the isomorphism between values, reasons, and action. Seeing how such an account might go reveals the extent to which our common sense thinking about practical reason is comparativist in spirit. It will also lay the ground for understanding why comparativism sits uneasily with incomparabilist views about hard choices.

C. *Values, Reasons, Action*

Suppose you must choose between two careers, novel-writing and lawyering, and what matters in the choice is maximizing your well-being. If novel-writing is better than lawyering with respect to making your life go best, then you will have most reason to choose to be a novelist. If novel-writing is worse, then you will have most reason to choose to be a lawyer. So we have an isomorphism between value—being better than—and reasons—having most reason, and between being worse than and having less reason. What action is appropriate in the choice situation? Clearly you should choose the better option/the option supported by the most reason and not choose the worse option/the option supported by the lesser reason. So the appropriate action corresponding to being *better in value* which corresponds to be being supported by *most reason* is *choosing that option*. And the appropriate action corresponding to being *worse in value*, which corresponds to being supported by *less reason*, is *not choosing that option*.

Now consider the case in which the careers are equally good. In this case you won't have most reason to choose one or the other but only sufficient reason to choose either. Again, we have a tidy isomorphism between values—being equally good—and reasons—having not most but only sufficient reason. What action is appropriate when you have not most but sufficient reason to choose either of two alternatives? One possibility is what Edna Margalit and Sidney Morgenbesser famously called ‘picking’.¹⁵ Picking is arbitrarily selecting an alternative on the basis of reasons that

count in favor of it. When you pick an alternative, you don't select it *over* another, you just arbitrarily select it on the basis of some consideration in favor of it. Your selection is arbitrary in the sense that you don't have most reason to select it. 'Choosing', by contrast, is selecting an alternative *over* another, and it is nonarbitrary in the sense that you have most reason to select it. Both picking and choosing, however, are intentional actions within the scope of practical reason. When the alternatives are equally good, you pick rather than choose because the reasons don't favor one option over the other but give you license to select arbitrarily. It is as though practical reason puts its seal of approval on both alternatives and fails to differentiate them, normatively speaking.

Turn now to the case of incomparability. If one career is incomparable with the other with respect to making your life go best then you have neither most nor sufficient reason to choose either. Being evaluatively incomparable, then, corresponds to having neither most nor sufficient reason for a choice. What is the appropriate corresponding action in such cases?

We might call the appropriate response when faced with a choice between incomparables 'plumping'.¹⁶ Plumping is, like picking, an arbitrary selection of an alternative—selection without there being most reason to select it—but, unlike picking, it is nonintentional action done for no reason. When you plump for lawyering, for instance, you are not selecting lawyering on the basis of considerations that count in favor of lawyering. You simply go for lawyering, not as an exercise of rational agency but as an exercise of nonrational agency. Sartre and the existentialists thought that was pretty much all we ever could do. The big mistake of Kant and other rationalists, they thought, was to assume that values and reasons provide a framework or constraint within which we make our lives. There are no values or reasons antecedent to our plumping. We simply plump—act outside the scope of rational agency—and then lay over our actions a framework of values and reasons—what we dub 'rational agency'—that is nothing more than an illusion.

We can summarize the comparativist's isomorphism between values, reasons, and action as follows:

Let A and B be the alternatives and V be the values that matter in the choice situation under consideration. Then:

1. A is better than alternative B with respect to V if and only if there is greater reason to choose A over B with respect to V if and only if it is appropriate to choose A over B in that choice situation.
2. A is worse than b with respect to V if and only if there is most reason to choose B over A with respect to V if and only if it is appropriate to chose B over A in that choice situation.
3. A is equally as good as B with respect to V if and only if there is not most but only sufficient reason to choose A and not most but

only sufficient reason to choose B with respect to V if and only if it is appropriate to pick A and it is appropriate to pick B in that choice situation.

4. A and B are incomparable with respect to V if and only if there is neither most nor sufficient reason to choose either alternative with respect to V if and only if it is appropriate to plump for A and it is appropriate to plump for B in that choice situation.

The first three claims describe ways in which there can be a justified choice. The fourth describes a way in which choice can be neither justified nor unjustified: action is beyond the scope of practical reason. While comparativists may differ as to the ways in which choice might be justified,¹⁷ they must all agree that the incomparability of the alternatives takes the choice outside the scope of practical reason. And it is this claim that gets incomparabilism about hard choices into trouble.

D. Comparativism and Incomparabilism about Hard Choice

If comparativism is true, the incomparability of alternatives takes the choice situation outside the scope of practical reason. We can only plump as nonrational agents and pick or choose as rational agents. But now we have a problem for the incomparabilist view of hard choices. The incomparabilist must hold that our action in response to hard choices is not an exercise of rational agency.

This is an unattractive result for three reasons. First, it flies in the face of the phenomenology of hard choices. When we select an alternative in a hard choice, our action seems continuous with the rational agency exercised in nonhard choices: it doesn't seem as though we step outside of ordinary rational agency and act as nonrational agents, that is, plump for no reason. Indeed, when you select lawyering over novel-writing, say, it seems clear that you do so on the basis of a reason: for example, that you need the financial security. Far from being cases in which you must abandon your rational agency, hard choices arguably present opportunities for exercising our rational capacities to their fullest. In thinking about which career to pursue, you might marshal all your cognitive and noncognitive resources to settle on an alternative that best expresses who you are as a rational agent. So what we do in hard choices could, arguably, define us as the distinctive rational agents that we each are.¹⁸ At the very least, if comparativist views of practical reason are correct, the incomparabilist view of hard choices would require us to abandon our belief that some of the most important choices we make are made on the basis of reasons. Such 'choices' aren't really choices at all but only arbitrary selections outside the scope of rational agency.

Second, the incomparabilist view of hard choices threatens to saddle us with an implausible view of human agency. Intuitively, it seems that many of the most important decisions in life are hard. And given that the hardness of a choice is a matter of the structural relations among the alternatives or the reasons that support them, there is no a priori reason to think that this structure obtains only in important cases. The structure of reasons relevant in a choice between two careers can surely be the same as that between two desserts, or two ways to wear one's hair. But if hard choices, understood as cases of incomparability, include the most important choices in a human life or if they are ubiquitous, human agency is not essentially rational but is significantly nonrational. A cornerstone of our self-conception as human agents—that we are essentially rational agents and that this rational agency is what distinguishes us from the lower animals—goes out the window. Woe betide us if Sartre was mostly right after all.

Finally, it is unclear just how we are to understand nonrational agency. If lawyering and novel-writing are incomparable, and you plump for lawyering, you have performed the nonrational action of arbitrarily selecting lawyering for no reason. But what kind of nonrational agency have you exercised?

Here are three possibilities. In plumping you might be exercising mere animal agency. You exercise mere animal agency when, for example, falling down the side of a cliff, your arm shoots out to grab hold of a branch. Mere animal action is instinctual, unreflective, and, for the sake of argument, nonintentional. But it is implausible to think that that is what you're doing when you plump for lawyering over novel-writing.

Perhaps your going for lawyering is an example of what Rosalind Hursthouse calls an 'arational' action, an intentional action, not done for a reason, performed while in the grip of an emotion (Hursthouse 1991). Examples include tousling someone's hair in affection, throwing your computer across the room in frustration, and burrowing under the covers in fear.¹⁹ Although arational actions are governed by practical reason, because they are not done for a reason, they are arguably exercises of nonrational agency. It seems odd, however, to assimilate plumping for lawyering to actions such as these. For one thing, you need not be in the grip of an emotion when you plump for the legal career. For another, as intentional arational actions are governed by practical reason but plumping, by definition, is not.

The same goes for a third kind of action, what we might regard as 'generic cases of acting for no reason'. To borrow a case from Thomas Scanlon, you might take the long route home from work one day for no reason. There was nothing especially attractive about taking the longer route but it was something you did intentionally for no reason.²⁰ Harry Frankfurt thinks that we love for no reason.²¹ Taking a route home and loving, however, are intentional actions and so governed by practical reason. Plumping, by contrast, is something we do outside the scope of practical reason.

It is unclear what other kind of nonrational agency there could be. If we try to understand what we are doing when we select an alternative in a hard choice, we are left in a state of perplexity.

5. Raz and a Noncomparativist View of Practical Reason

Comparativism holds that if alternatives are incomparable, there can be no justified choice between them. This claim is the source of difficulties for incomparabilist views. If we reject comparativism, we get rid of the source of the difficulties. So perhaps the way to rescue incomparabilism about hard choices is to look to a noncomparative view of practical reason.

Joseph Raz, in a series of intricate and ingenious papers, takes just such an approach.²² Raz proposes a ‘classical’ conception of human agency according to which 1) only evaluative facts about the objects of one’s desires and not the desires themselves are reasons for action—all reasons are ‘value-based’, 2) these value-based reasons are often incomparable, and 3) when these reasons are incomparable, they render the alternatives for choice rationally *eligible*, that is, there is sufficient reason to choose either alternative. Raz’s view has many other features besides, and I take some liberties in presenting it, but what I say is, I hope, at least faithful to what he says.²³

Raz’s view of human agency—and hence of practical reason—is non-comparativist. His classical conception rejects comparativism since it denies that the comparability of the alternatives is a necessary condition for the existence of a justified choice. In fact, if alternatives are incomparable, each is ‘rationally eligible’—there is sufficient reason to choose it. Call this the noncomparativist thesis. When you choose between incomparables, then, you exercise rational agency and act within the scope of practical reason.

It is easy to see that on Raz’s noncomparativist conception, incomparabilism would avoid the three problems outlined in the last section. It would not fly in the face of the phenomenology of hard choices because it can accommodate the thought that one selects an alternative for a sufficient reason as an exercise of rational agency. Nor would it threaten to impose an implausible view of human agency as significantly nonrational, since hard choices are all within the scope of practical reason. A fortiori, it would avoid the perplexity involved in trying to understand how action in hard choices could be an exercise of nonrational agency.

We can illustrate the workings of the view by way of example. Raz invites us to imagine that we must choose between a banana and pear for dessert. Suppose that, with respect to what matters in the choice, the reasons for and against each are incomparable. According to the classical conception, it follows that each is rationally eligible; we have sufficient reasons to choose either. How do we choose? Here, Raz suggests that we do *what we want*. He sometimes describes this as doing what we *will*. We want the banana so we

choose the banana. Moreover, given that we want the banana, Raz tells us, choosing the pear would be “irrational”.²⁴ But now we have a problem. But how could choosing the pear be irrational if both the banana and pear are rationally eligible?

At this point, there is an interpretive fork in the road.²⁵ Sometimes it seems that Raz thinks that your willing or wanting the banana adds normative weight or significance to that alternative. He says, for instance, that “our wants become relevant when reasons have run their course”²⁶ and that when reasons render alternatives eligible “wants are reasons, though in being limited to this case they are very peculiar reasons”.²⁷ So on one interpretation, our wants can be a reason for action once the usual value-based reasons render the options rationally eligible. Wanting the banana is a reason to choose it and that is why, although we had sufficient value-based reasons to choose either the banana or the pear, wanting the banana gives us all-things-considered most reason to choose the banana. Choosing the pear would then be ‘irrational’ because we would be acting against our all-things-considered reasons.²⁸

The problem with this interpretation is that it is difficult to understand how wanting the banana can be a reason to choose it, especially after Raz’s masterful arguments, not discussed here, against the idea that wants can ever be reasons. Is this just an ad hoc exception to the rule that wants can never be reasons? What Raz says is that wants are never “independent” reasons but depend on the value-based reasons we have for wanting in the first place, that is, they are “thick”. So perhaps we should understand Raz’s claim that wants are “peculiar” reasons as the claim that the evaluative facts about the banana, and not the want itself, are the reasons to choose it. Although the value-based reasons render the banana and pear rationally eligible, you want the cool creaminess of the banana, and so the cool creaminess of the banana is the reason to choose the banana. This is problematic, however, because the cool creaminess of the banana is a value-based reason that was already ‘counted’ in the determination that the reasons for the banana and pear rendered choosing either rationally eligible. We would be double-counting our reasons. Thus on this first interpretation of Raz’s view, we are faced with a dilemma. Either we would have to accept, in the face of a litany of arguments purporting to show that wants can never be reasons in any circumstances, an ad hoc claim that wants can be reasons in certain circumstances, or we must double count our reasons. So we should reject this first interpretation.²⁹

On the second interpretation, our wanting the banana is what Raz sometimes calls a ‘thin’ want, the kind of want that accompanies all action, like giving your wallet to the robber, and is not, unlike ‘thick’ wants, dependent on value-based reasons.³⁰ When you want the banana, then, you aren’t adding reasons to the mix; your reasons are as they were—you have sufficient reason to choose either the banana or the pear. But wanting the

banana is like intending to go for it—it creates a presumption that you will choose it that it would be “irrational”, absent reason, to countermand.³¹ Given that you want the banana in this thin sense, you would be “irrational” to choose the pear, not because you’d be acting against your reasons, but because you’d be acting against a presumption, conformity with which is just part of ordinary rational agency.³²

One problem with this interpretation is that it seems to treat being equally good and being incomparable as having the same practical significance. Both are cases in which reasons render the options rationally eligible and we are rational in choosing the alternative we want. On the face of things, however, having exactly equal reason and having reasons that cannot be compared seem significantly different. Shouldn’t this difference be practically marked in some way?

There is a deeper problem. To uncover it, we need to examine Raz’s argument for the noncomparativist thesis. Why should we believe that if the reasons are incomparable, the alternatives are rationally eligible?³³ Raz’s argument here is seductive. He starts by introducing what he calls ‘the Basic Belief’: “most of the time people have a variety of options such that it would accord with reason for them to choose any one of them and it would not be against reason to avoid any of them”.³⁴ He then points out that if there is most reason to choose an option, then that’s the option we should choose. So we don’t get eligible options that way. Since options supported by equal reason will be relatively rare, we won’t get the variety of eligible options demanded by the Basic Belief that way either. So it seems that the only way we can make good on the Basic Belief is by assuming that if the reasons for the options are incomparable, the options are eligible. Therefore, if reasons are incomparable, the alternatives are rationally eligible.³⁵ Thus the noncomparativist thesis is true.

One problem with this argument is that it assumes the Trichotomy Thesis, and some have argued that the thesis is false. But I won’t quibble about that here. There is a more subtle problem. Note that the seductiveness of Raz’s argument is in inviting us to think that if we endorse the Basic Belief, we should endorse the noncomparativist thesis. But the Basic Belief is itself neutral between comparativism and noncomparativism. You can be a comparativist and allow that, more often than not, we face a range of rationally eligible options—we have sufficient reasons to do a number of things. I think of myself and five of my closest friends as holding such a view. If we are to believe the noncomparativist thesis, then, we need grounds independent of the Basic Belief for thinking that incomparability entails eligibility.

As far as I can tell, Raz does not confront this issue directly, but there is a subterranean assumption about practical reason running throughout his writings that, I believe, is doing the needed argumentative work. According to this assumption, practical reason is like the law in that it has limited

jurisdiction over intentional actions, and thus what counts as a justified action is sometimes a matter of default. As we saw in the case of law, so long as your action—for example brushing your teeth—does not violate any legal requirement, your action is legal as a matter of default³⁶. If you are deciding between brushing your teeth and not brushing them, then, since the law is silent on the question, either choice is legal as a matter of default. Similarly, on Raz's noncomparativist view, so long as your action does not violate any requirement of practical reason—for example, so long as what you choose is not worse than any of the alternatives, by definition true of any incomparable alternative—your choice is justified as a matter of default. Since practical reason is silent on the question of whether to have the banana or the pear for dessert, choosing either does not violate any requirement of practical reason, and you are therefore justified in choosing either as a matter of default. In this way, incomparability entails rational eligibility. It is this assumption about practical reason—that justified choice is sometimes a matter of default—that, I believe, underwrites noncomparativist approaches.

But the assumption is false; the first deep principle of practical reason is true. Practical reason is not like the law, or club rules, or politics or aesthetics, or any sub-domain of the practically normative with only limited jurisdiction over intentional actions. As the mother of all that is practically normative, it has universal jurisdiction over intentional action. If this is right, then the noncomparativist view cannot be defended. Making justified choices is not a matter of not violating the requirements of some restricted set of constraints on intentional action. The constraints of practical reason cover all intentional actions, and so when practical reason is silent, as it is when the reasons for alternatives are incomparable, choice is not justified as a matter of default but rather, as comparativism would have it, beyond the scope of practical reason."³⁷

Notes

1. This view is discussed, implicitly, across a range of articles. See Chang 2002, 2009 and forthcoming work.
2. See Sepielli 2009 for a discussion of what to do when faced with normative uncertainty.
3. Of course there are many ways in which you could fail to know that you are in circumstances in which you have first-personal authority. But perhaps you have first-personal authority over being in 'normal circumstances'. I leave aside these and other complexities that would arise in a fuller treatment.
4. There is a large literature of relevance here. One main source is Stanley 2005.
5. I won't try to settle exactly what it is to be within our ken but I assume that being within our ken is a toggle—either on or off—and does not come in degrees. Some obvious candidates include being consistent with human or an individual's nature. The point here is to gloss a range of ways in which it can be possible for us to achieve practical certainty in actual fact.

6. Or, among choice theorists, that items are incomparable when ‘at least as good as’, fails to yield a complete ordering.
7. That most of those who define incomparability (or, worse, incommensurability) in this way aim to capture the intuitive notion can be seen by asking whether what the author calls ‘incomparability’ (or ‘incommensurability’) would have the significance the author takes it to have if there was a fourth way items could be comparable beyond those given by the standard trichotomy of relations. This is true of Joseph Raz, for example, who defines ‘incommensurate’ as the failure of better than, worse than, and equally good to hold. See Raz 1986.
8. Once it is determined which sets of positive relations exhaust the logical space of comparability between items, the corresponding negative and positive relations can be deemed, in some sense, to be equivalent.
9. See Chang 2004.
10. The covering consideration must ‘cover’ both of the items being compared or we have a case of ‘noncomparability’, not incomparability. One might also require that the failure be determinate. These and other further refinements are discussed in Chang 1997.
11. Another problem with the incomparabilist view is the pragmatic ‘merit-pump’ argument, which I and others discuss elsewhere (see Chang 1997; Broome 2001). This problem does not seem to me to be as serious as those discussed in the text.
12. I survey these arguments in my ‘Introduction’, in Chang 1997.
13. Note that the person on the street will say things like ‘There’s value in keeping one’s promises’ meaning “There’s an obligation to keep one’s promise” or “The right to life is a value” meaning “The right to life is itself good”, and I mean to follow the ordinary person in her broad, inclusive use of ‘value’ here. Philosophers have co-opted the lay notion of ‘value’ to refer to the more restricted notion of ‘evaluative standard’—and sometimes the even more restricted ‘aggregative teleological evaluative standard’—which excludes both ideals and excellences on the one hand and obligations and rights on the other. This seems to me unfortunate. Other philosophers who seem to share at least some of my misgivings on this score include Thomas Scanlon 1998, ch. 2, who argues that values need not be teleological.
14. Those who deny this isomorphism tend to neglect the fact that comparative claims are relative to a covering consideration. So, for example, Joseph Raz points out that since I have most reason to see the mediocre comedy even though the Italian realist film has greater overall value, we must divorce the strength of reasons from the goodness of alternatives. But once we fix on the covering values that matter to a choice, the marriage between reasons and values is saved. If what matters in the choice is “having an amusing and relaxing evening”, then the Hollywood comedy has the greater value and supported by the greater reason. See Raz 1999, ch. 5: 104.
15. Ullman-Margalit and Morgenbesser 1977.
16. You could, of course, perform intentional actions in response to incomparable alternatives. For example, you could abandon the choice situation for another, or you could modify it so that the alternatives were no longer incomparable, or you could select an alternative for reasons beyond what mattered in the original choice situation. My concern here is with action within the parameters of the original choice situation.

17. Other isomorphic possibilities are mooted by Chang 2002; Parfit Ms; Broome 1997; Rabinowicz 2008, 2012.
18. For further discussion, see Chang 2009.
19. Hursthouse 1991.
20. See Scanlon 1998, ch 1.
21. Frankfurt 2004.
22. These are Raz 1997 (reprinted as Raz 1999, ch. 3) and Raz 1999, chs. 4 and 5.
23. The main way in which my presentation departs from Raz's text is in my assimilating being 'rationally eligible' (Raz's term), which Raz describes in terms of the 'reasonableness' of pursuing or forgoing action, with 'having sufficient reason to choose it' (my term). However, the only way being rationally eligible would not entail having sufficient reason in the sense I have been using the term is if there is a subterranean layer of rationality, beneath justified choice, where the 'reasonableness' of action is evaluated, and Raz's theory of human agency is addressed only to that subterranean level. Since this seems like an implausibly unambitious aim, I assimilate the two as a way to translate Raz's terminology into my own.
24. Raz 1997: 62.
25. The first interpretation is most strongly supported in Raz 1997 and the second in Raz 1999, ch. 5. I believe the second is probably the one Raz had in mind all along but discuss the first both because it is of independent interest and because it gets closer to the view I endorse and therefore, it seems to me, closer to the truth.
26. Raz 1997: 63.
27. *Ibid.*: 62.
28. One nice feature of this interpretation is that it can capture the idea that sometimes in hard choices, it seems that reasons run out and yet when we choose an alternative, it seems that, having chosen it, we now have most reason to have done so. If wanting an eligible alternative leads us to choose it and adds normative weight to that option, that may explain why it seems that, having chosen the alternative, we now have most reason to choose it. I discuss this puzzle about the phenomenology of hard choices and offer my own solution in Chang 2009.
29. Note that the first interpretation does not take the noncomparabilist thesis seriously. Incomparability does not entail rational eligibility, all things considered, but only rational eligibility with respect to value-based reasons, since "peculiar" reasons can come into the picture and make it the case that one has most all-things-considered reason to choose one alternative over the other.
30. Raz 1999, ch. 5: 109.
31. I am unclear as to how Raz's 'thin' want differs from an intention and how what he says here differs importantly from the idea that when you intend to x, you are 'structurally rational' in following through on your intention. See especially Raz 1999 ch 5, sect. 5.
32. It is worth pointing out that being 'rational' in the sense of conforming to one's reasons and being 'rational' in the sense of conforming to presumptions that are part of ordinary rational agency are, according to Raz, intimately connected. See Raz 1999, ch. 4 and 2011.

33. Or in rational choice terms, “Why should we believe that we have sufficient reason to choose any alternative that is *not worse* than the other?”
34. Raz 1999, ch. 5: 100.
35. Disclaimer: this is my own reconstruction of what Raz must have in mind. I am not confident that this is what is expressed in his text, but it seems to me the strongest argument for his view.
36. Raz writes, “When reasons are [incomparable] they [the options] are rendered optional... because it is reasonable to choose either option and it is not unreasonable or wrong to refrain from pursuing either options...” (Raz 1999, ch. 5: 103).
37. Thanks to Kit Fine for helpful comments.

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