Economics and Philosophy, **23** (2007) 65–80 Copyright © Cambridge University Press
doi:10.1017/S0266267107001228

IS INCOMPARABILITY A PROBLEM FOR ANYONE?

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The incomparability of alternatives is thought to pose a problem for justified choice, particularly for proponents of *comparativism* – the view that comparative facts about alternatives determine what one rationally ought to choose. As a solution, it has been argued that alternatives judged incomparable by one of the three standard comparative relations, "better than," "worse than," and "equally good," are comparable by some fourth relation, such as "roughly equal" or "on a par." This solution, however, comes at what many would regard as too high a cost – namely, rejection of the transitivity of the relation "at least as good as." In this paper, I argue that proponents of comparativism need not incur this cost. I defend the possibility of justified choice between incomparable alternatives on grounds that comparativists can accept. The possibility of incomparability has been met with resistance, in part because of the intuitive appeal of comparativism. By defending the possibility of justified choice between incomparable alternatives on grounds that comparativists can accept, this paper supports further inquiry into the subject of incomparability.

I have benefited from presenting versions of this paper to the Huber Hurst Research Seminar, the Wharton Legal Studies Research Program, the Philamore Group, and the Center for Applied Philosophy and Public Ethics at the Australian National University. I thank participants at all these occasions. For their comments on these and other occasions, I am especially grateful to Bernard Gert, Rahul Kumar, Jeffrey Moriarty, Hans Oberdiek, Eric Orts, Ramona Paetzold, Joseph Raz, David Silver, Walter Sinnott-Armstrong, Alan Strudler, David Sussman, K.C. Tan, and Sara Toomey as well as Luc Bovens and two anonymous referees. For providing hospitable environments in which to write the paper, I thank the Social and Political Theory Program of the Research School of Social Sciences, Australian National University and the Department of Politics and International Relations, Oxford University. I also thank the Wharton Legal Studies Research Program for funding this research. All errors remain my own.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

Some choices appear to involve alternatives that are incomparable. Consider Joseph Raz's well-known example of someone facing a choice between two equally successful careers: one as a clarinetist and one as a lawyer. Neither career is clearly better than the other. It also seems mistaken to judge the careers to be equally good. If they were, the person choosing should not care which career she pursues, but this is the kind of choice about which she rightly should care a great deal (Raz 1986: 332).

According to *comparativism*, the apparent incomparability of alternatives poses a problem for the possibility of justified choice. Comparativism holds that comparative facts about alternatives determine what one rationally ought to choose and therefore requires the comparability of alternatives for justified choice (Chang 1998: 1576).[1] If the two careers are neither better nor worse than one another and they are not equally good, it would appear that a justified choice is precluded under comparativism. Ruth Chang, James Griffin, and Derek Parfit provide a solution to this problem. They argue that alternatives thought incomparable by one of the three standard comparative relations, "better than," "worse than," and "equally good," are comparable by some fourth relation, such as "roughly equal" or "on a par." Their line of response offers a way to reconcile comparativism with the possibility that there are alternatives between which none of the three standard comparative relations holds.[2]

The problem with this line of response is that it comes at what many comparativists have reason to regard as too high a cost. This cost is rejection of the *axiom of transitivity*. The axiom of transitivity holds that "for any three alternatives A, B, and C, if, all things considered, A is at least as good as B, and, all things considered, B is at least as good as C, then, all things considered, A is at least as good as C" (Temkin 2000: 266). The axiom is considered by many, including many comparativists, to be foundational to rationality.

In this paper, I argue that comparativists need not incur this cost. Starting with the distinction highlighted by Amartya Sen between *optimization* and *maximization*, I defend the possibility of justified choice between incomparable alternatives on grounds that comparativists can accept. Optimization requires the choice of an alternative that is at least as

[1] "Comparativism holds that it is the fact that x stands in such-and-such relation to y with respect to choice value V that determines which alternative one rationally ought to choose" (Chang 1998: 1576). The *choice value*, as defined by Chang, is the set of considerations that are relevant for the choice at hand (1998: 1575).

[2] For an account of "roughly equal" as a comparative relation, see Griffin (1986: 80–1, 96–8, 104), Griffin (1997: 38–9), Griffin (2000: 285–9), and Parfit (1984: 431). Parfit refers to the relation in terms of "rough comparability." Joseph Raz also argues that two items can be "roughly equal." Raz, however, uses the term to describe situations in which the choice between two incommensurable items bears little significance (1986: 330). For an account of "on a par" as a comparative relation, see Chang (1997) and Chang (2002b).

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

good as all alternatives and is consistent with comparativism. In contrast, maximization only requires the chosen alternative not to be worse than other alternatives (Sen 1997: 746; Sen 2000: 486). Because incomparable alternatives qualify as not worse than one another, maximization allows for justified choice between incomparable alternatives. As a result, comparativists such as Chang reject maximization as an account of justified choice (1998: 1584). I argue that they have no reason to do so. The most plausible account for comparativism, I argue, does not require the chosen alternative to be comparable to other alternatives, but only requires the chosen alternative not to be worse than other alternatives. In turn, proponents of comparativism need not invoke a fourth relation such as "roughly equal" or "on a par" for the possibility of justified choice.

The account that I advance builds on Sen's account in two ways.[3] First, Sen's account focuses on the requirement that an alternative not be worse than other alternatives for its choice to be justified. In this paper, I explore the possibility of additional conditions that must be met. Second, comparativists reject maximization as an account of justified choice and Sen's account does not consider the issues raised by comparativism. I proceed from what I take to be the most plausible argument for comparativism. In other words, not only do I defend the possibility of justified choice between incomparable alternatives, but I aim to do so on grounds that comparativists can accept.

In doing so, I offer the paper as a contribution to the debate about the challenge that incomparability is thought to pose for practical reason.[4] If incomparability is thought to pose a challenge for practical reason, it is for comparativists. If, however, it can be shown that incomparability does not preclude justified choice on grounds that comparativists can accept, then there is reason to reconsider the nature of the challenge that incomparability poses for practical reason.

The paper proceeds as follows. In Section 1, I examine the response put forward by Chang, Griffin, and Parfit to the possibility of incomparability and explain why this response requires rejection of the axiom of transitivity. In Section 2, I build upon Sen's distinction between optimization and maximization to defend the possibility of justified choice between incomparable alternatives on grounds that comparativists can accept. In Section 3, I address objections to the possibility of justified choice between incomparable alternatives. In addressing these objections, I advance a requirement for justified choice in addition to the requirement that the chosen alternative not be worse than other alternatives.

[3] I thank Luc Bovens for helping me to clarify the distinctiveness of this account.
[4] See, for example, the introduction and papers in Chang (1997).

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1.

I begin by outlining the central elements of comparativism as put forward by Chang (1997, 1998, 2002a, 2002b). According to comparativism, for the choice of an alternative to be justified, it must be at least as good as all alternatives with respect to the *choice value*, which is the set of respects relevant for the choice at hand (Chang 1998: 1575–6). For example, in the case of choosing between careers, the choice value may be no more than a list of relevant considerations such as remuneration, time for one's family, and job satisfaction.[5]

The judgment that an alternative is at least as good as another involves what Chang calls a *positive value relation*. A positive value relation describes the way in which two items are related in virtue of some set of respects. "Worse than," for example, is a positive value relation. In contrast, "not worse than" is not. Two alternatives are said to be *comparable* if and only if they are related by a positive value relation in virtue of the choice value and *incomparable* if for every positive value relation in virtue of the choice value, it is not true that a positive value relation holds between the two alternatives (Chang 2002b: 663). Because "at least as good as" involves a positive value relation, comparativism requires the comparability of alternatives.

Some alternatives, however, appear incomparable. One argument for the possibility of incomparability is what Chang calls the "Small-Improvement Argument" (Chang 1997: 23–6; Chang 2002b: 667–73; Raz 1986: 324–5). Recall the choice between a musical career and a legal career. The Small-Improvement Argument introduces a third alternative, which is an improved version of one of the initial alternatives – say, the legal career with an additional $1,000 in salary.[6] Because the improved version of the legal career is better than the initial legal career, if the initial legal career and musical career were equally good, the improved legal career should be

[5] Chang writes, "if, indeed, there is no further single consideration that combines those considerations, we can simply stipulate one, for example, 'goodness of career,' which is nothing more than a list of the various relevant considerations" (2002b: 667). To be clear, a choice value is not the same as a common measure, as I understand it. If two alternatives share a common measure, they can be ranked in terms of the comparative relations, "better than," "worse than," and "equally good." Simply as a list of relevant respects, a choice value may be indeterminate with regard to comparisons between alternatives in terms of the comparative relations, "better than," "worse than," and "equally good." In turn, the fact that we can always stipulate a choice value need not preclude the possibility of incommensurability, which is often defined as the lack of a common measure. For further discussion of this point, see Hsieh (2005: 199–203).

[6] In personal conversation, Joseph Raz has pointed out that the addition of $1,000 may not be an improvement with respect to goodness as a career, but rather an improvement with respect to another consideration, such as salary. For purposes of discussion, let us take the addition of $1,000 to be an improvement with respect to goodness as a career.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

judged better than the musical career. It seems incorrect, however, to judge the improved legal career to be better than the musical career. Hence, the initial legal career and the musical career are held to be incomparable.[7]

In response, some comparativists have argued it is mistaken to infer that two alternatives are incomparable even though they are not related by one of the three standard relations, "better than," "worse than," or "equally good." They argue there are positive value relations in addition to these three so that alternatives that appear incomparable are, in fact, comparable. Accounts for two additional positive value relations have been advanced.[8]

The first positive value relation is "roughly equal" as found in Griffin (1986: 80–1, 96–8, 104; 1997: 38–9; 2000: 285–9) and Parfit (1984: 431). Two items A and B are said to be roughly equal if neither is worse than the other and C's being better than B does not imply that C is better than A when the comparisons are all in virtue of the same set of respects. Consider Parfit's example of comparing two poets and a novelist for a literary prize. Neither the First Poet nor the Novelist is worse than the other and the Second Poet is slightly better than the First Poet. If the First Poet and the Novelist were equally good, it would follow that the Second Poet is better than the Novelist. This judgment, according to Parfit, need not follow. Instead, the First Poet and the Novelist may be roughly equal. The intuition is that even though three alternatives display the respects in virtue of which the comparisons are made, some comparisons are inherently rough so that even though two alternatives are not worse than one other, they are not equally good.

The second relation is "on a par," an account of which is found in Chang (1997, 2002b). Two items are said to be on a par if neither is better than the other and their differences preclude their being equally good, and yet they are comparable. Imagine comparing Mozart and Michelangelo in terms of creativity. According to Chang, neither Mozart nor Michelangelo is less creative than the other. Because the two artists display creativity in such different fields, however, it would be mistaken to judge them to be equally creative. Nevertheless, according to Chang, they are comparable.

[7] "Incomparable," as defined here, is not to be confused with another sense in which the term is sometimes used. Sometimes alternatives that are valuable in different ways are said to be "incomparable." For example, musical careers and legal careers might be thought incomparable in this second sense. As used in this paper, however, "incomparable" refers to alternatives that cannot be ranked by way of a comparative relation. Hence, alternatives that are valuable in different ways may nevertheless be comparable as defined in this paper. For example, a rewarding musical career might be judged a better alternative than a frustrating and unsuccessful legal career. I thank Alan Strudler for raising this point.

[8] The following summaries draw upon Hsieh (2005).

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Something can be said about their relative merits. According to Chang, they are on a par.[9]

Accounts for "roughly equal" and "on a par" appear to provide a solution to the problem that the Small-Improvement Argument poses for comparativism. In the example of career choice, the account for "rough equality" allows for the comparability of the initial legal career and the musical career without contradicting the judgment that the improved version of the legal career is not better than the musical career. The account for "on a par" allows for the comparability of the legal and musical careers while accommodating the judgment that they are not equally good. By allowing for comparability between alternatives not related by "better than," "worse than," or "equally good," accounts for "roughly equal" and "on a par" allow for the possibility of justified choice under comparativism.[10]

Such a response, however, comes at what many would regard to be too high a cost – namely, rejection of the axiom of transitivity. Under comparativism, for the choice of an alternative to be justified by way of "roughly equal" or "on a par," alternatives that are roughly equal or on a par must be at least as good as one another. In the case of career choice, for the initial legal career and the musical career to be comparable, they must be roughly equal or on a par, and also at least as good. Similarly, for the musical career and the improved legal career to be comparable, they must be roughly equal or on a par, and also at least as good. By the axiom of transitivity, the initial legal career must be at least as good as the improved legal career. This, however, contradicts the judgment that the improved legal career is better than the initial legal career. Hence,

[9] Chang argues for the comparability of Mozart and Michelangelo as follows. She asks us to imagine a sequence of sculptors who are successively worse than Michelangelo until we arrive at a sculptor who is clearly worse than Mozart in terms of creativity. Chang then brings to bear the intuition that "between two evaluatively very different items, a small unidimensional difference cannot trigger incomparability where before there was comparability" (2002b: 673). In the light of this intuition, because Mozart is comparable to this bad sculptor, Mozart is also comparable to each of the sculptors in the sequence, including Michelangelo.

[10] Although a full discussion of the difference between "roughly equal" and "on a par" is beyond the scope of this paper, one way to highlight the difference is in terms of the different situations in which they are invoked. "Roughly equal" is invoked to allow for comparability among alternatives that display the same respects (e.g., literary merit), but for which the evaluative judgments that obtain among them are not transitive. In contrast, "on a par" is invoked to allow for comparability between alternatives that are sufficiently different in the respects that they display (e.g., sculptors and composers) so that it appears mistaken to judge them as equally good. I thank the two anonymous referees for pressing me to clarify the difference between "roughly equal" and "on a par" and Rahul Kumar for help on this point. For further discussion of "roughly equal" and "on a par," see Hsieh (2005).

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

defending comparativism by way of "roughly equal" or "on a par" requires rejecting the axiom of transitivity.[11]

To be clear, comparativists need not incur the cost of rejecting the axiom of transitivity. The comparisons involved in cases such as the choice of careers are difficult to make. This leaves open the possibility that the Small-Improvement Argument relies on evaluative judgments that are mistaken. Accordingly, comparativists may simply respond that in cases of apparent incomparability it is the case that one of the careers is better than the other or that the two careers are equally good (Chang, 2002b: 668–9).[12]

Proponents of "roughly equal" and "on a par," however, appear to reject this line of response. This suggests the strong intuitive pull of the possibility raised by the Small-Improvement Argument that some alternatives are not comparable by one of three standard relations "better than," "worse than," and "equally good." Accordingly, if an account of justified choice were to accommodate the Small-Improvement Argument without requiring rejection of the axiom of transitivity, then this should count in its favor as an account of justified choice. In what follows, I argue that comparativists have available to them such an account.

2.

Sen emphasizes the possibility of justified choice between incomparable alternatives by contrasting optimization and maximization as descriptions of choice (1997: 746; 2000: 486). Optimization requires the choice of an alternative that is at least as good as other alternatives and rules out the possibility of justified choice between incomparable alternatives.[13] In contrast, maximization only requires the choice of an alternative that is not worse than other alternatives. Because incomparable alternatives qualify as not worse than one another, maximization allows for justified choice between them.

[11] For a formal treatment of the intransitivity of "on a par," see Qizilbash (2002). The question remains as to the relationship between an "all things considered" comparison and a comparison with respect to the choice value. For purposes of this discussion, I leave open this question and assume that if an alternative is at least as good as another with respect to the choice value, then it is also, all things considered, at least as good as another. I thank an anonymous referee for noting the possible distinction between these two bases for comparison.

[12] As an alternative, Gert (2004) has argued that "on a par," can be defined in terms of the three standard comparative relations.

[13] According to Chang, optimizing is the most familiar version of comparativism (1998: 1577). "Optimizing" is sometimes defined as requiring the choice of the best alternative. As long as "best" is not understood to mean "uniquely best," there is no distinction between these definitions.

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My aim in this section is to defend maximization as an account of justified choice and to do so on grounds that comparativists can accept. I take up this task because comparativists such as Chang reject maximization as an account of justified choice (1998: 1584) and Sen's account does not consider the issues raised by comparativism. In turn, I argue that comparativists need not invoke "roughly equal" or "on a par" to justify choice in cases such as the one involving careers, and thereby can avoid having to reject the axiom of transitivity.

To begin, there is good reason to accept maximization as a plausible account of justified choice. Maximization appears to accord with the justification of choice in cases such as the one between careers. Imagine giving advice to the person facing the choice between a successful legal career and a successful musical career. One natural form of advice to give her would be to point out that she cannot go wrong in choosing either career.[14] Both are good careers. This advice expresses the judgment that the choice of either alternative would be a justified choice. Notice, however, that it does so not by reference to the fact that each alternative is at least as good as the other. Instead the justification is that both choices are good careers and neither alternative is worse than the other. In addition, maximization captures what I take to be a key intuition motivating comparativism – namely, that the choice of a worse alternative is unjustified.

Nevertheless, proponents of comparativism reject maximization as an account of justified choice. Two versions of comparativism have been advanced: direct and indirect (Chang 1998). In what follows, I detail the objection against maximization raised by each version and argue that in each case, there is no reason to reject maximization as an account of justified choice.

According to "direct comparativism," justified choice requires the comparability of alternatives because a comparison of alternatives serves as the ground for choice. To motivate the appeal of direct comparativism, Chang asks us to consider choosing between candidate A and candidate B for a law teaching job. Suppose the choice value is academic creativity and we are justified in choosing candidate A. In competitive choices such as these according to Chang, the comparative fact that A is at least as good as B with respect to academic creativity is the ground that justifies choosing A (1998: 1577). Because maximization allows for justified choice between two alternatives even if no positive value relation holds between them, proponents of direct comparativism reject maximization as an account of justified choice.

In response, I question the view held by direct comparativists that a comparison of alternatives serves directly as the ground for choice.

[14] I thank David Sussman for emphasizing this point.

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Suppose there is only candidate A and choosing her is justified. If we understand the ground for choice as a comparison of alternatives, then the ground for choice is that choosing her is at least as good as not choosing her with regard to academic creativity. This, however, seems to be an odd way to characterize the ground for choice in this instance. The ground for choice is more plausibly that candidate A displays academic creativity. If the ground for choice is that candidate A displays academic creativity when she is the only candidate, it seems reasonable to hold that the display of academic creativity, rather than a comparison of alternatives, is also the ground for choice when there are two candidates. In other words, there is reason to hold that the ground for choice is an alternative's display of the choice value rather than the comparison of alternatives. Thus, direct comparativism does not appear to be a plausible version of comparativism.

Chang responds by arguing for "indirect comparativism" as the more plausible version of comparativism. According to indirect comparativism, the comparison of alternatives does not serve as the ground for choice. Instead, the comparison of alternatives is that in virtue of which the ground for choice has justificatory force. Chang asks us to imagine a situation in which she has promised to show her friend a good time. Having made such a promise, she is justified in going out to dinner over staying at home to grade papers. The ground for her choice is not the comparison between going out and staying at home. Instead, it is the promise to show her friend a good time. Nevertheless, according to Chang, the comparability of alternatives is required because the ground for choice – the promise – "can justify going out to dinner only if it is true that going out to dinner is at least as good with respect to fulfilling that promise as grading papers would be" (1998: 1589). To illustrate this point, Chang draws an analogy to a vase's shattering when hit by a ball. The ball causes the vase to shatter only in virtue of certain background conditions. These background conditions, according to Chang, are that in virtue of which the ball has causal force to shatter the vase. In an analogous manner, Chang regards the comparison of alternatives to be that in virtue of which the ground for choice has justifying force. Hence, according to indirect comparativism, justified choice still requires the comparability of alternatives (1997: 12; 2002a: 58–60).

For indirect comparativism, the objection to maximization as an account of justified choice is not that maximization permits choice absent a ground for choice. Maximization is consistent with indirect comparativism in locating the ground for choice in an alternative's display of the choice value. Instead, the objection to maximization is that absent a comparison of alternatives, the ground for choice lacks justificatory force.

In response, I argue that "not being worse than" can be that in virtue of which the ground for choice has justificatory force just as much as "being at least as good as." For this, it will help to return to the analogy with causation. On one explanation of the vase's breaking, the ball is the

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salient consideration or the "cause" of the vase's breaking. On another explanation, the ball is not salient. This explanation would not point to any single salient consideration, but rather to "a detailed set of antecedent conditions" that causally determine the vase's breaking. "There is no single salient consideration appealed to," Chang writes, "but only a detailed state of affairs, perhaps given at the atomic level" (2002a: 59). From the perspective of causation, I take it there is much to recommend the latter explanation in which the ball is no more part of the cause than the background conditions in determining the vase's shattering.[15]

Consistent with this view, Chang writes that under indirect comparativism, the comparison is no longer salient in justifying the choice. Instead, like the "detailed set of antecedent conditions" that causally determine the vase's breaking, the comparison represents a description of the set of affairs that explain the choice as justified. Once the comparison of alternatives is no longer salient, however, I see no reason that an alternative's not being worse than another cannot be that in virtue of which the ground for choice has justifying force. The absence of a positive value relation appears to provide no less of a complete description than does a positive value relation of the state of affairs that explain the choice as justified. As a result, once proponents of comparativism adopt indirect comparativism as the more plausible version, there appears to be no reason to require the comparability of alternatives for the ground of choice to have justifying force.

To summarize, in this section I have defended the possibility of justified choice between incomparable alternatives on grounds that comparativists can accept. Specifically, I have argued that maximization is a plausible account of justified choice and is one that the most plausible argument for comparativism gives us no reason to reject. If correct, proponents of comparativism need not invoke "roughly equal" or "on a par" to justify choice between alternatives for which none of the three standard comparative relations holds. Proponents of comparativism can avoid having to reject the axiom of transitivity.

[15] I thank an anonymous referee for emphasizing, in support of this argument, that in most cases the distinction between what is salient and what are the background conditions is not a fundamental distinction from the standpoint of causation. Elsewhere, Chang has referred to "indirect comparativism" as "unmediated comparativism" (2002a: 60). A "mediated" explanation of the vase's breaking is made with reference to a salient consideration, which is the "cause." "This explanation in terms of cause," she writes, "is mediated by certain background conditions that must obtain for the ball to causally determine the vase's shattering." In contrast, an "unmediated" explanation of the vase's breaking would not point to any single salient consideration – i.e., the cause – but rather to "a detailed set of antecedent conditions" that causally determine the vase's breaking "without appeal to any other conditions" (2002a: 59). I use the term "indirect comparativism" for simplicity.

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3.

In this section, I round out the account advanced in this paper by addressing two objections that might be raised against it. In addressing these objections, I put forward a requirement for justified choice in addition to the requirement that the chosen alternative not be worse than other alternatives. This requirement serves to distinguish further the account of justified choice in this paper from Sen's account of maximization as justified choice.

The first objection that might be raised against the possibility of justified choice between incomparable alternatives is as follows. In choosing between equally good alternatives, no further considerations favor choosing one alternative over the other. In such cases, flipping a coin is thought to be rationally permissible. In choosing between the musical career and the legal career, however, even though no further considerations favor choosing one alternative over the other, it seems problematic to flip a coin. This suggests that the justification of an alternative's choice requires more than its not being worse than another, but in the case of incomparable alternatives there are no such considerations.[16]

In response to this objection, I raise two points.[17] First, the resistance to flipping a coin may have little to do with the incomparability of alternatives and may instead reflect intuitions about the appropriate attitude to adopt toward certain choices. In some cases, I take it that flipping a coin suggests an attitude of irresponsibility. These cases are likely to include those that involve significant choices, such as the choice of career. Indeed, it may be that choices in which incomparability is most readily apparent are those in which flipping a coin is inappropriate. Furthermore, it may even be inappropriate to flip a coin between equally good alternatives. For example, even though candidate A and candidate B may be equally good for the law teaching job there is something remiss in flipping a coin to decide between them. Accordingly, there is reason to doubt that resistance to flipping a coin counts against the possibility of justified choice between incomparable alternatives.

The second point I raise is that there may be considerations unrelated to the choice value that nevertheless count in favor of choosing one alternative over the other. Furthering the cause of justice appears to be such a consideration. Although there is debate over what justice demands of us, many people think it implausible that furthering justice is relevant to every choice we make. However, if neither of two alternatives is worse than the other but one furthers the cause of justice, then it seems that justice counts in favor of choosing that alternative. To illustrate, some people

[16] I thank an anonymous referee for raising this point.

[17] I thank Joseph Raz for helpful discussion regarding these two points.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

argue that considerations of gender ought to enter as a "tiebreaker" in choosing between job candidates.[18] On this view, gender is not part of the choice value. That is, a candidate's gender is irrelevant with respect to the qualifications for the job and does not make a candidate better or worse. At the same time, if neither candidate is worse than the other, then considerations of gender justify choosing one candidate over the other.

Gender, in this instance, and justice, more generally, are examples of what might be called *secondary considerations*. A secondary consideration is not part of the choice value, but is an additional consideration to choose one alternative over another when neither is worse than the other with respect to the choice value. It might be objected that if the secondary consideration is relevant, then it is part of the choice value, thereby making one alternative better. In response, I note that on this interpretation of the choice value, the alternatives are no longer the candidates on their intrinsic merits, but rather something much more broad, such as outcomes or states of affairs. Furthermore, if two alternatives are incomparable when the choice value is restricted to their intrinsic merits, it seems odd that being better with respect to the secondary consideration should make one alternative better with respect to the choice value.

To be certain, more remains to be said about secondary considerations. The aim of this discussion is to suggest that the incomparability of alternatives need not preclude the possibility of adequate justification in choosing one alternative over another. As a related matter, this discussion suggests a further requirement for justified choice in addition to the requirement that the chosen alternative not be worse than the other alternatives.[19] This requirement is that if there is a secondary consideration, then the chosen alternative must not be worse than other alternatives with respect to the secondary consideration.

The second objection that might be raised is that justified choice between incomparable alternatives brings with it the possibility of intransitive choice. To return to the example of career choice, suppose the person chooses the musical career over the legal career. At a future point in time, the opportunity to pursue a legal career arises. This version of a legal career is slightly worse than the legal career that the person previously enjoyed as an alternative. If justified choice does not require the comparability of alternatives, she could be justified in choosing the slightly worse legal career. Through a series of such apparently justified choices, she would be left significantly worse off than she was in her starting position (Chang 1997: 11). In turn, it might be objected that preserving the axiom of transitivity at the level of comparisons counts little in favor of

[18] I owe this example to Joseph Raz.

[19] I thank Jeffrey Moriarty for helping to clarify this point.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

the account in this paper if the account permits intransitivity at the level of choice.[20]

The possibility of intransitive choice might cause us to reconsider the possibility of justified choice between incomparable alternatives. However, insofar as we feel the intuitive pull of the Small-Improvement Argument, a return to comparativism appears to fare no better. As discussed in Section 1, "roughly equal" and "on a par" are intransitive comparative relations.

Furthermore, I argue that we need not return to comparativism. There is reason to hold, I argue, that features of rationality preclude intransitive choice without requiring the comparability of alternatives. I begin by noting that it may not be at all irrational to choose the slightly worse legal career over the musical career. John Broome, for example, notes that after having chosen one kind of career, a person may change her mind and choose the kind of career she previously rejected. According to Broome, there would be a puzzle only if she did not repudiate her previous choice (2000: 34).

In the light of Broome's point, the objection raised in the above example is more plausibly posed with all three alternatives at once. Doing so would rule out the possibility of the person changing her mind. Once all three alternatives are available at the same time, however, the choice of the worse legal career is ruled out by the requirement that the chosen alternative be no worse than other alternatives. Accordingly, the account in this paper does not appear to sanction choices that are truly intransitive.[21]

In addition, the considerations that make some alternatives worthy of choice appear to count against the constant switching among alternatives envisioned by the second objection. First, at some point, constant switching among alternatives begins to look like the absence of choosing an alternative. If the alternatives are such that choosing either is better than choosing neither, then the considerations that make the alternatives worthy of choice count against constantly switching among them. Second, in the case of careers, to switch constantly appears to misunderstand what makes the alternatives worthy of choice. Specifically, a career is likely to be limited in its success unless a person stays with it. Not only is pursuing a career the kind of activity that depends upon continued engagement for its success, but it is also the kind of activity that is unlikely to be judged truly successful unless one demonstrates some commitment to it. Third, for a career to be considered successful, it may require the chooser to adopt a favorable attitude not just toward the career itself, but also toward the considerations that favor it over other careers. Suppose that aesthetic considerations count

[20] I thank an anonymous referee for raising this last point.

[21] In the rational choice literature, intransitivity is defined with reference to choices involving three feasible alternatives.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

in favor of the musical career and financial considerations in favor of the legal career. For the musical career to be judged truly successful, it may require the chooser to adopt a favorable attitude reflecting the importance of aesthetic considerations. In turn, when presented with the choice of a legal career, the financial considerations favoring it may no longer apply to her in the same way as they did before.

In summary, there is reason to hold that we need not return to comparativism in order to address the objections against the possibility of justified choice between incomparable alternatives. The discussion in this section also helps to distinguish further the account in this paper from Sen's account of maximization by way of an additional requirement for justified choice.[22] According to maximization, an alternative's not being worse with respect to the choice value is sufficient for its choice to be justified. Based upon the discussion in this section, the choice of an alternative may not be justified even though it is not worse than other alternatives. In particular, there may be secondary considerations that count against its choice.

4.

The possibility that alternatives are incomparable is thought to pose a problem for the possibility of justified choice. One proposed solution is that items thought incomparable by one of the three standard comparative relations, "better than," "worse than," and "equally good," are instead comparable by some fourth relation, such as "roughly equal" or "on a par." This solution, however, requires rejection of the axiom of transitivity, which is held by many, including many comparativists, to be foundational to rationality.

In this paper, I have advanced an account of justified choice that avoids having to reject the transitivity of comparative relations. I argue that contrary to what proponents of comparativism claim, the most plausible account for comparativism does not require the chosen alternative to be comparable to other alternatives, but requires the chosen alternative to be only no worse than other alternatives. Furthermore, I argue that practical reason has available to it the resources to avoid objections against the possibility of justified choice between incomparable alternatives. One of these resources is recognition of secondary considerations. In turn, the requirement that the chosen alternative not be worse than other alternatives with respect to secondary considerations serves to distinguish the account in this paper from Sen's account of maximization as an account of justified choice.

[22] If Sen's description of maximization is understood to require evaluation of alternatives at the broadest level rather than at the level of their intrinsic merits, then maximization may already take into account secondary considerations.

https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press

In advancing this argument I do not mean to deny the intuitive appeal of accounts that judge alternatives such as the musical career and legal career to be roughly equal or on a par.[23] There is something intuitively plausible about such accounts. In particular, I take accounts for "roughly equal" and "on a par" to capture the intuition that there are choices involving alternatives that are not equally good and yet the choice of either alternative is justified. For example, James Griffin has written that in the context of choice alternatives that are roughly equal can be treated as though they were equally good (1986: 96–8). By this, I do not understand him to mean that there is no difference between cases of equality and cases in which none of the three standard comparative relations holds. Otherwise, there is no distinction between equality and rough equality. Instead, I understand Griffin to mean that in the case of a choice between two alternatives for which none of the three standard comparative relations holds, choosing either alternative is justified.

The account in this paper allows us to accommodate this intuition without the difficulty encountered by comparativism of having to compromise the transitivity of comparative relations. The account allows us to do so by separating the justification of choice from the comparability of alternatives.[24] Although the worry may arise that allowing justified choice between incomparable alternatives sanctions intransitive choice, I have argued there are considerations that count against intransitive choice without requiring the comparability of alternatives.

More generally, the paper is offered as a contribution to debates about incomparability and practical reason. To begin, the argument narrows the scope of what qualifies as a complete account of justified choice. In addition, the argument supports further inquiry into the subject of incomparability. The possibility of incomparability has met with resistance, in part because of the intuitive appeal of comparativism. If, however, incomparability does not preclude justified choice on an account that comparativists can accept, then the possibility of incomparability need not be met with such resistance. In turn, this allows for a more active examination of the nature and possibility of incomparability.

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[23] I thank Rahul Kumar for pressing me on this point.

[24] I thank Walter Sinnott-Armstrong and an anonymous referee for emphasizing this point.

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https://doi.org/10.1017/S0266267107001228 Published online by Cambridge University Press