Two Dualisms of Practical Reason

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Consider the following principle:

> *Dualism*: in all circumstances in which an agent is morally required to ϕ, and prudentially required to not to ϕ, but to ψ, neither ϕ-ing, nor ψ-ing is practically irrational.

Dualism is one way to put the traditional *dualism of practical reason*, i.e., that practical reason can never declare that there is greater overall reason to conform to moral, or prudential, requirements in a case of conflict between our own self-interest and our obligations to others.[1]

In this paper, I distinguish two methods by which one might accept *Dualism*. First, I discuss a *substantive* dualism of practical reason. This version—which, incidentally, I argue is the best interpretation of Sidgwick's infamous dualism of practical reason—holds that *Dualism* is a substantive principle of practical rationality, i.e., that one is never practically irrational in conforming to either moral requirements or prudential requirements. Second, I discuss a *structural* dualism of practical reason, of the sort floated by David Copp.[2] A structural dualism holds that it is incoherent to suggest that one could be prudentially required to ϕ, morally required to ψ, and

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[1] A classic statement of a dualism of practical reason appears in Henry Sidgwick's *Methods of Ethics* (Indianapolis, IN: Hackett Publishing Company, 7th ed., 1981 [1907]). Of course, the precise content of Sidgwick's own dualism of practical reason is a matter of some substantial controversy. (See, for instance, David Brink, "Sidgwick's Dualism of Practical Reason" in *Australasian Journal of Philosophy* 66 (1988); Francesco Orsi, "The Dualism of Practical Reason: Some Interpretations and Responses" in *Etica & Politica* 2 (2008).) I assume, for my purposes here, that *Dualism* is a reasonable interpretation of Sidgwick, but not much will ride on this exegetical point.

[2] David Copp, "The Ring of Gyges: Overridingness and the Unity of Reason" in *Morality in a Natural World* (Cambridge: Cambridge University Press, 2007).

all-things-considered (or "rationally") required either to ϕ or to ψ. According to a structural dualism, the notion of an *all-things-considered* rational requirement, as distinct from individual prudential or moral requirements, is incoherent.

I argue, in this paper, that a substantive dualism of practical reason must fail. And though I will not argue that a structural dualism *should* be avoided, I argue that an account of the all-things-considered 'ought' can be coherently formulated, avoiding a structural dualism. Whether we should accept the normative apparatus that might allow us to reject a structural dualism, then, will crucially depend on the *first-order* plausibility of *Dualism* itself. If so, the fates of structural and substantive dualism are intimately connected. In the conclusion of this paper, I suggest that this result is a modest, if not decisive, defeat for those who would accept *Dualism*.

1. Dualism: A Primer

Before I discuss either version of *Dualism* in detail, some conceptual groundwork is required. To begin, notice that one's own self-interest will occasionally conflict with moral demands. An easy way to see this is to borrow an example from Singer. Suppose that I'm walking by a pond in which I see a child drowning. To save this child (which I can, as I've trained as a lifeguard), I would have to jump in without taking steps to preserve a number of things that are important to me: my new suit, my blue suede shoes, and the iPhone inconveniently buried in my back pocket—all of which contribute to my welfare. Imagine also that I don't have any real sense of guilt; I wouldn't feel pain as a result of this child's death, and wouldn't take much pleasure in the fact that I succeeded in saving the child if in fact I did. Many people would be tempted to say, in this case, that I am morally required to jump in and save the drowning child. But most people would also be tempted to say that doing so would involve a prudential loss for me: I would lose out on prudential goods that I would otherwise enjoy. But, in such cases, one might also ask: though morality requires me to save the child, and though prudence requires me not to save the child, what should I do *really*? What am I *all-things-considered* required to do? This sort of question presumes that there is some further 'ought', conceptually distinct (if not extensionally) from the requirements of morality and prudence, to which I really ought to conform in cases in which morality and prudence diverge. For the remainder, I will call this the *rational* 'ought'. Reasons that determine tis rational 'ought' will be called *practical* reasons.

Some more terminology is helpful here. If, in a particular set of circum-

stances C, there is a stronger practical reason to conform to, e.g., morality rather than prudence, say that morality is *decisive*, in this case, with respect to prudence. If morality is always decisive with respect to prudence, say that morality is rationally *authoritative* with respect to prudence. With this terminology in mind. Most people, in examining the case of the drowning child, will hold that though I am prudentially required not to save the child, I am rationally required to jump in. Morality is rationally authoritative with respect to prudence. *Dualism* denies this claim.

Dualism is not the only view that denies that morality is rationally authoritative. One might hold a view on which the demands of morality and prudence might be weighed against each other; sometimes morality is more important, other times prudence is more important. Or one could say that prudence is authoritative with respect to morality—in cases of conflict, one should behave prudentially rather than morally. *Dualism* not only denies the authority of morality, but denies that the demands of any system of norms are ever rationally required. According to David Copp: "neither morality nor self-interest overrides the other, that there simply are verdicts and reasons of these different kinds, and that there is never an overall verdict as to which action is required *simpliciter* in situations where moral reasons and reasons of self-interest conflict."[3]

There are two argumentative routes to *Dualism* I consider here. First, one can simply deny that there is any such thing as a rational 'ought'. If there is no 'ought' of practical reason, then there is no standpoint outside morality or prudence by which one might assess the authority of prudence versus morality. Hence in conforming to one's moral obligations, one is not behaving irrationally, just insofar as there is no sense to be made in claiming that one is violating some external, rational, "ought". Call this a "structural" dualism of practical reason.

There is, however, a second route. One can accept the existence of an the rational 'ought', and instead simply deny that one is ever rationally required to conform to a moral rather than a prudential obligation or vice versa. In this way, one could deny a structural dualism, but still adopt *Dualism* as a substantive principle of practical rationality. Call this a "substantive" dualism of practical reason.

One further point is worth mentioning here. That the thesis at issue is referred to as a "dualism" of practical reason reflects the belief of those who accept such a dualism that conformity to the demands of morality and

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[3]David Copp, "The Ring of Gyges: Overridingness and the Unity of Reason" in *Morality in a Natural World* (Cambridge: Cambridge University Press, 2007), 285.

the demands of prudence or self-interest are not irrational. However, the arguments on behalf of such a dualism (whether structural or substantive) will work equally well for a wider disunity of practical reason, i.e., that there are not simply demands of morality and prudence, but also etiquette, aesthetics, professional norms, legal norms, etc., conformity to which is also not practically irrational. I focus on a dualism here for ease of exposition, but the arguments I offer should apply, *mutatis mutandis*, to a wider *pluralism* of practical reason.

2. Substantive Dualism

The most straightforward method by which to accept *Dualism* is to simply adopt *Dualism* as a *principle* of practical reason: neither conformity to the requirements of prudence nor conformity to the requirements of morality is practically ruled out in the face of competition.

In this section, I argue that there are two important reasons to reject a substantive dualism of practical reason. First, we seem to maintain a range of considered judgments about the practical point of view that indicate that, in at least some cases, morality can rationally outweigh prudential demands. Second, I argue, even for those who deny the force of these considered judgments, *Dualism* cannot be plausibly *articulated* as a substantive principle of practical rationality.

2.1. A Substantive Dualism is Implausible

To show that a substantive dualism is implausible seems almost too easy. Consider, for instance, the following case:

> *Norm*: Norm loves the television program *Arrested Development*. Furthermore, Norm lacks any special interest in the poor, or the disadvantaged of the world. Imagine now that Norm has the opportunity to perform a relatively simple task (ϕ) that would save 100 disadvantaged people from death, but that the performance of this task would require Norm to miss an episode of *Arrested Development*, which would, for Norm, be an all-things-considered prudential burden.

In *Norm*, I took particular care to state the case such that it is relatively plausible to believe that missing an episode of *Arrested Development* to save 100 from death would be a prudential burden. We can easily imagine that Norm could watch the TV program without any substantial pangs of guilt or

conscience, insofar as he lacks any interest in the plight of the disadvantaged. If so, on reflection, the following propositions seem plausible when it comes to Norm's case:

1. Norm is morally required to ϕ.
2. Norm is prudentially required not to ϕ but to ψ.
3. ψ-ing rather than ϕ-ing would, for Norm, be all-things-considered unjustified.

If we accept these principles, *Dualism* fails. Norm is rationally required to conform to moral requirements in the face of a contrary prudential requirement. Acting prudentially, in Norm's case, is practically irrational, all-things-considered unjustified.

However, there is an important line of response to this sort of objection. The partisan of a substantive dualism of practical reason might reply that though we may feel that Norm is behaving wrongly, or unjustifiably, in ψ-ing rather than ϕ-ing, these judgments simply refer to the *immorality* of Norm's ψ-ing rather than ϕ-ing. Of course, every one agrees that Norm, in watching *Arrested Development* is behaving immorally. But this says nothing about the practical justification of watching *Arrested Development* rather than saving hundreds from death. In fact, when it comes to practical rationality, Norm is justified in either ψ-ing or ϕ-ing, though it may be immoral of him to ψ.[4]

However, this effort to reorient our considered judgments seems to me very difficult to motivate plausibly. To see this, consider the following. If we accept the possibility of an all-things-considered standpoint, distinct from morality and prudence, it would seem natural to declare that the question: "how should I live?" is answered by that which I am *rationally* required to do, that which practical reason requires. The supporter of a *substantive* (as opposed to a structural) dualism of practical reason must hold that the question of *how we should live* is *distinct* from the question of *what we are morally obligated to do.* In answering any question concerning how I should live, the structural dualism holds that there is no reason to prefer a life that conforms to prudential requirements rather than moral requirements and *vice versa.* But consider again Norm's case. Should we say that the question of how Norm should live is perfectly neutral between ϕ-ing rather than ψ-ing? I should think not. If so, Norm's case seems to me good reason to believe that a substantive dualism is too implausible to be believed.

Of course, some will disagree with my considered judgment here. Some might hold, with Philippa Foot, that irrationality is necessarily linked to

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[4]Phillippa Foot?

some form of inconsistency or "defeat of one's own purposes".[5] And if the answer to the question "how should I live?" is simply given by the suggestion that one ought to conform to one's own purposes, there is no irrationality to be found in Norm: there is no reason one might have to condemn Norm's failure to save hundreds of people for the sake of catching the latest antics of the Bluth family, just as there would be no irrationality to be found in a person who adopts a moral end or purpose in this case.[6] Though I disagree, I don't have any particular argument against such a view. I hereby record my considered judgments. But even if it is plausible to say that there is no irrationality to be found in Norm, trouble remains for a substantive dualism. To the second argument I now turn.

2.2. A Substantive Dualism Cannot be Plausibly Formulated

My next argument against a substantive dualism of practical reason is that it cannot be formulated in a plausible manner. I will not claim, and certainly do not believe, that it cannot be formulated in a *coherent* manner. But, as I shall argue, any method by which to accommodate *Dualism* as a general principle of practical reason commits us to implausible conclusions about the structure of practical reasoning. The problem runs like this. We know that the rational 'ought' is a product of practical reasons.[7] And we also know that there are practical reasons to conform to moral and prudential requirements. But the danger is this: if the rational 'ought' is a product of practical reasons and their strength, and there are practical reasons to conform to both moral and prudential requirements, how are we to guarantee that the reasons to conform, say, to moral requirements will not *ever* be significant enough to render prudential action rationally unjustified? But how are we to formulate the relationship between practical reasons, moral requirements, and prudential requirements such that it simply turns out that one is always practically justified in conforming to prudential or moral requirements?

Basically, I think there are three rough options. The first is to hold

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[5]Phlippa Foot, "Morality as a System of Hypothetical Imperatives" in *The Philosophical Review* 81 (1972), 310.

[6]Note that Foot's view is incompatible with a strict structural dualism, insofar as conforming to moral requirements is irrational if doing so frustrates one's own aims or ends; I leave aside this point for present purposes, however.

[7]I won't commit to any one particular way to understand *how* practical reasons give rise to the rational 'ought', i.e., whether the rational requirements are optimizing, satisficing, etc. The arguments in what follows don't turn on any one particular way to understand practical rationality.

that the practical reason to conform to a particular moral requirement ϕ is of equal weight to the practical reason to conform to a contrary prudential requirement ψ. The second is to hold that the practical reasons in favor of conforming to moral and prudential requirements are incommensurable. The third is to hold that practical reasons to conform to prudential and moral requirements possess only the power to justify particular actions, rather than to require them, from the rational point of view. No option succeeds.

Option One: Equal Weight

One way to put adopt *Dualism* would be to declare that the requirements of prudence and morality are of *equal* practical weight. But this possibility seems far-fetched. Take, for instance, the following case. Imagine that I have two choices: first, I could ϕ, which would be a prudential benefit to me; second, I could ψ, which is morally required, but is barely morally better than ϕ-ing. According to the hypothesis currently on the table, there would be equal practical reason to ϕ or ψ. Now imagine that it just so happens that I could π, which is of slightly greater moral significance than ψ-ing (in other words, say that where ψ-ing could have granted a meal to five hungry people, π-ing grants a meal to six people). So I am morally required to π rather than ψ. But if the reasons to conform to prudential requirements are equally practically significant to the practical reason to conform to moral requirements it must be that there is equally significant practical reason to ϕ and π. But this violates the transitivity of equality. If the significance of ϕ-ing and ψ-ing is equal, and the significance of ϕ-ing and π-ing is equal, it must be that the significance of ψ-ing and π-ing is equal. But it isn't. Hence, if we accept the claim that the normative significance of ϕ-ing is equal to the moral significance of ψ-ing, the normative significance of ϕ-ing is not equal to the moral significance of π-ing. Hence to state a substantive dualism, it would be implausible to rely on the claim that moral requirements and prudential requirements are of equal practical significance. It seems sensible to claim that some moral (prudential) requirements are of greater practical significance than other moral (prudential) requirements.

Option Two: Incommensurability

A better possibility is that the reasons in question are incommensurable. In other words, practical reasons to conform to moral requirements and practical reasons to conform to prudential requirements cannot be sensibly

compared when it comes to their overall practical import. If these reasons are incommensurable, the claim that there is stronger practical reason to conform to either a moral or prudential requirement is nonsensical: the practical reasons involved cannot be meaningfully compared on basis of strength, and hence one cannot be declared irrational when one chooses to conform to either moral or prudential requirements.

But this view also seems implausible. Take, for instance, the following case. You are a well-trained thief, and one leisurely day outside of bank, you happen to notice that you could perform one of the following three actions without being apprehended:

ϕ: Rob Peter, which will net $1000.
ψ: Rob Paul, which will net $1.
π: Rob no one, continue your leisurely day.

To fix ideas, let's assume that there is no greater *moral* reason to rob Paul than to rob Peter. Assume, for instance, that Peter and Paul are equally undeserving of being robbed, and assume that the loss of $1000 for Peter will reduce his overall utility by the same degree as a loss of $1 for Paul. (In other words, assume that Paul is much poorer than Peter.) Also assume that though $1 will make you better-off (it will allow you to purchase that second scoop of ice-cream from the vendor nearby), $1000 will increase your utility by a much greater degree. With these ideas fixed, it seems sensible to say that I am prudentially required to ϕ, morally required to π. According to a substantive dualism, the practical reasons in favor of ϕ-ing and π-ing are incommensurable.

Concentrate on the possibility of robbing Paul for a moment. If you decide to rob Paul, we would certainly say that you've acted irrationally. But would we say that you have acted in a way for which there is *no* practical reason to act? Surely not! After all, robbing Paul would allow you to purchase that ice cream scoop that you've had your eye on for quite a while. Of course, robbing Peter is prudentially optimific; one could buy that ice cream scoop and a whole lot more. But surely, though ψ-ing is practically irrational, it is not an action for which there is no practical reason whatsoever.

But now compare robbing Paul to robbing no one. We have already seen that ψ-ing is rationally unjustified, but π-ing is rationally justified. But if this is the case, it is difficult for me to see how the practical reasons in favor of ψ-ing and the practical reasons in favor of π-ing could be incommensurable. To say that ψ-ing is irrational, whereas π-ing is rationally justified just is to say that one *ought to π rather than ψ*. But for *Dualism* to be a successful

outcome of the incommensurability hypothesis, it must be that one can never be required to perform one action rather than another if the reasons in favor of each action are incommensurable. But you *are* required to π rather than to ψ, insofar as π-ing is rationally justified, ψ-ing rationally unjustified. Hence it must be the case that the practical reasons in favor of π-ing (i.e., that Peter and Paul are innocent, that refraining from π-ing would harm them, that π-ing is morally required, etc.) and the practical reasons in favor of ψ-ing (that ψ-ing would be a minor prudential benefit in the form of a delicious ice cream scoop) are commensurable rather than incommensurable.

One might deny that the reasons in favor of ψ-ing and the reasons in favor of π-ing are commensurable. Though one is practically unjustified in ψ-ing, and practically justified in π-ing, one is not required to π rather than to ψ. The fact that ψ-ing is rationally unjustified is not a product of the comparative strength of the reasons to π and to ψ, but rather of the comparative strength of the reasons to ψ and to ϕ. But this, it seems to me, is an incoherent proposal, especially if we reject a structural dualism of practical reason. In considering the relative merits of ϕ-ing, ψ-ing, and π-ing, we are not considering strictly their moral or prudential merits. Rather, we are evaluating their merits in terms of practical reasons, i.e., their *rational* merits. If this is correct, then any verdict concerning the rational status of an act must supervene on the practical reasons in favor of this act, and their relative strength. Hence to say that ψ-ing is not rationally justified, but that π-ing is rationally justified, one must say that the practical reasons in favor of ψ-ing are not of sufficient strength to justify ψ-ing, whereas the practical reasons in favor of π-ing are of sufficient strength to justify π-ing. And if we say this, it seems to me we must say that the reasons in favor of ψ-ing and π-ing can be compared in terms of their strength: the reasons in favor of π-ing are stronger, because they are sufficiently strong to rationally justify.

OK, fine. But this does not establish that the reason in favor of ϕ-ing and the reason in favor of ψ-ing are commensurable.[8] Fair enough. But if we are willing to say that reasons in favor of ψ-ing and π-ing are commensurable, this seems to me to destroy the suggestion that the practical reasons in favor of prudential requirements and moral requirements are at all times incommensurable. Imagine now that the choice scenario is slightly different.

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[8] In particular, note that commensurability is intransitive. Simply because π-ing is commensurable with respect to ψ-ing and ψ-ing is commensurable with respect to ϕ-ing does not entail that π-ing is commensurable with respect to ϕ-ing.

Rather than Peter and Paul emerging from the bank, only Paul emerges (everything else remains the same). If this is the case, it would seem that robbing Paul is prudentially required. But we have already seen that the reasons in favor of robbing Paul (i.e., that robbing Paul would result in a delicious ice cream scoop) and the reasons in favor of not robbing Paul (that Paul is innocent, that robbing him would be harmful, that not robbing him is morally required) are commensurable. This entails that, in at least some cases, the reasons in favor of a prudentially required action and a morally required action are commensurable.

One might respond to this argument by looking closer at the reasons involved. After all, *something* has changed in getting rid of the option to ϕ, viz., ψ-ing is now *prudentially required*, which itself seems to be a reason of practical importance in favor of any action that happens to be prudentially required. Call a reason in favor of an action "architectonic" if the reason is simply that this particular action is required from the point of view of a relevant system of norms, i.e., prudence of morality. An achitectonic reason might include, e.g., "that ϕ-ing is prudentially required". On the proposed view, though the "non-architectonic" reasons in favor of ψ-ing and π-ing are commensurable (i.e., that Paul is innocent, that robbing him will be harmful, that doing so will generate the pleasure of an ice cream scoop, etc.), the architectonic reasons (i.e., that ψ-ing is prudentially required, that π-ing is morally required), are not commensurable. And hence though the reasons in favor of ψ-ing are commensurable against the reasons in favor of π-ing in the first case, they are not in the second, insofar as a new, *incommensurable* reason tells in favor of π-ing.

However, this proposal seems to me not to successfully accommodate *Dualism*. After all, morally required and prudentially required actions have non-architectonic practical reasons as well as architectonic practical reasons in favor. But as we have already seen, non-architectonic reasons are commensurable, and hence will be stronger and weaker, and will in most cases tell in favor of one action rather than another. But then what does the addition of an architectonic reason add? If we assume that, but for the architectonic reason, π-ing is rationally required in comparison to ϕ-ing, would that change if we now assume that there are new, incommensurable reasons that tell in favor of *both* ϕ-ing and π-ing? Surely not! It is difficult to see how the addition of incommensurable reasons in favor of two actions could render it the case that one previously irrational action is now rationally justified. It would seem to me far more likely that the previously incommensurable reasons simply disappear from our rational deliberation. Take an intra-prudential example. Assume that one could either go to medical

school or law school. Imagine also that, "that going to medical school would make one a doctor" and "that going to law school would make one a lawyer" are reasons in favor of going to medical and law school, respectively. But assume these reasons are incommensurable.[9] But now imagine that one also enjoys competing in darts tournaments, and that medical school, but not law school, would allow you to participate in such tournaments. It seems to me that under such conditions, it would be prudentially irrational to go to law school: the commensurable reasons (i.e., darts tournaments versus no darts tournaments) are enough to tip the balance. The same, it seems to me, applies in the case of prudentially and morally required action. And hence, it seems to me, even if there are *some* incommensurable reasons in favor of prudentially required and morally required action, this is not enough to declare that, in all cases of conflict, moral *or* prudential behavior is rationally justified.

Option Three: Reasons of Justifying Strength

So if they aren't of equal weight, and they aren't incommensurable, is it possible to coherently state a substantive dualism? Coherent, yes. Plausible, no. Consider the distinction between reasons of *justifying* strength and reasons of *requiring* strength. A reason r for x to ϕ is of justifying strength if r counts in favor of x's justification (from whatever relevant domain) for x to ϕ. In other words, a reason of moral justifying strength to ϕ is the sort of thing, if strong enough, to render ϕ morally permissible, but not morally required. A reason r for x to ϕ is of requiring strength if r counts in favor of a requirement (from whatever relevant domain) for x to ϕ.[10] To coherently accept a substantive dualism, one might instead simply say that practical reasons to conform to moral requirements and practical reasons to conform to prudential requirements possess, simply, *rational justifying strength*—these reasons render actions only rationally permitted, not rationally required.

But I think this view cannot work successfully. For the sake of simplicity, I will assume that for the actions I will discuss in this section, morality is simply indifferent: assume that morality couldn't care less about which action I take. Now, under these assumptions, imagine that you have two possible actions: to ψ, which would leave you one dollar richer, or to π,

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[9]See, for instance, Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1987), 341-342.

[10]See Douglas Portmore, "Are Moral Reasons Morally Overriding" in *Ethical Theory and Moral Practice* ? (2008).

which would not increase your material circumstances at all. Assume that to ψ is prudentially required. Given that the first is prudentially required it must be rationally justified. However, imagine now that it just so happens one *also* has the opportunity to ϕ, which would end up increasing one's bank balance by \$1000, making it the case that to ϕ now prudentially required. Furthermore, it seems right to say, in this case, that ψ-ing is rationally unjustified; ϕ-ing rather than ψ-ing is rationally required. But there are only two ways that I can see to accommodate this verdict. First, and plausibly, the reason to ϕ has rational requiring strength. Of course, this would void the proposal on offer. However, one might say that the only act that has *sufficient* rational justifying strength is ϕ. This is a coherent possibility, to be sure. But why should we accept it? In the previous case, the reason in favor of ψ-ing for the gain of one dollar was of sufficient rational justifying strength. That reason still exists. It is hard to see how, in one case, to ψ is sufficiently rationally justified, but is no longer sufficiently rationally justified if one now has the option to ϕ, *too*. This seems like the wrong result.

Actually, I should restate that. It is hard to see how one could be sufficiently rationally justified in ψ-ing, and that the addition of a further option to ϕ renders ψ-ing rationally unjustified, *and* that the reason in favor of ϕ-ing possesses *no rational requiring strength*. As the proposal on the table stipulates, any reason in favor of ϕ-ing can only *justify*, it cannot *require* that one ϕ. But then it would appear that though there may be stronger practical reason in favor of ϕ-ing rather than ψ-ing, and hence that the addition of the option to ϕ rather than ψ changes the rational structure of the circumstance to some degree, it cannot be that this rational structure is changed to the extent that ψ is no longer rationally justified. All it can do is render ϕ-ing rationally justified, too. The normative force of the possibility that one might ϕ can only add to the additional actions one is justified in performing. But, again, this seems wrong. It seems right, rather, that one is rationally required to ϕ rather than to ψ.

Maybe you don't like the foregoing argument. After all, one could perhaps simply claim that the above result is not incoherent; the standard of "sufficient rational justification" changes with context, and thus one is sufficiently rationally justified in performing any given action ϕ if and only if ϕ-ing is either morally or rationally required. This view might yield the result that that one is rationally justified in conforming to prudential requirements, and is rationally justified in conforming to moral requirements, but is not rationally justified in behaving in a both morally and prudentially sub-optimal way. Furthermore, one is never required, practically speaking,

to conform to prudential or moral requirements. After all, the practical reason to conform to these requirements maintains only *justifying* strength.

But this possibility also fails. We often talk of requirements to perform some sub-optimal actions *in contrast* to other sub-optimal actions. Take an example. Imagine, for instance, that I could ψ, which would leave me one dollar richer. Imagine also that I could ϕ, leaving me \$1000 richer. But also imagine that I could simply cut my own legs off (π). In this case, on the proposal on offer, neither ψ-ing nor π-ing is rationally justified. That seems right. But now imagine that I have simply resolved not to ϕ—perhaps I'm under the mistaken belief that morality doesn't sanction ϕ-ing, and this means quite a bit to me. So I'm to decide between ψ-ing and π-ing. Under these circumstances, we would certainly say that one is rationally *required* to ψ *rather than* to π; if one is either going to ψ or π, one had better ψ. But it is difficult to see how we could say this if the reason in favor of ψ-ing possessed no rational requiring strength at all. If ψ possesses only justifying strength, it cannot be the case that there is requiring force behind ψ-ing, compared to any action at all. The better explanation, I think, of the commonsense judgments elicited in this section is simply that reason to conform to prudential considerations (whether architectonic reasons or non-architectonic reasons) *do* possess rational requiring strength; the stronger the prudential interest in a particular action, the stronger the reasons. But, of course, this is not compatible with the present proposal.

I hope to have shown the following. On straightforwardly plausible assumptions, the practical reason(s) to conform to prudential requirements and the practical reason(s) to conform to moral requirements are not of equal strength in all cases, they are not incommensurable, i.e., they can be compared in terms of strength, and they possess rational requiring as well as rational justifying strength. Put this together, and it is difficult to see how on any account of the nature of practical rationality (whether optimizing, satisficing, etc.) we can accept *Dualism* as a substantive principle of practical rationality. *Dualism* seems to require normative resources that give rise to very seriously counterintuitive consequences concerning the rational point of view. Thus, I think, we should reject a substantive dualism of practical reason.

3. Structural Dualism

One needn't embrace *Dualism* as a substantive principle of practical rationality to embrace *Dualism*. Rather, one might say that *Dualism* is a *product* of a certain sort of philosophical position, viz., that we cannot make

sense of the existence of a normative domain distinct from the moral or prudential domain. If it is the case that we cannot make sense of this normative domain, we then cannot make sense of the idea that we may be "all-things-considered" or "rationally" required to conform, say, to a moral or prudential demand. There is no such thing as an "all-things-considered" 'ought', and hence *Dualism* simply follows. Because there is no such thing as "practical irrationality" in the sense under consideration here, there is no way for, e.g., prudentially required action to be practically irrational.

A structural dualism has a number of advantages over its substantive cousin. First, and most obviously, it avoids the tricky problem of trying to formulate *Dualism* as a substantive principle in a satisfying way. But second, and perhaps more importantly, because a structural dualism denies that there is any more general domain of practical reasons, structural dualists are rightly unbothered by the overall implausibility of *Dualism*. That is, they are unbothered by the existence of intuitions like, for instance, that one is "overall" unjustified in conforming to one's prudential requirement to watch *Arrested Development* rather than in conforming to one's moral obligation to save hundreds of people from death by starvation. Though this may be an implausible verdict, a structural dualism simply sidesteps the issue: because there is no "overall" perspective, or no genuine perspective of practical rationality as opposed to the prudential or moral perspectives, whether or not *Dualism* is implausible as a principle of practical rationality is simply neither here nor there. There is no "practical rationality" for *Dualism* to be a substantive principle of, and hence no standpoint that could declare morally or prudentially required action rationally unjustified.

Of course, the key question becomes: why might we accept a structural dualism of practical reason? The most important argument in favor of a structural dualism is offered by David Copp. Copp's principal argument is against what he calls the "overridingness" thesis, i.e., that "morality is *normatively more important* than self-grounded reason."[11] According to Copp, to claim that morality is normatively more important than prudence there must be some normative standpoint that assesses the differential claims of morality and prudence (or other systems of norms), and assigns greater importance to morality. Copp writes:

> To make sense of such a claim, we must suppose that there is a

[11]Copp, 292. For Copp, "self-grounded reason" refers to reasons that are grounded in a persons interests or aims, that may or may not be self-interested. I will continue to refer to prudence rather than self-grounded reason; this won't make an difference to the argument at hand.

justified standard in terms of which to judge the relative norma-
tive significance of normative standpoints. This standard would
specify criteria bearing on the normative importance of morality
and self-grounded reason, or on the importance of their verdicts.
The fact that morality is normatively more important than self-
grounded reason, if it is a fact, would be the fact that morality
meets the criteria specified by the standard in question, or that
it meets the criteria more completely than does self-grounded
reason.[12]

Copp calls the required standard as "Reason-as-such". However, for Copp
it is not enough to simply say that there is such a standpoint of "Reason-as-
such" and that this standard grants normative authority to morality with
respect to prudence. Rather, this particular domain must have specific fea-
tures that would allow it to conclusively settle disputes among morality,
prudence, and potentially other systems of norms:

First, there are various special standpoints or standards for choice—
standpoints such as that of morality, self-interest, prudence, eit-
quette, law, or aesthetics. The standard of Reason[-as-such]
would take the verdicts given by all the special standpoints re-
garding any situation where an agent needs to choose; it would
evaluae these verdicts without any question-begging; and it would
produce an overall verdict as to what the agent is to do. As I will
say, it would be 'comprehensive'. Second, the standard of Reason
would be the normatively most important standard for assess-
ing such verdicts and the choice of how to act. Hence an agent
ought simpliciter to comply with its overall verdict. Reason-
as-such would not be merely another standpoint alongside the
special standpoints. As I will say, it would be 'supreme'.[13]

All this sounds about right. For practical reason to adequately dictate an-
swers to whether we are rationally justified in ϕ-ing rather than ψ-ing given
such a choice, it would have to be capable of settling all such disputes (or,
in cases in which the reasons are genuinely incommensurable, declare them
so). Hence it must be complete.

Furthermore, for practical reason to have the power to declare that there
is greater reason to conform to the requirements of morality than the re-
quirements of prudence, it had better not be the case that there is greater

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[12]Copp, 293.
[13]Copp, 294.

reason, say, to conform to the requirements of some other standpoint than the standpoint of practical reason. After all, if, say, morality were more important than practical reason, practical reason would offer no definitive verdict concerning whether one *really ought* to conform to the requirements of morality. Hence, for any set of norms over which practical reason has dominion, the standpoint of practical reason must be authoritative with respect to that set of norms.

But take now the domain of practical reasons. For the rational 'ought' to sensibly declare that morality is authoritative with respect to prudence, practical reason, or so it would seem, must itself be authoritative with respect to both morality and prudence. Otherwise whether it says that one ought to behave morally versus prudentially would seem to make little difference to whether one actually ought to (prudentially) ψ or (morally) ϕ. Hence it must, then, be the case that practical reason is normatively authoritative with respect to morality, prudence, etc. But now we must ask a further question: how do we establish that practical reason is normatively authoritative with respect to morality and prudence? Practical reason cannot declare *itself* to be authoritative with respect to the various special systems (just as morality cannot declare itself to be normatively authoritative with respect to prudence.) Hence there must be some *other* system of norms within which practical reason is judged to be normatively authoritative. But what system is this? Call this system *super reason*. Here super reason declares that practical reason is normatively authoritative with respect to other, special, systems of norms. But for super reason to successfully make this declaration, it must be the case that super reason—just like practical reason—maintains the dual values of supremacy and comprehensiveness.

You can see where this is going. Copp writes:

> [Super reason] must be normatively the most important standard. Otherwise its verdict would not settle definitively the relative normative status of [practical reason] and the special standpoints. Otherwise, there would be some standpoint superior to [super reason], and *its* assessment of the relative importance of [practical reason] and the special standpoints would be the definitive one. But then, if [super reason] is normatively more important than [practical reason], it follows that [practical reason] is not in fact the normatively most important standpoint. Moreover, although we ought *simpliciter* to do what [practical reason] prescribes, this is a judgment made from the standpoint of [super reason], not a judgment made from the standpoint of

[practical reason] itself... The incoherence can be displayed in two sentences: The claim that [practical reason] has the property of supremacy is the claim that it is normatively the most important standard as assessed in terms of some other standard, [super reason], which is the normatively most important standard. But only one standard could be normatively the most important.[14]

Copp treats this as a *reductio* of the existence of any standpoint of Reason-as-such; the suggestion that practical reason is most important is literally incoherent. Hence, because to posit the existence of Reason-as-such is to claim that Reason-as-such is the most important standard, one must be committed to some further standard that is also most important, and because two different standards cannot both be most important, the existence of Reason-as-such is defeated by *reductio*.

One brief quibble. Copp isn't quite right: there is no strict *reductio*; or, at least, there needn't be. We posited the existence of a standpoint of practical reason for the purposes of assessing the relative normative merits of prudence and morality. But to make the claim that the standpoint of practical reason can assess prudence and morality, we need only claim that this standpoint is normatively authoritative with respect to morality and prudence, not that it is normatively authoritative with respect to all other standpoints. Hence there is no strict *reductio* of the possibility of Reason-as-such. Super reason could be more important than practical reason, while super reason declares that practical reason retains sufficient normative authority to determine the relative normative authority of the special systems of morality and prudence. Super reason itself does not rank-order morality and prudence. Rather, super reason simply declares that practical reason rank-orders morality and prudence. Hence to say that super reason is authoritative with respect to practical reason does not threaten practical reason's ability to authoritatively determine the rational authority of special systems.[15]

However, this doesn't mean there's no problem here. It remains the case that to assess the relative normative merits of morality and prudence, practical reason must be declared normatively authoritative with respect to those special systems *in terms* of some other normative system (i.e., super reason). But then super reason must be authoritative with respect to prac-

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[14]Copp, 303.

[15]See, for instance, Owen McLeod, "Just Plain 'Ought'" in *Journal of Ethics* 5 (2001), 286.

tical reason (even if super reason does not explicitly rank-order morality and prudence), as assessed by some further system of norms (super super reason), which must be assessed as more important than super reason by some further system of norms... And you can see where *this* is going. Though we don't end up with a strict *reductio*, we do end up with an infinite regress of authoritative systems of norms. Insofar as this is a wildly unattractive picture of normative inquiry, we should reject the claim that a system of practical reason exists sufficient to comparatively assess the normative merits of prudence and morality.

Ergo, structural dualism: one is never rationally prohibited from conforming to either moral or prudential demands, because there exists no coherent standpoint from which we might assess the all-things-considered rational justification of so conforming. Whether morality overrides prudence, or *vice versa*, or whether morality is occasionally decisive with respect to prudence, etc., simply requires conceptual resources that we cannot accept.

4. The Legal Analogy

In response to Copp's structural dualism, I want to argue that much of the force of Copp's argument is a product of a particular vision of the relationship between normative systems. In particular, I think Copp's argument gains traction by implicitly treating normative inquiry as analogous to legal inquiry. To see this, consider the hallmarks of legal systems and legal inquiry within such a system.

According to H.L.A. Hart, a legal system is composed of a union of primary and secondary legal rules: primary rules that direct people to perform particular actions and grant particular legal powers, and secondary rules that determine whether rules have been violated, the circumstances under which rules might change, and recognize the general sources of valid law.[16] Importantly, secondary rules include the "rule of adjudication". This rule helps to determine authoritatively when a given primary rule has been violated, and settles disputes between individual, and possibly conflicting, primary legal rules.[17] Every rule, whether it is primary or secondary, has

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[16]H.L.A. Hart, *The Concept of Law* (Oxford: Oxford University Press, 2nd Ed., 1994).

[17]Hart never explicitly suggests that the rule of adjudication will settle questions of disagreement between distinct rules, such as state versus local, or state versus federal, etc. And, indeed, it could be that the power of the judiciary to settle such matters may fall within a general form of "judicial discretion"; conflict of law may seem to be a part of the "open texture" of law, and hence disputes between laws are settled by the "rule of recognition". (See, for instance, Hart, 101.) It just so happens that in this case, the rule

legal authority to the extent that this law is *valid*. On Hart's analysis, which seems to me the right one, any valid law, whether a primary or secondary law, is *declared* valid by a *further* rule: the rule of recognition. As Hart puts it, "To say that a rule is valid is to recognize it as passing all the tests provided by the rule of recognition and so as a rule of the system. We can indeed simply say that the statement that a particular rule is valid means that it satisfies all the criteria provided by the rule of recognition."[18] Hence the rule of recognition is the foundational rule of the system: the rule of recognition declares that a particular rule, whether this is a primary rule, or a secondary rule such as the rule of adjudication, is valid, and hence possesses intrinsic legal force.

I think Copp's analysis of normativity, and his understanding of the relationship between morality, prudence, and the purported "Reason-as-such", is strongly analogous to Hart's understanding of the relationship between primary rules and secondary rules in a legal system. Morality and prudence dictate to us that we should ϕ rather than ψ, etc. However, insofar as practical reason has the power to declare that one has greater reason to conform to the demands of morality than of prudence in cases of conflict, however, practical reason has power that is analogous to Hart's secondary rules, in this case the rule of adjudication. But, given that the rule of adjudication requires some further rule to assess its own validity, we look to the rule of recognition, just as we look to super reason to validate the normative authority of practical reason with respect to the various special systems.

5. McLeod on the Legal Analogy

Initially, one might think that if Copp's vision of the relationship between normative system is analogous to the relationship between primary and secondary legal rules, this vision backfires. After all, there is no structural dualism of *legal* rules. For instance, in a dispute between Federal and municipal law, it is not the case that one is perfectly legally justified in conforming to either the Federal or municipal verdict: Federal law takes priority to municipal law. This feature of the US legal system is established by the "rule of

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of recognition is exercised by the court's judicial discretion. However, this makes no real difference for my purposes. If the courts have a function within the rule of recognition, this is separate from a further function of the rule of recognition: the power to declare that judges maintain adequate discretion in such matters. Hence, for the sake of shorthand, I will continue to refer to the power of courts to settle disputes between law as part of the rule of adjudication.

[18]Hart, 103.

adjudication" operative in US law, i.e., the supremacy clause of Article VI of the US Constitution. And if we accept the legal analogy, why couldn't we say something similar? This sort of argument comes through in a recent discussion of Copp's view by Owen McLeod. McLeod, in rejecting Copp's structural dualism, argues forcefully that the legal analogy in fact vindicates the existence of the domain of practical reason or Reason-as-such. McLeod writes:[19]

> Consider, for example, the United States Supreme Court. It is supreme in that its verdicts are judicially the most important; it is the highest court, beyond which there is no further court of appeal. Now suppose that there is a standard—let it be the US Constitution—that assigns this supremacy to the Supreme Court. Now the Constitution is not itself the highest court of

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[19]It is worth noting that this is not the only argument McLeod offers against Copp's structural dualism. McLeod also writes:

> Why must it be the case that for *every* standard, *S*, that ranks on some scale, there exists another standard, *R* that assigns *S* to that rank? Could there not be standards that enjoy their rank without owing it to some other standard? If so, then the very idea of a normative standard that authoritatively ranks normative things, but has this authority or supremacy intrinsically, is not incoherent. (McLeod, 286.)

McLeod's claim here takes the form of a conditional. *If* it's the case that a practical system needn't look to a further practical system for vindication of the claim that it is normatively authoritative with some other normative system or set of systems, then there's no reason to believe that practical reason would need to look to super reason to vindicate its normative authority with respect to morality and prudence.

This conditional claim is surely correct. But to reject Copp's argument, it is not enough simply to embrace the conditional. One must argue for the antecedent. To this end, McLeod writes: "This is not a very big 'if,' once we recognize that the perspective of morality, for example, does not owe its ability to rank actions in terms of moral importance to some other, non-moral standard... It is unclear, then, why the perspective of Reason[-as-such] should owe its ability to rank actions in terms of just plain importance to some standard distinct from itself," (McLeod, 286). However, it seems to me that this argument fails. Of course, morality doesn't require vindication from any other system sufficient to rank-order actions according to their moral valence. But to rank-order actions for their moral valence, one needn't claim that morality itself is normatively authoritative with respect to any other system of norms. For instance, it is surely true that the system of *Satanic* norms establishes definitively whether actions are satanically required. But to grant authority to Satanic norms in establishing the extent to which actions are satanically required requires no *further* claim with regard to the relative normative authority of Satanic norms. But the relative authority of practical reason requires just this sort of claim, viz., that practical reason is normatively authoritative with respect to morality and prudence. And hence, it seems to me, this argument cannot affirm the antecedent in a way that would be required to avoid a structural dualism.

appeal in the land; it is not "supreme" in the same sense in which the Supreme Court is supreme...Now consider [practical reason]...If [practical reason] is supreme, then [practical reason] issues verdicts about what just plain ought to be done; there is no higher court of appeal.[20]

Here McLeod seems to explicitly suggest that the domain of super reason is analogous to Hart's rule of recognition. Recall that the rule of recognition, in a legal system, has the power not to declare that particular things are legally permitted or prohibited—this is the domain of the primary rules. But, like McLeod's vision of the Constitution, the rule of recognition has the power to declare when certain laws are valid, and has the power to declare what sorts of rules will settle conflicts between individual valid laws. And—here's the kicker—there is no sense to be made of a further legal rule that authorizes the rule of recognition and its authority. In the case of a legal system, if some particular rule r is the genuine rule of recognition, or is the rule that determines under what conditions laws are valid, it would make little sense to ask for a further justificatory rule (the "rule of rule of recognition recognition"). There just *is* r, and this rule settles things. There is no infinite regress: for the rule of recognition, says Hart, "there is no rule providing criteria for the assessment of its own legal validity."[21]

Hence if super reason is analogous to the rule of recognition, as Copp himself seems to suggest, there needn't be an infinite regress; there needn't be an additional rule that establishes the normative authority of super reason with respect to practical reason and any special normative systems. Insofar as the authority possessed by the rule of recognition (i.e., to determine what sorts of laws are valid and how disputes among them are to be adjudicated) seems to permit of no genuine question concerning *its* legal authority, it may seem that because the authority possessed by super reason is analogous, the authority of super reason needn't be vindicated by any further normative system: super reason just determines what systems are authoritative with regard to what other systems. The buck, as it were, stops here.

6. Why the Legal Analogy Guarantees a Structural Dualism

Despite appearances, however, I think Copp is on sound footing. Any view that accepts the legal analogy must accept a structural dualism. As an entrée, consider again the notion of a rule of recognition. Though there is

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[20]McLeod, 286-7.
[21]Hart, 107.

no further valid legal rule that declares the rule of recognition valid, this does not entail that the rule of recognition is somehow self-validating, or relies only on itself to render itself legally valid. Indeed, it makes sense to ask, of a particular rule of recognition r, why r, rather than some other rule s, determines how and under what circumstances laws are valid. In other words, we can perfectly sensibly ask why the US Constitution, rather than the Magna Carta, or the Ten Commandments, or any other legal system is the proper rule of recognition under US law. Hart's answer: the legal force of r comes from its being generally accepted *as* a rule of recognition.[22]

Hart puts this in a slightly different, but illuminating, way. Hart distinguishes between two different questions one might ask about the rule of recognition, *internal* questions, i.e., questions that are relevant to standard legal practice and are within a given legal system, and *external* questions, questions about a particular practice that do not take that practice as assumed. The validity of the rule of recognition—or why a particular rule of recognition has legal authority with respect to other legal rules—is not a question that can be asked from the internal perspective; it is not itself a *legal* question, *per se*. Rather it is an external question, in this case a sociological question: do the legal authorities in a given social context recognize this particular rule of recognition, or do they not?[23] If we admit that there is an *internal* question of the legal validity of the rule of recognition, we must admit the existence of a further legal rule that declares that the rule of recognition has the requisite legal authority, i.e., the rule of rule of recognition recognition. To continue to ask internal questions of the validity of additional rules yields an infinite regress. Hence we must simply reject the possibility that such internal questions can be asked about the rule of recognition itself: there is no internal question concerning the legal authority of the rule of recognition, only an external question.

But herein lies the problem. The question of whether and why a particular normative system has normative authority with respect to some other system is necessarily a question *internal* to, as it were, normativity itself, just as the question of whether Federal law supersedes municipal or state law is a question that is internal to the system of law itself. Though there may be a number of interesting external questions concerning, e.g., practical reason or super reason, or whatever system of norms or rules, to properly justify the normative authority of one particular system over another, we must be given some *internal* justification: we must be offered a *reason* to treat this

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[22]See, especially, Hart 94-5.

[23]Hart, 102-108.

system as normatively authoritative with respect to some other systems. By treating a request for a justification of the authority of one normative system over another as an external question, we are non-responsive to the question being asked. To answer a request for the normative authority of a particular system over another by saying, for instance, that people are just in the habit of conforming to this system is to refuse to offer the right sort of justification for its authority. It is perfectly acceptable to defend the rule of recognition by reference to sociological facts, i.e., that particular individuals are in the habit of accepting a particular rule as the rule of recognition; investigation of the source of valid law is at least in part a sociological enterprise, including the habits of obedience maintained by a given populace. But it is not acceptable to defend *super reason* by reference to sociological facts. Rather, super reason must be defended by *normative facts.* And hence any further response to a demand for the justification of super reason must make reference to a further authoritative normative system that has the capacity to identify super reason as the, as it were, normative rule of recognition (in other words, we *do* need a normative "rule of rule of recognition recognition"). And once we accept that such a demand is reasonable, the infinite regress arises again, no matter *what* verdicts super reason issues, and no matter *what* form of authority it maintains with respect to practical reason, morality, prudence, or any other system of norms.

Hence if we accept that morality and prudence are analogous to legal primary rules, and that practical reason and super reason are analogous to legal secondary rules, and we accept that normativity requires justification of any given rule from *within* the internal perspective, we are stuck in an infinite regress; there is no sense to be made of the claim that any particular normative perspective is authoritative with respect to any other. Hence, *Dualism.*

7. How to Avoid a Structural Dualism

Just as the legal analogy guarantees a structural dualism, however, we can avoid a structural dualism by rejecting key points of the legal analogy. Consider, for instance, why we require a system of secondary rules, and why these secondary rules must trump primary rules. The key, I think, is to be found by examining the structure not of the rule of recognition, but rather of the *primary* legal rules. The primary rules, recall, are legally binding in themselves; if a particular law declares that one ought to ϕ, this is *by itself* a legal reason to ϕ, regardless of any verdict of, say, the rule of adjudication or any secondary rules. But sometimes primary rules will conflict. Federal

law will command ϕ, state law will command $\neg\phi$ or (more commonly) Federal law will command $\neg\phi$ and state law will offer a legal method by which one might ϕ.[24] Because both Federal and state law are legally binding, it must be the case that there's a method of adjudication, and that this rule of adjudication is superior to the conflicting primary rules. Otherwise the rule of adjudication would offer no definitive verdict concerning whether one ought to conform to state or federal law. It would be just another rule that could conflict with other rules that are intrinsically binding.

The same is true of the normative domain. If we make the assumption that morality and prudence are themselves intrinsically normative, to be able to avoid a structural dualism, we must offer a domain of practical reason, and hold that practical reason is authoritative with respect to prudence and morality. Otherwise the introduction of the domain of practical reason would have no grounds to settle a dispute between prudence and morality; practical reason would just be another set of special norms that simply agrees with, but is not authoritative with respect to, morality. Rather, practical reason must be declared superior by some further system of norms, and the regress arises again.

To avoid the structural dualism, one must be able to say that practical reason has the power to declare that one is normatively unjustified in, e.g., acting prudentially in a conflict between morality and prudence *without* saying that practical reason (in any substantive way, at least) is normatively authoritative with respect to morality and prudence. And the only way to do this is to reject the claim that morality and prudence are *intrinsically normative*. Rather, one should hold that practical reason is, quite simply, *the only normative system*.[25] Rather than holding that though morality is normative and prudence is normative, practical reason is normatively more significant than either morality or practical reason, we should instead hold that normativity is a product of practical reason alone.

If we reject the claim that morality and prudence are intrinsically normative, we can declare that morality is normatively authoritative with respect to prudence in precisely the way that those who would reject a structural dualism insist: to say that morality is normatively authoritative with respect

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[24]Consider, for instance, the conflict between California state law and Federal law on the issue of medical marijuana.

[25]McLeod seems to hint at such a proposal. See McLeod, 274-5. However, his view is complicated by the fact that he also seems to accept the normative authority of *super reason* in the way I suggest in §3, which ultimately results in an infinite regress. Thus I'm not sure whether McLeod would agree that all normative questions are internal to the domain of practical reason.

to prudence just is to say that there is stronger practical reason to conform to the demands of morality than to conform to the demands of prudence. But if we reject the claim that morality and prudence (or any other special system of norms) is intrinsically normative, all questions concerning the normative authority of one system with respect to another are *internal* to the domain of practical reason. If this is right, if the claim that practical reason is normatively authoritative makes any sense at all, it fails to state any substantive principle of practical rationality. To say that practical reason is authoritative just *is* to say that there is greater practical reason to conform to the demands of practical reason.

To say this would be unsatisfying if the question of the normative authority of practical reason demanded a substantive answer, i.e., if morality and prudence were intrinsically normative. If there were independent normative force possessed by these special normative systems, we would want to be provided a *substantive* answer concerning why practical reason should have authority over these intrinsically normative systems. But if morality and prudence are not intrinsically normative, there is no need for this. There is nothing for it to be normatively authoritative with respect to; all questions of normative authority are internal to its domain.

One might respond that this proposal cannot make sense of a question we might sensibly ask: why obey the dictates of practical reason rather than some other system that purports to evaluate the demands of morality and prudence, say, "bizarro practical reason", which delivers the opposite verdicts of practical reason. And this is, at least in a sense, true. One cannot offer a normative justification of practical reason, insofar as all normative questions are internal to the domain of practical reason itself. But if we take this proposal seriously, we shouldn't find this result particularly odd. This question, in effect, is asking us why it is rational to be rational rather than irrational. There may be a number of important external questions that surround rationality: are most people rational? is it prudential for me to be rational? would doing so advance my happiness, or make me more likely to be attractive to the opposite sex? But we cannot make sense of a request to justify the rational importance of practical reason, insofar as the results of practical reason just are what we are rationally required to do. We can ask why we should conform to morality rather than prudence, or to prudence rather than Satanic norms, or to morality rather than the norms of capitalist consumer culture. But we cannot ask why we, rationally speaking, should conform to practical reason if the question we're asking seeks some independent rational justification of rational behavior.

8. Objection: But Aren't Morality and Prudence Intrinsically Normative?

To reject the intrinsic normativity of morality and prudence might seem like a radical maneuver by which to avoid a structural dualism. Consider Copp's claim that "intuitively, morality and self-interest are both sources of reasons... Given that Gyges actions were in his self-interest, it is intuitively plausible that there were self-interested *reasons* for him to act as he did. And given that Gyges's actions were morally wrong, it is intuitively plausible that there were moral *reasons* for him not to do what he did."[26] If this is correct, one might think that this simply settles the issue: morality is intrinsically normative because morality issues reasons (as does prudence, as does many other systems of norms). Indeed, one might think that the thing that distinguishes morality and prudence from, e.g., systems of feudal honor norms, or norms of behavior before the Supreme Soviet, is that though these systems of norms, if they are normative at all, are *extrinsically* normative. One should conform to feudal honor norms only if one *also* has moral or prudential reason to do so. Morality and prudence, on the other hand, are intrinsically normative. They do not require vindication by any separate system.

Of course, there is a grain of truth in the current objection. On the current proposal, if prudence requires me to ϕ, there is surely a prudential reason to ϕ; if morality requires me to ψ, there is surely a moral reason to ψ. But we must distinguish *non-normative* reasons from *normative* reasons. Reasons that are relevant from individual special domains, such as prudence, morality, etc., help to determine what actions are required, deemed permissible, or supported by each of these individual systems of norms. However, to say that there is, then, a "moral reason" not to ϕ given that morality commands one not to ϕ does not entail that there is a *normative* reason not to ϕ. There is a *normative* reason not to ϕ if and only if there is a *practical* reason not to ϕ.

But this proposal is not, I think, as radical as may first be believed. For instance, it seems plausible as a verdict of practical rationality that there is a very tight connection between what one has practical reason to do and the moral valence of one's actions. We may say, as a substantive matter of Reason-as-such, that one has practical reason to conform to the demands of morality, and this is true no matter who you are and what circumstances you find yourself in. In addition, we may say that there is no practical reason to conform to Soviet norms unless, e.g., there is moral reason to

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[26]Copp, 289.

do so, or prudential reason to do so, etc. In this way, Soviet norms are "extrinsically" normative. There is only a practical reason to conform to Soviet norms if there is also moral or prudential reason to do so. But none of this requires morality to be intrinsically normative, but instead permits the normativity of morality to be a result of an extrinsic system: the system of Reason-as-such, or practical reason.

One might put this point in a slightly different way. Notice that the normativity of feudal honor norms is *derivative*: it requires the agreement of some further system of norms. The normativity of morality, however, is non-derivative. We don't need any further system, such as prudence, to issue a reason to conform to moral norms, or to agree with moral norms, to declare that there is a practical reason to conform to moral norms. But the mere fact that morality is not derivative does not mean that its normativity is *intrinsic*. Rather, that its normativity is non-derivative is itself the product of an independent system: practical reason.

Three notes are worth mentioning before I conclude. First, the view that all normative questions are internal to the domain of practical reason needn't be committed to any first-order verdicts that are in any way distinct from the first-order commitments of a view that insists that morality and prudence are intrinsically normative. Any statement that one has reason to ϕ, or greater reason to ϕ that to ψ can be acceptably understood as a claim internal to the domain of practical reason. Thus to accept this proposal is not to accept any counterintuitive verdicts with respect to what we actually have reason to do. Second, this proposal is ecumenical with respect to substantive theories of practical reason. One needn't accept a subjectivist, objectivist, Kantian, Humean, or any other such view to be able to say that normative questions are internal to the domain of practical reason. Furthermore, the battle lines between, e.g., objectivism and subjectivism about practical rationality do not alter by suggesting that morality and prudence of themselves are not intrinsically normative. Hence whether we accept any particular substantive theory of practical rationality is neither here nor there. Insofar as such views are all theories of the domain of practical reason, they should be able to adequately accommodate the suggestion that normativity is intrinsic to that domain.

Finally, and perhaps most importantly, simply because it is possible to reject the legal analogy, and to accept the univocality of practical reason, does not mean that we must do so. I offer no reasons, here anyway, to prefer a theory that rejects the intrinsic normativity of special systems in favor of the univocality of practical reason. All I suggest is that this is one possible, coherent view, that can accommodate any considered judgment we possess

concerning the rational importance of morality, prudence, and the like.

9. Conclusion: A Modest Defeat

There are two routes to *Dualism*. One could deny that there is any sense to be made of a domain of practical reason independent of the individual domains of morality, prudence, or any other special domains. If this *structural* dualism succeeds, *Dualism* follows: it makes no sense to characterize either a prudential requirement ϕ or a moral requirement ψ as being practically irrational. Actions are irrational only if they are sub-optimal from the perspective of any individual normative domains. Alternatively, one could accept that an independent domain of practical reasons exists and instead accept *Dualism* simply as a general principle of practical reason.

A substantive dualism has two important problems. First, it is implausible. Sometimes we believe, as in Norm's case, that prudential action cannot be justified in the face of overwhelming moral requirements. Second, it cannot be plausibly *formulated*. To adequately defend the practical justification of moral and prudential obligations in all cases, one must offer substantively absurd verdicts concerning the relative rational structure of optimal versus sub-optimal acts, or among sub-optimal acts themselves.

However, a structural dualism of practical reason is far more promising route. Indeed, it has a positive rationale: if we conceive of an all-things-considered rational 'ought' as analogous to the rule of adjudication, i.e., as an independently normative system that weighs the competing depends of other independently normative systems, we are committed to accepting a structural dualism; an infinite regress of justificatory normative systems results. However, as I've noted here, the legal analogy can be sensibly rejected, in a way that is not revisionary with respect to our considered judgments about the normative importance of morality, prudence, or any other system of norms. But if this is the case, we still face a question: should we accept, or not, the legal analogy? Should we accept that morality and prudence are independently normative?

Though there may be many factors that influence whether to accept the legal analogy or to reject it, surely one such factor is whether we wish to be committed to *Dualism*: whether one believes that, as a general verdict of practical rationality, one is never behaving irrationally in behaving prudentially or in behaving morally. In other words, the success of a structural dualism will depend on whether *Dualism* is plausible as a *substantive* result concerning practical justification. However, though this claim may seem somewhat wishy-washy, it is revealing for the tenability of any du-

alism of practical reason. Anyone who would accept a structural dualism *cannot* avoid engaging in an important first-order dispute concerning the plausibility of *Dualism* as a general principle. I take this as a modest defeat for a structural dualism. Recall that an important motivation for a structural, as opposed to a substantive, dualism was the ability of a structural dualism to avoid dealing with important considered judgments that seem to tell against *Dualism*. It allowed the proponent of *Dualism* to sidestep the general considered judgment that, e.g., someone is rationally unjustified in watching *Arrested Development* rather than saving 100 people from death. But because we *can* sensibly reject the legal analogy, and *can* sensibly reject a structural dualism, whether we should do so must in part be determined by whether we find the resulting view attractive. I take this to be a modest methodological defeat for the dualism of practical reason. Though *Dualism* is still an open option, it seems implausible enough to warrant avoiding the intrinsic normativity of special normative systems.