

THE NON-IDENTITY OF INDISCERNIBLES
- and, apparently, the discernibility of identicals -
IN SOCIAL AND POLITICAL DISCOURSE
- or -
HOW TO BOIL FROG

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Abstract

Without in any wise restricting its egress from the water - and provided one increases the temperature slowly enough - a frog will boil to death. With respect to innumerable features in our social and political environment, so will humans. A case in point was the war on European Jewry from 1933 to 1945. It turns out, however, that these Sorites fallacies constitute just a subset of a larger set of errors in social and political reasoning, the common denominator being a failure to apply the principle of the identity of indiscernibles. That is, we see differences where there are none because we fail to see differences where there are. Cases in point include tax-adding/deducting versus tax-embedding. Are these true glitches in our rationality? If so, ought they always to be brought to our collective attention? Or are there conditions under which they're to be left *unrepaired*? In this paper I attempt to offer principled answers to these questions.

THE NON-IDENTITY OF INDISCERNIBLES IN SOCIAL AND POLITICAL DISCOURSE

- or -

HOW TO BOIL FROG

I'm told - perhaps apocryphally, but I'll assume not - that though frogs are equipped with a mechanism for detecting rapid *changes* in the temperature of their environment, they have none at all for detecting temperature itself. Presumably this is because dangers in their environment *associated* with temperature are almost invariably accompanied by rapid *changes* in temperature. So any mechanism for detecting temperature *simpliciter* would be a computational burden without compensatory payoff. But whatever the explanation, the result is this: Without in any wise restricting its egress from the water - and provided one modifies the temperature slowly enough - one can watch a frog freeze or boil to *death*!

And the relevance of this to social and political philosophy? Just that, with respect to innumerable features in our social and political environment, human beings are no different.

I. BASELINING

By which I don't mean that we're no more cognitively sophisticated than our amphibian cousins. Rather I mean that frogs, primitive though they may be, and humans, complex though we are, share a common algorithmic strategy called *baselining*. That is, both frogs and humans

- a) induce from their experiences that which they then take to be normal, and they then**
- b) alter their behaviour only in the face of a significant *immediate* variation from that norm.**

Or, more accurately in the case of humans, we're triggered to deliberate about whether, and if so how, to alter our behaviour, only by high *rate-of-change* changes in input.

And, of course, good that we do so, since otherwise we *too* would rapidly reach computational exhaustion.

But, as with the frog on slow simmer, sometimes these algorithms betray us. This is a commonplace observation now. But it was Descartes who first acknowledged that "the best system that could be devised for the preservation of the healthy man" might nonetheless produce errors which are, for all intents and purposes, incorrigible.¹ Phantom limb syndrome is but one

¹Note that suspending judgment is seldom an option. Notwithstanding that it conserves the most energy, *not* running from a tiger that seems to be chasing me - because, after all, I might only be dreaming - is probably *not* the best strategy for dealing with seeming-to-be-chased-by-a-tiger inputs.

example. Another is braking, though already stopped, when the car in the next lane creeps forward but its doing so is caught only in one's peripheral vision. Others include sticking rather than switching in the Monty Hall paradox.² Yet another - or so it might be argued - is affirming the consequent.³ Kahneman, Tversky, Ellsberg and Allais are just some of the people who've been researching these nigh-incorrigible glitches in our decision heuristics. Almost invariably, they report, the culprit is baselining.

As I say, human no less than frog algorithms sometimes betray us. And sometimes - as they did the Jews of Europe from 1933 to 1945 - with equally disastrous consequences! Slow simmer. Holocaust. Etymologically the two are not unrelated.⁴ But it would be a cheat to make my case with such a heavy-handed example. And not just because it's heavy-handed, but, or so it's been argued, because the Shoah⁵ was so unprecedented in its care and cunning⁶, and/or because it's in any event unduplicable.⁷ I'm unsure about the latter. But to be safe I'll confine myself to examples that are less dramatic and more mundane.

About thirty years ago I was a single parent living in income-indexed government housing. As was the woman in the qualitatively identical unit next to mine. She worked over forty hours a week, mostly nights, as a crisis intervention worker. She made \$3500 a month, took home \$2000, and paid \$575 rent. I worked two hours a day driving a school bus, I made and took home \$450, and paid \$75 rent. In fact, after identical essentials were disbursed - my child's day care was subsidized, hers wasn't - we each had discretionary incomes of \$375. She hated her job and never ceased to wish she had more time to spend with her child. Nevertheless - and notwithstanding that, when all was said and done, an hour of my labour earned me four times the disposable income hers did - it never ceased to console her that she *grossed* eight times what I did. And, after all, *she* had the 'dignity' of full-time professional employment!

How did my neighbour get boiled like this? Presumably in increments. Perhaps it started with graduated income tax, then subsidized rent, then day care, and then, *literally* before you know it ... Fair enough. But how - as we're about to see that they do - do people get boiled like this *systemically*? Especially when Hegel made the identical observation two hundred years ago. Doesn't the master-slave dialectic work itself out incrementally? Likewise cautioned Thoreau. While he angled and then strolled leisurely into town, his neighbour laboured long and hard for the fare to take the coach.

Thoreau's neighbour's myopia too must have developed incrementally. One starts by noting that for what one would save by driving rather than flying from New York to L.A., she'd lose twice that amount in lost wages. Likewise, albeit less so, New York/Chicago. So people end up flying New York/Boston, notwithstanding that driving would save them both money *and* time. In short, one need hardly be a Marxist to note that the institution of more portable means of exchange - in and of itself a *good* thing - has the autonomous effect of shrouding the relation

²See Robert Martin, *There Are Two Errors in the the Title of This Book*, Broadview Press, 1992, pp. 42-3.

³Most conditionals are also bi-conditionals. So when we affirm the consequent, more often than not the conclusion remains sound.

⁴A 'holocaust' is a *burnt* offering.

⁵Many post-1945 Jews prefer 'Shoah' to 'Holocaust' precisely because the latter has such theodically offensive connotations.

⁶Or at least this is often cited as the explanation for why many Jews didn't see what was coming.

⁷This is, of course, controversial, but the claim is that since the Shoah served *notice* that this kind of thing could happen, it no longer can.

between, in Aristotelian terms, efficient and final cause.⁸ As a result alterations in that relation can, and all too often do, go undetected.⁹ This is what happened to Hegel's master, to Thoreau's neighbour, to mine, to the Jews of Europe, and, *mutatis mutandis*, to the frog.

There can be little doubt that the Shoah *was* a conspiracy. But to be fair,

- 1) not all such 'boilings' are the product of mephistophilian conspiracies like the Wanasee Conference,
- 2) not all go undetected, and
- 3) not all that *are* detected are therefore any the more avoidable.

For example, said Butch Cassidy to the Sundance Kid, "If they'd pay me *half o'* what they're payin' those guys to stop me robbin' their banks, I'd stop robbin' 'em!" But as for

- 1) no one *conspires* to bilk the banks out of the money they spend on security. *Vis a vis*
- 2) banks aren't *unmindful* of the point at which security's costing them more than they're losing to thieves and robbers. And with respect to
- 3) sometimes 'the previous investment trap' is one out of which it's impossible to extricate oneself.

That is, it's one thing to say, "If I'd known what this was gonna cost me, I wouldn't have gone ahead with it." It's quite another to conclude that, "Therefore I ought not to press on."¹⁰

So far we've been looking at incremental changes to our circumstances each of which is too small to trigger our attention, but which nonetheless aggregate to changes we *would* have attended to but for this incrementality. Now let's look at the flip-side of this phenomenon, i.e. where circumstances which clearly *do* warrant different responses move in increments towards each other and so *cease* to warrant differential responses. To wit:

II. THE IDENTITY OF INDISCERNIBLES

In many of the things we do, how we got to where we are is irrelevant to what we should do next. Case in point - chess. By this I don't mean that what I should do next in a game of chess isn't informed by the myriad *mistakes* I've made in similar positions in previous games. Rather I mean that it's irrelevant to what I should do now how I got myself into this pickle in *this* game.¹¹ But there are other practices in which what should happen next *does* depend on how the current

⁸See my discussion of metonymy below.

⁹Isn't this all Marx *really* meant by the alienation of labour under capitalism?!

¹⁰In fact, much the same could be, and has been, said of the American involvement in Vietnam. That is, if at the *outset* the Americans had paid the Vietcong even a *tenth* of what it cost to fight them, the Vietcong would have given the Americans no reason to fight them. But then they'd have had to do likewise with every *other* third world insurgency. And that *would* have cost them more than the war in Vietnam. So the Americans adopted (what game theoreticians call) a *pre-commitment strategy*, knowing full well that it would probably fail to dissuade the Vietcong, but that it *would* dissuade other potential insurgents. But what and all this shows is that a frog locked in a test of *wills* with us might sometimes have to boil to death to make its point. But such are not the kind of cases we're considering here.

¹¹*Strictly* speaking, of course, this is a bad example, since, even if there's sufficient material on the board for mate, a game of chess is declared drawn if the same position arises three times or if no piece has been taken nor any pawn advanced in fifty moves.

state of affairs came about. Cases in point: sexual fidelity and resolution of property disputes.

Consider, then, the *five minute hypothesis* (FMH). That is, suppose that the world, with each and every one of its current properties - save, of course, for its temporal ones - came into being a mere five minutes ago. If the **FMH** is true, then I only *pseudo*-remember that that coffee cup is mine. Moreover, everyone else, including the person j'accuse of stealing it, pseudo-remembers the same thing. So should we come to believe that the **FMH** is true¹² - and there's certainly no non-question-begging way to prove it's *false!* - what should we do about my cup? And with the thief? My own intuitions tell me he should return the cup to me and we should tell him not to do it again.

“Return’? ‘Again’?” he might well ask.

“Well, all right, then. *Pseudo*-return it! And don't do it again-ish!”

Some people *think* that their intuitions tell them that if we came to believe that the **FMH** is true, the rich should lament and the poor rejoice.¹³ But that they're mistaken about this is made clear, I think, by noting that whatever grounds we might have had for embracing the **FMH** *now* could likewise ground our embracing it five minutes hence.¹⁴ So to suppose that the **FMH** would make a difference - *any* difference - is to suppose that not only would we cease funding museums, but neither would we any longer prosecute pedophiles.¹⁵ But surely this is absurd.¹⁶

There's method to this madness. For what I want to establish is that, whereas it could make no difference to us whether we remember that this cup is mine or only *pseudo*-remember that it is, it makes all the difference in the world whether *what* we remember or pseudo-remember - we care not which - is that this cup is or isn't mine. So now let's see if we can generalize on this distinction between relevant and irrelevant distinctions to evaluate some of the distinctions we make between one *political* arrangement and another.

Some penal reformers claim that we should put people in jail *as* punishment, not *for* it. That is, the punishment just *is* the confinement. And so any further incommensurability we impose on prisoners is gratuitous and morally unconscionable. Suppose they're right. Then if, over time and in increments, all but a few of us were sent to jail, those of us remaining would be at liberty *notwithstanding* that our lives would now be extensionally equivalent to those we'd erstwhile described as being in jail. How stupid would we have to be to console ourselves by this?!

¹²Note that since I'm only talking about our coming to *believe* the hypothesis is true, I needn't give an account of how we could *know* it to be so. Still, it might be queried, how could we even come to *believe* it? Well, I suppose, we might believe it if we heard a booming voice descending from the heavens telling us that He - i.e. the one with the voice - had just created us five minutes ago. Some people might persist in their skepticism. But if so their skepticism is no more warranted than our skepticism about the hypothesis that the world did *not* come into being five minutes ago.

¹³As per my point about property above.

¹⁴E.g. the 'voice' noted in note # 12 above. Note too that what the voice tells us five minutes hence is in no wise falsified, or even rendered less credible, by what it said five minutes ago, since if what it tells us five minutes hence is true, then we only *pseudo*-remember it having already lied to us, i.e. *ten* minutes ago.

¹⁵Because, of course, ex hypothesi we're *all* the same age.

¹⁶The counter-suggestion is that if we came to believe the **FMH** is true, we'd at *least* have to redefine paedophilia in terms of those we *pseudo*-remember being under the age of twelve. But given the volume of redrafting involved, I think it far more likely that we'd pass a single Act declaring the ex hypothesi acknowledged truth of the **FMH** globally irrelevant, in much the way we do away with an hour in the spring and manufacture it again in the fall. Likewise if I became convinced that I'd been transported during the night to Twin-Earth, I'd continue to sleep with my twin-wife, and I would *not* judge myself an unfaithful husband in doing so!

It might take us a while to notice that we'd just been conned/boiled. And we might wonder at what *point* we'd decide that being free was getting too akin to being in jail. But if we didn't catch on until we found ourselves in solitary confinement, it would be too late to commit a crime so as to join those outside, since there'd be no one left to arrest us and let us out¹⁷. So, in short, it must be *false* that we should put people in jail as punishment rather than for it.¹⁸

What can we conclude from this? That being in jail and being free is one of those distinctions, akin to the **FMH** and its negation, in which the difference, if difference there be, can be in name only. And that differences in name only do *not* inform what we should do next. For whether we're free or in jail, what we should do next is try to get from this side of the wall over to the other. People who *stay* where they are because, "Well, dammit, at least I'm free!" are idiots - are they not?!

Here's an equally self-evident example. Canadians are feeling quite pleased with their government of late because it's recently announced a surplus of \$9 billion dollars. Not only that, but it anticipates a cumulative surplus of \$95 billion over the next five years! But what exactly is a surplus? It can't just be money the government has yet to decide how to disburse, since the moment it decides that there'd no longer be a surplus *to* disburse. Worse yet, the government could just hold off deciding about how to disburse *another* \$9 billion and it would have magically produced a surplus of \$18 billion. But if it doesn't mean unbudgeted resources, what *could* it mean?!¹⁹

And, finally, here's a less self-evident example. Under economic system X, John Doe drives his Mercedes into the parking space closest to the door. The plate on the wall reads, "John Doe, Director". He enters his office and coordinates the ingress of raw materials, the labour required to turn these materials into something else, and then the egress of these materials out the other end of the factory. The government then pays him a tax-free \$100,000 a year, which is what it judges it wise to pay him in order to keep him doing what he's doing with the skill and care with which it wants him to do it. Under system Y, by contrast, he drives the identical Mercedes into the identical parking space and performs the identical services. The difference between what it costs for the raw materials and labour and what's received for the finished product is called profit. *And that profit is his*. The government then taxes him all but \$100,000 of this, which is what it judges it wise to let him keep in order to keep him doing what he's doing with the skill and care with which it wants him to do it. But, of course, X and Y are not the same systems because under system Y the plate on the wall reads, "John Doe, *Proprietor*".

Put another way, is there, *could* there be, a capitalist regime - or at least one that could survive longer than a week - that had constitutional constraints on the power of the government to tax and thereby manipulate production and consumption? Is there/could there be a socialist regime that could survive longer than a week that had constitutional constraints on the power of the government to manipulate production and consumption through the differential offering of incentives? So what, other than their names, could possibly distinguish the two systems?!²⁰

¹⁷Should I have said 'in'?

¹⁸Which is *not* to say, as would so-called 'law and order' advocates, that we should be getting tougher on criminals. My point is a *logical* one, not a political one. I myself share none of the sentiments of the so-called law-and-order lobby.

¹⁹Suppose, for example, that it purports to mean the amount by which the national debt *could* be reduced were it applied to that end. But this won't work either. For once again, one *could* cut social spending by another \$9 billion, declare a surplus of \$18 billion, and then spend half on social programs.

²⁰Certainly not their histories, since in that case a capitalist regime could never become socialist nor a

III. THE NON-IDENTITY OF INDISCERNIBLES

That over the breakfast table, in the lunchroom, in after-hours bars and coffee-houses, countless hours are spent debating whether we put people in jail *as* punishment or *for* it, how to spend the federal surplus, or the relative merits of capitalism versus socialism, is, at worst, quaint. But people actually come to *blows* over such matters. We've actually fought *wars* over whether to institute the one or the other.²¹

Or have we? Are people who go to war over what to *call* their economic system really as stupid as those political economists whose undergraduate education failed to include the principle of the identity of indiscernibles?

In some cases, yes. That is, we *do* kill each other over symbols. But it may be too quick to judge our doing so as stupid. After all, ours *is* a symbolic world. And not just contingently but essentially. For example:

Suppose a Christian were to allow, as most do, that what's theologically essential about the Crucifixion isn't the *age* at which Jesus went to Calvary but that it was on the Cross that the incarnate Son of God offered Himself up as a sacrifice by which to reconcile humanity to the Father. Then it should in no wise be offensive to hang a cross with a plaster *baby* nailed to it at the front of the church. But, needless to say, nothing could be *more* offensive! Why? Because symbols don't just denote. As importantly, if not more so, they *connote*. It's a symbol's *intensionality* which routes it to *certain* other elements in our web rather than others. Perhaps Christians think of an infant as having insufficient non-fungibility for its sacrifice to have the requisite momentousness. Or perhaps they're unable to render the image of infant torture compatible with that of a loving God.²² But either way, *mutatis mutandis*, perhaps what my neighbour had invested in her *gross* salary wasn't its relation to discretionary income but rather some *symbol* of her social value. Perhaps what it means to be free has less to do with material and social resources than with not being a criminal. Perhaps what it means to be the owner of an enterprise rather than its manager is parasitic on the less ambiguous meaning of being the owner of one's own thoughts.

Such symbolic utilities are to be neither dismissed nor disparaged. My point, however, is that symbolic utilities are nonetheless utilities, and utilities - if there's to be a science of political economy at all - must be rendered commensurable. Otherwise, when material and/or liberal dividends conflict with symbolic ones - which, *ex hypothesi*, they do in each of the examples cited above - resolution of the conflict would require appeal to some *third* standard. But no such third standard can be conceived.

That said, however, more often than not people who let a war *of* words escalate to a war *over* them really *are* stupid. And, more often than not, that stupidity redounds, via collateral damage, to *our* peril. So it's the task of the philosopher to protect these people, and the rest of us,

socialist regime capitalist. Also note that, once again, my point is logical, not political. I carry no torch for so-called laissez-faire capitalism.

²¹I'm not unmindful that there's a certain oddity in what I'm arguing here. Capitalism and socialism are - to use Robert Martin's phrase (*op. cit.* p. 1) - differences that make no difference. So people who fight wars over them are idiots. But those who've fought wars over whether the Holy Spirit proceedeth from the Father alone or from the Father *and the Son*, a.k.a. the *filioque*, need not be. Presumably this is because ontological priority *can*, at least arguably, make a difference.

²²I offer these as mere speculations.

from the consequences of their own stupidity.

More dramatic cases in point are the grist of political satire, like Swift's Big-Enders and Little-Enders. So, in keeping with my earlier promise, I shall confine myself to more mundane cases, one being the practice of tax adding/deducting rather than embedding.

How came we to tax in the first place is irrelevant. To suppose otherwise is to commit the genetic fallacy. How we came to tax *add*/deduct rather than embed may be relevant, but only insofar as it helps us track the *symbolic* exigencies of adding/deducting rather than embedding. For example, income taxes were introduced in many North American jurisdictions during the First World War as a temporary measure to support the war effort. Few of us nowadays are naive enough to think that any new tax is temporary. But, it might be argued, it might still be important to know how *much* of what we earn or spend is going to support this purpose or that.

But that can't be the justification for adding/deducting rather than embedding. In Great Britain, though the VAT (Value Added Tax) is embedded, every British consumer who *cares* to know knows that it's currently 17%. Are there many who care to know? No. For in Great Britain, no less than in North America, there are innumerable taxes at innumerably different rates embedded at innumerable junctures *prior* to the 17% VAT. All of these applications and rates are matters of public record. So there's nothing special about the VAT. So neither can there be any symbolic utility to adding rather than embedding the VAT to compensate for the considerable computational disutility of adding it. Accordingly the British have opted to embed it. Why, then, have North Americans not opted to do likewise? Because we are, well, stupid!

IV. THE ROLE OF SYMBOLIC UPTAKE

The case of tax embedding rather than adding/deducting may be mundane, but it's by no means trivial. I'm not privy to the requisite numbers, but my suspicion is that the computational savings would run into the billions. And many *times* those billion were we to do likewise with income tax.²³

In the case of the latter, however, symbolic utility *is* involved. As I noted earlier, many people, indeed most people, still take gross income as a measure of social worth. So to suggest, as I've done, that my neighbour was being boiled by her fixation with gross income is to beg the question against this claim of symbolic utility. So let's take a closer look at this utility and how it actually works.

I've already granted that symbolic utilities, for human beings at least, are no less real than sex, food, and shelter. They are, nonetheless, utilities, and as such must be rendered commensurable with other more tangible utilities if they're to be accommodated within a theory of rational social and political choice. The received view is that this can be done via the notion of preferences. And though that view has problems, it is, I submit, near-enough-good-enough for

²³As phenotype is to genotype, and as text is to 'view codes' on a word processor, so is an income tax form to a set of embedded conditionals. Given these conditionals and a net figure, one can always work back to the gross. No information is lost. So if, for whatever reason, my neighbour wanted to know our respective grosses, she could easily determine them. Though for what purpose I can't imagine. That is, why's the gross figure any more reliable an indicator of social worth than the net one?! The counter-argument is that the answer lies in the conditionals. You and I might have the same take-home, but that's because, say, I have a child and you don't. So though our *social* worths might be identical, our value to our employer is not. But this supposes that the distinction between social worth and worth-to-a-part can survive the collapse of the distinction between capitalism and socialism. Which, given what I've noted above, it can't.

our current purposes. To wit:

To say that my neighbour was *not* being boiled by her fixation on gross income is to say that, given a choice between

- a) the status quo and
- b) forfeiture of gross income as a measure of social worth, but, say, an extra \$25 a month disposable income,

she'd nonetheless opt for **(a)**. Is this plausible? Of course it is. But would she as plausibly opt for **(a)** over

- c) forfeiture of gross income as a measure of social worth but an extra \$1000 a month in disposable income?

I suspect not. Would she opt for **(a)** over

- d) forfeiture of gross income as a measure of social worth but an extra six hours a day with her child?

A fortiori not. So though gross income has a symbolic utility, that symbolic utility is measurably limited.

Fair enough. But now let's see why she had in *fact* opted for **(a)** over **(d)**. If asked, her answer, no doubt, would have been that **(d)** had never been offered to her. That is, she knew that she could have an extra six hours a day with her child without forfeiting a penny in disposable income. After all, she had me as an example. But, she'd (effectively) been told, only at the cost of being regarded - as she no doubt regarded me - as a social parasite. Could she have opted - as, apparently, I had - to simply refuse to buy into that judgment? Probably not. Not unlike the frog, who lacked the perceptual apparatus, she, *mutatis mutandis*, lacked the *conceptual* wherewithal to see that she could have simply withheld this (what's effectively) 'sanction of the victim'.²⁴ That is, she failed to see that participation in any symbol-practice requires uptake, and that that uptake is in large measure optional.²⁵

Post-modernist feminists - and other 'subversives' - have long since come to understand the role of uptake when it comes to the false consciousness complicitous in the victimizations the de-constructions of which characterize their particular political agendas. But, j'accuse, they've been slow to extend this 'hermeneutics of suspicion' beyond these partisan particularities.²⁶

V. THE PERILS OF METONYMY

I'll have more to say momentarily about the politics of collapsing distinctions. But first it's important to acknowledge that not all boilings are as politically suspect as the confusion between

²⁴For all her political partisanship and philosophical naivete, it was nonetheless Ayn Rand who introduced this phrase (and notion) into popular consciousness.

²⁵I don't mean to suggest my neighbour was stupid; rather and only that she was a victim of an ideology she'd have been well-advised, if she could, to re-examine.

²⁶I'm indebted for the phrase to Elisabeth Schussler Fiorenza via Grace Jantzen. See *Becoming Divine*, Indiana U.P. Bloomington and Indianapolis, 1999

gross and net income. Not all cases of false consciousness are designed to manipulate. Or even if manipulative, not all are as mephistophilian as the Wanasee conspiracy, or even as in-the-interest-of-the-oppressor as patriarchy. Many of the mistakes we make are just that. Mistakes. Mistakes that redound to *no* one's advantage.

A case in point, I submit, is our fixation with unemployment. What's worrisome about being unemployed is not that one has nothing to do. Were that the case retirement would be more a punishment than a reward.²⁷ Nor is it lowered productivity. Were that the case no one would tolerate, let alone insist on, featherbedding. Unemployment is worrisome because an absence of *income* is worrisome. But if that's the case, why not pay people to stay home rather than featherbed them?! Wouldn't that be pareto-superior?²⁸ And isn't pareto-superiority a knock-down argument for the pareto-superior solution?!

The standard argument for featherbedding is that paying people to stay home is *not* pareto-superior because each of us would prefer to be among those laid off. So either we featherbed or else we reward the working worker or - what amounts to the same thing - penalize the idle one. Sometimes we do the one, sometime the other. But just as paying off the Vietcong would have only *seemingly* been pareto-superior to fighting them²⁹, 'equal pay for not even showing up' is likewise only *seemingly* pareto-superior to featherbedding.

But this is too quick. The fact remains that trillions of human hours are being spent sub-pareto-optimally because, having accustomed ourselves to featherbedding to combat truancy, we featherbed even when truancy isn't an issue. As with any Sorites fallacy, e.g. the frog's, this happens in increments. But, as with the **FMH** and its negation, it doesn't matter *how* we fell into this error. What we should do now is fix it.

The first step towards fixing it is acknowledging it. That is, the moment all parties concerned acknowledge - and acknowledge that everyone else acknowledges - that the family farm is really just subsidized recreation³⁰ - but, of course, of sufficiently high-quality to ensure that at least *someone* will be willing to engage in it - then and only then do more reasonable alternatives present themselves, such as each of the ten otherwise non-farming farmers being required to take his turn once a decade.

In short, when we treat two measures, e.g. unemployment and poverty, as synonymous rather than metonymous, we do so at our peril.³¹ So - and this is an even more pellucid example - that the crime rate went up need not indicate that we're undergoing some kind of social disintegration. It might simply mean that we've criminalized something that was erstwhile legal. Or perhaps that we've invested more in surveillance. We could cut the crime rate in half, and do so overnight, by legalizing marijuana. But, presumably, this isn't what people mean by combating crime.

VI. THE EXCEPT-WHEN FALLACY

²⁷It's true that most of us dread enforced idleness. But this is not, I submit, what's driving our fear of unemployment.

²⁸A distribution scheme is said to be pareto-superior to an alternative if under it at least one person's better off and no one's worse off.

²⁹See note # 10 above.

³⁰It does, after all, give the farmer a sense of purpose, just as "I'm making Daddy a paperweight!" does the child in daycare.

³¹An expression is said to be a metonym when either a part stands for a whole or, albeit less commonly, a whole stands for a part. Thus the White House is routinely used to refer to the American Presidency. Less commonly America is used to mean the American people.

The most common subspecies of a baselining/metonymy error is what might be called the ‘except-when’ fallacy. One makes a claim of the form

$$1) \forall x(Px \supset Qx),$$

and then - either in response to, or in anticipation of, a counterexample - she adds ‘except-when’. So what’s *really* being claimed is

$$2) \forall x((Px \supset Qx) \vee (Px \supset Rx)).$$

But (2) is equivalent to

$$3) \forall x((Px \supset Rx) \vee (Px \supset Qx)),$$

is it not? And yet one will as vehemently deny (3) as she’ll assert (2).

We’ve already seen the capitalist/socialist debate as a case in point. Another is the dispute between liberals, who hold that

4) all is permitted save what is prohibited,

and statist, who hold that

5) all is prohibited save what is permitted.

“On the contrary ...!” scream each at the other. The except-when fallacy aside, then, is there anything that’s *really* at issue in such disputes?

In some cases what’s *really* at issue is not extension but onus. In insisting on (4) rather than (5), what the liberal is claiming is that

6) the onus should fall on the *state* to show that a given prohibition is warranted,

rather than on the individual to show that it’s not. So the claim that “(4), not (5)!”, though formally a contradiction, is really just a rhetorical flourish intending (6).

In other cases what’s being claimed by (what amounts to) denying disjunctive commutability, is that the **Qx** is paradigmatic whereas the **Rx** is exceptional. Thus a Christian might allow that,

7) All men are mortal, except, of course, Jesus.³²

But it would be odd - would it not? - to replace (7) with

8) All men are immortal, except for everyone other than Jesus.

³²Once again, this may be a controversial example, since some Christians insist that Jesus’ resurrection doesn’t falsify his mortality.

So neither onus-ing nor generalizing are true cases of the except-when fallacy. What is fallacious, however, is when denying disjunctive commutability amounts to a claim of explanatory immunity. For example:

A gay friend of mine once confided that - he was only twenty-three at the time - he'd had, at last count, over 150 lovers. "Why," I asked him, "are gays more promiscuous than heterosexuals?" To which he replied that I was asking the wrong question. The more instructive question, he rightly pointed out, is why heterosexuals have so *few* lovers. And the answer to that - or so it's generally allowed - is that it's the exigencies of *reproduction* which impose the need for sexual fidelity. So from the fact that homosexuals are less common than heterosexuals, it doesn't follow that it's the behaviour of the former rather than the latter which demands explanation.

Likewise, then, with the dispute about sociality and psychopathy between, on the one side, marxists and feminists and, on the other, Hobbesians. The former claim that our default condition is one of sociality and cooperation, but that only under such and such conditions - each, of course, has a slightly different story to tell about that - that sociality breaks down and we degenerate into war. "On the contrary," counters the Hobbesian, the state of nature is a state of *war*, but only under such and such conditions - the investiture of a Sovereign, opines Hobbes - is that war temporarily suspended. To claim that Hobbes is wrong is one thing. But to claim he's wrong *because* war's an exceptional rather than paradigmatic condition is to commit the except-when fallacy, just as it was for me to demand that my friend account for his promiscuity rather than that I account for my exclusivity. What makes one explanation better than another is the core question in the philosophy of science. But the prior question of what's to *be* explained is another question entirely. And it's one that can't be answered by appeal to what is or is not unusual.

Instances of the except-when fallacy are, unfortunately, legion. One such is extensionism in the debate over moral considerability. The extensionist begins by noting that we think humans are morally considerable but that whales are not. Since there's no morally relevant property held by humans that's not likewise held by whales, she concludes that we should consider whales morally considerable as well.³³ The reasoning is impeccable, so far as it goes. What the extensionist fails to ask, however, is, "In virtue of what is a *human* morally considerable?" Were she to do so she might conclude that only *some*, i.e. not all, humans are morally considerable. It *might* then follow that whales are morally considerable. But then again it might follow that only *some* are, or even that *none* are. Replace whales with the unborn and we have the identical fallacy in the debate over abortion.

VII. THE POLITICS OF WHISTLEBLOWING

All that said, however, more often than not what we're *really* fighting over is neither onus, nor generalizations, nor explanatory immunity, nor whether we'll *call* the current distribution of liberal dividends freedom or slavery, or the distribution of material dividends capitalism or socialism, but rather that distribution *itself*. What the self-proclaimed capitalist is *really* advocating is a greater share of the cooperative dividend for himself. As is the socialist. That is,

³³This critique applies only to what might be called *casuistry* extensionalism. The more sophisticated extensionalist, by contrast, *does* ask the meta-ethical question that I've urged.

‘capitalism’ and ‘socialism’ are nothing more than partisan rallying cries. They’re campaign slogans. Any contrast between them is substantively vacuous, but those contrasts are by no means inert. They stir the heart.

But only so long as we self-efface their vacuity.³⁴ Once we acknowledge their vacuity, they cease to do *any* work for us. So collapsing an enemy’s vacuous ideological distinctions is itself a thrust in the political battle.³⁵ And *not* allowing one’s ideological distinctions to be collapsed, i.e. *resisting* any expose of this vacuity³⁶, is to this thrust the corresponding parry.³⁷ So just as post-modernists and feminists are dead right that there can be no disinterested argument for or against the performance of any particular reduction in the social sciences, neither can there be a disinterested argument for or against blowing the whistle on *the vacuity of the distinction between two social or political claims.*

Whistleblowing is the apt term. Suppose I’m second in line at the counter at a convenience store. The small child in front of me asks for six candies, and the clerk says, “Fine, but for a dime more I’ll give ya half a dozen!” If the child reaches into her pocket for the extra dime, and I intervene, am I not performing a political act? By which I mean, am I not taking sides?

But suppose instead the clerk says, “Tell ya what. For the same price I’ll give ya half a dozen!” On the plausible assumption that the educational opportunity foregone is outweighed by the child’s delight, my *not* intervening is no less interested. Perhaps the clerk and I will share a good-natured *in loco parentis* wink. But because there are no sides to take here, my non-intervention is apolitical.

But now suppose the clerk is as innumerate as the child. He knows the candies are arrayed in half-dozen lots, but, being ignorant of the equivalence, he begins to count them out. Suppose I’m in a hurry. Or that there are several customers lined up behind me who might be. My intervening isn’t disinterested. It isn’t political in the side-taking sense. I’m blowing the whistle, but not *on* anyone. I’m blowing it *for* everyone. Not unlike the miner who hears a timber creak, I’m blowing the whistle for *everyone*.

VIII. THE ETHICS OF WHISTLEBLOWING

As Sandra Harding has long since pointed out, science is *not* apolitical.³⁸ Neither is philosophy. What I want to conclude from all of this, however, is that, *pace* Harding, the philosopher *can* exercise his professional duty to ‘help us get clear about our ideas’ and, at the same time, escape

³⁴A desire, a belief, a theory, or what have you, is said to be *strongly* self-effacing just in case it’s embedded in a circumstance such that, as a consequence of desiring or believing it, it’s instrumentally rational to bring oneself, if one can, to desire or believe its negation. A desire, belief, theory, or what have you, is said to be *weakly* self-effacing just in case it’s embedded in a circumstance such that, as a consequence of desiring or believing it, it’s instrumentally rational to bring oneself, if one can, to replace that desire with indifference or that belief with agnosticism.

³⁵Just as the Iraqis in ‘91 and the Serbs in ‘99 were anxious to have CNN broadcast images of civilian bombing casualties as a means of thwarting Bush’s and Clinton’s efforts, respectively, to dehumanize Iraqis and Serbs in the minds of the American people.

³⁶Or circularity.

³⁷A case in point, j’accuse, has been my ongoing battle with Jan Narveson. See my “A Proof that Libertarianism is Either False or Banal” in *The Journal of Value Inquiry*. Volume 34, 2000, pp 350-367.

³⁸See especially Sandra Harding, *Whose Science? Whose Knowledge? Thinking From Women’s Lives*, Cornell U.P., 1991.

any charge of political partisanship, provided he confines his whistleblowing to cases in which doing so is pareto-superior to remaining silent. In cases in which his blowing the whistle *will* accrue to the benefit of some at the expense of others, often, though not always, he can serve his clients, and at the same time preserve his professionalism, by simultaneously whistleblowing on the *selectivity* of his own whistleblowing. Unfortunately in cases in which he can best serve his clients by keeping *silent*, he *cannot* maintain his professionalism, since he can hardly whistleblow *silently* on his own silence. And, finally, in cases in which his whistleblowing would accrue to *everyone's* disadvantage, he can keep silent *and* maintain his professionalism, since irresponsible - or even gratuitous - whistleblowing is just pedantry, and philosophers are *not* under any special obligation to be pedants.

But - would that it were - unfortunately matters aren't quite this simple. Consider claims

9) The Flames and Oilers are blackmailing Albertans into subsidizing them! and

10) Professional hockey teams, not unlike any other enterprise, can be expected - and rightly so - to situate themselves where they can make the most money.

Whistleblowing the fact that **(9)** and **(10)** are equivalent is *partisan*, since it's clearly designed to take the rhetorical wind out of the sails of the anti-subsidy lobby. Pointing out that a tariff is a tax is, at least arguably, *apolitical*, since it does little more than conceptual housecleaning. But pointing out that

11) A woman has a right to control her own body!

is an instance of the except-when fallacy invites ridicule on those who're wont to make utterances like **(11)**.³⁹ So though there's nothing *first-order* partisan about bringing our collective attention to the contingency of claims like **(11)**, there's something *second-order* partisan about doing so.⁴⁰

And the same can be said about blowing the whistle on claims like

12) We don't negotiate with terrorists!

Of *course* we negotiate with terrorists. If we didn't, we couldn't count them *as* terrorists.⁴¹ But to say this publicly just *is* to side with the terrorists against those who are negotiating with them. Worse yet, if the terrorists happen to be Palestinians, it's to betray oneself as anti-Semitic!⁴²

³⁹If a plague rendered all but a half dozen women infertile, no one would make such a claim, let alone take it seriously!

⁴⁰Christina Hoff-Somers is now notorious for having raised serious doubts about some feminist scholarship. And in *Pornography, the Other Side*, Ferrel Christensen has dared to expose poor inferencing by some feminist analysts. Both would no doubt defend themselves on the grounds that they're simply following their Millian calling. That is, good scholarship and reasoning ultimately redounds to everyone's advantage, including women. What Hoff-Somers and Christensen fail to appreciate, or so one might argue, is that the *context of dissemination* - in this case a misogynist world just *looking* for an excuse to discount feminist concerns - *is* the business of the disseminator.

⁴¹If someone were wont to terrorize us without any hope of wrestling concessions from us, we would *not* call him a terrorist. We'd call him a vandal!

⁴²This is no exaggeration. Many of my co-religionists take *any* criticism of the State of Israel as tantamount

All of this places the social and political philosopher in a very difficult position. On the one hand we want to perform the task assigned to us by Mill.⁴³ We want to give the widow value for her mite. But what do we do when the performance of our task *undoes* the very task we're performing? What do we do when philosophical critique undermines the whole point of performing that critique, while at the same time *refraining* from performing it undermines our credibility as critics? Is there some *third-order* cause to which philosophers should be partisan? But since, as it seems, we're damned if we do and damned if we don't, I see no mileage in pursuing this question any further, at least here. Here I can only counsel that we at least condition ourselves to *attend* to these second-order considerations, before rather than after we enter the fray guns ablazing.

IX. VACUITY

Let me conclude with one final example.

The whole, and inescapable, point of Plaut's *Euthyphro* is that one can't escape one's responsibility to engage in ethical and political reflection by appeal to divine authority. But the problems with divine command theory go even deeper. Even if the God of Abraham, Isaac, and Jacob *can* be taken as a reliable source of good moral counsel, that counsel is either altogether too ambiguous - did He smite Onan for coitus interruptus or for disobedience? - or else substantively vacuous. For example, given that neither Testament is manifestly pacifist nor vegetarian nor abolitionist,

13) Thou shalt not kill!

cannot but be renderable as

14) Thou shalt not murder!

But since murder is just wrongful killing, (14) reduces in turn to

15) You shouldn't kill when you shouldn't kill!

Furthermore, given that neither Testament offers anything approaching a theory of property entitlement,

16) Thou shalt not steal!

amounts to

17) You shouldn't take what you shouldn't take!

And the like can be said of the rest of the Decalogue. And for this Moses spent forty days and

to a declaration of anti-Semitism.

⁴³In *On Liberty*.

forty nights deprived of the comforts of his own tent?!⁴⁴

When I point this out to my students - as, I confess, I'm wont to do - I'm reasonably certain I have neither a first-order agenda, nor a second. That is, no one can conscientiously hope to win an argument for pacifism, vegetarianism, abolitionism, or even Pro-Life, by citing **(13)**, precisely because there are so many counter-examples. Nor can anyone - or at least anyone who knows me - conscientiously accuse me of attempting to ridicule the Jewish or Christian religions. So if anything is a paradigm case of conscientious whistleblowing, my blowing the whistle on the vacuity of the Decalogue is it.

What's peculiar about this example, however, is that the vacuity of the distinction between **(13)** and **(15)** redounds to the vacuity of **(13)** itself. This is unsurprising in the case of **(13)** and **(15)**. But it's both surprising and instructive in cases like the one I've made against libertarianism.⁴⁵ That is, we'd have thought - would we not? - that libertarians were saying something controversial. Now we discover they've said nothing at all!

Since vacuity seldom announces itself on its sleeve - and provided exposing it as such is pareto-superior - what I've tried to do in this paper is establish a *pattern* of critical reflection of which we'd be well advised to avail ourselves as a knee-jerk response to any social or political claim. Social and political philosophers have grist aplenty without wasting the widow's mite on such bilge, for example, as whether we should allow privatized medicine in Canada. If there's anything to my counsel, the question to be asked is, "Privatized as distinct from what?" As with the conflation between unemployment and poverty, the alternatives in health care aren't between public and private, but between equal and tiered access. If we can successfully blow the whistle on just that conflation alone, we'll have earned our widow's mite. And a hefty bonus!

⁴⁴In his vetting notes for this paper, which were generously forwarded to me, an anonymous reviewer reminded me that Aquinas thought he could at least circumvent any discrepancy between God's *own* behaviour on these scores and His injunctions to *us*. In his *Treatise on Law*, Question XCIV, 5th Article, Reply to Objection 2, Aquinas reminds us that since everything, including our lives, belongs to God, God can neither steal nor murder. I suspect that anyone prepared to accept the authority of the Decalogue would likewise accept that view. But, of course, this says nothing about the vacuity (or at least normative underdeterminability) of the Decalogue for how we should behave.

⁴⁵See note # 37 above.