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ALMOST INDISCERNIBLE OBJECTS AND THE SUSPECT STRATEGY*

In this paper, I argue that a surprisingly widespread strategy in metaphysics is suspect for various reasons and hence ought to be abandoned. In very broad strokes, situations which give rise to *the Suspect Strategy* (TSS) contain as one of their ingredients a general metaphysical principle of some form whose truth the proponent of (TSS) wishes to uphold; the nature of the principle differs from context to context, but examples include the following:

(LL) *Leibniz's Law:*

If $x = y$, then every property of x is a property of y .¹

(RI) *Restricted Indiscernibility:*

If a certain relation, R , holds between x and y , then every Φ -property of x is a property of y .²

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¹ For the sake of simplicity, I am omitting relations.

² (RI) is a *schemata* of which particular restricted indiscernibility principles are instances. As it stands, (RI) contains at least two open places. (i) The place marked by ' R ' is to be filled in by a relation which is similar to but weaker than numerical identity (for example, the relation of constitution); if R is taken to be numerical identity, then ' Φ ' can be taken to mark no restriction at all, and (RI) simply collapses into (LL). (ii) The family of properties with respect to which the R -related objects are indiscernible must be explicitly specified, that is, ' Φ ' must be filled in in some way (for example, in the case of constitution, one will want to exclude the property of being essentially a statue from the family of Φ -properties; such "ordinary" intrinsic

The second ingredient which is needed to give rise to (TSS) is a certain troublesome class of contexts, Σ (for example, contexts like '_____ is essentially a statue'). These contexts appear to satisfy the purely formal syntactic and semantic well-formedness conditions explicated in (TSS), as implemented with respect to an instance of (RI), occurs in (iii) a recent development of Peter Geach's *relative identity* view by Harry Deutsch.⁶

I.1. *The Suspect Strategy and Leibniz's Law.* A. *Contingent Identity.* In his classic paper, "Contingent Identity," Gibbard argues that certain identities are best interpreted as contingent, despite Saul Kripke's powerful arguments to the contrary.⁷ As an example of such a contingent identity, Gibbard offers the case of a statue, Goliath, and the piece of clay, Lump, of which it is made, which are stipulated to have

⁴ Moreover, the same strategy as implemented with respect to a different metaphysical principle, (EP) *Existence Principle*: For any set of Φ -properties, there exists an object which has all the properties in the set and no other Φ -properties can be found in Terence Parsons's defense of *nonexistent objects*—"Referring to Non-Existent Objects," *Theory and Decision*, xi (1979): 95–110, and *Non-Existent Objects* (New Haven: Yale, 1980).

⁵ Gibbard, "Contingent Identity," *Journal of Philosophical Logic*, iv (1975): 187–221; Parsons, *Indeterminate Identity: Metaphysics and Semantics* (New York: Oxford, 2000). For illuminating discussion of Parsons, see Nathan Salmon, "Identity Facts," *Philosophical Topics*, xxx, 1 (2002): 237–67.

A further implementation of (TSS), as applied to (LL), can be found in the context of George Myro's and André Gallois's defense of *temporary identity*—cf. Myro, "Identity and Time," in Richard E. Grandy and Richard Warner, eds., *The Philosophical Grounds of Rationality* (New York: Oxford, 1986), pp. 383–409; as well as Gallois, "Occasional Identity," *Philosophical Studies*, lviii (1990): 203–24, and *Occasions of Identity: A Study in the Metaphysics of Persistence, Change, and Sameness* (New York: Oxford, 1998).

⁶ Geach, *Reference and Generality* (Ithaca, NY: Cornell, 1962), and "Identity," *Review of Metaphysics*, xxi (1967): 3–12; Deutsch, "Identity and General Similarity," in J.E. Tomberlin, ed., *Philosophical Perspectives*, Volume 12, *Language, Mind and Ontology* (Atascadero, CA: Ridgeview, 1998), pp. 177–99. See also Deutsch, "Relative Identity," in Edward N. Zalta, ed., *Stanford Encyclopedia of Philosophy* (Summer 2002 edition on the internet).

A similar implementation of (TSS) with respect to an instance of (RI) is utilized by some *coincidence theorists*, in their response to the problem of constitution. See, for example, Lynne Rudder Baker, "Unity without Identity: A New Look at Material Constitution," *Midwest Studies in Philosophy*, xxiii (1999): 144–65, and *Persons and Bodies: A Constititional View* (New York: Cambridge, 2000); Fine, "Acts, Events and Things," in Werner Leinfellner, Eric Kraemer, and Jeffrey Schank, eds., *Language and Ontology. Proceedings of the 6th International Wittgenstein Symposium, 1981* (Wien: Holder-Pichler-Tempsky, 1982), pp. 97–105, and "Things and Their Parts," *Midwest Studies in Philosophy*, xxiii (1999): 61–74; Stephen Yablo, "Identity, Essence and Indiscernibility," this JOURNAL, lxxxiv, 6 (June 1987): 293–314.

⁷ Kripke, "Identity and Necessity," in Milton Munitz, ed., *Identity and Individuation* (New York: University Press, 1971), pp. 135–64.

I. THE SUSPECT STRATEGY

I now turn to some representative illustrations of contexts in which (TSS) is applied with respect to the general principles mentioned

and relational properties as weight and spatiotemporal location, on the other hand, should be included in the family in question).

³ See also Kit Fine, "The Non-Identity of a Material Thing and Its Matter," *Mind*, cxii (2003): 195–234, for a recent critique of various attempts to block inferences using (LL) which lead to numerically distinct, spatiotemporally coincident objects.

above, (LL) and (RI).⁴ For example, we find (TSS) implemented with respect to (LL) in (i) Allan Gibbard's defense of *contingent identity* as well as (ii) Terence Parsons's defense of *indeterminate identity*.⁵ An example of (TSS), as implemented with respect to an instance of (RI), occurs in (iii) a recent development of Peter Geach's *relative identity* view by Harry Deutsch.⁶

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⁷ Kripke, "Identity and Necessity," in Milton Munitz, ed., *Identity and Individuation* (New York: University Press, 1971), pp. 135–64.

exactly the same temporal extent; their relation, in Gibbard's view, is best described as in:

- (1) Goliath = Lump & \diamond (Goliath \neq Lump)

Of course, as Gibbard points out in section v of his paper, one's immediate reaction is that cannot possibly be the correct interpretation of the relation between Lump and Goliath, on the grounds of the following style of argument:⁸

- (2) \square (Lump = Lump)
 Lump = Goliath

 \square (Goliath = Lump)

The argument in (2) states that because Lump is necessarily self-identical, so anything that is identical with Lump, namely, Goliath, also must be necessarily identical to Lump. This argument depends on taking the context in (3),

- (3) \square (= Lump)

in conjunction with (LL), to generate the conclusion in (2) which contradicts Gibbard's central thesis in (1). (Gibbard in "Contingent Identity" specifically addresses himself to an argument of this sort that is given by Kripke; Kripke uses this argument to conclude that such pairs of objects as Lump and Goliath must be numerically distinct.) In other words, if the argument in (2) is correct, then the context in (3) points us to a property with respect to which the objects in question are not indiscernible (namely, necessary identity with Lump); (LL) would then seem to lead us to conclude that Lump and Goliath are numerically distinct and hence not contingently identical, contra (1).

Gibbard calls this the "most prominent objection" to the contingent identity view; his response is an instance of (TSS):

The usual answer will serve my purpose here. Leibniz's Law settles very little by itself: put as a general law of substitutivity of identicals, it is just false; in its correct version, it is a law about properties and relations: *If $x = y$, then for any property, if x has it, then y has it, and for any relation and any given things, if x stands in that relation to those things, then y stands in that relation to those things.* The law so stated yields substitutivity of identicals only for those contexts that attribute properties and relations. [The conclusion in (2)] follows from [the two premises] by Leibniz's Law,

⁸ For simplicity, I omit relativization to existence in this and all following arguments.

then, only if [the context in (3)] attributes a property. We can block the inference to [the conclusion in (2)] by denying that [the context in (3)] attributes a property.⁹

In case someone should worry about the possible "arbitrariness" of this response, Gibbard remarks that whether the context in (3) denotes a property is precisely what is at issue in the dispute between the essentialist and the anti-essentialist. A context denotes a property, so Gibbard argues (plausibly, of course), only if it applies to an object *independently of the way in which it is designated*; and whether *de re* modal contexts apply to objects in this fashion is precisely the point over which anti-essentialists like Gibbard, W.V. Quine, and others disagree with essentialists like Kripke. The battle between them must therefore be fought on other grounds.¹⁰

⁹ Gibbard, "Contingent Identity," p. 201 (his italics; the numbering of examples has been adjusted to my text).

¹⁰ A similar strategy is employed by the temporary identity view, as developed in different ways in Myro and Gallois. The temporal case is slightly more tricky than its modal analogue and depends on using the following instance of (LL_{Temp}),

- (i) [at t : $A=B$] \rightarrow [at t : $\forall t'$ ($A=A$)] \leftrightarrow [at t : $\forall t'$ ($A=B$)]]

in conjunction with the premise that at a certain time, t , A and B are identical, to infer the consequent of the conditional in (i). Since A is always identical with itself, it is plausible to think that it is also true *at a particular time, t* , that A is always identical with itself; in that case, (LL_{Temp}), in conjunction with the assumption that the context in (ii) denotes a property,

- (ii) At all times t' : [at t' : $A = \text{---}$]]

permits the inference to the conclusion that if A is *ever* identical to B , then it is so *always*, which contradicts the temporary identity view.

Myro and Gallois respond to the challenge posed by the argument from (LL_{Temp}) by endorsing slightly different versions of (TSS). Myro's response is in fact quite close to Gibbard's:

So the general way of dealing with the complication is to divide properties into those which are 'time-free'—like being on the mantelpiece—which are represented by open sentences *not* containing temporal qualifications, and those which are 'time-bound'—like being on the mantelpiece on Tuesday—which are represented by open sentences which do contain temporal qualifications. And what must be done is that 'Leibniz's Law subject (like other statements) to temporal qualification' is to be, in addition, *restricted* to properties which are 'time-free'—properly represented by open sentences (or 'predicates') which do *not* (relevantly) contain temporal qualifications ("Identity and Time," pp. 392–93, italics added).

Gallois blocks the inference in question, not by overtly restricting (LL_{Temp}) or by openly declaring that contexts of a certain kind fail to denote properties, but rather by opposing a certain pretheoretically plausible principle concerning the transmission of properties through times:

- (TP) $(\forall F) (\forall x) (\forall t) (\forall t') [at\ t':\ Ex \rightarrow [at\ t':\ F(x) \leftrightarrow [at\ t':\ F(x) \text{ at } t]]]$

By rejecting (TP), the following instance of this principle, which was appealed to above,

- (iii) $\forall t (\text{at } t: A=A) \rightarrow \forall t' [at\ t': \forall t [at\ t: A=A]]$

I.1.B. Indeterminate Identity. Parsons in his *Indeterminate Identity* defends the view that, under certain circumstances, identities can be indeterminate, that is, that statements of the following kind can be true (where the operator, 'V' is taken to mean 'it is indeterminate that'):

$$(4) \quad \forall (B = A)$$

Once again, the defender of indeterminate identities faces an objection from (LL), structurally analogous to that reviewed above, except for the fact that the argument in question this time makes use of (LL) in its *contrapositive* form (see Gareth Evans for the original statement of this argument):¹¹

(LL_{contra}) *Contrapositive Leibniz's Law:*

If some property, *F*, is a property of *x* but not of *y*, then $x \neq y$.

The identity sign, '=', is read by the defender of indeterminate identity as applying to objects which are *determinately* identical; correspondingly, '≠' applies to objects which are *determinately* distinct. Normally, the equivalence between (LL) and (LL_{contra}) is of course taken for granted. In the context of disputes over the determinacy of identity, however, this equivalence is no longer uncontroversial; Parsons, for example, accepts (LL) but denies that inferences using (LL_{contra}) are always valid.

Now assume, for reductio, that objects, *A* and *B*, are indeterminately identical, that is, that (4) is true. Then, the argument from (LL_{contra}) can be stated as follows:

$$(5) \quad \begin{array}{l} \forall [B = A] \\ \neg \forall [A = A] \\ \hline B \neq A \end{array}$$

The argument in (5), again, proceeds by way of taking contexts like (6),

$$(6) \quad \forall [\text{---} = A]$$

is now no longer available. Although Gallois's careful treatment of the issues in question deserves separate discussion, his position nevertheless strikes me in the end as a slightly more elaborate version of the view that there is no automatic passage from contexts of a certain purportedly questionable kind to properties of the corresponding kind, where the contexts in question are now those involving *nested* temporal qualifications; for insightful and detailed discussion of Gallois' views, see Theodore Sider, *Four-Dimensionalism: An Ontology of Persistence and Time* (New York: Oxford, 2001).

¹¹ Evans, "Can There Be Vague Objects?," *Analysis*, xxxviii (1978): 208.

in conjunction with (LL_{contra}), to lead to the conclusion in (5), according to which *A* and *B* are determinately distinct, which contradicts the assumption in (4). This argument is used by the opponent of indeterminate identity to show that objects can never be merely indeterminately identical; that is, that identity is always determinate.

In response to this Evans-style argument, Parsons proposes the familiar strategy of denying that contexts like that in (6) denote properties. He does, however, introduce a novel consideration in support of his version of (TSS). What makes contexts like (6) suspicious, according to Parsons, is that they bear some structural similarity to contexts which are used to generate the paradoxes of naive set theory. Since Parsons also accepts that (determinate) identity can be *defined* as the sharing of properties as in (7),

$$(7) \quad A = B \stackrel{\text{def}}{=} \forall P [P(A) \leftrightarrow P(B)]$$

contexts like (6), in his view, involve implicit quantification over all properties. Parsons explains the analogy between the Evans-style argument and set-theoretic paradoxes as follows:

The force behind the reasoning thus comes from the fact that identity is defined in terms of what properties there are, and a problematic property is defined using an abstract that quantifies over *those* properties. The condition in the abstract is cleverly designed to conflict with its yielding one of the properties quantified over (if any objects are indeterminately identical with *A*). The reasoning thus resembles that of the Russell paradox in set theory. (Identity between sets is defined in terms of what sets they have as members, and a problematic set is defined using a set abstract that quantifies over *those* sets. The condition in the set abstract is cleverly designed to conflict with its yielding one of the sets quantified over.)¹²

Given the analogy with the paradoxes of naive set theory, Parsons takes himself to be justified in adopting his version of (TSS), namely, that contexts which have this apparently impredicative character cannot always be expected to determine a property.

I.2. The Suspect Strategy and Restricted Indiscernibility Principles: Relative Identity. The third context I want to consider occurs in a subtle and interesting recent development of Geach's relative identity view in Deutsch. According to Deutsch, the relative identity theory can solve many classical metaphysical problems that concern numerical identity in an attractive way; examples he considers include the following:

¹² Parsons, *Indeterminate Identity*, p. 51.

(8) *Metaphysical Puzzle Cases:*

Change over Time: 'The young Fido is the same dog as the old Fido'.
Constitution: 'Lumpl is the same statue as Goliath'.
Types and Tokens: 'My copy of *On the Road* is the same literary work as that originally written by Kerouac'.

In each case, Deutsch proposes that the relation in question, for example, *being the same dog as*, *being the same statue as*, and *being the same literary work as*, is best analyzed as a relation of *relative identity*. Thus, the relation in question does not dissolve, as the absolute identity theorist would have it, into a predicative component and a component that denotes absolute identity, as in 'x is a dog and y is a dog and x = y'; rather, the relation in question is not further analyzable and simply denotes a feature of the world, namely, one of the ways in which objects that are numerically distinct in the absolute sense can be similar to one another. (Unlike Geach, Deutsch does not believe that absolute identity is incoherent or unintelligible and accepts that objects which are merely relatively identical are numerically distinct in the absolute sense.)

As Deutsch acknowledges, any plausible version of the relative identity theory must respond in some manner to David Wiggins's original challenge to Geach: to offer a suitable *restricted* indiscernibility principle which can be said to govern relative identity in place of the unrestricted version of (LL).¹³ For if Lumpl and Goliath are not the same statue in the *absolute* sense, we of course have no right to expect them to be indiscernible in absolutely *every* respect, as (LL) would have it. But we do have a right to ask how the relative identity theorist will explain the fact that being similar in *this* respect (namely, the respect denoted by 'is the same statue as') entails being similar in so many *other* respects, in an entirely predictable and systematic fashion: statues and the objects that constitute them can *always* be expected to have the same weight, shape, color, texture, chemical composition, and so forth. Thus, the relative identity theorist bears the responsibility of offering a restricted indiscernibility principle of some kind, as in (RI_{rel}),

(RI_{rel}) *Restricted Indiscernibility of Relatively Identical Objects:*

If x is relatively identical to y, then every Φ -property of x is a property of y.

which will, among other things, validate inferences like those in (9),

¹³ David Wiggins, *Sameness and Substance* (Cambridge: Harvard, 1980), pp. 18ff., and *Sameness and Substance Renewed* (New York: Cambridge, 2001), pp. 24ff.

- (9) Lumpl has the Φ -property *F*.
 Lumpl is the same statue as Goliath.

 Goliath has *F*.

The crucial question for the relative identity theorist is how to fill in ' Φ ' in such a way as to *exclude* troublesome contexts such as the following,

- (10) *Troublesome Contexts:*
Modal: '_____ is essentially a piece of clay'
Temporal: '_____ existed before the statue came into existence'
Identity: '_____ is (absolutely) identical to the lump of clay'
Constitution: '_____ constitutes a statue'

be *excluded* from the reaches of the restricted indiscernibility principle in (RI_{rel}), since they will in general *invalidate* inferences like those in (9). Only the task faced by the relative identity theorist is especially challenging, since ' Φ ' must be filled in in such a way that it will simultaneously validate inferences in *all* the metaphysical contexts for which relative identity is intended to yield an analysis, for example, contexts involving the phenomenon of *change over time* as well as those involving *constitution* and the *identity of allographic objects*.

As his version of (RI_{rel}), Deutsch proposes the principle he calls '(T4)' which is here reworded in a more informal fashion (for reasons which shall become apparent momentarily, I label this principle, Deutsch's *Expansion Principle*):

(RI_{rel-Deutsch}) *Deutsch's Expansion Principle:*

If x is the same *F* as y, then y has all of those properties of x which satisfy the condition: if *some F* has the property in question, then *all* the *F*'s do.

The intuitive idea behind (RI_{rel-Deutsch}) is to isolate those properties which "spread through" the entire equivalence class singled out by a particular relative identity relation. For example, consider the equivalence class consisting of all the different objects (numerically distinct, in the absolute sense) which are *the same statue as Goliath* (at a particular time or over time). The Φ -properties with respect to this equivalence class are those which satisfy the condition: if one such "Goliath object" has the property in question, then they all do. As we shall see below, Deutsch's version of (RI_{rel}) compares favorably, from a methodological point of view, to other strategies of excluding the troublesome contexts; but it is nevertheless suspect for other reasons.¹⁴

¹⁴ A similar implementation of (TSS) with respect to an instance of (RI) can be found in the coincidence theorist's response to the problem of constitution, as developed for example in Baker, Fine, and Yablo. To explain the striking similarities

II. WHAT IS WRONG WITH THE SUSPECT STRATEGY?

In our illustrations of (TSS) above, we have encountered basically four different strategies of how to exclude the troublesome contexts from the reaches of the general principle at issue. (i) First, there is what I shall term the *Purely Stipulative Strategy*; this strategy is the most widespread in the literature and is here exemplified by Gibbard.¹⁵ (ii)

between constitutionally related objects, Baker, Fine, and Yablo each propose slightly different versions of a restricted indiscernibility principle of the following form:

(RI_{const}) *Restricted Indiscernibility of Constitutionally Related Objects*:

If x constitutes y , then every Φ -property of x is a property of y .

The differences between the three accounts lie in precisely how ' Φ ' is to be filled in; I will return to this question in more detail below (for further discussion, see also my "Constitution and Similarity," *Philosophical Studies*, cxvii (2004): 327–64). Like the relative identity theorist, the coincidence theorist must explain the validity of inferences that are analogous to those considered earlier in the context of our discussion of (LL).

Lumpl has the Φ -property F .

Lumpl constitutes Goliath.

Goliath has F .

while *excluding* from the reaches of the restricted indiscernibility principle in (RI_{const}) troublesome contexts such as those mentioned in section 1.2, since they will in general *invalidate* these inferences. As we will see below, the strategy used by Baker, Fine, and Yablo to exclude the troublesome contexts in question from the general metaphysical principle in (RI_{const}) is structurally analogous to earlier implementations of (TSS), especially those encountered in Gibbard and Myro.

In Terence Parsons's defense of nonexistent objects ("Referring to Non-Existent Objects" and *Non-Existent Objects*), we see an application of (TSS) with respect to the existence principle, (EP), mentioned earlier (see note 4): according to this principle, a certain special class of properties is such that, for any set of them, there is an object that (determinately) has all of the properties in question (and is indeterminate with respect to all other properties in the class). The special, or "nuclear," properties in question, in Parsons's view, are those denoted by such predicates as 'is blue', 'is tall', and 'was kicked by Socrates'; they contrast with those that are "extra-nuclear," for example, those denoted by such predicates as 'exists', 'is mythical', 'is fictional', 'is possible', 'is impossible', 'is thought about by Meinong', and 'is worshipped by someone'. In response to the crucial question of how this list is to be continued, Parsons remarks:

Our historical situation yields a very rough kind of decision procedure for telling whether a predicate is nuclear or extranuclear. It's this: if everyone agrees that the predicate stands for an ordinary property of individuals, then it's a nuclear predicate, and it stands for a nuclear property. On the other hand, if everyone agrees that it doesn't stand for an ordinary property of individuals (for whatever reason), or if there's a history of controversy about whether it stands for a property of individuals, then it's an extranuclear predicate, and it does not stand for a nuclear property ("Referring to Non-Existent Objects," p. 102).

As in earlier implementations of (TSS), Parsons proceeds by simply legislating that the extra-nuclear properties (whatever they are) be excluded from the reaches of his general principle, (EP).

¹⁵ But see also Myro; Gallois; the Parsons of nonexistent objects; Baker; Fine; and Yablo.

Second, we see in Gibbard an extremely condensed further suggestion which, if it were elaborated more fully, might seem to point the way towards a nonstipulative response; I shall term this Gibbard's *Appeal to Failures of Substitutivity*. (iii) Third, we came across a novel and intriguing suggestion in the Parsons of indeterminate identity, namely, that the troublesome contexts in question are somehow analogous to those that give rise to the paradoxes of naive set theory and should be excluded from the reaches of the general principle on those grounds; I shall term this response Parsons's *Appeal to the Paradoxes of Naive Set Theory*. (iv) Finally, we considered a creative proposal by Deutsch on behalf of the relative identity theorist, which I have labeled Deutsch's *Expansion Principle*. In what follows, it will be my aim to show that none of these strategies of excluding troublesome contexts from the reaches of the general principle is successful.

II.1. The Purely Stipulative Response. I turn, first, to the Purely Stipulative Strategy, which is to be found for example in Gibbard. The Purely Stipulative Strategy proceeds by way of excluding, on *purely stipulative grounds*, a set of troublesome contexts from the reaches of a general metaphysical principle whose truth the philosopher in question wishes to uphold: it is simply legislated either that these contexts *fail to denote properties* altogether or that the properties they do denote *fail to fall under the scope* of the general metaphysical principle in question; Gibbard takes the first, less common, strategy.

Of course, the mere fact that this strategy is purely stipulative makes it seem ad hoc and hence methodologically suspect. I will, however, try to say more explicitly what it is about this strategy that should worry us, since its proponents might suggest that *some* purely stipulative maneuvers are worth their philosophical price. What makes the Purely Stipulative Strategy especially troubling is that it has the following feature. In each case, there is only a handful of contexts which, when combined with the general metaphysical principle at issue, will generate trouble for the philosopher in question. For example, in the case of the contingent identity theorist, the general principle is (LL) in its unrestricted, nontemporalized form, and the contexts in question are only those that would conflict with the thesis that coincident objects with the same spatiotemporal extent are contingently identical, for example, contexts of the following sort (or whatever else the essentialist wishes to substitute):

(11) *Troublesome De Re Modal Contexts*:

Necessary Identity: $\Box (\text{---} = A)$

Essential Kind Membership: $\Box (\text{---} \text{ is a statue})$

Essentiality of Origin: $\Box (\text{---} \text{ was fashioned by artist so-and-so})$

In response to the potential threat posed by contexts like those in (11), Gibbard adopts the view that *de re* modal contexts in general fail to denote properties. This strategy has momentous consequences, as it leads to a complete reinterpretation of much of our discourse: it requires, among other things, a new theory of proper names, a new notion of rigidity, a new conception of crossworld identity and a new conception of what goes on in contexts in which we seem to attribute *de re* modal properties to concrete objects directly. It does, however, achieve the intended result of effectively removing the troublesome contexts from the reaches of (LL), since, as Gibbard remarks, (LL) is to be understood as a *metaphysical* principle ranging over objects, properties, and relations, and not as a *linguistic* principle of substitutivity ranging over contexts and expressions.

The difficulty for the contingent identity theorist now is that there are plenty of contexts which satisfy the purely formal criteria of being *de re* modal (namely, they involve an occurrence of a name or unbound variable within the scope of a modal operator), and which are completely harmless from the point of view of the contingent identity theorist, in the following sense: if they *were* to be included in the scope of (LL), they would *not* conflict with the thesis of contingent identity; I have in mind contexts of the following sort (assuming, with Gibbard, that dispositional, counterfactual, and causal contexts involve *de re* modality):

- (12) *Harmless De Re Modal Contexts:*
Dispositional: (___) is fragile)
 (___) conducts electricity thus-and-so)
Counterfactual: (if ___ were dropped on my foot, my foot would swell)
Causal: (___ prevents my hand from passing through it)
 (___) casts a shadow of length so-and-so when hit by the sun at angle thus-and-so)

If the contingent identity theorist were to exclude from the reaches of (LL) *only* the contexts in (11), and *not* those in (12), then the arbitrariness of his strategy would presumably be just too blatant: contexts would then be sorted into those which fall under the scope of (LL) and those which fail to do so simply by whether the result would conflict with the contingent identity theory.

To avoid this undisputably blatant arbitrariness, Gibbard adopts a more coarse-grained individuation criterion for troublesome contexts, which includes *all* contexts that satisfy the purely formal criteria for

being *de re* modal, that is, the harmless contexts in (12) along with the troublesome contexts in (11). In his very condensed remarks in section V of his paper (some of which were quoted above), Gibbard seems to suggest that this more coarse-grained individuation criterion can actually be justified on independent grounds, namely, on the grounds that *de re* modal contexts in the eyes of the anti-essentialist fail to satisfy a generally plausible principle governing the relation between linguistic contexts and properties:

(13) *Independently Plausible Principle concerning Property Formation:*

A context denotes a property only if it applies to an object *independently of how the object is designated*.

I will comment in more detail below on why I do not believe that (13) succeeds in accomplishing its intended goal. For now, I want only to note that the exclusion procedure Gibbard adopts in the interest of avoiding the undisputably blatant arbitrariness yields the wrong results by virtue of being *too* coarse-grained. For by excluding the harmless contexts in (12) from the reaches of (LL), along with the troublesome contexts in (11), the contingent identity theorist has now done away with contexts with respect to which contingently identical objects can in general be *expected* to be indiscernible. If (LL) can no longer be used to provide an explanation of this datum, then some *other* explanation must take its place. This, of course, puts the contingent identity theorist in exactly the same boat as the coincidence theorist (see note 14) and the relative identity theorist: for he is now in need of a *restricted* indiscernibility principle like (RI) (only one that is formulated in terms of contexts rather than properties), which provides a systematic account of the ways in which contingently identical objects are indiscernible. This principle, again, must be formulated in such a way as to *exclude* the troublesome contexts in (11) and *include* the harmless contexts in (12).

But how do we formulate such a principle in a way that is not methodologically or otherwise suspect? Gibbard cannot help himself to the strategy adopted by those coincidence theorists, such as Lynne Rudder Baker, Kit Fine, and Stephen Yablo, who invoke a restricted indiscernibility principle to explain the striking similarities between constitutionally related objects; for their proposals suffer from exactly the same weakness of Gibbard's own.¹⁶ (Deutsch's idea of how to

¹⁶ As discussed in my "Constitution and Similarity," Fine, Baker, and Yablo are actually quite unusual among coincidence theorists, in that they pay any attention at all to the problem of how to capture the striking similarities among constitutionally related objects.

proceed will be considered separately below.) For, according to Fine,¹⁷ the family of properties over which the relevant indiscernibility principle extends is defined to include all and only those that are "normal," where a "normal" property is one that is not "formal" and whose application concerns only the *time* and *world* in question. The notion of a "formal" property is not further elucidated by Fine, but I take it to include such purely "logical" properties as the property of being self-identical and the property of being either red or not red.¹⁸ Baker defines the family of properties in question in a similar fashion, as those that include all properties *except* those that are ("alethic") *modal*, those that concern *identity* and *constitution*, and those that are "rooted outside" the times at which they are had (*op. cit.*). For Yablo, they are all and only those properties that are "categorical," that is, roughly those that concern what goes on in the *actual* world; the properties that are *excluded* from the family in question are the "hypothetical" ones, that is, those that concern what goes on in *other* worlds.

But these proposals suffer from the same weaknesses as Gibbard's own, in that they are (i) *purely stipulative* and (ii) *overly coarse-grained*. They are purely stipulative, because it is simply *legislated* that contexts of the troublesome kind are to be excluded from the reaches of (RI), without any attempt at giving an independent justification for why *these* properties, and not others, deserve this special status with respect to the principle at issue. Moreover, by using purely formal criteria of individuating contexts (for example, the occurrence of particular operators in certain syntactically defined ways), these proposals draw the boundaries in the wrong place: they fail to distinguish between the harmless contexts in (12) and the troublesome contexts in (11), since both involve *de re* modal attributions. Thus, unless less coarse-grained methods of delineating contexts can be found, we should be skeptical that the Purely Stipulative Strategy can be made to work.

II.2. *Gibbard's Appeal to Failures of Substitutivity*. With his very condensed remarks in section v of his paper, Gibbard suggests that the anti-essentialist in fact has independent motivation for removing the troublesome contexts from the reaches of (LL), by virtue of the general principle in (13) cited above which is to govern the relation between linguistic contexts and properties. It is not entirely clear how Gibbard imagines that (13) will help the contingent identity theorist with respect

¹⁷ See "Acts, Events, and Things."

¹⁸ A similar principle is also to be found as "Postulate (V7)" in Fine's "Things and Their Parts."

to the "most prominent objection" coming from (LL); in what follows, I lay out what I take to be his implicit reasoning.

In addition to the *metaphysical* principle, (LL), governing objects, properties, and relations, there is also a *linguistic* principle concerning the substitutivity of coreferential expressions, which is sometimes called by the same name and occasionally even taken to be the same principle as (LL); I shall call this principle the *Substitutivity of Coreferencing Expressions* (SCE):

(SCE) *The Substitutivity of Coreferencing Expressions:*

For all expressions, α and β , ' $\ulcorner \alpha = \beta \urcorner$ ' expresses a true proposition only if substitution of α for β is truth-preserving.

The phrase, 'substitution of α for β is truth-preserving', in (SCE) is to be understood as expressing the following condition:

(TPS) *Truth-Preserving Substitution:*

For all expressions, α and β , substitution of α for β is truth-preserving if and only if, for all sentences, S and S' , if S' is like S save for containing an occurrence of β where S contains an occurrence of α , then S expresses a true proposition only if S' does also.¹⁹

Gibbard remarks that the linguistic principle in (SCE), as it stands, is simply false, and we can concur with him in his assessment, as the evidence to this effect is quite massive and convincing. Counterexamples to (SCE) are drawn primarily from contexts which are considered to be "opaque" in some fashion, for example, 'so-called' constructions such as the following:

(14) Giorgione is so-called because of his size.

(15) Barbarelli is so-called because of his size.

However, none of the counterexamples to (SCE), as Gibbard correctly notes, are thought to affect the truth of (LL): when properly understood, the sorts of considerations that are appealed to in order to reveal the falsity of (SCE) do not present us with cases in which one and the same object is said both to possess and not to possess a single property. For example, the truth of (14) and the falsity of (15), can hardly be used to conclude that the context '____ is so-called because

¹⁹ These formulations are taken from Richard Carnwright, "Identity and Substitutivity," in Milton Munitz, ed., *Identity and Individuation* (New York: University Press, 1971), pp. 119–33; reprinted in *Philosophical Essays* (Cambridge: MIT, 1986), pp. 135–47; this citation from p. 136 of the reprinted version.

of his size' determines a single property, which one and the same object (that is, the object variously referred to as either 'Giorgione' or 'Barbarelli') both has and lacks. In fact, (LL) is taken by many to be a principle, much like the Principle of Noncontradiction, whose truth is so obvious and fundamental that nothing of an informative and nonquestion-begging nature could be said to justify it. Anything that, on the face of it, looks like a counterexample to (LL) must thus simply involve some sort of misunderstanding.²⁰

If my interpretation of Gibbard's reasoning in section v of his paper is correct, then his thought is that, for the anti-essentialist, troublesome contexts like (3),

(3) □ (—— = Lump!)

are, in the relevant respects, just like "so-called" contexts, in that both involve hidden reference to linguistic expressions. For to be so-called because of one's size is to be called by some *name* or other because of one's size. Similarly, for the anti-essentialist of Gibbard's stripe, an occurrence of a name within the scope of a modal operator as in (3) induces a *nonstandard* interpretation of the name, according to which it is taken to refer to a concrete object not directly, but only *via a sortal concept* of some sort, in this case something along the lines of 'lump of clay'. For objects in and of themselves, according to the anti-essentialist, do not have particular features necessarily or contingently; they do so only *as designated in a certain way*.

On this conception, then, a context like (3) may both apply and fail to apply to one and the same object, depending on whether the single object in question is designated under the name 'Lump!' or under the name 'Goliath'. And this feature is of course precisely the mark of a context which, according to the independently plausible principle (13), *fails* to determine a property. In this way, so the anti-essentialist reasons, contexts like (3) can at most be used to provide yet another counterexample to the already disproven linguistic principle in (SCE), but they have no relevance to metaphysical principle in (LL).

With Gibbard's reasoning reconstructed in this way, we can now see why the Appeal to Substitutivity does not provide independent motivation for (TSS). My argument comes from three essays by Richard Cartwright in which he demonstrates that the falsity of the linguistic

principle in (SCE) has in fact no bearing on the debate between the essentialist and the anti-essentialist.²¹ Cartwright's argument, very briefly, is as follows.

There is actually an important *disanalogy* between contexts like those in (3) and contexts like those in (14) and (15), which we can all agree provide a counterexample to the linguistic principle in (SCE). For suppose we succeed in identifying a 'so-called' context which is in fact both true and false of a single object, depending on whether the object is designated as 'Giorgione' or as 'Barbarelli'; suppose further the context in question is '—— is so-called because of ——'s size'. Then, on pain of *incoherence*, the context in question cannot be said to determine a property, since, in addition to the places marked by '——', it contains another empty place marked by 'so' which has yet to be filled in. Thus, there is *no one* property determined by the context '—— is so-called because of ——'s size'; rather, there are *lots* of properties, depending on how the place marked by 'so' is filled in, which have been misleadingly collected under the same heading: there is the property an object has if it is called 'Giorgione' because of its size; the property an object has if it is called 'Barbarelli' because of its size; and so on. However, once the hidden place marked by 'so' has been explicitly filled in, so that we have in fact succeeded in determining a property, we are no longer dealing with a context which both applies and fails to apply to a single object, depending on how the object is designated. For '—— is called 'Giorgione' because of ——'s size' truly applies to the object in question, no matter how it is designated; and '—— is called 'Barbarelli' because of ——'s size' fails to apply to the object in question, no matter how it is designated. This is the reason why 'so-called' constructions only provide a counterexample to (SCE) but not to (LL).

In a similar vein, the anti-essentialist (according to the version of this view currently under consideration) conceives of *de re* modal contexts like (3) as containing a hidden ellipsis which must be filled in, in this case, by a particular sortal concept before the context in question succeeds in determining a property. For example, the context '—— is necessarily identical to Lump!', on this view, again denotes a multiplicity of properties, as in '——, when designated as a lump of clay, is necessarily identical to Lump!'; ——, when designated as a statue,

²¹ Cartwright, "Some Remarks on Essentialism," this JOURNAL, LXV, 20 (October 24, 1968): 615–26, "Indiscernibility Principles," *Midwest Studies in Philosophy*, IV (1979): 293–306, and "Identity and Substitutivity."

²⁰ For arguments to this effect, see, for example, Cartwright, and Mark Richard, "Quantification and Leibniz's Law," *Philosophical Review*, xciv, 4 (1987): 555–78.

is necessarily identical to Lump1', and so on. Once a context has been filled in this way, we will again no longer be faced with a property which both applies and fails to apply to a single object; for it is true of the single statue-shaped object in the actual world, independently of whether it is designated as 'Lump1' or as 'Goliath', that, *when designated as a lump of clay*, it is necessarily identical to Lump1; and it is false of the single statue-shaped object in the actual world that, *when designated as a statue*, it is necessarily identical to Lump1. In this way, the anti-essentialist avoids any conflict with the metaphysical principle, (LL).

The essentialist, on the other hand, takes a different view of modal contexts like those in (3). For him, such contexts contain no hidden ellipsis: thus, a context like '_____ is necessarily identical to Lump1', all by itself, that is, without the help of any sort of concept, already succeeds in specifying a property which either applies or fails to apply to an object. And, since Lump1 and Goliath are numerically distinct objects, according to the kind of philosopher we are imagining, there is again no conflict with (LL), since the property determined by '_____ is necessarily identical to Lump1' does not truly apply and fail to apply to a single object.

What makes the situation with respect to such modal contexts as (3) different from that of the agreed-upon counterexamples to (SCE), however, is that, on pain of begging the question against their opponent, neither the anti-essentialist nor the essentialist can appeal to any sort of *incoherence* in the other's position. For the core of the disagreement between them lies precisely in whether *de re* modal contexts like (3) apply to objects in and of themselves, independently of how they are designated. To show that one of the two sides in this dispute is to be preferred over the other, one must appeal, as Gibbard in fact does, to independent, substantive, considerations, for example, the thesis that the essentialist is committed to an unattractive "ghostly" conception of physical objects or that he relies too heavily on questionable modal intuitions. The falsity of the linguistic principle in (SCE) and the plausibility of the principle concerning property formation in (13), however, can do nothing to resolve the dispute between the essentialist and the anti-essentialist; for the two parties can perfectly well agree on all of the following points: (i) that the linguistic principle in (SCE) is false; (ii) that (SCE) is shown to be false, among other things, by contexts like the 'so-called' constructions; (iii) that none of this affects the truth of (LL); and (iv) that the principle in (13) states a correct constraint on property formation. What they disagree on is whether (13) is applicable to *de re* modal contexts like (3); but

this disagreement is independent of (i)–(iv). In short, whatever the plausibility of Gibbard's *other* considerations in favor of the contingent identity theory, the falsity of the Substitutivity of Coreferring Expressions principle is simply irrelevant to the dispute between the essentialist and the anti-essentialist.²²

II.3. Parson's Appeal to the Paradoxes of Naive Set Theory. Parson's Appeal to the Paradoxes of Naive Set Theory has the advantage of being methodologically more satisfying than the Purely Stipulative Strategy, since it introduces a systematic, independently motivated consideration by which contexts are to be classified: their apparently vicious impredicative character. It is, however, questionable that the contexts in question really are analogous to those that generate the paradoxes of naive set theory. For note, first, that Parson's suggestion depends crucially on the assumption that identity can be *defined* as indiscernibility in all respects; unless we accept that the questionable contexts in fact do involve quantification over all properties, they would not be of the allegedly problematic form in which an entity is introduced by means of a definition that quantifies over a domain of elements which is already supposed to include the entity to be defined. By most philosophers' lights, a second order principle in the manner of (7) is unproblematic only if numerical identity is itself included among the properties to be quantified over; if numerical identity is not so included, then the truth of the principle depends on the very controversial assumption that there can be no numerically distinct,

²² Cartwright's "Indiscernibility Principles" contains a further, powerful objection against Gibbard's particular style of anti-essentialism. Cartwright argues in this essay that the question of whether a context denotes a property is entirely *irrelevant* to the question of whether the corresponding indiscernibility principle is true; for, according to Cartwright, *all* (coherently formulated) indiscernibility principles are true, independently of whether the contexts that occur in them denote properties, and the principle we are accustomed to single out under the name "Leibniz's Law" has no special status among these indiscernibility principles. Gibbard may of course respond to this objection by adopting the more common position of conceding that the contexts in question denote properties, while nevertheless insisting on their exclusion from (LL); however, this concession would not only force a drastic reorientation in many of his other commitments; Gibbard would then still be faced with the task of having to explain why this exclusion of properties from (LL) ought not to be viewed as suspect.

One may worry that my reconstruction of Gibbard's condensed reference to (SCE) results in a position that is not the most favorable to the anti-essentialist; perhaps, the anti-essentialist is better off adopting a position that relativizes *de re* modal contexts in a less overtly *linguistic* manner. In that case, however, one wonders why it is pertinent at all, in this otherwise thoroughly metaphysical context, to point to the falsity of the linguistic substitution-principle as well as the independently plausible constraint concerning property formation.

qualitatively indiscernible objects. It is therefore open to the opponent of indeterminate identity to block Parsons's reasoning at this point by resisting the *definition* of identity as indiscernibility in all respects.

Moreover, Parsons's analogy is also questionable in all respects further respect. Suppose we were to accept that inferences using (LL_{Contexts}) are valid, that contexts like (6) denote properties and that identity can be defined in terms of quantification over all properties. Then, the only thing that follows from these assumptions is the conclusion of the Evans-style argument against the possibility of indeterminate identical objects; since the object, *A*, determinately shares all properties with itself, any object which does not determinately share all properties with *A* must be *determinately distinct* from *A*. But no *paradox* ensues from jointly accepting these assumptions. Thus, it seems that Parsons's strategy suffers from the same weakness as Gibbard's Appeal to Failures of Substitutivity, in that it introduces a consideration that is simply irrelevant to the purpose at hand.

Finally, Parsons's strategy, like the Purely Stipulative Strategy above, unsurprisingly also suffers from the weakness of being *overly coarse-grained*, since it as well uses purely formal criteria of individuation (namely, the occurrence of a universal quantifier ranging over properties among which the property to be defined is itself included). Even if we were to grant that *some* contexts involving impredicative definitions lead to paradox, it seems that there are again plenty of *other*, completely harmless, contexts which share the same formal characteristics. For example, suppose an object, *A*, and an object, *B*, have exactly the same number of properties; then, presumably, the context ' has the same number of properties as *A*' specifies a property which is itself included among *B*'s properties, and correspondingly for *A*. But there is nothing paradoxical about this sort of property.²³

II.4. Deutsch's Expansion Principle. The final proposal I want to consider is Deutsch's restricted indiscernibility principle governing objects that are identical merely in the relative sense. Such objects, as we know from (RI_{Rel-Deutsch}), must share all those properties which, if instantiated by *any* members of a particular equivalence class, must be instantiated by *all* the members of this class.

²³ A similar lesson may be learned from those solutions to the semantic paradoxes which trace their source to the phenomenon of self-reference and proceed by legislating that all such contexts are disallowed. Since not all self-reference is problematic (for example, 'This sentence is true'), an approach which proceeds by way of such purely formal criteria of individuation contexts tends to rule out too much.

Like the Parsons of indeterminate identity, Deutsch's proposal is methodologically less suspect than the Purely Stipulative Strategy, in that it introduces a completely general, systematic constraint on (LL); it does, however, suffer from the other weakness we have identified, namely, that of being *overly coarse-grained*. To see why, consider the equivalence class containing all those objects (numerically distinct, in the absolute sense) that are the same literary work as Jack Kerouac's *On the Road* (at a particular time or over time). This equivalence class will consist of a highly nonuniform collection of objects: yellowed paperback copies with missing pages that smell of cigarette smoke and have torn covers, coffee stains, and scribbles in the margins; pristine and beautifully illustrated hardcover, first edition collectors' items, signed by the author; and so on. The regions of space-time occupied by the books themselves are also of course inhabited by the various quantities of matter that constitute them: quantities of paper, cardboard, printer's ink, glue, fabric, and the like. Since Deutsch invokes the relative identity theory to solve the problem of the identity of allographic objects as well as the problem of change over time and the problem of constitution, the different copies of the book themselves as well as the quantities of matter coincident with them are all assigned to the same equivalence class, namely, the class unified by the *being-the-same-literary-work-as* relation. If we now apply Deutsch's Expansion Principle, (RI_{Rel-Deutsch}), to this heterogeneous bunch, we find that the only properties that satisfy it are properties of a rather *general* sort, namely, those that are commonly taken to be *essential* properties of the literary work in question: for example, kind properties, such as ' is a book', ' is an artwork', ' is an artifact'; origin properties, such as ' was authored by Jack Kerouac'; and the like. And while Deutsch's principle perhaps says as much as any principle of *logic can* say about the ways in which relatively identical objects can generally be expected to be indiscernible, it would not, for example, satisfy the philosopher who was looking for a response to Wiggins's challenge. For such a philosopher wants to know, for example, when, in general, inferences like those in (9), can be expected to be valid; but Deutsch's principle does not tell us why constitutionally related objects in particular *always* share the same weight, shape, texture, color, and so on, since relatively identical objects in general are not always indiscernible in these respects. I thus conclude that Deutsch's principle is too coarse-grained for the purposes at hand, in that it fails to yield a satisfying explanation for the striking similarities that are conferred upon objects by the various identity-like relations collected under the heading "relative identity."

III. CONCLUSION

This paper examined a variety of contexts in metaphysics which employ a strategy I consider to be suspect. In each of these contexts, the Suspect Strategy (TSS) aims at excluding a series of troublesome contexts from a general principle whose truth the philosopher in question wishes to preserve. Our main representatives of (TSS), as applied to Leibniz's Law, (LL), or restricted versions thereof of the form, (RI), were Gibbard's defense of contingent identity, Parsons's defense of indeterminate identity, as well as Deutsch's recent development of the relative identity view. On the basis of these examples, we discerned four different ways in which (TSS) can be implemented:

- (i) the most widespread Purely Stipulative Strategy; (ii) Gibbard's Appeal to Failures of Substitutivity; (iii) Parsons's Appeal to the Paradoxes of Naive Set Theory; and (iv) Deutsch's Expansion Principle.

I discussed in detail why I believe that (TSS) remains suspect in all four of the approaches considered above.

While we of course cannot conclude from our exposure to extant versions of (TSS) that *no* exclusion procedure could ever overcome the troubling features we encountered, my remarks here should, I think, at least give us reasons to be skeptical that any strategy which proceeds by means of *purely formal* (for example, syntactic) individuation criteria could achieve its intended purpose; for we have seen that such strategies in general tend to be *too coarse-grained* to individuate contexts correctly into those that should and those that should not be excluded from the reaches of the general principle under discussion. I suspect, moreover, though I did not argue for this stronger claim, that any strategy which does *not* proceed by means of purely formal criteria would in some way succumb to the charge of *circularity*.

Supposing that no nonsuspect strategy can be found by which to exclude the troublesome contexts from the reaches of the general principle, where does this leave us? As I see it, we have basically two options: (i) we can either accept that the general principle in question is true, that the relevant contexts denote properties and that these properties fall under the scope of the general principle; or (ii) we can deny the truth of the general principle in question. The second option, I take it, is not one that many philosophers would take seriously in the context of (LL) or certain instances of (RI), but it may be one that is attractive in other cases (for example, that of Parsons's existence principle, (EP)). If the truth of the general principle is nonnegotiable, then option (i), in the absence of further independently motivated considerations, naturally leads to a universe populated with a surprising multitude of numerically distinct yet almost indiscernible objects,

such as statues and the lumps of clay that constitute them. For, assuming the preceding remarks are correct, (TSS) now can no longer be invoked in order to bracket those contexts, such as '_____ is essentially a statue', by means of which these objects are apparently discernible; and objects which are merely *almost* indiscernible, by Leibniz's Law, are numerically distinct.

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