

The Possibility of Parity*

Ruth Chang

Some comparisons are hard. Who is more creative, Mozart or Michelangelo? Mozart is better in some respects of creativity, Michelangelo in others; however, there is no obvious way in which one has the greater creativity *tout court*. Or take two rather different careers, such as a career in accounting and one in skydiving, or two Sunday enjoyments, such as an afternoon at the museum and one hiking in the woods, or two moral requirements, such as a duty to keep promises and a requirement to avoid causing unnecessary pain. In many such cases, although we agree what considerations are relevant to the comparison, it seems all we can say is that the one alternative is better with respect to some of those considerations while the other is better in others, but it seems there is no truth about how they compare all things considered. Hard cases of comparison are ubiquitous. Indeed, if, as many philosophers believe, the comparability of the alternatives is necessary for justified choice between them, hard cases are very plausibly at the root of moral dilemmas and the most intractable sorts of practical conflict generally.

Philosophers typically have one of three reactions to such cases. Epistemicists insist that, although it may be difficult or even impossible to determine how the items compare all things considered, one must

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be better or the two must be equally good.¹ Incomparabilists, however, insist that even omniscience will not yield a true comparison of the items with respect to all the relevant considerations: hard cases are difficult precisely because there is no comparison of them—neither is better than the other, nor are they equally good.² Recently, a third reaction has been mooted: it is indeterminate how the items compare all things considered—it is indeterminate whether one is better than the other or whether they are equally good.³ This indeterminacy arises, so the view goes, because “better than,” “worse than,” and “equally good” are vague; hard cases are borderline applications of one of these comparatives. In sum: in hard cases, epistemicists think it is true that one is better than the other or that they are equally good, incomparabilists think it is false that one is better than the other and false that they are equally good, and semantic indeterminists think that it is neither true nor false that one is better than the other or that they are equally good.

Common to all three reactions is a simple thesis almost universally assumed to be true: if two items A and B are evaluatively comparable, then A must be better or worse than B, or A and B must be equally good. Call this the “Trichotomy Thesis.”⁴ According to this thesis, the conceptual space of comparability between two items is spanned by the

1. See, e.g., Donald Regan, “Value, Comparability, and Choice,” in *Incommensurability, Incomparability and Practical Reason*, ed. Ruth Chang (Cambridge, Mass.: Harvard University Press, 1997).

2. See, e.g., Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986), chap. 13; Elizabeth Anderson, “Practical Reason and Incommensurable Goods,” in Chang, ed., p. 90; Elijah Milgrom, “Incommensurability and Practical Reasoning,” in Chang, ed., p. 151; Regan, “Value, Comparability, and Choice,” pp. 129–30; James Griffin, *Well-Being* (Oxford: Oxford University Press, 1986), p. 79; Steven Lukes, “Comparing the Incomparable: Trade-offs and Sacrifices,” in Chang, ed., p. 184, among others. Some philosophers have understood incomparability in terms of unresolved conflict between the considerations relevant to choice and hold that when items are incomparable the relations of the traditional trichotomy are not ruled out but rather each is admissible. See, e.g., Isaac Levi, *Hard Choices* (Cambridge: Cambridge University Press, 1986). See also Daniel Bonavac and T. K. Seung, “Plural Values and Indeterminate Rankings,” *Ethics* 102 (1992): 799–813, who suggest that one item can be better than, worse than, and as good as the other; and cf. Amartya Sen, *On Ethics and Economics* (Oxford: Blackwell, 1987), pp. 65–68, who moots the possibility that one alternative can be better than another and the other alternative better than it. There is, I believe, a way of collapsing this view of incomparability into what is the more prevalent view, but addressing the variety of views about incomparability would take us too far afield.

3. See John Broome, “Is Incommensurability Vagueness?” in Chang, ed., pp. 67–89 (reprinted in his *Ethics out of Economics* [Cambridge: Cambridge University Press, 1999]).

4. This thesis can, of course, be equivalently stated in terms of two relations, “better than” (or “worse than”) and “equally good,” or in terms of one relation, “at least as good as.” Following the recent philosophical literature, I state it in terms of the trichotomy of relations. An advantage of doing so is that distinguishing between “better than” and “worse than” allows us to take into account the order in which items are compared.

trichotomy of relations "better than," "worse than," and "equally good": if none of those relations holds, the items are incomparable. Epistemologists assume the Trichotomy Thesis in assuming that since items in hard cases are comparable, one must be better or worse than the other or they must be equally good. Incomparabilists assume the thesis in assuming that the incomparability of items follows if none of the trichotomy of relations holds between them. And semantic indeterminists assume it in thinking that any indeterminacy in comparison is located in indeterminate application of "better than," "worse than," or "equally good." Part of the appeal of the thesis is in a tidy assimilation of evaluative comparisons to nonevaluative comparisons that proceed in terms of more, less, or equal amounts of some attribute. If comparisons of beauty are like comparisons of length, two things could be comparable with respect to beauty only if one is better or worse with respect to beauty or the two are equally beautiful.

In this article, I argue that there is good reason to doubt that the Trichotomy Thesis is true. I believe that two items can be evaluatively comparable and yet none of the trichotomy of relations holds between them. In particular, I want to suggest that there is conceptual space in our intuitive notion of evaluative comparability for a fourth value relation of comparability that may hold when "better than," "worse than," and "equally good" do not. I call this relation "on a par."⁵ If there is

5. Derek Parfit has suggested that comparisons can be "rough" and thus that there may be a relation of rough equality that does not have the same logical features as any of the relations of the traditional trichotomy. See, e.g., Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), p. 431, and forthcoming work. However, there is an important sense in which Parfit does not reject trichotomy, for he believes that between any two comparable items, one of a trichotomy of relations must hold between them. Parfit's important and interesting twist on the Trichotomy Thesis is that the usual relations "better than," "worse than," and "equally good" can be "roughed up." On his view, as I understand it, there are then six relations of comparability: "precisely better than," "precisely worse than," "exactly equally good," "roughly better than," "roughly worse than," and "roughly equally good." Between any two comparable items, only one of either the "precise" trichotomy or "rough" trichotomy holds. The impression of rejection of the trichotomy is due to the fact that, as Parfit thinks, "better than" and "worse than" are sufficiently capacious to admit of both precise and rough interpretations, while "equally good" means "exactly equally good," and thus "roughly equally good" is in some sense a new relation. The central difference between Parfit's rough comparability and the more radical view defended here is that Parfit thinks that the conceptual space of comparability between two given items is exhausted by three (precise or rough) relations, while I believe that it is exhausted by four relations ("roughness" or "imprecision" is not the key idea here). Others who have endorsed an idea under the label "rough equality" include Griffin, *Well-Being*, pp. 80-81, 96-98, 104; Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993); and George Harris, "Value Vagueness, Zones of Incomparability, and Tragedy," *American Philosophical Quarterly* 38 (2001): 155-76, though I believe they each have a different notion in mind. I give an account of what I take the fourth relation to be and

such a fourth relation, then incomparability does not follow from the failure of the trichotomy of relations to hold: if A is neither better nor worse than B, and A and B are not equally good, A and B may nevertheless be comparable—they may be on a par. In at least some hard cases, the argument goes, the epistemicist, incomparabilist, and semantic indeterminist are all mistaken: we have parity, not ignorance, incomparability, or indeterminacy in comparison. Each of the other views can be seen as getting part of the story right, however. The epistemicist is right in thinking that the items are comparable but wrong in thinking that one must be better than the other or the two must be equally good. The incomparabilist is right in thinking that neither item is better than the other and nor are they equally good but wrong in thinking that this entails that they are incomparable. And the semantic indeterminist is right in suspecting that the failure involved is not a failure of comparability but wrong in thinking that it is indeterminacy in the application of a comparative predicate.

Now it might be thought that any argument for the possibility of a fourth relation is doomed to failure because what it means to say that two things cannot be compared is that neither is better than the other and nor are they equally good. If incomparability is stipulatively defined as the failure of the trichotomy, then the Trichotomy Thesis is trivially true and my attempt to show that incomparability does not follow from failure of the trichotomy cannot, by definition, succeed. If there is to be a real, as opposed to merely verbal, issue between “trichotomists”—those who think incomparability follows from the failure of the trichotomy—and “tetrachotomists”—those who think that parity is possible—there must be some notion of comparability other than that given in terms of the trichotomy by which a genuine dispute can be understood.

I believe that there is an intuitive notion of evaluative comparability that provides the conceptual basis for arguments about parity. To see why this is plausible, imagine a dispute between dichotomists and trichotomists about incomparability. Dichotomists define incomparability as the failure of the two relations, “better than” and “worse than,” to hold, while trichotomists define incomparability as the failure of those relations plus “equally good.” If each is offering a merely stipulative definition of the term ‘comparability’, there is no genuine disagreement between them; each uses the term ‘comparability’ as she pleases. But intuitively, there is a real issue between them. According to a perfectly intuitive notion of comparability, the dichotomist has made a mistake: she has overlooked the possibility of a third relation, “equally good,”

explore the ways in which it relates to various notions of rough equality in an unpublished draft, “Parity.”

that might hold when "better than" and "worse than" do not. Insofar as we think that the dichotomist has made an error about which relations might hold if items are to be comparable, we appeal to a notion of comparability that is not simply given by stipulating that one of two, three, or even four relations holds. Just as the dichotomist and trichotomist can have a substantive dispute about the intuitive notion of comparability, so too the tetrachotomist can join issue with the trichotomist over whether there might be an overlooked fourth relation that can hold when trichotomy fails.

According to this intuitive notion of comparability, items are comparable just in case one of a range of relations that together span the conceptual space of comparability holds—whatever those relations might be. Items are incomparable, then, if none of the relations that span that conceptual space hold. It is no part of this notion that the relations that span that conceptual space are given by a dichotomy, trichotomy, or indeed a tetrachotomy of relations: what relations span the conceptual space of comparability is a substantive matter about which philosophers can disagree.

This intuitive idea of comparability can be illuminated in various ways. One is by appeal to the distinction between "positive" and "negative" value relations. A positive value relation that holds between two items describes a way in which the items are related, while a negative relation describes a way in which the items are not related. So, for example, "better than," "at least as good as," and "a whole lot worse than" are positive relations, while "not worse than," "neither better than nor equal to," and "incomparable with" are negative relations. On this account, two items are evaluatively comparable if there is a positive value relation that holds between them and incomparable if there are only negative value relations that hold between them. It is no part of this notion that one of "better than," "worse than," and "equally good" must hold if a positive value relation holds at all; the intuitive notion is neutral as to what range of positive relations must hold if any positive relation holds. The dispute between trichotomists and tetrachotomists, then, can be understood as a substantive dispute over what positive value relations must hold if any positive value relations do. The trichotomist thinks that if any positive value relation holds, then one of "better than," "worse than," and "equally good" must hold, while proponents of parity deny this, maintaining instead that the conceptual space of comparability between items includes a fourth relation beyond those of the trichotomy.

The intuitive notion of comparability might be explained instead in terms of the idea of an evaluative difference. If items are comparable, there is an evaluative difference between them; if they are incomparable, there is no evaluative difference between them. There is a sense in which there is no evaluative difference between items that are equally good,

but the sense of "no evaluative difference" that obtains when items are incomparable excludes there being any difference whatever, even a zero difference. (Just as we can talk of "number" when the number is zero, there is more to evaluative difference than mere magnitude.)⁶ There is much more that can be said about the idea of evaluative differences, but for present purposes, it is sufficient to flag the notion as a possible basis for illuminating the intuitive notion of comparability. We can then put the issue between the tetrachotomists and trichotomists in these terms: the tetrachotomist thinks that even if one item is neither better nor worse than another and the items are not equally good, there may nevertheless be an evaluative difference between them; the trichotomist denies this—if there is any evaluative difference between two items, then one must be better than the other or the two must be equally good. The substantive issue between them is whether there can be an evaluative difference between items even though the trichotomy fails to hold.

Thus, even granting a stipulative definition of comparability in terms of trichotomy, there is another notion of comparability for which there is a real issue between those who think that when the trichotomy fails there can be parity and those who think there can be only incomparability. I suspect, in any case, that many trichotomists have wanted to offer a substantive rather than a stipulative definition of incomparability, one that already presupposes that there is an intuitive notion of comparability whose definition is in question. Insofar as this is what they have in mind, then they already recognize a notion of comparability that can provide the conceptual basis for arguments about whether parity is possible.

The argument for the possibility of parity is an argument by elimination and is given in three stages. In the first, we argue that there are some items not related by "better than," "worse than," or "equally good." This involves defending and supplementing an argument for what trichotomists think entails incomparability—that is, the failure of the three relations to hold. In the second stage, we argue that among the items not related by the trichotomy, at least some are nevertheless comparable. If the arguments of the first two stages are correct, it follows that there is some fourth relation of comparability beyond those of the traditional trichotomy that sometimes holds. But the arguments are shadowed by

6. There is a further distinction between two senses of "no evaluative difference, not even a zero difference" that corresponds to the distinction between incomparable items and what I have called noncomparable items. There is no evaluative difference in auditory beauty in this further sense between the number five and a Mozart concerto because the concept of auditory beauty does not apply to numbers. The number five and the Mozart concerto are noncomparable with respect to auditory beauty. The lack of an evaluative difference when items are incomparable, in contrast, does not arise from a failure in application of this sort.

a worry: they might be thought to trade on the vagueness of the comparatives "better than," "worse than," and "equally good"; indeed, as we will see, they look suspiciously like sorites arguments. If they did turn on the vagueness of these comparatives, the cases at issue would not be examples of some fourth value relation but rather borderline cases of one of the traditional trichotomy of relations. "Parity," then, would be nothing more than a name for borderline cases of being better than, worse than, or equally good. In the third and final stage, we argue that the worry is unfounded; the cases of interest are not borderline cases of the relations of the trichotomy. What we are left with is neither incomparability nor borderline cases of trichotomous comparison but rather determinate comparison by a fourth value relation.

While the strategy here is to make a case for the possibility of parity, our argument is really only half of the case for parity. The other half—which I take up elsewhere⁷—consists in explaining just what this fourth relation is and what philosophical work it can do. Our argument for the possibility of parity, then, is not meant to bring skeptics to their knees; rather, our aim is to pave the way for a positive case for parity by casting doubt on the widespread but unreflective assumption that the Trichotomy Thesis is true.

Before turning to the main argument, we should mention a couple of upshots the possibility of parity has for our current thinking about comparison and rational choice. Most obviously, parity deals a potentially fatal blow to many of the existing arguments for incomparability where "incomparability" is understood in its intuitive sense. If there are four and not three value relations that span the conceptual space of comparability between two items, then any argument that shows only that the trichotomy fails to hold falls short of establishing incomparability. The argument for the existence of a fourth relation is an argument against there being any incomparability as it has been trichotomously conceived.

This undermining of incomparability, in turn, has important ramifications for practical reason. Many philosophers have thought, rightly in my view, that the possibility of justified choice between two alternatives depends on their being comparable; if the alternatives cannot be compared, practical reason fails to determine at least one of the alternatives as justified.⁸ The possibility of parity suggests that many putative cases

7. See my "Parity."

8. Many thinkers seem to tie this view of practical justification to either consequentialism (states of affairs are all that ultimately matter) or teleology (goodness is all that ultimately matters). See, e.g., Tim Scanlon, *What We Owe to Each Other* (Cambridge, Mass.: Harvard University Press, 1998), pp. 31–32; and John Broome, "Incommensurable Values," in *Well-Being and Morality*, ed. Roger Crisp and Brad Hooker (Oxford: Oxford University Press, 2000), pp. 31–32. Comparisons of alternatives, however, need not be comparisons

of incomparability may instead be cases of parity, and given that the common thought about the possibility of justified choice is correct, it follows that many choice situations in which justified choice seems precluded are in fact situations within the reach of practical reason. Of course, it remains to be seen how justified choice is possible between items that are on a par, but at least justified choice is not in principle precluded. We thereby win to the side of practical reason choice situations that would otherwise seem to be beyond its reach.

Perhaps most striking, the possibility of parity shows the basic assumption of standard decision and rational choice theory to be mistaken: preferring X to Y, preferring Y to X, and being indifferent between them do not span the conceptual space of choice attitudes one can have toward alternatives. Put another way, the "partial orderings" sometimes favored by such theorists will underdescribe the range of choice attitudes a rational agent can have toward alternatives. And without the assumption of the Trichotomy Thesis, it is unclear how the rationality of preferences could be adequately modeled by standard utility functions. Thus the approach to rational choice favored by mainstream social scientists will, at the very least, require reexamination.

One further prefatory note. Throughout, I will be assuming that all evaluative comparisons must proceed in some or other evaluative respect(s), what I call a "covering consideration." So, for example, Mozart cannot be better than Michelangelo *simpliciter* but can only be better in some or other respect(s). Just as all nonevaluative comparisons of more, less, or equal must proceed relative to some covering consideration like length, all evaluative comparisons must be relativized to a covering consideration like beauty, self-interest, or philosophical talent. Without a covering consideration in terms of which a comparison proceeds, a comparison is incomplete; saying that Mozart is better than Michelangelo *simpliciter* does not tell us whether he is better with respect to chess, spelling, or creativity.⁹ Put another way, all (binary) value relations are strictly three-place: X is better than Y with respect to V. Since explicit reference to a covering consideration in every instance is cumbersome, we omit such reference, but an appropriate covering consideration is always implied.

It might be thought that the covering consideration assumption presupposes what is at issue in these cases, for hard cases are ones in which it seems there is no covering consideration that aggregates or

with respect to promoting the best state of affairs but can happily proceed with respect to respecting a value regardless of the state of affairs that ensues. Similarly, items can be compared with respect to fulfilling an obligation or duty or best meeting a standard of conduct.

9. See Ruth Chang, *Making Comparisons Count*, *Dissertations in Ethics* (New York: Routledge, 2002), chap. 1, for a defense of the covering-consideration requirement.

combines all the relevant considerations in play. But the assumption that there is always a covering consideration should be understood in an innocuous way; a covering consideration might be nothing more than a stipulated consideration that is a bare conjunction or list of all the considerations relevant to the comparison. So, for example, in choosing between two careers, various considerations are relevant—for example, how good the salary and benefits are, how interesting the work is, whether one has an affinity with people in the field, how much time it leaves for family life, and so on. If, indeed, there is no further single consideration that combines those considerations, we can simply stipulate one, for example, “goodness as a career,” which is nothing more than a list of the various relevant considerations. It is with respect to this stipulated consideration that it might nevertheless be true that, for example, a particular career as a janitor is worse than one as a philosopher. Thus “overall” and “all things considered” are placeholders for a covering consideration which in turn might be nothing more than a list of all the things to be considered.¹⁰ The point of the covering consideration requirement for our purposes is simply to ensure that each of the comparisons at stake in a given argument proceed with respect to the same list of relevant respects, that is, the same covering consideration.¹¹

I. THE SMALL-IMPROVEMENT ARGUMENT

There are some hard cases in which none of the standard trichotomy of relations holds. To see why this is true, we start with the strongest existing argument for incomparability, what I will call the “Small-Improvement Argument.”

This argument, introduced by Ronald de Sousa and later employed by Joseph Raz and Walter Sinnott-Armstrong, has the following general form: if (1) A is neither better nor worse than B (with respect to *V*), (2) A+ is better than A (with respect to *V*), and (3) A+ is not better than B (with respect to *V*), then (4) A and B are not related by any of

10. For an argument that there are more values that combine other values than one might think, see Ruth Chang, “Putting Together Morality and Well-Being,” in *Practical Conflicts*, ed. M. Betzler and P. Baumann (Cambridge: Cambridge University Press, in press).

11. Talk of a covering consideration and its respects should not be understood as presupposing that these considerations are objective. Even if, as most decision theorists suppose, a comparison between two items amounts to no more than a preference for one over the other, we can, following ordinary ways of thinking and talking about evaluative comparisons, presuppose that comparisons proceed with respect to a covering consideration. What these considerations ultimately amount to is a separate matter about which our argument is neutral.

the standard trichotomy of relations (relativized to *V*).¹² Assuming the Trichotomy Thesis is true, A and B are therefore incomparable. The Small-Improvement Argument holds that a small improvement in one of two items, neither of which is better than the other, does not necessarily make the improved item better. If the Trichotomy Thesis is true, by 1, A and B must be equally good or incomparable; by 2 and 3, they cannot be equally good; and therefore they are incomparable.

Incomparabilists defend the argument by appeal to particular examples which are then supposed to generalize to other similar cases. Suppose you are faced with a choice between a particular career as a corporate lawyer and one as a philosopher. Fill out the details of each career so that it is as plausible as possible that neither career is better than the other with respect to goodness as a career. Now if we make the legal career slightly better than it was before with respect to goodness as a career—we might, for example, slightly improve it with respect to goodness as a career by slightly improving it in one relevant aspect like goodness of salary—does it necessarily follow that the improved legal career—the original legal career plus \$1,000, for example—is better than the philosophical one with respect to goodness as a career? It seems not. If this is right, then none of the trichotomy of relations holds between the two careers.¹³

There is a simple but powerful objection to this particular defense of the Small-Improvement Argument, one to which no incomparabilist, to my knowledge, has adequately responded. How can we be sure that our judgments in these cases are correct?¹⁴ This is not skepticism of the

12. See Ronald de Sousa, "The Good and the True," *Mind* 83 (1974): 534–51, who gives a subjectivist version of this argument in terms of attitudes of preference and indifference. A version that moves from such attitudes to rational judgments is offered by Raz (pp 325 ff.), and Walter Sinnott-Armstrong applies the argument to comparisons of the strength of moral requirements in his *Moral Dilemmas* (Oxford: Blackwell, 1988), pp. 67 ff. Parfit (who cites conversations with Ronald Dworkin and Sen [p. 431]) and Griffin use the argument to motivate rough comparability (*Well-Being*, p. 81).

13. It might be thought that adding \$1,000 to the legal career does not make that career better with respect to goodness as a career. Rather, the additional \$1,000 makes the career better with respect to, for example, the more specific covering consideration, goodness as a legal career, and therefore there is a shift in covering consideration in the premises of the argument. (This objection was raised by Stephen Schiffer and Richard Warner.) But we can still run the Small-Improvement Argument with the more restricted covering consideration. Take a particular career in public interest law and one in corporate law such that it is as plausible as possible that neither career makes a better legal career than the other. If we improve the public interest law career as a legal career by adding \$1,000 to its salary, it still does not follow that the improved public interest law career is a better legal career than the corporate law career.

14. See Donald Regan, "Authority and Value: Reflections on Raz' *Morality of Freedom*," *Southern California Law Review* 62 (1989): 995–1095 (raising the epistemic challenge against Raz); and Christopher Gowans, *Innocence Lost* (New York: Oxford University Press, 1994), pp. 54–55 (raising the epistemic challenge against Sinnott-Armstrong).

ordinary Cartesian sort but one tied to the special difficulty of making correct judgments in these particular cases. The items for which the Small-Improvement Argument most plausibly holds are evaluatively very different—they are items that bear very different aspects of the covering consideration—and figuring out how evaluatively very different items compare is, generally speaking, no easy matter. Perhaps in these hard cases, all we can rationally judge is that we are uncertain as to which relation holds.

Not all hard cases, however, can be plausibly reinterpreted as cases of ignorance. Suppose you must determine which of a cup of coffee and a cup of tea tastes better to you. The coffee has a full-bodied, sharp, pungent taste, and the tea has a warm, soothing, fragrant taste. It is surely possible that you rationally judge that the cup of Sumatra Gold tastes neither better nor worse than the cup of Pearl Jasmine and that although a slightly more fragrant cup of the Jasmine would taste better than the original, the more fragrant Jasmine would not taste better than the cup of coffee. In this case, it is plausible to suppose that you know everything that is relevant to comparing the drinks and that in this case you have first-person authority over which tastes better to you; your judgment about their comparative tastes provides the truth as to their comparative taste to you.¹⁵ On what ground could the skeptic make out that these judgments are mistaken? If you know everything that is relevant to the judgments, the skeptic would have to insist that whether the one drink tastes better to you or not is in principle unknowable. But surely we can know which of the two drinks tastes better to us in such cases.¹⁶

15. None of what I say here should be taken to suggest that we can never be wrong about which of two things tastes better to us. There may be imperceptible differences in taste, hotness, painfulness, and so on, such that although there is an added grain of sugar, joule of heat energy, or microwatt of electric current and, *ex hypothesi*, the item is sweeter, hotter, more painful, we nevertheless judge that the taste, hotness, and painfulness is the same. In such a case, the truth about how things taste (and so on) outstrips our ability to discern differences. In the case at hand, in contrast, there is a very definite, perceptible difference in taste—the coffee has a sharp, pungent taste, and the tea has a smooth, fragrant taste—but nevertheless one judges that neither tastes better than the other. The present argument needs only the limited claim that we have first-person authority over certain judgments of taste. For a proposal for dealing with the problems imperceptible differences raise for rational action, see, e.g., Warren Quinn, "The Puzzle of the Self-Torturer," in his *Morality and Action* (Cambridge: Cambridge University Press, 1993), chap. 10.

16. Jeff McMahan suggested to me that we might be uncertain about our judgments of taste because by the time we get around to savoring the tea we will find the memory of the coffee already fading. We can lack first-person authority over simple judgments of taste because we cannot have both tastes simultaneously before our "mental palate" and thus must rely on memory, which may be faulty. And this might be the case no matter how many serial samplings of the coffee and tea we help ourselves to. (McMahan reports

If the Small-Improvement Argument succeeds here, why not in all hard cases? It is natural to think that the structure of comparability is uniform across hard cases. But the skeptic might argue that there are principled grounds for distinguishing some hard cases from others. In some, we have first-person authority over our judgments and thus the relevant certainty about them. In these, the skeptic might concede, the Small-Improvement Argument holds. But in most hard cases, and indeed all of interest, we do not have such authority over our judgments. Which of two very different careers makes for the better career? Which of two life paths is better for my happiness? Which of two distribution schemes is the most just? A concession in coffee/tea kinds of cases, then, is compatible with trichotomy holding in all the standard cases of interest. In another way, of course, the concession carries the day, since it allows us to draw the needed conclusion, namely, that there are some items between which the trichotomy fails to hold, and to move on to the next stage of argument.

To get a sufficiently broad scope of interest, however, the epistemic objection needs to be tackled in cases in which we do not have first-person authority. As it turns out, there is some reason to think that even in these cases the epistemic objection is not as compelling as it may seem. Consider the phenomenology of such cases. Suppose you are a member of a philosophy appointments committee whose task is to compare Aye and Bea for the vacant chair advertised in your department. Aware that predicting potential future merit is difficult, you and your fellow committee members agree that you must determine which candidate has displayed the greatest philosophical talent in her writings to date. Now imagine that you and your fellows have researched both candidates thoroughly; you have examined, discussed, and argued about their written work in great detail, canvassed considered opinions from around the world, dissected letters of recommendation, and so on. Surely it is possible that after careful, cool-headed deliberation, you and the people whose judgment you respect rationally conclude that Aye's work shows neither more nor less philosophical talent than Bea's. You are not uncertain as to who has the better record to date; rather, the information you have, deemed complete for the purposes at hand, and the care with which you have evaluated it provides positive evidence, not outweighed by any other evidence, that neither is better than the other. On this scenario, there is at the very least some warrant for the judgment that neither is better.

The epistemicist must insist that the phenomenology in these cases

that he has had just this real-life experience with whiskeys) To avoid this objection, we can change the example to judgments about which of two dresses one likes better. There's the blue one on the right and the red one on the left, and both are simultaneously present in one's visual field.

is in error. Though it appears that Aye is neither better nor worse than Bea, in reality one of them is better, or they are equally good. The epistemicist commits us to an error theory about our judgments in these cases. But the phenomenology and error theory are in tension; the greater the systematicity of such judgments, the less reason there is to think that the error theory is correct. And it is plausible that such judgments are very common.¹⁷

Moreover, the epistemicist owes us an explanation of where we go wrong in thinking that neither item is better than the other. Perhaps we make different substantive mistakes in different cases; after all, hard cases are hard, and we may get things wrong in different ways. But how then is the fact that we are systematically in error to be explained? Or perhaps the error we make is philosophical—perhaps we are mistakenly verificationist about such judgments: since there is no way to decide which is better, it seems that neither is better. But we have already noted that the phenomenology is that there is positive evidence for the belief that neither is better, not simply a lack of evidence that one is better. Without an adequate explanation of why we systematically make this putative error, we should perhaps be open to the possibility that we make no error at all.

Even if one is not convinced by this response to the epistemicist, it is worth pointing out that the Small-Improvement Argument can be presented so as to avoid any particular skeptical worries. The abstract version of the argument avoids the particular worries because it relies not on particular intuitions about whether a given small improvement makes a difference to how certain items compare but on an abstract intuition about whether certain sorts of small improvements could make such a difference.

Take the class of pairs of evaluatively diverse items presenting hard cases. Without having any acquaintance with the particular pairs, one can draw conclusions about what must be true of kinds of pairs within the class. So, for instance, a devoted philistine may have no familiarity at all with paintings, but she could be told enough about the nature of paintings to think that it is possible that with respect to beauty, there could be some improvements in one painting that cannot make the difference to whether that work was more or less beautiful than another. Or consider careers. It is very plausible to think that given the nature of careers, certain sorts of small improvements in some careers—like the addition of a dollar to the salary—cannot make the difference between the one career's being better or worse than another. In general, it is plausible to think that for at least some items of a certain kind,

17. The judgments I claim are common are ones that are made or would be made in the abstract, apart from any pragmatic need to choose one alternative or another.

certain small improvements—given by a dollar, a pleasurable tingle, and so on—cannot effect a switch from an item's being worse than another to its being better.

If this intuition is correct, then it follows that the trichotomy of relations sometimes fails to hold. To see why, take an arbitrary pair (X, Y) of evaluatively diverse items. For at least some (X, Y) we can create a continuum of X-items by successively adding or subtracting dollars (or pleasurable tingles, etc.) from X. If we add enough dollars, we get an X-item, X+, that is better than Y, and if we subtract enough dollars, we get an X-item, X-, that is worse than Y¹⁸ Now according to our abstract intuition, adding a dollar, pleasurable tingle, and so forth cannot make a difference to whether one item is better or worse than another item evaluatively very different from it. Therefore, there must be some X-item, X*, in the continuum between X+ and X- that is neither better nor worse than Y. But what relation holds between X* and Y? Suppose one of the trichotomy always holds. Then since X* is neither better nor worse than Y, it and Y must be equally good. According to our intuition that a dollar can't make a difference, however, this is impossible. For if we add fifty cents to X*, we get an item that is better than Y; if we take away fifty cents from X*, we get an item that is worse than Y. And the difference between X* + fifty cents, which is better than Y, and X* - fifty cents, which is worse than Y, is a dollar. Thus X* and Y cannot be equally good. Therefore, we must reject the assumption that one of the trichotomy always holds; X* is not better than Y, not worse than it, and the two are not equally good.

There is, however, a worry that might be raised about the abstract version of the argument. It seems to have the form of a sorites and to rely on a sorites-like premise: a dollar (tingle, etc.) doesn't make the difference to whether "better than" or "worse than" correctly applies. If it is a sorites-type argument, then it would be no better than the hoary argument to the conclusion that a man with a zillion hairs on his head

18. This argument leaves open the possibility that not all (X, Y) will be such that there is an X+ better than Y or an X- worse than Y. One might think that X hails from a sphere of value so different from that of Y that no series of certain kinds of small improvement could make any X-item better than any Y-item and no small detractions worse. On reflection, however, such cases are hard to find, for the usual suggested cases break down in the face of "nominal-notable" comparisons, i.e., cases involving a pitiful version of the one kind and a superb version of the other. For an exchange on this point, see Laurence Tribe, "Policy Science: Analysis or Ideology?" *Philosophy & Public Affairs* 2 (1972): 66-110; and James Griffin, "Are There Incommensurable Values?" *Philosophy & Public Affairs* 7 (1977): 39-59. At any rate, the abstract version of the argument relies only on the weak assumption that there are some very different items that are not discontinuous in this way.

is bald. I do not think the argument is a sorites, but showing this is a task left for Section III below.

Modulo the promissory note on vagueness, we can conclude from this first stage of argument that the trichotomy of relations sometimes fails to hold: for such items, it is false that one thing is better than another, false that it is worse, and false that the items are equally good. It is at this point that the incomparabilist who assumes that the Trichotomy Thesis is true rolls down his sleeves and is ready to go home. But as we have already noted, insofar as this incomparabilist is interested in showing incomparability in its intuitive sense—that is, that sometimes no relation from the conceptual space of value relations that could hold between two items holds between them—his ending the argument here is premature. As we will now suggest, the move from the fact that the trichotomy fails to hold to the conclusion that the items are incomparable is mistaken, for at least some such items can be compared.

II. THE CHAINING ARGUMENT

In the second stage of our argument, we show that in at least some cases in which the trichotomy fails to hold, the items are comparable. The argument of the first stage relies on the intuition that certain sorts of small improvements—like the addition of a dollar—cannot for certain sorts of items—like very different careers—make the difference between one item's being better or worse than the other. The argument of the second stage, what I shall call the "Unidimensional Chaining Argument" (or the "Chaining Argument" for short), rests on a related intuition: that in certain cases small improvements of or deductions from an item in a single respect relevant to the comparison cannot give rise to incomparability. If both arguments succeed, it follows that there are some items related by a fourth value relation.

Consider our example of Mozart and Michelangelo. Let us suppose that we have a case to which the Small-Improvement Argument applies: neither is more creative than the other, nor are they equally creative. Now take Michelangelo. He bears certain values or respects of creativity in certain ways. If we slightly detract from one of the respects of creativity that Michelangelo bears, we are left with an item identical to Michelangelo in every respect but slightly worse in one. In this way we can create a continuum of sculptors starting with Michelangelo and ending with Talentless, a very bad sculptor. Each successive item on the continuum is slightly worse than its predecessor in a single respect of creativity but otherwise the same in all other respects. We will say that any two contiguous items on such a continuum are related by a small unidimensional difference, that is, they bear all and only the same respects of the covering consideration in the same way but each neighboring item involves a small evaluative change in a single respect. This is not

to say that each item as we move down the continuum is always worse than its predecessor with respect to the covering consideration; it does not follow from the fact that one item is a small unidimensional detraction over another that it is worse overall—it may be better with respect to the covering consideration. To paraphrase Aristotle, you can have too much of a good thing. Evaluative considerations might be “organic unities”; there may be interactions among their respects such that even a small detraction in one respect makes the item better overall. So for example, one life, identical to another in all respects except better with respect to pleasure, may not be the better life because too much pleasure may make for an unbalanced life; what makes a life best may be an organic unity of various goods.¹⁹ However items on the continuum compare with one another, it is clear that Talentlessi, the very bad sculptor, can be compared with Mozart, the great musician: he is worse.

Now we bring to bear a key intuition. We introduce it in universal form but will later qualify its scope. The thought is this: between two evaluatively very different items, a small unidimensional difference cannot trigger incomparability where before there was comparability. In other words, for items that bear very different respects of the covering consideration, incomparability between them cannot be a matter of some small difference in one of the respects borne such that without this small difference the items would be comparable. A small unidimensional difference just does not seem powerful enough to effect a switch from two such items being comparable to their being incomparable. Call this the “Small Unidimensional Difference Principle.” According to this principle, if Mozart is comparable with Talentlessi, then he is also comparable with Talentlessi+, for the difference between Talentlessi and Talentlessi+ is a small unidimensional one, and by hypothesis, such a difference can’t trigger incomparability between evaluatively very different items where before they were comparable. And if Mozart is comparable with Talentlessi+, then applying the principle anew, it follows that he is comparable with Talentlessi++, and so on. Comparability with Mozart is preserved through the continuum of small unidimensional differences, and thus we arrive at the conclusion that Mozart is comparable with Michelangelo. By hypothesis, Mozart is not more or less creative than Michelangelo, and nor are the two equally creative. And yet it seems that they are nevertheless comparable.

The argument in general form runs as follows. For at least some

19. See also Hurka, chap. 7. Although it is clear that Michelangelo is comparable with Talentlessi, the comparability of items on the continuum is not strictly required for the argument to go through. But as we will shortly see, it is very plausible that items on a continuum of small unidimensional differences are comparable with one another

evaluatively very different pairs of items (X , Y) not related by any of the trichotomy of relations, there is a continuum of unidimensional differences connecting X with some X_n that is clearly comparable with Y . According to the Small Unidimensional Difference Principle, a small unidimensional difference cannot trigger incomparability where before there was comparability. Thus by serial application of this principle, we know that if X_n is comparable with Y , then so is X because the difference between X_n and X can be given by a series of small unidimensional differences, and according to the principle, a small unidimensional difference cannot trigger incomparability. Therefore, X and Y are comparable and yet, by hypothesis, not related by any relations of the traditional trichotomy. This is the Chaining Argument.

It is worth noting that the Chaining Argument does not presuppose the transitivity of comparability.²⁰ It moves from the claims that A is comparable with B and that B differs from C by a small unidimensional improvement or detraction to the conclusion that A is comparable with C . It does not rely on the stronger claim that since A is comparable with B and B is comparable with C , then A is comparable with C . Indeed, if we could help ourselves to the controversial assumption that comparability is transitive, we could straightforwardly conclude from the facts that Mozart is comparable with Talentlessi and Talentlessi is comparable with Michelangelo that Mozart is comparable with Michelangelo. Rather the crux of our argument is the assumption that, in at least some cases, comparability between evaluatively very different items is preserved even if we make a small unidimensional change in one of the items.

Now the argument crucially relies not only on the Small Unidimensional Difference Principle but also on what we might call the "existential claim," the claim that in at least some cases there is a continuum of small unidimensional differences connecting X with some X_n that is both clearly comparable with X and clearly comparable with Y . What can be said in defense of these claims?

The Small Unidimensional Difference Principle has deep intuitive appeal. It is just plain hard to believe of two evaluatively very different but by hypothesis comparable items that making a small unidimensional improvement or detraction in one of them can thereby effect a switch from the items' being comparable to their being incomparable. How can two evaluatively very different careers, such as one in hang gliding and one in corporate law, be made comparable or incomparable simply by changing one of the careers ever so slightly in a single respect? In order to switch two evaluatively very different items from comparability to incomparability, more than a small unidimensional change in one

20. Thanks to Larry Temkin and Richard Warner for discussion on this point.

of the items is required. Indeed, given our elucidation of the intuitive notion of comparability in terms of evaluative differences, it seems that the principle is incontrovertible. For if there is an evaluative difference between two items such as the hang gliding and legal careers with respect to goodness as a career, then how can changing one of the careers ever so slightly in a single respect change the relation between the careers such that before there was an evaluative difference and now there is none—not even a zero difference?

But the principle does not have universal application. It makes an important assumption about comparability that may not always hold, and thus its scope needs to be appropriately restricted. The principle presupposes that the comparability of two evaluatively very different items is a matter of balancing or trading off the way one relevant respect is borne against the way another relevant respect is borne. In determining how two evaluatively very different careers compare, we balance the high salary of one career, for example, against the pleasant working environment of the other; the ways in which respects relevant to the comparison are borne can be traded off against one another. Sometimes, however, the instantiation of the respects relevant to the comparison may not be able to be balanced against one another. In these cases, comparisons must be made, if at all, according to a rule of comparison that plausibly captures the comparison between items without presupposing such balancing. Take, for example, the view widely shared by economists of the 1930s and after: different individuals' utilities cannot be compared. Although your well-being cannot be balanced against mine, states of affairs involving our well-being can plausibly be compared with respect to social well-being by a Pareto Rule: unless we are equally well-off in each of two states of affairs, one state is better than another if at least one of us is better off than we would be in the other state and none of us is worse off, otherwise the states are incomparable. Such a rule of comparability yields plausible comparisons of states—on the assumption that there can be no interpersonal comparisons of utility—even though the respects relevant to the comparisons cannot be balanced. Whenever comparability is given by a rule of this sort, the Small Unidimensional Difference Principle will not hold. For suppose state A is given by the ordered pair (10, 9), which respectively represents your well-being and mine, and state B is similarly given by (9, 10). By the Pareto Rule, A and B are incomparable. But by making a small change in one dimension of overall well-being in B, that is, by increasing your well-being from 9 to 10, improved B is given by (10, 10), which is, by the Pareto Rule, better than A.²¹

21 I am grateful to an anonymous referee for a penetrating comment that led me to the point made in this paragraph

The Small Unidimensional Difference Principle holds only when comparability and incomparability are not rule generated in this way. This limit on the scope of the principle and consequently of the Chaining Argument provides a basis for a clear contrast between cases of parity and cases of incomparability. The argument has application in those cases in which the respects relevant to the comparison can be balanced against one another, and in those cases, it concludes that we have parity. This leaves room for incomparability when the relevant respects cannot be so balanced. Of course, hard cases are ones in which balancing one respect against another is especially difficult. At the same time, however, there seems to be no general rule of comparison in virtue of which we can conclude that items in those cases are incomparable. Whether the argument applies in a given hard case, then, is a matter of case-by-case examination.

Now we turn to the existential claim. It holds that for at least one pair of items (X, Y) not related by the trichotomy, there is a continuum of small unidimensional changes connecting X to an X_n that is clearly comparable with Y. To deny this is to hold that for all pairs of items not related by the trichotomy, no number of small unidimensional improvements or detractions can make one of the items of the pair comparable with the other.

This denial can be taken in two ways. Least plausibly, it implies that evaluatively very different items are ipso facto incomparable, and thus no improvement in or detraction from them can render them comparable. It might be thought, for instance, that Mozart is incomparable with Michelangelo with respect to creativity because Mozart bears creativity in respects having to do with music and Michelangelo in respects having to do with sculpting; the fact that they bear creativity in some different respects is sufficient, the thought goes, to guarantee their incomparability.²² But as we have already noted, this view is mistaken. If we detract enough from the respects in which Michelangelo bears creativity, we are left with Talentlessi, who is clearly comparable with Mozart with respect to creativity: he is decidedly worse. In general, the mere fact that two items are evaluatively very different does not warrant the conclusion that they are incomparable: a "nominal" bearer of one set of respects can almost always be compared with a "notable" bearer of another set.

Most plausibly, the denial of the existential claim holds that the sorts of small changes in X needed to yield an item that is clearly comparable with Y do not qualify as unidimensional changes. Remember that a small improvement in a single respect does not count as a uni-

22. See the companion papers by Joseph Raz and James Griffin, "Mixing Values," *Proceedings of the Aristotelian Society*, suppl. ser., 65 (1991): 83-118.

dimensional improvement unless the improved item is otherwise identical with its predecessor—in particular, it must bear all and only the same respects of the covering consideration in the same ways. But some changes in a single respect can trigger a change in the values borne; by sufficiently improving an item in one respect, we may trigger some new respect borne by the improved item not borne by its predecessors but relevant to the comparison. To paraphrase Hegel, with enough of a change of one kind, a change of another kind kicks in. Perhaps, then, since small changes in a single respect trigger a new value at a given stage, we can no longer assume that there is a continuum of small unidimensional differences that connect X with an item X_n that is clearly comparable with Y . In short, if the continuum of X -items that leads to an item that is clearly comparable with Y is not a continuum of small unidimensional improvements, we cannot be sure that comparability with Y is preserved along the continuum.

Consider, for example, a legal career C and a hang gliding career H . C has a salary of \$32,000, which is the current median income in the United States. Now suppose we make successive small improvements in C 's salary until we get C_n , whose salary is \$515,600, which is the average income of the richest 1 percent of U.S. households. By making a sufficiently large number of small improvements in C 's salary, we trigger a new value—such as “membership in the ranks of upper-class swells”—borne by C_n but not borne by C . Insofar as this new triggered value is relevant to the comparison, C_n may be better than H , but we have no reason to think that comparability with H is preserved along the continuum connecting C_n and C , for that continuum includes C -items that bear different values relevant to the comparison. If all continua of small changes in a single respect are like this, then the existential claim is false; for all (X, Y) not related by the trichotomy, there is no continuum of unidimensional differences that connects X with some X_n that is clearly comparable with Y .

But certainly this Hegelian worry does not hold in all cases. Our Mozart, Michelangelo, and Talentlessi example seems to be a case in which it does not. Moreover, we can further limit the scope of the worry in two ways. First, we can, in at least some cases, add to the predecessors of the item that triggers a new value an inferior quantity or quality of the new value triggered. In this way, the condition that all items on the continuum bear all and only the same values can be preserved in some further cases and each of the small changes in a single respect will qualify as small unidimensional changes. Second, we can create two continua, one of X -items that starts with X and through small unidimensional improvements yields X_n and one of Y -items that starts with Y and through small unidimensional detractions yields Y_n . If X_n is clearly comparable with Y_n , then, helping ourselves to the Small Unidimen-

sional Difference Principle, we can conclude that X is comparable with Y_n . And if X is comparable with Y_n , then helping ourselves to the principle once again, it follows that X is comparable with Y since the difference between Y_n and Y is given by a series of small unidimensional differences which, by hypothesis, preserve comparability with Y . For the purposes of the argument, we need only a single case in which the Hegelian worry does not have purchase. The existential claim is secure.

As with the Small-Improvement Argument, however, there is an obvious objection to the Chaining Argument. The Small Unidimensional Difference Principle looks just like the conditional premise of a sorites argument; its appeal could trade on the vagueness of "comparable." The incomparabilist might then respond by insisting that it is indeterminate at which point on the spectrum the Michelangelo-detractors become comparable with Mozart, but by the time we reach Talentless, we have definite comparability. A small unidimensional difference can't trigger incomparability because the borderline between comparability and incomparability is vague. If the Chaining Argument is a sorites, the right thing to say is not that Mozart and Michelangelo are on a par but that it is indeterminate that one is better than the other. If our arguments turn on the vagueness of the given comparatives, there is then no mysterious fourth value relation but only the familiar idea that some predicates have vague application. To this possibility we now turn.

III. RESOLUTION OF HARD CASES: AGAINST VAGUENESS

Hard cases involve two evaluatively diverse items and a covering consideration such that one of the items is better in some respects of the covering consideration while the other item is better in others, and yet there is no obvious truth about how the items compare with respect to the covering consideration. We have argued that in at least some hard cases none of "better than," "worse than," and "equally good" holds, and yet the items are comparable. If the arguments are correct, we have uncovered in the space of comparability a fourth relation beyond those of the traditional trichotomy.

A worry remains, however. As we have already noted, our arguments for this conclusion look suspiciously like sorites arguments, and as sorites, they would be invalid.²³ If they are invalid in this way, then perhaps

23. A sorites argument begins with a clearly correct application of the predicate, moves through the sorites premise to the effect that a small change in the item to which the predicate clearly applies doesn't make a difference to the correctness of application of the predicate to an application of the predicate that is clearly false. Thus, if 1 million grains of sand makes a heap, and if for any number of grains of sand N that makes a heap, one fewer than N also must make a heap, then it follows that 999,999 grains must make a heap, 999,998 must make a heap, and so forth, and therefore that one grain of

what we have identified as a fourth relation is really nothing more than borderline application of a vague predicate.²⁴ According to the semantic indeterminist, the hard cases of interest, that is, those that appear to pass the Small-Improvement and Chaining Arguments—let's call them "superhard"—are borderline cases of a vague predicate: just as Herbert is a borderline case of the monadic predicate "bald," Mozart and Michelangelo are a borderline case of the relational predicate "better than with respect to creativity" or "comparable with respect to creativity." On this view, the right thing to say about Mozart and Michelangelo is not that it is false that one is better than the other and false that they are equally good and true that they are on a par but rather that it is neither true nor false that the one is better or neither true nor false that they are equally good. If the semantic indeterminist is right, either the trichotomous comparatives are vague or the predicate "comparable" is, and our arguments for the possibility of parity trade on this vagueness.

Are our arguments sorites? Take the abstract version of the Small-Improvement Argument first. That argument employs the predicates "better than with respect to *V*" and "worse than with respect to *V*": are those comparatives vague? At first glance, it might be thought to be a sorites, but its major premise does not have the right form—it says, for example, only that adding a dollar to *X* can't make *X* + \$1 better than *Y* if before it was worse. It does not, when iterated, provide what is needed to generate a sorites paradox, namely that there is no amount of added dollars that could make *X* better than *Y*. Nonetheless, if someone thought that "better than with respect to *V*" was vague, she might insist that the items that lie between items on the continuum that are better than the given item and those that are worse than it are not neither better nor worse than *Y* and not equally good but are rather indeterminately better (or worse or equally good). Thus, although the Small-Improvement Argument is not a sorites, its seeming validity may depend on the vagueness of "better than with respect to *V*."

Now the Chaining Argument does have the form of a sorites. But having the form of a sorites does not entail that the argument is a sorites. For there are many sorites-seeming arguments that are not sorites: for example, 0 is a natural number; if *N* is a natural number then so is *N* + 1; therefore, for any *N* = 0, 1, 2, 3, . . . , *N* is a natural number,

sand must make a heap. But one grain of sand clearly does not make a heap. What makes the sorites paradoxical is that its premises seem clearly true, its reasoning impeccable, and yet its conclusion clearly false. What makes the sorites a mark of vagueness is that what accounts for the seeming validity of the argument is the vagueness of the predicate.

24. Broome has offered an ingenious argument for his view that any sort of failure of the traditional trichotomy must be due to vagueness in the relevant comparative. I do not consider Broome's argument explicitly, but if the arguments of this section are correct, Broome's argument is mistaken. See Broome, "Is Incommensurability Vagueness?"

which is a perfectly sound argument though it has the form of a sorites. Some sorites-seeming arguments seem sound because they are sound; the vagueness of a predicate is only one possible explanation of why a sorites-seeming argument appears to be sound, and we need to determine whether a predicate is vague before we can ascertain whether a sorites-seeming argument is a genuine sorites.

The Chaining Argument, unlike the Small-Improvement Argument, employs the predicates "comparable" and "incomparable," not the standard trichotomous comparatives. Is "comparable" vague? Here is a reason to think it might not be: all vague adjectives like "red," "round," and "bald" apply in degrees, but it does not seem that "comparable" applies in degrees. Something either is comparable or it isn't; comparability seems to be a toggle—you've either got it or you don't. While the ways in which things can be comparable can be more or less—things can be more or less better or worse—things cannot be more or less comparable. Comparability itself doesn't seem to be a matter of degree.

Even if this consideration is decisive—and it's not clear that it is—we left open the possibility that the Small-Improvement Argument turns on the vagueness of the trichotomous comparatives. I know of no quick and easy way to establish definitively that neither the Small-Improvement Argument nor the Chaining Argument relies on the vagueness of certain predicates.²⁵ Instead, we take a direct approach and argue that superhard cases are not cases of borderline application of a vague predicate. If this is right, then we have good reason to think that superhard cases are cases of parity, not borderline cases of a vague predicate.

It will help to simplify matters by focusing on the question of whether superhard cases are borderline cases of one of the standard trichotomy of comparatives (relativized to *V*). By focusing on this question, we need not ask the further question of whether superhard cases are borderline cases of the predicate "comparable" (with respect to *V*). For if we can show that superhard cases are not borderline cases of the former sort, it very plausibly follows that they are not borderline cases of "comparable." After all, the only way we could have indeterminacy in application of "comparable" given determinate failure of each of the trichotomy is if comparability included a fourth value relation beyond the standard trichotomous ones which, by hypothesis, determinately fails to hold in the given cases. Such a position would give the game away by entailing the possibility of parity.

25. See, e.g., Larry Temkin, "A Continuum Argument for Intransitivity," *Philosophy & Public Affairs* 25 (1996): 175–210, who uses a continuum argument that he hopes is not a sorites to suggest that under certain plausible assumptions "better than, all things considered" is not transitive. The considerations Temkin advances, insofar as I understand them, do not help us in the present case.

There are two general reasons for thinking that superhard cases are not borderline applications of a vague comparative. First, the phenomenology of the cases is different. In borderline cases, insofar as we are willing to judge that the predicate applies, we are also willing to judge that it does not apply. Take for example Herbert, a genuine borderline case of baldness. Insofar as we are willing to call Herbert bald, we are also willing to call him not bald. In superhard cases, things are different. The evidence we have inclines us to the judgment that the one item is not better than the other (and not worse and not equally good). So, for example, our research into the philosophical talents of Aye and Bea incline us to the judgment that Aye is not more philosophically talented than Bea: it seems that this is the case without it also seeming that Aye is more philosophically talented. Thus, in a superhard case, insofar as we are willing to judge that "better than with respect to *V*" does not apply, we are not also willing to judge that it does apply. In the absence of any explanation for why the phenomenology should be different, there is good reason to think that superhard cases are not cases of vagueness.²⁶

There is a further, more telling consideration. Perhaps the force of the argument from phenomenology is not altogether clear. In that case, we might allow that there is some "perplexity" over whether one item is better than the other, where this perplexity is consistent with the possibility of semantic indeterminacy. The question then is whether this perplexity has its source in the vagueness of predicates. This question can, I believe, be answered by examining the way this perplexity might be resolved and comparing it to the way borderline cases of a vague predicate might be "resolved." Of course in one way, there is already a "resolution" in a borderline case: it is borderline. But there is a perfectly clear sense in which we can nevertheless ask, How are we to resolve its borderline status? That is, we ask, apart from any context, the following hypothetical: If we had to choose between application or not, how would we do so—what would be a permissible way of resolving the indeterminacy? It is in this broad, intuitive sense of "resolution" that we can ask whether the resolution of perplexity in superhard cases is like the resolution of indeterminacy in borderline cases.

Resolution of perplexity in superhard cases is not of the same sort as resolution of borderline cases. In borderline cases, it is perfectly permissible to resolve the indeterminacy in favor of application or not

26. This is not to say that in a borderline case one cannot favor one judgment more strongly than another; Herbert might be "closer" to being bald than to being not bald. The point is rather that in superhard cases we are inclined to judge—to whatever degree—that "better than" does not apply without also being inclined to judge—to a correspondingly appropriate degree—that it does apply.

by arbitrary stipulation, but in superhard cases, resolution of the perplexity in context-free cases is not permissibly given by arbitrary stipulation. To illustrate the point, imagine the following scenario. Jack is required to sort items into one of two piles for a given predicate; items of which the predicate is true go into one pile, and those items of which the predicate is false go into the other pile. Let us stipulate that for the purposes of trichotomous sorting—that is, sorting under the assumption that the Trichotomy Thesis is true—Jack is in possession of all the relevant facts, sensibilities, and powers of reasoning needed to sort items according to the given requirement, whatever those might be.²⁷ We further suppose that Jack understands the given predicates in a normal way and—crucially—that the sorting takes place in no particular context—it's not that Jack will win a prize if he sorts more items into the "true" category or that the world will be a better place if he sorts certain items into the "false" category or that there is limited time and so he must sort the items in a hurry—rather, we shall suppose that the sorting, and thus the resolution, is context free.²⁸

27. There is in the case of any evaluative predicate a special difficulty in applying the condition that Jack knows all the facts and so forth relevant to determining whether the predicate applies. In the case of "bald" and other nonevaluative predicates, we generally have a good idea of what the relevant underlying facts are, but there is nevertheless a gap between those facts and determination of whether the predicate applies in borderline cases. In the case of "morally better than" and other evaluative predicates (comparative or not), it is unclear what facts are relevant to determination of application. My claim is that whatever those underlying facts might be taken to be, the gap that remains cannot be filled by arbitrary stipulation.

28. The condition that the sorting be context free is important because there are, of course, contexts in which stipulation in a borderline case can be a matter of substantive argument (e.g., if the tax structure were pegged to whether one was bald) and contexts in which resolution of the perplexity of a superhard case is properly a matter of stipulation (e.g., if one has to make some or other instant decision or else the world will be destroyed). The scenario involving Jack describes what I have in mind by a context-free sorting. The condition of being context free should not be taken to preclude very detailed specification of the alternatives involved. It might be suggested that there is no context-free sorting of items with respect to evaluative predicates because something of practical importance always turns on how an evaluative predicate is applied. According to this line of thought, there is no context-free theoretical truth about whether Mozart is better than Michelangelo—there is only truth relativized to a practical context. (Sigrún Svavarsdóttir raised this objection.) I do not find such pragmatism about value or evaluative comparisons persuasive. Suppose, e.g., that if it is the case that Mozart is more creative than Michelangelo, then I lose my bet with you and will thereby become penniless. The truth about whether Mozart is greater, however, is not determined by my interest in not being penniless. There are two separate context-free theoretical questions: first, the context-free theoretical question of who is better and, second, the context-free theoretical question of how bad it is for me to be penniless. If it is really bad for me to be penniless, it does not follow that Mozart is not more creative. Features of a context do not preclude context-free theoretical truths; they just call for context-free theoretical truths that respond to the considerations made relevant by those features.

Now suppose that Jack must sort Herbert with respect to the predicate "bald." By hypothesis, he knows all the relevant facts concerning Herbert's cranial hair—the number he has, their distribution, thickness, and so on. Suppose he sees that Herbert is a borderline case of the predicate. Nevertheless, the rules of the game require that Herbert must be sorted into one of the two piles. Suppose Jack puts Herbert in the "bald" pile. What is crucial is that his sorting decision is perfectly arbitrary; he could just as well have flipped a coin to determine how Herbert was to be sorted—heads, and he would have put Herbert in the "not bald" pile instead of the "bald" pile. If we add another player, Jill, who happens to sort Herbert into the "not bald" pile, Jack and Jill have no real disagreement; their "disagreement" is simply a clash of arbitrary decisions in the face of indeterminate application. Of course, this is not to say that the answer to the question, Is Herbert bald? is given by a coin flip, for the answer to that question is that it is indeterminate whether he is. The point here is only that a resolution of this indeterminacy can be appropriately given by a coin flip. In general, the resolution of borderline cases can always be a matter of arbitrary stipulation.

The resolution of a borderline case lacks what we might call "resolutive remainder": given all the admissible ways in which the case might be resolved, there is no further question as to how resolution should proceed—any admissible resolution will do.²⁹ We might put the point supervalueationally in this way: given the precisifications of a vague predicate, there is no further question as to how borderline cases should be resolved; they are resolved by arbitrarily opting for one precisification over another. Thus, there is no more to the resolution of the case involving Herbert than arbitrarily opting for one of the various precisifications of "bald," that is, bald₁, bald₂, bald₃, . . . , that yield determinate application or failure of application in the case of Herbert. Put another way, when faced with Herbert, Jack may arbitrarily shift to another covering predicate "bald₁" and sort Herbert in the "bald" or the "not bald" piles according to whether Herbert is or is not bald₁.

The resolution of perplexity in superhard cases is very different in nature. Suppose Jack is confronted with the superhard case involving Mozart and Michelangelo. The rules of the game require him to put the ordered pair in one pile or the other. Suppose he puts the pair in the "better than with respect to creativity" pile. What is crucial is that his decision is not properly arbitrary; it is not true that he could just as well have flipped a coin to resolve the perplexity. If Jill puts the pair in

29. There are as well further connections between precisifications of "bald" and precisifications of related predicates that must be respected. See Kit Fine's discussion of "penumbral connection" in his "Vagueness, Truth, and Logic," *Synthese* 30 (1975): 265–300.

the "not better than with respect to creativity" pile, Jack and Jill have a genuine disagreement over whether Mozart has the greater creativity—this is no clash of arbitrary decisions but a substantive disagreement in which arguments can be brought to bear.

In superhard cases, there is resolutional remainder; given a list of admissible ways in which the perplexity might be resolved, there is still a further question as to how the perplexity is to be resolved, for that resolution is not simply given by arbitrarily opting for one admissible resolution over another.³⁰ Admissible resolutions might be given by weightings of the various respects relevant to the comparison; on one weighting, Mozart is determinately better, while on another, he is determinately worse. It is not appropriate in superhard cases to resolve the perplexity by arbitrarily adopting one weighting rather than another: given the weightings, there is still a further question as to which, if any, weighting one ought to adopt. Put another way, when faced with the pair (Mozart, Michelangelo), Jack may not arbitrarily shift to a new predicate, "better than with respect to creativity1," as the basis for resolving the perplexity. The perplexity of superhard cases demands that one stick with the predicate at hand and resolve the perplexity in those terms.³¹

That resolution of the perplexity of superhard cases cannot be a matter of arbitrary stipulation is made especially vivid by cases involving normatively significant comparatives like "morally better than." Consider a superhard case involving comparison of a particular act of promise keeping and a particular act of bringing about great happiness with respect to moral goodness. As the case is hard, the promise keeping is morally better in some respects—for example, it fulfills one's obligation to keep promises—while the bringing of great happiness is better in other respects—for example, it addresses legitimate interests of many people—and yet it is not obvious that one is morally better than the other overall. Now the question before us is, Could the resolution of the case be an arbitrary matter—could the perplexity concerning which is morally better be answered by the flip of a coin? Clearly, the resolution of this superhard case cannot be a matter of arbitrary stipulation but is a substantive matter concerning which is better. If Jack puts the pair in the "morally better than" pile and Jill puts it in the "not morally better than" pile, there is a genuine substantive disagreement between them, not a mere clash of arbitrary decisions. And it would be wholly inappropriate to stipulate a new predicate "schmorally better than" in terms

30. Cf. Levi.

31. This is not to say that one must stick with the covering predicate at hand if the predicate is employed in a choice context. Indeed, it is often rational to switch to a new covering predicate when the old covering predicate makes choice difficult.

of which there could be determinate application or not. The perplexity of the case demands that we determine which is morally better, not which is schmorally better. The same holds for trivial superhard cases like perplexity over which of two china patterns is prettier.

This supposed difference between superhard and borderline cases raises two possible objections. First, it might be thought that disagreement in superhard cases is substantive in virtue of a general feature of evaluative comparatives and that this general feature is consistent with the vagueness of those comparatives. In particular, it might be thought that evaluative comparatives are what W. B. Gallie called "essentially contested": they are predicates whose application in just about every case is a matter of substantive argument.³² Since, the objection goes, it is possible for essentially contested predicates to be vague, the fact that disagreement in superhard cases is substantive does not show that the cases are not borderline cases of application of a vague predicate.

But note that the proponent of vagueness has now shifted ground, for every existing account of vagueness (that takes it to be genuine semantic and not merely epistemic indeterminacy) appears to suppose that resolution of the indeterminacy of borderline cases can be an arbitrary matter. Put another way, every proponent of vagueness agrees that an appropriate response to a borderline case is to stipulate a new predicate for which application is determinate. If the semantic indeterminist now wants to insist that for some predicates, the indeterminacy of borderline cases cannot be resolved arbitrarily, she must deliver a new account of vagueness for these predicates—and explain why there is this difference between predicates in this regard. We have argued only that superhard cases are not borderline cases of a vague comparative as vagueness has so far been understood. Perhaps there is another kind of vagueness whose borderline cases are always open to substantive argument. But if there is, it remains to be explained.³³

32. See W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* (1956): 167–98. Not every application of an evaluative comparative will be essentially contested; some comparatives will not apply for purely formal reasons (e.g., it is false that X is better than X), and (according to Gallie) some applications may be to paradigm applications upon which all users should agree.

33. Cf. Stephen Schiffer, "Moral Realism and Indeterminacy," *Philosophical Issues* (in press), who treats first-order questions in morality—e.g., whether abortion is wrong—as of a piece with semantic indeterminacy that arises from vagueness; both, he thinks, are instances of some underlying phenomenon of indeterminacy. Our argument here might be extended in a way that casts some prima facie doubt on Schiffer's thesis: resolution of the perplexity of whether abortion is morally right or wrong cannot proceed by arbitrary stipulation while "resolution" of indeterminacy due to vagueness can, and this may point to a fundamental difference between the two sorts of phenomena. Similarly, it might be thought that although there is no semantic indeterminacy in superhard cases—i.e., no vagueness—there is indeterminacy of another sort. On this view, it is neither true nor

The second objection takes issue with the claim that resolution of a superhard case cannot be a matter of arbitrary stipulation. Perhaps the disagreement in superhard cases appears substantive, but closer examination reveals that it is a clash of arbitrary determinations. This objection might get a toehold by noting that the perplexity in superhard cases might have the very same structure as the indeterminacy in borderline cases: just as there are various eligible precisifications of a vague predicate, there are various eligible weightings of the components of the covering consideration—that is, various functions assigning importance to the criteria relevant to comparison—about which Jack and Jill might disagree.³⁴ Indeed, if evaluative comparatives are essentially contested, then disagreement about the importance of component criteria will be an essential feature of them. Given this structural similarity, why not think that the eligible weightings are just eligible precisifications?

Noting a (possible) structural similarity between the perplexity in superhard cases and the indeterminacy in borderline cases does not, however, itself yield the conclusion that the perplexity is or has its source in that indeterminacy. Indeed, the structural similarity does nothing to advance the view that the disagreement in superhard cases—now not over the resolutions themselves but over the eligible weightings upon which they are based—is arbitrary. For just as disagreement over whether Aye is more philosophically talented than Bea is substantive, so is disagreement over whether originality is more important to philosophical talent than clarity. Disagreement over eligible weightings seems different from “disagreement” over precisifications in just the familiar way.

The perplexity in superhard cases is not the indeterminacy that arises from borderline applications of a vague predicate. This, of course, leaves room for vagueness in evaluative comparatives and thus indeterminate application that is a distinct phenomenon from the perplexity in superhard cases. Where there is borderline application of a comparative, the indeterminacy is appropriately resolved by arbitrary stipulation. So, for example, it might be vague as to whether X is more creative than Y if it is indeterminate what considerations are relevant to the comparison. Is fame achieved during one's lifetime relevant to assessing whether X is more creative than Y? Is moral uprightness a

false that one is better than the other, but this is not because the comparatives are vague. Just what this indeterminacy is, however, and what is its source remain to be seen. If the opponents of parity insist that what we have is indeterminacy of some new kind, they must deliver an account of what that indeterminacy is.

34. By “weightings” I do not mean to imply that there is some strict linear function taking contributory values and items into comparisons. The term is employed as a loose metaphor for whatever relation might hold between respects of the covering consideration and items, on the one hand, and comparisons with respect to the covering consideration, on the other.

relevant criterion for assessing whether X makes a better appointment in philosophy than Y? Does access to natural beauty matter in comparing the goodness of two careers? Certain questions about the relevance of considerations to a comparison—about what evaluative considerations contribute to the covering consideration—are not substantive evaluative questions but semantic ones about how we wish to draw the contours of the comparative. If Jack says that fame achieved during the artist's lifetime is not relevant to assessing who has the greater creativity but Jill says it is, their "disagreement" is perhaps one that can be settled by arbitrary stipulation: they might agree to stipulate a comparative, "better than with respect to creativity¹" that includes that consideration and another that does not. (Note that not all questions of relevance are plausibly due to vagueness; some questions will be analytic or answered by a conceptual platitude, and others might be a substantive matter. And the question of whether a given consideration is relevant need not be the only sort of question that is due to vagueness.)

If superhard cases are not cases of vagueness, we have good reason to believe they are cases of application of a fourth value relation beyond "better than," "worse than," and "equally good." And since such cases are very common, we have every reason to believe not only that parity exists but that it is a widespread phenomenon.

IV. CONCLUSION

We began with a question: how are hard cases to be understood? Epistemicists insist that one of the trichotomy of "better than," "worse than," and "equally good" holds, but we don't know which. Incomparabilists claim that none of the trichotomy of relations holds and that therefore we have incomparability. Semantic indeterminists say we have neither ignorance nor incomparability; rather, we have indeterminate application of the vague comparatives of the standard trichotomy. Against the epistemicist, we argued that there are some cases in which it is clear that none of "better than," "worse than," and "equally good" holds. Against the incomparabilist, we argued that in some of those cases the items are nevertheless comparable. And against the semantic indeterminist, we argued that resolution of the cases of interest is a substantive, not arbitrary, matter and that these cases are not therefore borderline applications of a vague predicate. Some hard cases, then, are not cases of "better than," "worse than," or "equally good"; cases of incomparability; or cases of borderline application of a vague predicate. They are something else, and that something else, we have suggested, is given by a fourth relation of comparability beyond "better than," "worse than," and "equally good."