

ARTICLES

How Is the Paradox of Blackmail Paradoxical?

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The main aspiration of the present article is to elucidate what it would mean for the paradox of blackmail to be *solved* rather than *dissolved*. We begin by increasing the sense of paradoxicality of blackmail. To this end, we formalize the paradox. We demonstrate that it relies on a certain *prima facie* plausible principle of closure (what we call *disjunctive closure*). This principle is quite unlike the principle which holds that the permissibility of action A and the permissibility of action B render doing A and B together permissible. On the principle of disjunctive closure, the paradox of blackmail seems to breed a genuine contradiction. Having adequately formulated the paradox, we turn to a normative point: What would count as a *satisfactory* solution to the paradox of blackmail? Informed by the treatment of paradoxes in logic, we argue that to take the sting out of the paradox of blackmail, we must embrace its core commitments and still explain how apparently contradictory verdicts might nevertheless arise. The upshot of the above considerations only strengthens our contention that what we proposed as a solution to the paradox of blackmail in Dominiak and Wysocki (2026) is indeed an adequate *solution* rather than a mere *dissolution*.

Blackmail presents a perennial problem to economists, lawyers, and philosophers alike. The economic analysis of blackmail is far from conclusive, in that blackmail seems to be efficient in one sense and inefficient in another. Specifically, as noted by Joseph Isenbergh (1993, 1907), “the prohibition of blackmail leads to relatively *greater* disclosure of a *smaller* body of information, because on the one hand *B* is more likely to disclose information about *A* to *C* when prevented from bargaining with *A*, but on the other hand, not being able to extract the full return from bargaining with *A*, *B* has less incentive to seek out information about *A* in the first place.”¹ This may suggest that permitting blackmail may be only allocatively efficient. That is, once the



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¹ The reader may be interested in acquainting himself with the excellent critique of Isenbergh's view by Walter Block and Robert McGee (1999b).

embarrassing information about the blackmailee has already been discovered, permitting blackmail—rather than banning it—would maximize social utility. For then the interested parties could freely bargain over the information at stake and thereby reach a privately efficient outcome.

However, permitting blackmail would seemingly create perverse incentives to seek out the embarrassing information in the first place. And, crucially, the blackmailer is normally keen to keep the information secret in exchange for money. Thus, the blackmailee's payment to the blackmailer for silence appears to constitute a mere money transfer, if not worse.² Given this, the decision to permit blackmail might well turn out to be unproductive in the long run (Nozick 1974, 84–87), thereby rendering blackmail *dynamically* inefficient. A similar point is made by Richard Posner (1986, 630), who argues that even though blackmail involves a threat “to do something completely lawful,” it should still be punishable, as it is plainly socially wasteful. After all, blackmail is just a species of all those threats that the threatening party has *no* intention of executing “except to maintain credibility.” Or, in Posner's (1986, 630) words, the blackmailer doesn't “want to turn you in.” Rather, he “want[s] your money.” So, in the end, typical blackmail activity involves spending economic resources to discover information that the blackmailer is ultimately willing to pay money to suppress. As observed above, this is even worse than a mere transfer of money and therefore cannot by any means increase social utility.³

Still, first and foremost, blackmail presents a *moral* problem. And it is in the realm of morality that the paradox of blackmail looms large. Since our next section is dedicated to stating precisely what the paradox in question consists in, we will at this point simply lay out what is *prima facie* paradoxical about blackmail. Normally, for the paradox to get off the ground, we need to assume the blackmailer's (1) liberty to reveal the blackmailee's secret and (2) liberty

2 Mere money transfer (like a mere act of theft) simply redistributes money from one party to another. But because people anticipate that they might be robbed, they incur *certain costs* to prevent theft. Thieves also incur costs in order to steal. That is why Gary Becker (1968) analyzed theft in terms of rent-seeking. Theft is *dynamically* inefficient since people waste resources only to prevent mere money transfer. Precisely for the same reason, blackmail appears to be *dynamically* inefficient. Blackmailers expend resources to dig up information they would be willing to bury in exchange for money. Blackmailees, on the other hand, waste resources to successfully conceal that information.

3 However, as brilliantly demonstrated by Leo Katz (1996), utilitarian considerations (and thus appeals to utility) go no distance toward explaining what is wrong with blackmail. For it seems that if the blackmailee succumbs to the blackmailer's threat, the former prefers to comply (be it in the form of money transfer or whatever else) than to have the threat carried out. But since blackmail by definition involves the threat of performing an otherwise *legal* (albeit “swinish”) action, it would be—on utilitarian grounds—perverse to punish the blackmailer more severely for bringing about what the blackmailee prefers (e.g., paying money) than for what he disprefers (e.g., the disclosure of his embarrassing secret). Katz's (1996, 151–52) solution to this punishment puzzle leads him to the paradox of blackmail. Katz perspicaciously spots that the extent of *criminal liability* does not track the victim's preference (or harm to him) alone. The perpetrator's *culpability* matters too.

In Katz's (1996, 193) words, “The essence of blackmail resides in a strange, anomalous-looking fact. The defendant manages to leverage the threat of a mild wrong into a substantial advantage, and this leveraging is deemed by us a very major wrong.” We are then invited to recall that blameworthiness depends on such attributes as *mens rea* and *actus reus* over and above the harm to the victim. This allows Katz (1996, 194) to conclude that “situations will arise in which the victim will prefer to be subjected to a greater rather than a lesser wrong; which, in turn, implies that the victim's judgment cannot be trusted to rank wrongs; which, in turn, implies that a defendant who persuades his victim to accept a larger wrong in lieu of a smaller wrong should in fact be deemed guilty of the larger wrong. This is exactly what the blackmail doctrine does.”

not to reveal the blackmailee's secret.⁴ Once we assume those two liberties, it appears all the more natural that the blackmailer is permitted to give up his liberty to reveal the secret in exchange for money. But to offer to give up one's liberty to reveal the victim's embarrassing secret for money is precisely to issue a blackmail proposal.⁵ Or, to put it differently, what is intuitively paradoxical about blackmail is that it seems permissible to threaten to do what one is independently permitted to do. And yet such threats are impermissible. In fact, they are criminal. Hence the contradiction and the paradox.

This article aims to deepen the sense of the paradoxicality involved in blackmail. The burden of the first section is to formalize the paradox. In particular, we will argue tentatively for a relevant closure principle that permits ending up with contradictory verdicts on the permissibility of blackmail. The second section illuminates a normative question: What counts as a dissolution of the paradox of blackmail? In this section we also heavily rely on the treatment of paradoxes in logic. The third section, on the other hand, illuminates the question of what it takes to solve the paradox of blackmail. In particular, we demonstrate why our previous writings on blackmail should indeed count as a solution to the paradox. Moreover, we suggest an alternative, coercion-based approach which not only remains true to the letter of the paradox but also explains the apparent contradiction it generates.

Formalizing the Paradox

The task of the present section is to try to logically derive the conclusion that blackmail proposals are permissible. This conclusion, coupled with an otherwise known verdict to the effect that blackmail proposals are impermissible, breeds a contradiction. To prove that blackmail proposals are permissible, we will *tentatively* suggest a *disjunctive closure*. But before we show the *prima facie* plausibility of said closure, let us dismiss another closure which bedeviled our previous writings on blackmail.

In Dominiak and Wysocki (2026), we attempted to take the sting out of the paradox of blackmail, submitting that the fact that blackmail is a *combination* of two otherwise permissible acts does not render blackmail itself permissible. And indeed, there are cases (some of which we cited) clearly showing that this

⁴ The second liberty is important, as it by definition rules out the blackmailer's *duty* to reveal the blackmailee's secret. For if the blackmailer had indeed such a duty, his (blackmail) proposal not to discharge said duty in exchange for money would be *clearly* impermissible and hence not paradoxical. In other words, offering (in exchange for money) not to do what one has an independent duty to do is simply impermissible. Hence no contradiction and no paradox. The reader interested in the Hohfeldian analysis of rights may consult, for example, Hohfeld (1913), Kramer (2002), and McBride (2021).

⁵ It is worth bearing in mind that we deal here with a paradigm case of blackmail in which the blackmailer asks for money. However, as Katz (1996, 134) has it, "The sought-after benefit need not be money or even property." He provides the following examples to substantiate his view: "Let me sleep with you or I will reveal your affairs to your wife," "Don't testify against me or I will reveal your affairs to your wife," and "Don't accept this job with my competitor or I will reveal your affairs to your wife." Nevertheless, our forthcoming formalization can easily accommodate such proposals too. The variable we will use (i.e., *A*) is a mere placeholder ranging over any type of action (or omission) that may permissibly be requested of the blackmailee.

conjunctive closure is implausible.⁶ The classic example is drunk driving. Getting drunk in your car is permissible. Driving your car is permissible too. And yet drunk driving is impermissible. Similarly, sitting in a public park is permissible, and undressing is allowed too. And yet undressing in a public park would count as indecency and could therefore be banned.

Hence, as demonstrated, the assumption of a conjunctive closure would not enable us to derive the conclusion that blackmail proposals are permissible, as the closure itself is indubitably false. And so the contradiction would disappear, together with the paradox. However, here we propose a different principle of closure, the one which *prima facie* appears not only to be *independently* plausible but also allows for the derivation of the conclusion. The closure in question is what we shall label *disjunctive closure*. This closure has it that if it is permissible for agent x to do A and it is permissible for x to do B , then it is permissible for x to do either A or B (disjunctively). Let us represent the above piece of reasoning formally:

Let

1. A be some action performed by agent x ;
2. B be some other action performed by agent x ;
3. $P(A)$ denote the permissibility of A ; and
4. $P(B)$ denote the permissibility of B .

Now, the disjunctive closure states the following principle:

$$\forall A \forall B P(A) \wedge P(B) \rightarrow P(A \vee B)^7$$

Let us now demonstrate how the *disjunctive closure* would strengthen the paradoxicality of blackmail; later we will argue that the closure is quite plausible on its face,⁸ especially in comparison to the previously adopted *conjunctive closure*. That our initial premises (i.e., two liberties on the part of the blackmailer), coupled with the disjunctive closure, allow us to derive the contradiction can indeed be represented formally.

⁶ To say that permissibility is *closed under conjunction* is to say that if action A is permissible and action B is permissible, then doing A and B together is permissible.

⁷ We believe that no philosophical fuss should be made about the $A \vee B$ act-type. And the worry may be lessened when we talk about *action under intentional description* (Davidson 1980, 43–61, esp. 45). Agent x might intend to perform an act-token of type A while at the same time intending not to perform an act-token of type B , and the other way round. Given this sort of intentional state, we could safely say that agent x performs act-type $A \vee B$. To be sure, given a different state of mind, x might simply perform an act-token subsumable under act-type A rather than under $A \vee B$, and the same goes for performing an act-token subsumable under act-type B . However, act-type $A \vee B$ characterizes the blackmailer better. After all, he would either ask for money or reveal the secret, so his behavior can indeed be described under the disjunctive act-type $A \vee B$.

⁸ But mind you, the key to solving the paradox of blackmail will be precisely to show that said closure is still too coarse a principle and that there is another morally relevant feature that overrides the universal applicability of the closure in question. The next section will illuminate this point.

Let

1. action A' denote agent x 's asking the blackmailee for money, while
2. B' denotes x 's revealing the blackmailee's secret. Further, let
3. $P(A')$ denote the permissibility of action A' and
4. $P(B')$ denote the permissibility of action B' .

Given the above, we can derive the contradiction as follows:

1. $P(A')$ (premise)
2. $P(B')$ (premise)
3. $P(A') \wedge P(B')$ (from conjunction of 1 and 2)
4. $\forall A \forall B P(A) \wedge P(B) \rightarrow P(A \vee B)$ (the principle of disjunctive closure)
5. $P(A') \wedge P(B') \rightarrow P(A' \vee B')$ (by universal instantiation from 4)
6. $P(A' \vee B')$ (by detachment from 3 and 5)
7. $\neg P(A' \vee B')$ (an otherwise believed proposition)

Now, lines 6 and 7 are contradictory. Moreover, the above formal representation shows the resemblance of the paradox of blackmail to paradoxes in logic. After all, as John Mackie (1973, 238) has it, "A paradox is apparently sound proof of an unacceptable conclusion." We submit that adopting the disjunctive closure at least tentatively makes sense of the paradoxicality of blackmail. Moreover, and rather crucially, the disjunctive closure, quite unlike what we called the conjunctive closure, seems to be *prima facie* plausible. The conjunctive closure is immediately problematic, since combining two actions introduces new harms and risks. For example, drunk driving is probably more hazardous than simply adding together the risks of drinking and of driving independently. By contrast, the disjunctive closure is impervious to at least this kind of criticism. For if two actions are independently permissible, then performing either of them (disjunctively) appears to be permissible too. If agent x is permitted both to perform action A and to perform action B , then his performing A or B seems to be permissible *a fortiori*. Apply this logic to our case of blackmail: The blackmailer by assumption is permitted to (1) gossip about the blackmailee's secret and (2) ask the blackmailee for money. If so, then there appears to be an even stronger case for (1) *or* (2) being permissible.

It is as if the blackmailer were saying to the blackmailee: “Look, I may gossip about you *and* I may ask you for money. Now you pick which liberty I should exercise.”⁹

We believe that the above considerations establish the *prima facie* plausibility of the disjunctive closure. And if they do, we may venture to logically derive the conclusion that blackmail is permissible, which *contradicts* the otherwise believed proposition that blackmail is impermissible.¹⁰ We submit that our reconstruction of the paradox of blackmail (by dint of the disjunctive closure) shows that blackmail presents a genuine paradox rather than a loose puzzle.

What Counts as a Dissolution of the Paradox of Blackmail

In this section, by examining various ways paradoxes are tackled in logic, we will illuminate a normative question: Which treatments of the paradoxes amount to mere dissolutions thereof? These findings will *mutatis mutandis* apply to various ways in which the paradox of blackmail has been (and can be) tackled. Thus, we hope to end up with a proper standard of dealing with the paradox of blackmail.

Let us start with a brief presentation of the liar paradox, a classical logic paradox, and then proceed to demonstrate how it is dealt with by the Russellian (1908) theory of types. Simply stated, any version of the liar paradox relies on a self-referential utterance (call it *U*) predicating falsity of itself. In other words, *U* is “This sentence is false.” Thus, if *U* is true, then it is false, but if *U* is false, then it is true—a contradiction.¹¹ And thus a paradox. So how does the theory of types deal with the contradiction that *U* gives rise to? Bertrand Russell’s (1908) idea is to introduce a *hierarchy*, or *types*, of

⁹ Throughout this article, we treat blackmail as a two-party affair. However, in the literature there is a very interesting attempt to treat blackmail as a three-party affair and consider the interests of a third party. The proposal in question is James Lindgren’s (1984). This scholar argues that what is wrong with blackmail reduces to the blackmailer’s bargaining with chips that belong to somebody else. For example, when the blackmailer says “Pay me or I will reveal your affairs to your wife,” he is bargaining with the wife’s chips. In other words, he uses leverage that is less his than the wife’s. It is the wife who ought to know the truth. That is why the blackmailer’s extracting money from the blackmailee in exchange for the former’s silence would imply the impermissible frustration of the interests of the latter’s wife. However brilliant Lindgren’s (1984) theory is, it does not explain the impermissibility of all blackmail proposals. For, as Katz (1996, 143–44) observes, some blackmail proposals hardly involve bargaining with chips belonging to others. Katz (1996, 144) gives the following examples: “Pay me \$10,000—or I will cause bad blood at our club, seduce your fiancé, persuade your son to enlist, give your daughter a motorcycle, or leave the Catholic church”; apparently, “in none of these cases is it easy to see in what sense the perpetrator is playing with somebody else’s bargaining chips.”

¹⁰ At this point, the critic might correctly insist that our $P(A' \vee B')$ is not the same as the permissibility of blackmail. This is because the essence of blackmail is that the blackmailer threatens to do something unwelcome to the blackmailee if the blackmailee fails to do something welcome to the blackmailer. So, literally speaking, the blackmail proposal is not that our agent *x* does either the gossiping or the asking for money. Rather, the proposal in question is a biconditional of the following form: If *you*, the blackmailee, do not do something I ask you for, then *I*, the blackmailer, will do something unwelcome; and if *you* do something I ask you for, then *I* will not do anything unwelcome. Be that as it may, we posit that our disjunctive proposal $A' \vee B'$ is at least blackmail-flavored and captures what is really significant about blackmail: that the blackmailer may exercise *one* of the two liberties he is assumed to have.

¹¹ Interestingly, Mackie (1973, 238) concludes that *U* “must be both true and false.” But this is equally damaging, as dialetheism is a hard pill to swallow. We, on the other hand, would be prone to reject *U* on different grounds. Since *U*’s being false implies its being true and its being true implies its being false, *U* is neither true nor false. This, on the other hand, would clash with *bivalence*—the claim that for every proposition *P*, *P* is either true or (disjunctively) false. Be that as it may, whether it’s Mackie’s interpretation or ours, the liar paradox forces us to significantly revise classical logic. Mackie would need to embrace dialetheism, and we would have to give up bivalence. By the same token, we should be uneasy about the paradox of blackmail. The combination of (1) blackmail is permissible and (2) blackmail is impermissible is logically troubling, as the price to pay is, similarly, either to embrace dialetheism or to give up bivalence, both most unwelcome concessions.

expression: Type 0 expressions denote *objects*; type 1 expressions are first-order predicates predicating certain properties of these objects; type 2 expressions are predicates of first-order predicates; and so forth.

Now, given this framework, the liar paradox simply cannot get off the ground. For when we ask whether *U* is false, the predicate “is false” that we use in that *external* question is of a different order from the predicate “is false” as used within *U* itself. The subscripts will make this clear. Upon analysis, the question would take the following form: Is “This sentence is false₁” false₂? This formulation does not generate a paradox. Hence, even if we were to grant that *U* is false₂, this would not entail that what *U* is saying is actually true₁, for there is no uniform predicate “false” at work here. Rather, we only witness “false” shifting between Russellian types. And so, as the Russellian theory would have it, “is false” in the original formulation of the liar paradox is basically used ambiguously. Thus, the liar paradox is allegedly ill-formed and hence no paradox at all.

As we can see, the Russellian theory of types blocks the formulation of the liar paradox: Once orders of “being false” have been postulated, no contradiction arises. Resorting to the theory of types similarly blocks Grelling’s paradox. This paradox kicks off with the realization that adjectives either have or do not have the properties they describe. If they have the property they describe, they are called autological. For example, “short” is autological, as “short” is short itself. If they do not have the property they describe, they are heterological. For example, “long” is heterological, as “long” is not long itself. Now, the troubling question which apparently gives rise to a paradox is this: “Is ‘heterological’ heterological?” For if it is, then it has the property (whatever it is¹²) that it describes and so is autological, and thus not heterological. And if it is not, then it does not have the property it describes and so is heterological. Hence a contradiction. But again, we can conceive of “being heterological” as belonging to more than one Russellian type. That is, we can conceive of the question “Is ‘heterological’ heterological?” as “Is ‘heterological₁’ heterological₂?” Thus construed, the original question would not generate a contradiction. Hence, the construal in question would block the paradox.

Now, does the type-theoretic reasoning presented above *solve* the liar paradox and Grelling’s paradox or merely *dissolve* them? We submit that the theory of types does the latter. The major problem with the type-theoretic attempt at solving said paradoxes is that it seems to be ad hoc in that the alleged hierarchy of linguistic expressions is called forth precisely to explain away the

¹² That “heterological” cries out for the so-called namely-rider is the gist of Gilbert Ryle’s (1951, 69) solution to Grelling’s paradox. Apparently, “heterological” neither has nor lacks any philological property for which it stands.” It looks as though the sentences containing “heterological” are never unpacked. Or, in Ryle’s (68) words: To predicate the heterologicality of an adjective is like saying “He is asthmatic” while disallowing the question ‘Who.’” Still, according to Mackie (1973, 242–47), Ryle’s (1951) account hardly targets the strong presumption that “heterological” is a meaningful adjective. And so Ryle’s theory probably *dissolves* rather than solves Grelling’s paradox.

paradoxicality of certain constructions.¹³ And alas, as an ad hoc move, the theory of types can hardly provide a solution to the liar paradox or Grelling's paradox, as we are given no independent and positive reason to believe in the theory of types itself. Even worse, as noted by Mackie (1973, 254), "Russell had to introduce the Axiom of Reducibility in order to bring back all the innocent victims of the Theory of Types." In other words, the theory of types not only constituted an unjustified ad hoc invention to solve the Russellian set-theoretic paradox but also resulted in some legitimate constructions being regarded as illegitimate by its standard. Indeed, there seems to be no principled reason why "being false" or "being true" should not be predicated *univocally* across the orders of expressions. The theory of types provides us with no independent grounds to believe so. Rather, the theory of types fails to take Russell's (or the liar) paradox seriously. It tries to show that there is no paradox in the first place or that its formulation depends on a misuse of language. Hence, the theory of types dissolves rather than solves the paradox.

How do the above findings carry across to Mitchell Berman's (1998) treatment of the paradox of blackmail? This author denies to the blackmailer the independent liberty to spread the gossip around. That is, Berman does not share our premise of $P(B')$. A fortiori, he would not embrace $P(A') \wedge P(B')$. And so the antecedent of the disjunctive closure would not be satisfied. Hence, finally, he would not be able to logically derive $P(A' \vee B')$, which we equated to the permissibility of the blackmail proposal. We submit that Berman's attempt constitutes a dissolution rather than a solution of the paradox of blackmail, as it—rather similarly to the type-theoretic attempt to solve Russell's paradox—does not allow the paradox of blackmail to even get off the ground. Recall that the paradox of blackmail crucially relies on the blackmailer's liberty to spread the embarrassing information around. Denying this liberty to the blackmailer indeed blocks the permissibility of the blackmail proposal—the proposal which is contradicted by the otherwise believed proposition that blackmail proposals are impermissible. But what is particularly unattractive about denying the blackmailer the liberty to gossip is that it is, quite like the introduction of the theory of types as an attempt to solve Russell's paradox, an unmotivated, ad hoc move. After all, granting the blackmailer's liberty to gossip—in the absence of relevant contracts—is quite rightly a default position. Assuming away relevant contracts, the blackmailer clearly does not owe silence to the blackmailee. Therefore, we are owed an *independent, positive* reason to believe that it would be impermissible for the

¹³ The original construction worrying Russell was the set of all sets that do not contain themselves. The theory of types was designed specifically to rule this construction as ill-formed. The Russellian theory of types blocks the very construction of such a set, as it clearly distinguishes between individuals, sets of individuals, sets of sets, etc., so that a set cannot ever be an element of itself.

blackmailer to spread the gossip around; a flat denial of the blackmailer's liberty to gossip will not do.¹⁴ Thus, Berman's (1998) attempt, we believe, also counts as a dissolution rather than as a solution of the paradox of blackmail.

On the other end of the spectrum, we have Block's (2013) treatment of the paradox of blackmail.¹⁵ This author—quite unlike Berman (1998)¹⁶—takes the premises of the paradox most seriously. That is, he readily grants that the blackmailer enjoys the critical two liberties (1) to ask the blackmailee for money and (2) to reveal the latter's secret. Moreover, whatever sort of closure Block *actually* adopts, let us construe what he submits in the most charitable way. Says this author, “It is impossible for two separately legal acts to be rendered into an illegal one, and, therefore, blackmail should be legalized” (Block 2013, iii).¹⁷ This is easily compatible with our suggested *disjunctive closure*—as we saw, the most plausible principle of closure. Block would certainly agree that if it is permissible for the blackmailer to perform action *A* and permissible for him to perform action *B*, then presenting the blackmailee with a *disjunction*—“I will perform either *A* or *B*”—must be permissible too. Recall that we can derive the permissibility of blackmail from those three premises:

1. $P(A)$
2. $P(B)$
3. $P(A) \wedge P(B)$ (from 1 and 2 by conjunction introduction)
4. $\forall A \forall B P(A) \wedge P(B) \rightarrow P(A \vee B)$ (the principle of disjunctive closure)
5. $P(A') \wedge P(B') \rightarrow P(A' \vee B')$ (by universal instantiation from 4)
6. $P(A' \vee B')$ (by detachment from 3 and 5)

But now, Block denies $\neg P(A \vee B)$ and thus *blocks* the paradox. Hence, rather trivially, no contradiction arises. In other words, Block is essentially saying that the above reasoning is correct and thus he recommends that $\neg P(A \vee B)$

¹⁴ Just as a flat denial of the univocal use of the predicates “being false” and “being true” across different Russellian levels would not do either.

¹⁵ Professor Block has contributed to the literature on the paradox of blackmail like no other scholar. Indeed, the volume of his papers dedicated to it is remarkably large. He has written numerous *original* pieces on the paradox of blackmail as well as on the second paradox of blackmail. Even more impressively, he has written innumerable *polemical* essays on the issue. Citing all of these works would probably make the present article longer by at least half. Given this, we shall refer the reader “only” to the following works: Block (1972; 1986; 1997; 1998; 1999a; 1999b; 2000; 2001). It is worth noting that Professor Block has also coauthored some excellent essays on blackmail. Among these works, the reader is particularly encouraged to consult the following: Block and Gordon (1985), Block and McGee (1999a), Block and Anderson (2001), and Gordon and Block (2014).

¹⁶ The curious reader might be interested to read Block's (2002–2003) critique of Berman (1998).

¹⁷ It must be noted that Block's radical conclusion that blackmail must be decriminalized has a precursor. After all, it was Murray Rothbard (2009, 183)—Block's mentor—who famously held that “*blackmail* would not be illegal in the free society.” Rothbard took blackmail to be “the receipt of money in exchange for the service of not publicizing certain information about the other person.” This apparently involves “no violence or threat of violence to person or property.”

should go. But then again, nobody doubts the validity of the above reasoning. Granted, given premises 1–4, we can logically derive $P(A \vee B)$. But this goes no distance toward *explaining* why the majority of theorists and prevailing legal practice converge on the *impermissibility* of blackmail. That is to say, Block fails to address the *genuine* tension between two *independently* motivated propositions: (1) $P(A \vee B)$ and (2) $\neg P(A \vee B)$. Thus, his position does not solve the paradox. Rather, it turns a blind eye to it in that he simply discards $\neg P(A \vee B)$, which is, after all, an independently plausible premise. Block takes no pains to explain its plausibility. Hence, this author does not live with the paradox. He merely dismisses one of its prongs.

Given the above, let us look for an analogue of Block's position on the paradox of blackmail in the realm of various treatments of paradoxes in logic. We posit that Block's shrugging off $\neg P(A \vee B)$ closely resembles dropping the requirement of *bivalence* when faced with the liar paradox. It is as though, when confronted with the contradiction, one were to hold that the underlying assumption "every proposition is either true or false" must be dropped, and to leave it at that. In this manner, the paradox would basically be discarded *not* by explaining why the tension arises in the first place, but by dropping one of the *independently* attractive principles that generated it. So, just as Block simply denies that $\neg P(A \vee B)$, one might take the sting out of the emerging contradiction by denying the principle of bivalence. Once that move has been made, the contradiction would no longer arise, as certain sentences would simply be neither true nor false. Hence, both Block's handling of the paradox of blackmail and the treatment of the liar paradox under consideration would make the paradoxicality disappear, together with one of its *independently* motivated prongs. This is why we count Block's position as a dissolution of the paradox of blackmail.

Finally, it is worth noting that there is another possible way of tackling the paradox of blackmail which would fall on the side of dissolving rather than solving it. This would involve biting the bullet and embracing the resulting contradiction. This move would be on a par with accepting dialetheism. The dialetheist, in contrast to the position considered just above, would happily live with the contradiction. For the dialetheist, the liar paradox poses no logical problem. After all, belief in true contradictions is the gist of dialetheism. But *simply embracing* the contradictory conclusion stemming from the liar paradox is deflating the paradox. The liar paradox is problematic precisely for the reason that it generates a contradiction. Therefore, *merely* accepting the arising contradiction goes no distance toward solving the paradox.¹⁸

¹⁸ To be sure, embracing dialetheism need not be just an ad hoc move; there may be a *reason* for accepting contradictions. For example, Graham Priest (2006) offers a systematic defense of dialetheism. He does not merely accept it but *argues for* it. Yet dialetheism remains a minority view. For most logicians and philosophers of language, the contradiction emerging from the liar paradox still remains troubling.

Simply accepting the contradictory verdict of the paradox of blackmail would be equally unsatisfactory. The contradictory propositions (1) $P(A \vee B)$ and (2) $\neg P(A \vee B)$ crave an *explanation*. Hence, merely to embrace (1) and (2) without any systematic argument is clearly to dissolve the paradox.

Having, we believe, established what would count as dissolving the paradox of blackmail, let us now turn to the question of what it takes to solve this paradox.

What It Takes to Solve Rather Than Dissolve the Paradox of Blackmail

As we already hinted above, a necessary condition for a *solution* of the paradox of blackmail is to take its core premises (i.e., the two liberties enjoyed by the blackmailer) seriously. Denying them would be too high a price to pay for dispelling the paradox. After all, we are *independently* warranted in believing the blackmailer is indeed permitted to reveal the embarrassing truth about the blackmailee just as he is allowed to ask the latter for money. Furthermore, we are also obliged to take heed of and not to dismiss the contradictory verdicts: (1) $P(A \vee B)$ and (2) $\neg P(A \vee B)$. In particular, it seems that, when solving the paradox, we are supposed to *explain* the resulting (apparent) contradiction. Recall that merely embracing the contradiction does *nothing* to solve the paradox. Unless we uncover a reason why we should accept the contradictory conclusion, accepting it is merely a way of dissolving the paradox.

To illustrate what would count as a solution of the paradox of blackmail, let us revert to our earlier proposal (Dominiak and Wysocki 2026). Revisiting it makes a lot of sense, since it is clearer in the light of the normative standard for solving paradoxes why our previous attempt indeed passes muster. In a nutshell, our idea was to introduce into the matter another *morally relevant property* of proposals and exchanges: *fraudulence/nonfraudulence* of blackmail proposals (and blackmail exchanges). But how specifically did our alleged solution unfold?

First, we did grant the two liberties to the blackmailer. As has been stressed in the course of the present article, the belief that the blackmailer is both permitted to gossip and permitted to ask the blackmailee for money is utterly warranted. We also showed, crucially, how we can make sense of $\neg P(A \vee B)$.¹⁹ Finally, and again crucially, we demonstrated how we can ground $P(A \vee B)$. All in all, we took the whole setup of the paradox for granted. Our attempt at solving the paradox was not an ad hoc move at all. After all, fraudulence is a well-recognized morally relevant property of proposals and exchanges. A fraudulent character of an exchange would render it involuntary. Fraud is

¹⁹ Historically, we were concerned only with demonstrating that $\neg P(A \vee B)$ can indeed be explained. However, we were unjustifiably worried that our solution to the paradox of blackmail could thus turn out to be only “partial” in that there are other cases in which we would only grudgingly grant $P(A \vee B)$. Somewhat ironically, as we are about to show, that was the strength of our solution rather than its weakness. After all, what we are supposed to be after is precisely to explain how (1) $P(A \vee B)$ can be the case and (2) $\neg P(A \vee B)$ can be the case too.

also criminalized, and so fraudsters are deserving of punishment. Given this, our invocation of fraudulence is not merely designed to solve the paradox of blackmail. Thus, if fraudulence or the lack thereof can distinguish between impermissible and permissible blackmail proposals and exchanges, respectively, this would count as a solution of the paradox of blackmail.

And indeed, appealing to the distinction between fraudulence and nonfraudulence turned out to be up to the task. That is, there are two distinct psychological profiles of blackmailer. Some bluffing blackmailers *intend not* to reveal the embarrassing secret when not paid. Bluffers might also simply *not intend* to disclose the blackmailee's secret in case of the latter's noncompliance. If so, then they deceive blackmailees into paying. The latter pay to avoid an outcome (i.e., the revelation of the embarrassing information) that would not otherwise obtain. And that is why they are effectively defrauded. Hence, even if it is independently permissible to gossip and independently permissible to ask the blackmailee for money, the proposal $A' \vee B'$ is *not necessarily* permissible. The blackmailer's intention makes all the difference. The proposal $A' \vee B'$ might be insincere in that the blackmailer *intends not* to perform B' or *does not intend* to perform B' (i.e., to reveal the secret) if not paid. If, on the other hand, a nonbluffing blackmailer were to sincerely propose $A' \vee B'$, this proposal would indeed be permissible. In other words, if the blackmailer were genuinely *intent* upon B' when not paid, there would be nothing morally wrong with the whole proposal $A' \vee B'$.²⁰

One remark is due at this point. It is worth noting that our solution casts doubt upon the disjunctive closure. It now transpires that this closure is a sweeping and unjustified generalization. However, this does not mean that we are manipulating the assumptions of the paradox. Remember, the disjunctive closure was a tentative construction designed to strengthen the sense of paradoxicality of blackmail. Fraudulence is a well-established, morally significant property of exchanges. If fraudulence of certain proposals undermines the universal applicability of the disjunctive closure, then so much the worse for the closure.

20 Interestingly, Stephen Galoob (2016) also spots the fraudulent character of blackmail agreements. However, this author finds blackmail exchanges fraudulent for a slightly different reason than we do (Dominiak and Wysocki 2026). Galoob (38) submits that the deceptive nature of blackmail agreements lies in the blackmailer's lacking "the commitments regarding nondisclosure and avoiding unilateral renegotiation." We, on the other hand, identify the deceptive, and hence fraudulent, aspect of blackmail agreements somewhere else. Remember, we contend that it is the blackmailer's *lack* of intention (at the moment of making a contract) to reveal the blackmailee's secret in case of the latter's noncompliance—the blackmailer's lack of intention to execute the threat *when not paid*—that would render the agreement fraudulent. In Galoob's (2016) view, it is the blackmailer's lack of commitment to nondisclosure and to avoiding unilateral renegotiation, *even when paid*, that renders the agreement fraudulent. Moreover, Galoob (38–42) goes beyond his *contingent argument* and claims that even welcome blackmail proposals would give rise to fraudulent agreements, as all blackmail agreements are practically unenforceable, in that "holding a blackmailer to his obligations under a blackmail agreement would destroy the value of the agreement for the target" (44). After all, as Galoob (45) rightly notes, "Publicizing a blackmail agreement would destroy its value for the target." It is for that reason that even welcome blackmail agreements would not have value for the blackmailee. According to Galoob, it is precisely the lack of value for the target that makes all blackmail agreements fraudulent.

Furthermore, it is worthwhile to obviate the possible rejoinder that our proposed solution is not true to the letter of the paradox, as the contradiction in the end disappears, for in its final analysis, any particular blackmail proposal or exchange is *either* permissible *or* impermissible. Hence, no contradiction arises, as it is never the case that there is a blackmail proposal or exchange that is *both* permissible *and* impermissible. But the demand that we solve the paradox and live with the contradiction at the same time is impossible. Remember, it was precisely the arising of the contradiction that made the paradox problematic and crying out for explanation. This is the problem with all paradoxes: Sound reasoning leads to a contradiction, and the latter must somehow be resolved. Our solution indeed resolves this tension: It shows that the contradiction is merely apparent, for once we consider any particular proposal, it clearly falls either on the side of permissibility or on the side of impermissibility.

Before we conclude, it is time for a concession. We do not purport to have come up with a *unique* solution to the paradox of blackmail. We believe that any attempt at solving the paradox which alludes to any morally significant property of blackmail proposals (and exchanges) such that some blackmail proposals instantiate that property and others do not would count as equally satisfactory. Our solution employs the distinction between fraudulence and nonfraudulence, clearly a distinction carrying a normative force. Blackmail has often been probed as an instance of coercive proposals, but then again, if all blackmail proposals turned out to be coercive, we could not make sense of the contradiction stemming from the paradox, for the *prima facie* plausible $P(A \vee B)$ would then make no sense. Similarly, if, as insisted by Block (2013), no blackmail proposal turned out to be coercive, we would again be unable to explain the paradoxicality of blackmail, for then we could not make a case for the *prima facie* plausible $\neg P(A \vee B)$. And yet if coerciveness turned out to be a discriminatory feature in the universe of blackmail proposals, appealing to thus-understood coerciveness would also solve the paradox of blackmail.

It seems that several accounts of coercion might serve this purpose. One such account is Grant Lamond's (1996; 2000). To put it briefly, if somewhat simplistically, whether Lamond's theory would classify a given proposal as coercive or not is mainly a function of whether the proposer promises one of the disjuncts of $A \vee B$ only because he *knows* that it is *unwelcome* to the recipient and he *knows* that the latter would rather succumb to the proposer than let him execute either A or B , depending on which is a threatened action. To be sure, the majority of blackmail proposals meet this condition. And yet we can easily think of some blackmail proposals which do not satisfy this Lamondian necessary condition of coercion. After all, the blackmailee might happen to be *indifferent* between the disclosure and his paying for the blackmailer's silence, so it would then not be the case that the blackmailee would find the disclosure more unwelcome than his paying for silence. With the blackmailee disposed in this way, the blackmailer cannot issue a coercive

threat by the Lamondian standard. And so, if the blackmailee decides to pay (simply out of indifference), the transaction would not be coerced. Hence, we would end up with a similar verdict to ours: Some blackmail exchanges are permissible, and some are not.²¹ This, as already established, would address the paradox of blackmail equally satisfactorily.

Another account which would satisfactorily engage with the paradoxicality of blackmail is Scott Anderson's (2008) nonmoralized coercer-based theory of coercion. Although Anderson (2008) does not explicitly deal with blackmail, it is fair to say that his account of coercion easily predicts that some blackmail proposals would be coercive and some not.²² We can reach this conclusion via Anderson's (2008; 2011) treatment of bluff threats coupled with his preferred nonmoralized concept of coercion. Anderson (2008) posits that the central cases of coercion can be explained by a power differential between the coercer and the coercee. Clearly, the gunman's proposal "Your money or your life"—a paradigm example of a coercive threat—is predicated on the gunman's being in a position to inflict serious harm on his victim and on the victim's vulnerability and inability to retaliate. However, said power differential does not need to actually obtain, according to Anderson (2008, 413), who submits that "coercion by bluff threats is often possible, and this depends not on the coercer's own powers, but the powers and past actions of those he imitates." We can infer from Anderson's statement that he would find some bluffing blackmail proposals coercive and thus impermissible, and some noncoercive and thus permissible.²³ Granted, our account of blackmail would regard *all* bluffing blackmail proposals as impermissible (Dominiak and Wysocki 2026), whereas Anderson's (2008) would find only *some* of them impermissible. But that is irrelevant. What matters here is that both our account and Anderson's can successfully engage with the paradoxicality of blackmail.²⁴

By contrast, it appears that Block's (1986) moralized account of coercion (which at the same time turns a blind eye to the possibility of blackmail proposals being fraudulent) fails to make sense of why blackmail is paradoxical. After all, his moralized theory assesses the morality of the proposal solely as

21 With the proviso that the uncoerced exchanges are at the same time nonfraudulent, for fraudulence is a sufficient condition for impermissibility of exchanges.

22 Especially given the fact that Anderson (2008) explicitly denies that coercion implies success. That is to say, according to this author, coercive proposals do *not necessarily* coerce.

23 Remember, on Anderson's (2008) account, coercion is not a moralized notion. Rather, coercion has only a normative importance. That is, some proposals and some actions would count as wrongful precisely because they are coercive. In this interpretation, being coercive is a fully descriptive property of an action. However, it has a normative importance in the sense that coercion constitutes a *prima facie* wrong. Still, under nonmoralized theories of coercion, a coercive act can be identified purely empirically. This follows from the fact that in nonmoralized theories of coercion, judging whether a certain proposal or action is coercive is not parasitic on any prior moral judgments. This is not true for moralized theories of coercion, which find an action coercive only if it violates an independently existing right. Thus, under moralized theories of coercion, whether a given act is coercive is a function of an antecedent distribution of rights; this makes coercive action parasitic on prior moral considerations.

24 We can even afford to generalize our point, for it seems that all nonmoralized theories of coercion could explain why *some* blackmail proposals are permissible and *some* are impermissible. And hence, all those theories could make sense of why blackmail is paradoxical. For more nonmoralized theories of coercion see, for example, Zimmerman (1981), Gorr (1986), and Frankfurt (1988).

a function of the morality of a threatened act.²⁵ Given this, since blackmail by definition involves a threat to do something lawful, Block must deem *any* blackmail proposal lawful too. And this is precisely the reason why Block (2013) rejects $\neg P(A \vee B)$. Less technically, that is the reason why he denies the impermissibility of blackmail and calls for its decriminalization.²⁶

Conclusion

In this article, we tried to illuminate which attempts to solve the paradox of blackmail would count as dissolutions of it and which as solutions. Thus, a normative standard, informed by the treatment of paradoxes in logic, emerged. We argued that to solve the paradox of blackmail we must take its core commitments for granted. Thus, we granted two liberties to the blackmailer: (1) the liberty to gossip and (2) the liberty to ask the blackmailee for money. We also took seriously the *prima facie* plausibility of both the permissibility and impermissibility of blackmail. To strengthen the sense of the paradoxicality of blackmail we resorted to a seemingly justifiable principle of disjunctive closure.

Then we proceeded to show that our previous solution to the paradox of blackmail remains unscathed, even given a more sharply formulated standard for solving it. Finally, we conceded that ours is by no means a *unique* solution to the paradox of blackmail. Having said that, we outlined a possible solution to the paradox via coercion rather than fraud.

We hope that this article will help open a discussion on standards for resolving paradoxes in the social sciences. Our treatment of the paradox of blackmail may serve as a promising point of departure.

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²⁵ This is well captured by Anderson's (2011, 230) *W* formula: "If it is wrongful to do X, then it is wrongful to threaten to do X." We believe that the best interpretation of *W* is that it states an equivalence between the wrongfulness of doing X and the wrongfulness of threatening to do X. Thus, the wrongfulness of doing X is both a sufficient and a necessary condition for the wrongfulness of threatening to do X. Hence, if it were not wrongful to do Y independently, then it would not be wrongful to threaten to do Y.

²⁶ We can even press a stronger thesis here: Not only is a Blockean moralized account powerless to explain the paradoxicality of blackmail, but there is also something wanting in *all* moralized accounts of coercion. For more on the latter point, see Zimmerman (2002).

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