

THE DUCK-RABBIT, DUCHAMP'S FOUNTAIN, AND THE DEATH PENALTY

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I. Introduction

The ethical permissibility of laws and statutes is often determined by measuring them against the Constitutional Amendments. The Amendments are presumed to be yardsticks—standards that accord with that which is ethically permissible. Only once in a great while do we revamp our units of measurement—the Amendments themselves.

Unfortunately, this measurement metaphor quickly breaks down in legal theory, for it buckles under the complexity and obscurity of law. For instance, if I want to measure the dimensions of a car, I must first define what counts as its dimensions. Should I measure from bumper to bumper or from axle to axle to determine its length? Where do I measure to determine its height? Questions like these must be posed in order to make any meaningful measurements, but they are usually easy to answer for corporeal objects like cars. But what are the dimensions of a law? How can these dimensions vary? These questions are more difficult to answer.

Nonetheless, they must be answered before one can measure a law. One cannot measure something without first interpreting its dimensions. Although this matter is logically-prior to measuring the constitutionality of a law, it is often neglected. In this essay, I describe just what I mean by “interpreting the dimensions of a law.” In providing this explanation, I borrow heavily from the latter works of Wittgenstein. I begin by describing aesthetics and Duchamp’s Fountain from a Wittgensteinian point of view. Of

particular interest will be Wittgenstein's work on interpretation and theory-laden observation as embodied in the famous duck-rabbit sketch. Although such a discussion may seem initially tangential (or even irrelevant), I show that Duchamp's Fountain serves as an analogy to our present concerns in legal theory. Specifically, I consider the statutes that speak of the death penalty as exemplar statutes that have been measured against our standards of ethical permissibility repeatedly. Using the analogy of aesthetics with respect to Duchamp's Fountain, I show that our interpretation the death penalty significantly affects how we measure laws pertaining to it, and ultimately, whether or not we think these laws are ethically permissible.

The Duck-Rabbit



The duck-rabbit is a simple yet ambiguous sketch that can easily be interpreted as depicting both a duck and a rabbit. The psychologist J. Jastrow originally employed it in his book Fact and Fable in Psychology published in 1900.¹ However, it was made famous by Wittgenstein when he used the duck-rabbit as a catalyst for comments concerning observation and interpretation in his Philosophical Investigations, Pt. II, Sec. XI. Let us briefly examine these comments.

¹ Blackburn, Simon. The Oxford Dictionary of Philosophy. 1996. Oxford University Press: Oxford. 110.

Wittgenstein intimates in his writings that when we see something, we see it *as* something.² A drawing may be ambiguous, but never one's impression of it at some time.³ For example, when one looks at the duck-rabbit, one may see a picture of a duck, or one may see a picture of a rabbit, but never both simultaneously.⁴ However, Wittgenstein's remarks concerning observation and interpretation are not limited to this one example.⁵ Even something that initially seems to be unambiguous can be reinterpreted. Children see a chest as a house in certain games.⁶ Wittgenstein writes: "And does the child now *see* the chest as a house? 'He quite forgets that it is a chest; for him it actually is a house.' Then would it not also be correct to say he *sees* it as a house?"⁷ Even a chest is an ambiguous observable.⁸

This example suggests that the act of interpretation is more commonplace than one might initially think. In a certain game, children see a chest as a house. In another game, I look at a map and I see a triangle as a mountain.⁹ In another game, I see the triangle as a pointer.¹⁰ We do not interpret just quaint duck-rabbits fabricated by psychologists. Rather, we interpret nearly all we see.

² Wittgenstein, Ludwig. Philosophical Investigations, Third Edition. Trans. by G. E. M. Anscombe. 1958. Prentice-Hall, Inc.: Englewood Cliffs, NJ. 193e.

³ Ibid., 199e.

⁴ Ibid.

⁵ See *ibid.*, 200e, 207e for other examples.

⁶ Ibid., 206e.

⁷ Ibid.

⁸ Despite such examples, one might still attempt to cleave observables such as chests from the duck-rabbit by claiming that a chest is ambiguous only under unique (and somewhat contrived) contexts, but the duck-rabbit is ambiguous in any context. There are two rebuts to this attack. First, consider a context in which someone knows what a duck is, but is ignorant about rabbits. Such an individual would see the duck-rabbit unambiguously as a duck (207e). Second, although it is generally easy to grasp the ambiguity of the duck-rabbit picture, grasping the ambiguity is not immediate. Upon viewing the picture, one initially sees one of its aspects, and only after some time does one see another of its aspects. It may just take longer to see a chest as a house and grasp the ambiguity of the chest.

⁹ Philosophical Investigations. 200e.

¹⁰ Ibid., 200e.

III. Duchamp's Fountain



The import of the foregoing remarks is especially pronounced in aesthetics. Wittgenstein recognized this: “Here it occurs to me that in conversation on aesthetic matters we use the words: ‘You have to see it like *this*, this is how it is meant’; ‘When you see it like *this*, you see where it goes wrong’...”¹¹ Interpretation informs aesthetic discussions. To understand just how, let us discuss a famous and controversial piece created by Marcel Duchamp—The Fountain, 1917.

The Fountain is a urinal with the name ‘R. Mutt’ and the date ‘1917’ painted on it. Duchamp anonymously submitted the piece to the Independents Exhibition in New York in 1917. Rejected initially, it was accepted when Duchamp took credit for creating the piece.¹² Aesthetic opinions concerning The Fountain vary wildly; these are not of concern here. We are interested in the more modest project of understanding how

¹¹ Ibid., 202e.

¹² Sayre, Henry M. A World of Art, Third Edition. 2000. Prentice-hall, Inc.: Upper Saddle, NJ. 494.

interpretation can alter one's aesthetic judgements of The Fountain. Let us imagine two games¹³ in which The Fountain (or an object similar to The Fountain) might play a role.

First, suppose that The Fountain¹⁴ were found on the floor of a public restroom. The Fountain would be indistinguishable from the other urinals except for the lettering painted on it, its location on the floor (rather than the wall), and its inoperative state. How would one see The Fountain in this game? Certainly, it is different than the other urinals, but not significantly so. One might think, "It is odd that someone desecrated the urinal with graffiti. Perhaps it's being removed to be cleaned." Nevertheless, it is unlikely that The Fountain, in this game, would motivate aesthetic consideration any more than would any of the urinals hanging on the bathroom wall. Irrespective of the anomalous condition of The Fountain as compared to the other urinals, one would still naturally see The Fountain as a urinal.

Now we imagine another game to be played with The Fountain. This time, suppose that it were found atop a pedestal at the Independents Exhibition in New York. Near The Fountain is a small plaque that gives name of its author, the materials used to create the piece (china and black print), and the date of creation. There are other pieces on similar pedestals to its left and right. One might see the urinal and think it odd that it had been submitted successfully. Perhaps one might initially think, "Is this a hoax? No, there is a plaque issued by the Exhibition, and it is here amongst other artworks." One might be taken aback by the piece, and one might grumble about the ignoble artistic

¹³ Here I use 'game' in a broad sense—more like one would use 'context'.

¹⁴ Although the name 'The Fountain' commonly denotes a signed urinal as a work of art, I use the name throughout this paper to refer to the object *itself* without emphasizing a certain aspect of the object (e.g., the object as a work of art, the object as a restroom fixture, etc.). The context of the discussion will make clear which aspect is being discussed.

standards of the day, but if one were to see The Fountain in this game, one would see it as a work of art.

When The Fountain sits in the bathroom, all the clues of the context point toward its being a urinal. When it sits in the art show, all the clues point toward its being a work of art. In the first game, we supposed it to be surrounded with other objects that were less-ambiguously urinals, and we would naturally see The Fountain as a urinal. In the second game, we supposed it to have been surrounded with other objects that were less-ambiguously works of art, and we see The Fountain as a work of art. One's impression of The Fountain can shift just like one's impression of the duck-rabbit or even of a chest can shift.

Furthermore, as previously noted, the phenomenon of shifting impressions is especially important in discussing aesthetics. Consider now how the impressions borne out of each of the two hypothetical games considered above would affect one's aesthetic judgements about The Fountain. We explore this by imagining that two individuals, one from each game, happen to meet and discuss The Fountain. Let us call them Rudwig and Muttgenstein. Rudwig sees The Fountain in the first game. After an initial curiosity, Rudwig quickly forgets about it until his friend Muttgenstein mentions encountering a certain work of art earlier that day while attending the Independents Exhibition.

“You'll never guess what I saw at the Independents Exhibition today.”

“Do tell,” urges Rudwig.

Muttgenstein continues: “The most curious work was submitted this year—a urinal. In fact, Duchamp, the well-known and iconoclastic artist, authored it.”

“Oh really? How did he use it? Was it part of some intricate statue? Perhaps he painted some portrait or landscape on it. To use such an item as a canvas would be bold...I could imagine only Duchamp braving a project like that,” Rudwig muses.

“No no... It was actually bolder than that. What Duchamp did was do nothing. He really did not alter the urinal other than sign it with a pseudonym. Imagine that!” Muttgenstein exclaims.

Rudwig pauses to reflect upon his own chance encounter with a urinal that day. He remembers seeing it, unique in some respects, but quite similar to the other urinals on the bathroom wall a few feet away.

“I imagine you must have been disappointed with having seen a urinal at such a highly-regarded show. Obviously, it had no aesthetic value. Duchamp certainly played quite a trick on everyone it seems!” Rudwig exclaims.

Muttgenstein pauses to reflect upon his own chance encounter with a sculpture entitled *The Fountain* that day. He remembers seeing it, unique in some respects, but quite similar to the other sculptures only a few feet away.

Muttgenstein counters, “I admit that at first, I was surprised to see an art piece with that form. Actually, I still don’t know whether or not I like it, but to say it has no aesthetic value is a mistake. You would have been blind not to *see it as a sculpture* in the Exhibition. In fact, I noticed at the show that the piece engendered more aesthetic discussion than any other piece on display. Regardless of Duchamp’s intentions, the piece undoubtedly had a *profound* aesthetic effect.”

“But if you are going to claim that that urinal you saw has aesthetic value, then you must admit that every urinal has especial

aesthetic value! In fact, you have to admit that everything has aesthetic if a common urinal is aesthetic! If you do this, then the notion of something being aesthetic loses all force. Aesthetics is about art.¹⁵”

“You aren’t seeing it correctly; you need to see it as a unique work or art, not as a common urinal. You are missing the correct aspect.¹⁶”

“‘Aspect’? I know what a urinal is. You see a cloud that looks like an elephant and you are calling it an elephant. You see something where there is nothing to see.”

Rudwig and Muttgenstein have come to an impasse. In the dialogue, Rudwig and Muttgenstein each discuss disparate aspects of the same object. Rudwig sees the urinal as a urinal, while Muttgenstein sees the urinal as a work of art. Each of them “see[s] something different,”¹⁷ but neither of them sees the aspect the other sees.

Our two interlocutors differ in how they use the phrases ‘urinal’, ‘signed urinal’, etc. Because they *use* these phrases differently, they *mean* them differently. Wittgenstein notes that “it is the particular use of a word only which gives the word its meaning.”¹⁸ This is apparent in the foregoing dialogue: one means *slightly-altered restroom contraption*, and the other means *peculiar work of art* by the words they use. This in itself does not elucidate why they come to an impasse. However, Wittgenstein provides yet another conceptual tool for making sense of the multifarious—and sometimes unconnected—meanings of words: the notion of *family resemblances*. I quote at length:

¹⁵ Wittgenstein, Ludwig. Lectures & Conversations on Aesthetics, Psychology and Religious Belief. (No publication date provided.) University of California Press: Los Angeles. 28.

¹⁶ Philosophical Investigations. 193e.

¹⁷ *Ibid.*, 212e.

¹⁸ Wittgenstein, Ludwig. The Blue and Brown Books. 1960. Harper & Brothers: New York. 69.

We see a complicated network of similarities overlapping and criss-crossing—sometimes overall similarities, sometimes similarities of detail. I can think of no better expression to characterize these similarities than ‘family resemblances’; for the various resemblances between members of a family...overlap and criss-cross in the same way.¹⁹

Although each attaches a different meaning to the word ‘urinal’, there remains a resemblance between their respective meanings. At the very least, they are discussing objects with the same form (i.e., a signed urinal). Their meanings overlap in some places and diverge in others. Rudwig and Muttgenstein each try to assuage the meaning the other ascribes to ‘urinal’ to fit his own ascribed meaning. Each enjoins the other to see the aspect he sees while not acknowledging other aspects.

In short, Rudwig and Muttgenstein are playing different *language games*. Very briefly, the notion of *language game* is meant to emphasize the use of a language.²⁰ Just about anything one can do with language—singing, joking, reporting are a few examples—counts as a language game.²¹ Names exist only within a particular language game.²² Thus, meaning is also bound to one or another language game.²³ In the above dialogue, the difference between language games is subtle, for Rudwig and Muttgenstein use the same names. However, the meaning each attaches to these names differs, so each

¹⁹ Ibid., 32e.

²⁰ Ibid., 11e.

²¹ Ibid., 11e-12e.

²² Ibid., 24e.

²³ Ibid., 79e.

plays a different game.²⁴ Thus, they come to an impasse. It is as if they are playing a board game, but one thinks it is checkers while the other thinks it is chess.

Without playing the same language game, Rudwig and Muttgenstein cannot meaningfully question the aesthetics of The Fountain. Wittgenstein reminds us that asking a question outside a language game is meaningless.²⁵ As mentioned, Rudwig and Muttgenstein are each concentrating on a certain aspect of The Fountain. Not until they play the same game (and thereby discuss the same aspect) can Rudwig and Muttgenstein have an aesthetic discussion. Their seeing the same aspect of The Fountain is logically-prior to their discussing that aspect, and it is logically-prior to determining whether they agree about the aesthetics of The Fountain.²⁶

Let us summarize our investigation thus far. The duck-rabbit provides a lucid example demonstrating that we interpret—sometimes in vastly divergent ways—that which we see. As Wittgenstein noted, this phenomenon is important when considering aesthetics. Specifically, Duchamp’s Fountain can be interpreted in at least two ways. One of these interpretations does not seem to merit aesthetic considerations; the other does. Lastly, we see that in certain discussions (e.g., discussions about aesthetics), the interlocutors must see the same aspect—and play the same language game—if the discussion is to be anything more than confused banter.

²⁴ For a description of a somewhat analogous situation in the legal realm, see Lind, Douglas. “Constitutional Adjudication as a Craft-Bound Excellence.” Yale Journal of Law & the Humanities. Vol. 4, No. 2. Summer, 1994. pp. 353-395. Here, externalists and internalists to the craft of adjudication play disparate language games despite using the same language.

²⁵ Wittgenstein, Philosophical Investigations. 22e.

²⁶ Note that even if Rudwig and Muttgenstein were playing the same language game, they may nevertheless disagree about aesthetics. Playing the same language game does not necessitate agreement. For example, if two individuals were to discuss the duck aspect of the duck-rabbit (and thus play the same language game), one could nevertheless say that the duck-picture is well-drawn while the other says it is poorly-drawn. (See Wittgenstein, Lectures and Conversations, pp. 1-9 for more on discussions of aesthetics within language games.)

IV. The Death Penalty

Although it may be clear that the phenomena described above pertain to ambiguous drawings and certain works of art, I posit that these phenomena are even more pervasive. For instance, the issues discussed also pertain to certain incorporeal objects such as laws and statutes. Specifically, by drawing on the themes discussed thus far, I argue that one can interpret the death penalty in more than one way and that a discussion of the ethical permissibility of the death penalty²⁷ must occur within a particular language game.

Just as for the duck-rabbit or Duchamp's Fountain, we depict two ways to look at the death penalty. The first of these is easily comprehended, as it is a more conventional way to look at the death penalty. This way of seeing the death penalty is to see it as the killing of a sentient and autonomous individual. Call this the *bottom-up aspect* of the death penalty.

The second aspect requires more explanation. Allow me to begin by briefly presenting Douglas Hofstadter's character Aunt Hilary.²⁸ Aunt Hilary is an anthill, but she is a conscious anthill. Her "thoughts" are comprised of teams of ants moving together. She "communicates" when ants move in certain patterns. Although Aunt Hilary is fictitious, anthills are in fact marvelously intricate structures. A functioning anthill requires ants, teams of ants, teams of teams of ants, etc. to cooperate in various

²⁷ In this paper, I discuss the death penalty in the theoretical sense. That is to say, I am not concerned with any pragmatic advantages or disadvantages associated with it. For example, a pragmatic advantage could be that the death penalty is cheaper for the state than life-long incarceration. A pragmatic disadvantage could be that sometimes, innocent persons are put to death.

²⁸ As appears in Hofstadter, Douglas R., and Dennett, Daniel C. The Mind's Eye. 1981. Bantam Books: New York. pp. 149-191.

complicated ways. However, in all seriousness, Hofstadter states that an anthill could theoretically stand as an isomorphism of the brain—a system sufficiently complex to be conscious.²⁹ That is, the different levels of a brain—from neurons, to patterned neural firing, to thoughts—all have a counterpart in an anthill.³⁰ For example, ants could be mapped to neurons³¹ and moving teams of ants could be mapped to thoughts.³² Hofstadter does not explicate exactly how such an isomorphism would look; what is important is that an anthill could be of sufficient complexity for a brain to be mapped onto it.³³

Hofstadter extends our metaphor further. He also introduces Anteater, a close friend of Aunt Hilary. Anteater is, well, an anteater. Although it may initially seem that an anteater could be no friend of an anthill, Anteater reminds us that he is the foe of ants themselves, not anthills.³⁴ Indeed, Anteater professes to assist Aunt Hilary by eating certain ants in her colony.³⁵ He compares his services to those of a fire in a forest.³⁶ By pruning dead and diseased trees, a fire can make a forest healthier. Alternatively, we could compare his services to those of a surgeon operating on a human body. By destroying certain parts (e.g., cancerous cells, gangrenous limbs), the doctor makes the body healthier.

If Hofstadter's Aunt Hilary is complex enough an entity to be isomorphically mapped onto a brain, then certainly other isomorphisms are possible. For example,

²⁹ Ibid., 177.

³⁰ Ibid.

³¹ Of course, this is a fictitious anthill if only for the reason that it would have billions of ants if there were one ant for each neuron in an average human brain.

³² Hofstadter. 177.

³³ Ibid.

³⁴ Ibid., 170.

³⁵ Ibid., 164.

³⁶ Ibid.

consider the mapping of an anthill onto a *society*. How might this isomorphism work? Briefly, we could map ants to individuals, and moving teams of ants to socioeconomic groups. The anthill itself maps to an entire society (e.g., Aunt Hilary becomes the United States).

The principle result of considering this aspect is to consider society as a unitary entity rather than as an aggregate.³⁷ Adopting a perspective like this is difficult. It requires one to see society as the individual and people as its constituent parts. This is counter-intuitive, for in talking about society and its constituents, we are talking about ourselves. It is much easier to adopt this perspective when discussing anthills, forests, or bodies, for we are not the constituents—ants, trees, or cells—of these systems. Adopting this perspective for society requires one, in a sense, to detach her perspective from herself.

However, once we adopt this perspective, we can extend Hofstadter's analogy. Anteater assists Aunt Hilary by devouring diseased or errant ants. A fire assists a forest by burning diseased and rotting trees. What is the analogue in society?

The natural analogue in society is to consider convicted criminals as the errant individuals and to consider the penal system as that which eradicates them. Little needs to be said about the disruption crime causes. The very idea of crime controverts the notion of being rule-governed that is fundamental to the concept of society.³⁸ Criminals, by breaking rules, dismantle society. The penal system eradicates criminal behavior in a

³⁷ For a philosophical defense of this perspective, see Burke, Edmund. Reflections on the Revolution of France. Ed. by Conor Cruise O'Brien. Harmondsworth: Middlesex. Society, from this perspective, is sometimes referred to as "organic society" to emphasize that it is analogous to an individual functioning organism.

³⁸ The Oxford Companion to Philosophy. Ed. by Ted Honderich. 1995. Oxford University Press: Oxford. 836-7.

number of ways, the most severe of these methods being the death penalty. Keeping in mind the analogy of Aunt Hilary and Anteater, the penal system exercising the death penalty is beneficial to society even if it is detrimental to the executed individual. To Anteater, any particular ant has no intrinsic worth; its worth is inextricably tied to its function in the anthill. To the doctor, any particular cell has no intrinsic worth either. From this perspective, how the death penalty affects a particular individual is meaningless. Call this the *top-down aspect* of the death-penalty.

For many—if not most—people, this aspect is more unnatural. Allow me to repeat two points in its defense. First, as noted, the artificiality of this aspect is due, in large part, to our intimate involvement in the structure under investigation. For other analogous structures, we have no difficulty adopting this perspective. Second, the top-down aspect admittedly overlooks portions of the issue—namely, the individual. However, the bottom-up perspective also misses portions—namely, the import of a functioning society. Missing some characteristics is a necessary consequence of seeing an aspect—you can see a duck or a rabbit, but never both simultaneously.³⁹

We have outlined two strikingly different ways to look at the death penalty. Each perspective is viable, but each admits of different ethical considerations. Namely, the bottom-up aspect of the death penalty emphasizes the individual; the top-down aspect emphasizes society. It is generally easier to oppose the death penalty from the former and easier to defend it from the latter. Perhaps the death penalty could be both opposed and supported from either perspective, but each perspective lends itself to a particular stance. Nevertheless, the relevant issues in the aspects radically differ.

³⁹ Philosophical Investigations. 194e.

To discuss the ethical permissibility of the death penalty from these two perspectives would be to play two disparate language games. As was shown in the case of Duchamp's Fountain, a discussion of its aesthetics must occur within a language game. Different aspects of Duchamp's Fountain warrant different aesthetic considerations. Something different is seen in each case. Discussing the ethical permissibility of the death penalty is completely analogous: it must be done within one or another language game. To see an aspect of the death penalty is to play a particular language game, yet a discussion cannot occur between language games. We cannot ask questions about ethics (or anything for that matter) outside of a language game.⁴⁰

If two interlocutors attempted to discuss the ethical permissibility of the death penalty from divergent perspectives, confusion would result just as it did in Rudwig and Muttgenstein's discussion. For instance, if one interlocutor were to see the bottom-up aspect of the death penalty, she might argue against the permissibility of death penalty. She might focus on issues such as the inherent worth of the individual, the sanctity of human life, etc. However, such issues would make little sense to someone who saw the top-down aspect of the death penalty. For this interlocutor, the worth of life is merely a function of its contribution to society. Conversely, this interlocutor might argue for the permissibility of the death penalty. He would focus on issues pertaining to the well-being of society, but the bottom-up interlocutor would find such issues of little relevance in an ethical discussion.

In one language game, Duchamp's Fountain warrants aesthetic consideration, but from another, it does not. In one language game, the death penalty might seem

⁴⁰ Ibid., 22e.

permissible, but from another, it might not. In both cases, we discover that a fruitful discussion must take place within one language game or another.

Let us connect the foregoing remarks to the measuring metaphor with which we began this paper. We began by noting that in determining the ethical permissibility of laws and statutes, they are measured against the Constitutional Amendments. However, before any such measurements are made, one must interpret the dimensions of the law in question. *Interpreting the dimensions of a law* is the project of determining which aspect of the law is to be emphasized. It is the project of determining how we should look at the law in measuring it against the Amendments. I hope that the immediacy of this project is apparent. This project is logically-prior to that of actually measuring a law. To deny this would be like attempting to determine whether the rabbit's ears are in proportion to its head before seeing the duck-rabbit as a rabbit.

V. Conclusion

I conclude this paper by briefly noting what is not its intent. First, its intent is not to advocate one or another perspective of the death penalty. Its intent also is not to advocate or attack the permissibility of the death penalty. In fact, the death penalty serves only as an illustration for a more pervasive point: laws have many disparate aspects, and the permissibility of a law likely will look different if the focus is on one or another aspect. Legal theorists, legislative bodies, courts, and societies must realize this lest their discussions concerning these laws be confused banter. This point is especially pertinent in the legal realm, for 1) laws are inherently opaque and complicated; the

problem of perspective only complicates matters, and 2) laws significantly affect all of our lives.

Admittedly, statutes pertaining to the death penalty are obvious examples with which to make this exposition. Nonetheless, I posit that these issues are more pervasive than one might initially think. Many times, the disagreement amongst legal theorists, adjudicators, legislators, etc. might be attributed to their attempt to discourse between language games. It may seem to each interlocutor that the other is deeply confused, whereas from her perspective—from within her language game—what she says is quite coherent.

Finally, I do not feign to have a solution to the problem of determining which language game should be played given a particular law. This is an extremely difficult problem. We cannot even agree how Duchamp's Fountain should be seen, yet law engenders more urgent controversies than do aesthetics and art. Nonetheless, before any solution can be manufactured, the problem must be set before us—precisely the goal of this paper. We must see both the duck and the rabbit before we can competently discuss the duck-rabbit. As Wittgenstein puts it,

Philosophy simply puts everything before us, and neither explains nor deduces anything.—Since everything lies open to view there is nothing to explain. For what is hidden, for example, is of no interest to us. One might also give the name “philosophy” to what is possible *before* all new discoveries and inventions.⁴¹

⁴¹ Ibid., 50e.