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Fallacies (1)



ESSENTIALS

When evaluating argumentative discourse, fallacies in the discourse must be detected. Fallacies are violations of the rules for critical discussion that prevent or hinder the resolution of a difference of opinion. They can occur during any of the discussion stages and can be committed by either party. In the presentation of standpoints and arguments, the following moves are among the fallacies that may threaten the resolution process: (1) putting the opponent under pressure or attacking him personally (violation of freedom rule), (2) evading or shifting the burden of proof (violation of burden-of-proof rule), (3) setting up a straw man (violation of standpoint rule), (4) using irrelevant argumentation or rhetorical tricks (violation of relevance rule), and (5) denying or magnifying an unexpressed premise (violation of unexpressed premise rule).

7.1 VIOLATIONS OF THE FREEDOM RULE

There are a variety of ways in which parties to a difference of opinion can make resolution difficult or even impossible. This can happen during any stage of the discussion. Parties do not always do this on

purpose. But each way of impeding the progress of the discussion constitutes a violation of the discussion rules that must be followed in order to successfully resolve a difference of opinion. Such violations of the discussion rules are known as *fallacies*.

Violations are often difficult to spot. That is what is so treacherous about fallacies. Strictly speaking, there can be a fallacy in discourse only if the discourse is argumentative in nature, that is, if it is an attempt to resolve a difference of opinion. But not every discussion is argumentative; a discussion may be purely informative or be intended to entertain. In case of doubt, it is advisable to treat a discourse as an argumentative discussion and assume that both parties are willing to work toward a resolution of their difference of opinion and will follow the rules for doing this.

There are 10 rules that apply specifically to argumentative discussions. The first 5 rules pertain to how parties should put forward their standpoints and arguments in order to work constructively toward a resolution of the difference of opinion. These rules are discussed in this chapter. The other 5 rules pertain to the argumentation and the conclusion of the discussion. These rules are discussed in chapter 8. Although observing these 10 rules does not guarantee that the difference of opinion will be satisfactorily resolved, violating them will surely prevent such a resolution. Fallacies can be identified by referring to these rules.

Rule 1: Parties Must Not Prevent Each Other From Putting Forward Standpoints or Casting Doubt on Standpoints

A difference of opinion can be satisfactorily resolved only if it is first brought to light. To avoid interfering with this process, parties to a discussion must give each other unlimited freedom to put forward and to criticize standpoints and arguments. This requirement is stated in Rule 1.

Violations of Rule 1 sometimes occur during the confrontation stage. The result is that the difference of opinion does not come to light, or not completely, and therefore has no chance of being resolved. Rule 1 can be violated in two ways: by placing limits on the standpoints or doubts that may be expressed, or by restricting a party's freedom of action.

One way to limit the expression of standpoints and doubts is to declare certain standpoints sacrosanct, or not open to question:

I'm going to have the kitchen remodeled. We can discuss style and layout or anything you want, but not whether it will be done.

Another way of imposing limitations is to declare certain standpoints taboo:

I don't think you should say that Grandmother shouldn't have remarried. One should not speak ill of the dead.

Restricting the other party's freedom of action is an attempt to dismiss him as a serious party to the discussion. Two ways of doing this are (a) to put him under pressure not to put forward a certain standpoint or objection or (b) to discredit him in the eyes of the public by casting doubt on his expertise, integrity, or credibility.

There are many ways to prevent a standpoint or an objection from being presented. The most effective of these is, of course, to keep the opponent out of the discussion by using physical force. Simply the threat of violence or other sanctions may also be quite effective.

Any threat that aims to restrict the other party from freely putting forward his standpoint or criticism is called a *fallacy of the stick* (*argumentum ad baculum*). Sometimes the threat is expressed very directly: "If you try to get the city council to approve that, I will send my thugs after you." Usually it is done in a more subtle way. Indirect reference may be made to unpleasant consequences for the other party if the speaker does not get his way: "Of course you must make your own decision, but remember that we're one of your top clients." Or the speaker may emphatically deny any intention of putting on pressure: "I certainly wouldn't want you to be influenced by the fact that I happen to be chair of the committee that will be evaluating your work."

Another effective way of putting pressure on the other party is to play on his emotions: "How can you have given me a failing mark for my thesis? I've worked on it night and day." Such a fallacious move is called an *appeal to pity* (*argumentum ad misericordiam*).

In addition to threats, emotional blackmail, and other ways of restricting the other party's moves, there are also ways to discredit him. Presenting the other party to listeners as stupid, unreliable, biased, or otherwise unworthy of credibility is a way to make sure his arguments will fall on deaf ears. It in effect denies him the right to participate in the discussion by convincing the audience that there is no use listening to him. In principle, personal characteristics of the other party should not be brought into the discussion unless they

play a direct role in it, for example because the reliability of a witness is under question.

A personal attack is characterized by being directed not at the intrinsic merits of someone's standpoint or doubt, but at the person itself. The traditional Latin name for this fallacy is *argumentum ad hominem*. There are various kinds of personal attacks. One type is a *direct personal attack* on the other party, which, because of its insulting nature, is called the *abusive variant*:

It made me so drowsy to read his response in last week's edition that I will not even take the trouble to reply to his musings. The man is weak in the head, and blessed are the innocent of spirit.

In a direct personal attack, what is being kicked is the person rather than the ball. The impression is given that someone stupid or evil could not possibly have a correct standpoint or a reasonable doubt. Attackers hope in this way to be relieved of the obligation to give reasons for their criticism of the other party's position.

In the second type, suspicion is cast on the other party's motives, for example by suggesting that the party has a personal interest in the matter and is therefore biased. This is an *indirect personal attack* that is known as the *circumstantial variant*. The following passage from a letter to the editor contains such an indirect personal attack:

Marilyn French believes that men are the cause of the disadvantaged position of women and of environmental problems. I cannot avoid the impression that French must at some time in the past have washed the dirty socks of a man she did not love much, and therefore stopped thinking.

In an indirect personal attack, someone's opinion is claimed to derive from suspect personal motives, and the arguments advanced are unmasked as rationalizations.

In the third type of an *argumentum ad hominem*, an attempt is made to undermine the other party's credibility by pointing out a contradiction in that party's words or deeds, for example a contradiction between their opinions in the past and the present, or between what they say and what they do. This type is called the *you also variant* (*tu quoque*): You also do or think differently from what could reasonably be expected. The following letter to the editor argues that there is a contradiction between Mrs. Gardner's opinions on the AFP test and her own behavior:

Mrs. A. Gardner discourages people from participating in the so-called AFP test, which measures the chances of a pregnant woman having a baby with *spina bifida* or Down's syndrome. Mrs. Gardner knows all about the consequences of the AFP test. So why did she have such an AFP test done herself? Because in fact she preferred not to have a mongoloid baby?

The reasoning behind the you also variant is that anyone who is not consistent cannot be right. Anyone who does not practice what he or she preaches is, of course, being inconsistent. But this does not automatically mean that their standpoint is wrong. To be able to establish the acceptability of the standpoint, the arguments must first be evaluated.

Note that pointing out inconsistencies is a fallacy only if it is based on inconsistency with a standpoint that the opponent has advanced outside the discussion. If someone puts forward contradictory standpoints or arguments in the course of the discussion, then it is not a fallacy to point this out. On the contrary, identifying inconsistencies in the discussion itself is a necessary part of the evaluation.

7.2 VIOLATIONS OF THE BURDEN-OF-PROOF RULE

Rule 2: A Party Who Puts Forward a Standpoint Is Obligated to Defend It if Asked to Do So

To resolve a difference of opinion, a person who puts forward a standpoint must be prepared to defend this standpoint, and a person who calls a standpoint into question must be prepared to assume the role of antagonist. This latter requirement seldom poses a problem because someone who voluntarily criticizes a standpoint can hardly object to taking on the role of antagonist. However, not everyone who expresses a standpoint is eager to actually defend it.

Protagonists can be released from the obligation to defend their standpoint if they have previously defended it successfully against the same antagonist and if nothing has changed in either the starting points or the discussion rules. In this case, the defense would be a pointless repetition. Protagonists can also be released from the obligation to defend their standpoint if their opponents refuse to commit themselves to anything and are not prepared to follow the rules. In such a situation, it would be pointless to defend the standpoint because the necessary conditions for resolving the disagreement are not met.

Rule 2 is violated when someone tries to get out of the obligation to defend a standpoint. If they get away with it, the discussion will stagnate in the opening stage, in which it is determined who is protagonist and who is antagonist.

The most drastic way to escape the obligation to defend your standpoint is to shift the burden of proof onto the person criticizing the standpoint: "You first prove that it isn't so." This is committing the fallacy of *shifting the burden of proof*.

In a nonmixed difference of opinion, only one party puts forward a standpoint, so there is only one party who has anything to defend. In this case, shifting the burden of proof is entirely unjustified because someone who criticizes a standpoint does not bear any burden of proof. The antagonist is then being saddled with the role of protagonist of the opposite standpoint, even though the antagonist has not advanced a standpoint at all. The following text gives a good example of the use of this trick in Holland, where viewers are obliged to pay TV tax:

The Minister of Cultural Affairs mentions "the successful hunt for TV tax evaders." That is a good example of a fallacy. The hunt goes like this: on March 11 you receive a letter from the TV tax office that announces "A different look at your favorite program." You read that your name and address are not in "our database" and since "these days nearly every home has a television," you are asked to pay your TV tax. Let us assume that you are one of the few persons who have no time to watch TV or no interest in what TV has to offer. You have no TV in your home. You would like to just throw away the unpleasant letter, but you can't just do that. There is a form that you have to fill out stating that you have no TV. What the Minister of Cultural Affairs calls a "successful hunt" is a plain and simple shifting of the burden of proof.

In a mixed difference of opinion, the situation is more complicated. Because both parties have advanced a standpoint, they each have an obligation to defend their own standpoint. The only decision to be made is in what order they should present their defenses.

This problem of deciding the order of defense is often incorrectly seen as a problem of choice. One party often attempts to lay the burden of proof at the door of the other party, usually the one who is attacking received wisdom, established opinion, traditional views, or the existing state of affairs. The burden of proof then rests with the

party who wants to change the status quo; he or she must prove that the proposed alternative is better. In the terminology of criminal law, one can say that the status quo has the status of *presumption*. In the following text this principle of presumption is appealed to:

Supporters of the change are demanding that opponents show that reducing working hours would have undesirable consequences, such as reduced demand for labor or stagnation of the economy. But in fact, it is customary that supporters of a far-reaching measure (and reducing working hours is indeed far-reaching) must show that such a measure will have a beneficial effect, rather than that the other side must show that it may have harmful consequences.

Applying the principle of presumption, however, must not result in the burden of proof in a mixed dispute being assigned unilaterally to one of the parties.

Another criterion that can help decide the order in which standpoints are to be defended in mixed disputes is a principle known in civil law as the principle of *fairness*. According to this principle, the standpoint that is easiest to defend should be defended first. A legal expert, Mr. Maarten Henket, once gave a good example of apportioning the burden of proof according to the principle of fairness:

An example of an exception to the rule “He who makes a claim must prove it” can be found in alimony cases. Let us take the familiar situation of a woman who has a right to alimony from her ex-husband. The woman notices that her ex-husband’s income has gone up and wants more alimony. According to the rule just stated, she should have to prove that his income has risen. That is very difficult, in view of bank privacy and so on, and in practice the judge shifts the burden of proof to the husband: he must put his papers on the table and then it will be seen whether his income has gone up or not. This conflicts with the rule “He who makes a claim must prove it.”

The principle of presumption and the principle of fairness may help in certain situations when deciding what order to follow, but a mixed difference of opinion can never be completely resolved in an argumentative discussion unless both of the parties meet the obligation to defend their standpoints. A subtle way to avoid the obligation to defend a standpoint is to present the standpoint as something that

needs no proof at all. The protagonist in this case is guilty of committing the fallacy of *evading the burden of proof*. A person commits this fallacy when presenting the standpoint as something that is self-evident: "It is obvious that ...," "Nobody in their right mind would deny that ...," "It goes without saying that" If this ploy works, antagonists may feel overwhelmed and fail to voice their doubts.

The protagonist can sometimes achieve a similar effect by giving a personal guarantee for the correctness of the standpoint: "I can assure you that ...," "There is no doubt in my mind that ...," "I am absolutely convinced that ...," "You can take it from me that"

Another ploy for evading the burden of proof is to formulate the standpoint in a way that amounts to *making it immune to criticism* because it cannot be tested or evaluated. Examples of such *hermetic* formulations of standpoints are "Women are by nature possessive," "Men are basically hunters," "The Frenchman is essentially intolerant," and "The youth of today are lazy." These standpoints refer to "men," "women," "the youth," "the Frenchman," avoiding quantifiers such as "all," "some," "most," or "the average." Often, intangible (*essentialistic*) qualifications, such as "essentially," "real," "by nature," are used as well. Because of the imprecise formulation, it is unclear how the standpoint in question can be satisfactorily defended or refuted. How many examples or counterexamples are needed? If an attempt is made to refute the standpoint "Women are by nature possessive" by citing one or more examples of women who are not possessive, the opponent will most likely claim that these counterexamples are irrelevant because the women cited in these examples are not "real" women or are not acting according to their "true nature." All attempts at refutation thus bounce off an armor of immunity.

7.3 VIOLATIONS OF THE STANDPOINT RULE

Rule 3: A Party's Attack on a Standpoint Must Relate to the Standpoint That Has Indeed Been Advanced by the Other Party

Rule 3 is violated when the standpoint attacked is not the standpoint that was originally put forward by the protagonist. This causes a shift in the proposition with respect to which one party adopts a positive and the other party a neutral standpoint, so that in effect, and often without it being noticed, the difference of opinion becomes multiple. If parties talk at cross purposes like this, it will be impossible for them to resolve the original disagreement. Even if the dis-

agreement seems to be resolved, it will be, at most, a spurious resolution. What the one party seems to have successfully defended is not the same as what the other party has attacked.

Such shifts in standpoint can occur during any stage of the discussion. It may happen at the very beginning of the discussion, in the confrontation stage, if the antagonist's criticism turns out to be directed at a different standpoint than the one the protagonist has advanced. During the opening stage, the parties may be referring to a different proposition than the one that formed the starting point of the discussion in the confrontation stage. During the argumentation stage, it may be that the arguments of the protagonist and the antagonist relate to two different propositions. In addition, the conclusion of the discussion may be worded in such a way that it, in fact, relates to a proposition somewhat different from the one in the original dispute.

There are two different ways of attacking a standpoint that is not really the one presented by the opponent. The original standpoint can be misrepresented, or a fictitious standpoint can be attributed to the opponent. In either case, the strategy is more likely to succeed with an audience that does not know exactly what the opponent's original standpoint was.

Parties who misrepresent the opponent's standpoint or attribute a fictitious standpoint to him or her commit the fallacy of the *straw man*. In both cases, they plan their attack by taking the path of least resistance: They attribute to their opponent a standpoint that can be attacked more easily. By distorting their opponent's standpoint, they set up a straw man that they can easily knock down. In the most extreme case, the standpoint attacked does not show any resemblance to the original standpoint, but sometimes the two standpoints differ only in details.

One of the techniques for attributing a fictitious standpoint to the other party is to emphatically put forward the opposite standpoint. If someone says firmly, "I personally believe the defense of our democracy is of great importance," she thereby suggests that her opponent thinks otherwise. If the opponent does not hasten to declare that he too is a great champion of democracy, he immediately draws on himself the suspicion that he does not support democracy.

Another way of attributing a fictitious standpoint to the opponent is to refer to a group to which the opponent belongs and to link that group with the fictitious standpoint:

She says that she thinks this research is useful, but as a business person she naturally sees it as a waste of money.

Here the speaker implies that it is obvious what this group (business people) thinks about this matter and that what applies to the group applies to all individual members of the group.

In a third technique, not only the standpoint is fictitious, but the opponent too. By using expressions such as “Nearly everyone thinks that ...,” “Educators are of the opinion that ...,” and “Everyone has been saying lately that ...,” it is not stated who actually holds the standpoint being attacked. There is no reference made to surveys, opinion polls, or other evidence that there really are people who adhere to the standpoint.

When the opponent’s standpoint is misrepresented, it is presented in a way that makes it more difficult to defend, or even untenable or ridiculous. This is often achieved by taking a standpoint out of context, by oversimplifying it, or by exaggerating it, as in the following complaint:

The result is very discouraging because of the way he goes about things: quoting some sentences completely out of context, suggesting meanings that aren’t there, and finally, with several well-chosen exaggerations—which aren’t there either—making the prey ripe for his omniscient and omnivorous voracity. I find this a superficial way of discussing academic work.

Exaggerating a standpoint by generalizing it may be accomplished by leaving out quantifiers like “some” and “a few” and replacing them with “all.” The resulting standpoint is much easier to attack. If you are defending the standpoint that some men are oversensitive, your job is done as soon as you have given a couple of examples of oversensitive men. Defending the standpoint that “all” men are oversensitive is naturally much more difficult; your opponent has only to give one example of an insensitive man to show that your standpoint is untenable.

Techniques often used in simplifying standpoints are to leave out nuances and restrictions. A good example of the first is accusing someone of having written that homeopaths are charlatans, whereas what the person had actually written was that homeopaths are a group “in which the line between legitimate and charlatan is very fuzzy.”

If the original formulation of the disputed standpoint can be consulted, it is possible to verify whether it has been represented accurately. This is difficult if the original formulation is not available. Sometimes, however, the representation is so improbable that it is

immediately suspect. An example of such a suspect representation of a standpoint occurs in a Senator's response to a Deputy Health Secretary's argumentation for his plans to promote sports as leisure-time pursuits:

The first argument, whose unsoundness is obvious, has to do with the costs of health care. The Deputy Secretary is afraid that parts of the body that are little used will quickly become brittle or fall off, after which the help of the medical establishment—charging for a single day what an average person earns in a month—will be needed. Since sports trainers are cheaper than surgeons, health care costs can be reduced if more people participate in sports.

In other cases, it helps to watch out for certain signals in the way the standpoint is represented. Some skepticism is called for when the speaker too emphatically proclaims the opponent's standpoint: "Clearly the author is of the opinion that ...," "The author obviously assumes that ..." Although the formulations suggest otherwise, it often turns out that the standpoint proclaimed was not the author's standpoint.

7.4 VIOLATIONS OF THE RELEVANCE RULE

Rule 4: A Party May Defend His or Her Standpoint Only by Advancing Argumentation Related to That Standpoint

Rule 4 places two minimum requirements on the defense of standpoints: The defense must be conducted by means of arguments, and those arguments must be genuinely relevant to the standpoint being defended. If the antagonist fails to notice that these requirements have not been met, he or she may end up accepting the standpoint on the basis of an irrelevant argument. In this case, the difference of opinion has not really been resolved.

Violations of Rule 4 occur during the argumentation stage. There are two kinds of violations. The first is when the argumentation has no relation whatsoever to the standpoint that was advanced in the confrontation stage. This is a case of *irrelevant argumentation*. The second kind of violation is when a standpoint is defended with means other than argumentation, while at the same time the protagonist acts as though he or she were providing argumentation. This is called *non-argumentation*.

Irrelevant argumentation, in fact, defends a standpoint that is not the standpoint that caused the difference of opinion. Just as in the case of the straw man, there is a shift in the proposition to which the standpoint relates. But in the case of irrelevant argumentation, it is the protagonist who distorts his or her own standpoint. Instead of making it easier to attack, the shift is intended to make the standpoint easier to defend. Then the fallacy is committed of putting forward *argumentation relevant only to a standpoint that is not the one at issue*, which is better known as *ignoratio elenchi*. Here is an example:

Amateur sports are being ruined by all the alcohol that is sold at sports canteens, because research shows that 85% of all sports canteens sell alcohol.

At first sight the argument and the standpoint seem to be related, but actually the argument (alcohol is sold in 85% of all sports canteens) does not support the standpoint that “amateur sports are being ruined by all the alcohol that is sold at sports canteens.” The argument would, however, support a different standpoint: “It is easy to buy alcohol in sports canteens.”

When non-argumentation is used, it is not usually for the purpose of convincing the other party, but of winning over a third party. Instead of putting forward argumentation to support the standpoint at issue, the protagonist plays on the emotions, sentiments or biases of the intended audience. If we use the classical categories of means of persuasion—*logos*, *ethos*, and *pathos*—we could say that *pathos* takes the place of *logos* here. That is why playing on the emotions of the audience is called a *pathetic fallacy*.

Pathetic fallacies generally thrive in public discussions about which many people have strong feelings. In such situations, whoever most successfully manipulates the (positive or negative) feelings of the audience has the best chance of having a standpoint accepted. Examples of positive emotions that can be appealed to are feelings of security or loyalty. Examples of negative emotions that can be appealed to are fear, greed, and shame. The following letter to the editor accuses one of the participants in a discussion on anti-terrorism of playing on people’s sentiments:

When Mr. Carter talks about innocent women and children who have been victims of terrorism, he is playing unfairly on the sentiments of the members of the jury. Because in fact it is just as terrible a thing when the victims are men, whether they are ordinary men, police agents, or soldiers.

Appeals to prejudices and emotions are not normally presented as if they were arguments. It often suffices to emphasize in an emotional way the significance of certain interests or values. The audience itself will make the desired connection between these and the standpoint at issue.

In addition to the rhetorical means of persuasion *pathos*, a protagonist may also make use of *ethos*. Aristotle believed this means to be the most effective. Speakers use *ethos* when they attempt to decide the difference of opinion in their favor on the strength of their own expertise or good character. They attempt to increase the audience's faith in their expertise, credibility, or integrity, so that the audience will simply take their word for the standpoint's acceptability. If a protagonist has a particularly strong *ethos*, he or she may not need to present any defense at all for the standpoint.

In itself, there is nothing wrong with making use of *ethos*. In many cases, there is no other choice than to accept something on the authority of experts. Certain topics require so much specialized knowledge that laypeople cannot independently verify them. In other instances, the protagonist may be the only witness to a certain event or the only one who can verify the accuracy of a certain statement. Examples of this are statements about the speaker's own mood or physical well-being. There is nothing wrong with depending on someone else's judgment in such cases, but it is important to realize that a difference of opinion cannot really be resolved in this way because it is left to the expert to settle the dispute.

Something to watch out for, however, is when a person who claims to have expertise does not actually possess it or when the expertise is not relevant to the matter at hand. Then the *ethical fallacy of abuse of authority* is committed (which is on a par with the fallacy that is traditionally known as *argumentum ad verecundiam*). An example of this is when someone suggests, without providing actual argumentation, that he or she possesses the required amount of expertise on the basis of being a professor and proceeds to make statements about the dangers of nuclear energy, when in fact his field of expertise is Egyptology.

7.5 VIOLATIONS OF THE UNEXPRESSED PREMISE RULE

Rule 5: A Party May Not Falsely Present Something as a Premise That Has Been Left Unexpressed by the Other Party or Deny a Premise That He or She Has Left Implicit

Violations of Rule 5 are related to the fact that in everyday language, all kinds of things are implied or are expressed only indirectly.

Parties to a discussion of course should not try to take improper advantage of implicit or indirect language. That is what happens when the antagonist attacks the protagonist by producing a reconstruction of the unexpressed premise that goes further than what the protagonist can actually be held to. Exaggerating the unexpressed premise makes the standpoint easier to attack, and the fallacy is called *magnifying what has been left unexpressed*. Protagonists can violate Rule 5 by refusing to accept commitment to an unexpressed premise implied by their own defense, thereby committing the fallacy of *denying an unexpressed premise*.

Violations of Rule 5 occur during the argumentation stage. The result is that the difference of opinion cannot be brought to resolution because parties deny their commitments or put words in each other's mouth. Rule 5 essentially means that protagonists can be held to nothing they are not really committed to and to everything they really are committed to.

The fallacy of magnifying an unexpressed premise consists of adding an unexpressed premise that goes beyond what is warranted and attributing a premise to the protagonist that goes beyond the commitments created by the protagonist's defense. In the following example, Heather commits this fallacy:

Jerome: It could be that he doesn't like dogs very much, because he has a cat.

Heather: So you think that everyone who has a cat by definition hates dogs?

Jerome: No, I didn't say that. I only mean that there are a lot of cat owners who don't much like dogs.

Given the cautious way Jerome has formulated his standpoint ("It could be ..."), it is incorrect to attribute to him the unexpressed premise that *everyone* who has a cat *by definition* hates dogs. Furthermore, "not liking dogs much" is not the same as "hating dogs." In this respect as well, Heather has exaggerated what Jerome left unexpressed.

Speakers commit the fallacy of denying an unexpressed premise if they refuse responsibility for elements that are indeed implied by their defense. If the opponent correctly makes explicit something that is implied by the protagonist's argumentation, then the protagonist commits a fallacy by denying it. By hiding behind the claim "I never said that," the protagonist stands in the way of true resolution of the disagreement.

The inclination to deny unexpressed premises is strongest when they contain weak or controversial elements. The following is a good example:

I have nothing against homosexuals. I just think that the age of consent for homosexual sex should not be lowered, because of the danger that young boys would be pushed into becoming homosexuals.

The use of the word “danger” is clear evidence that the speaker does not really have the tolerant attitude claimed in the first sentence: The unexpressed premise in this argumentation is that homosexuality is something that should be prevented if at all possible.

FURTHER READING

An influential historical study of fallacies is C. L. Hamblin, *Fallacies*, London: Methuen, 1970, reprinted by Vale Press, Newport News, VA. A formally oriented approach to the fallacies is also taken in J. Woods and D. Walton, *The Logic of the Fallacies*, Toronto: McGraw-Hill: Ryerson, 1982. The pragma-dialectical approach to the fallacies is explained in F. H. van Eemeren and R. Grootendorst, *Argumentation, Communication, and Fallacies: A Pragma-Dialectical Perspective*, Hillsdale, NJ: Lawrence Erlbaum Associates, 1992, chapters 8–19. An overview of the state of the art in the study of the fallacies is provided by F. H. van Eemeren in F. H. van Eemeren (Ed.), *Crucial Concepts in Argumentation Theory*, Amsterdam: Amsterdam University Press, 2001, chapter 6.

8

Fallacies (2)



ESSENTIALS

Among the fallacies that may occur in the argumentation stage are (6) falsely treating a starting point as agreed on, or denying a commitment to something that was an agreed-on starting point (violation of starting point rule), (7) using an inappropriate argument scheme or using an argument scheme incorrectly (violation of argument scheme rule), and (8) using invalid reasoning (violation of validity rule). In the concluding stage of the discussion (9) unwarranted consequences may be attached to a successful defense or a failed defense (violation of closure rule). Finally (10), the resolution of a difference of opinion can be obstructed during any stage of the discussion by the use of unclear or ambiguous language (violation of usage rule).

8.1 VIOLATIONS OF THE STARTING POINT RULE

To satisfactorily resolve a difference of opinion, the parties to a discussion must give each other the freedom to express the difference of opinion, must be prepared to accept the burden of proof for their standpoints by presenting argumentation in their defense, must not

falsely attribute standpoints or arguments to the other party, and must not try to dissociate themselves from the standpoints or arguments to which they have committed themselves. Although it is a big step forward if all these rules are followed, it is not sufficient. The arguments advanced should also meet several requirements.

A difference of opinion is resolved in favor of the protagonist if he conclusively defends his standpoint; otherwise, it is resolved in favor of the antagonist. The defense can be regarded as conclusive only if the arguments of the defense are directly acceptable to the opponent because they form part of the common starting points, or if they are acceptable because they are based on valid reasoning and appropriate argument schemes. If the parties fail to observe the rules for the conclusive defense of standpoints, their argumentation will contain fallacies that make their defense unacceptable.

Rule 6: No Party May Falsely Present a Premise as an Accepted Starting Point, or Deny a Premise Representing an Accepted Starting Point

Just as it is pointless to have a discussion with someone who refuses to abide by any discussion rules, it also makes no sense to have a discussion with someone who will not commit himself to any starting points. In order to resolve a difference of opinion, both parties must have in common some minimum of facts, beliefs, norms, and value hierarchies. If they cannot agree on any of these, they will never succeed in convincing each other of the acceptability of any standpoint. Ultimately, the defense of a standpoint rests on some set of statements that are acceptable to both parties.

Explicit agreements about common starting points are rare. Parties normally operate on the assumption that they share certain starting points. The better the parties know each other, the more likely it is that their assumptions about common starting points are accurate. Then it will sometimes be unnecessary to come to an explicit agreement about starting points.

The protagonist and antagonist do not actually have to believe that the propositions serving as common starting points are all true or acceptable, but they must conduct the discussion as if they believed this. Sometimes a proposition is temporarily accepted as true only in order to test its acceptability or even to demonstrate that it is unacceptable because it has untenable consequences. This would not be possible if both parties had to really believe in the acceptability of all of the starting points.

Rule 6 is violated if a party *falsely presents a premise as belonging to the common starting points* or *denies a premise that does in fact belong to the starting points*.

The *antagonist* violates Rule 6 if he questions either a proposition that was agreed on as a common starting point or one that the protagonist, based on verifiable background information, may rightly assume the antagonist to be committed to. A proposition with the status of starting point may not be questioned in the discussion. Of course, the proposition can always be questioned later in a separate discussion. If all assumptions are open to question at the same time, there cannot be a meaningful discussion, and the difference of opinion will never be resolved. The same is true if an antagonist in the middle of the discussion suddenly starts questioning a previously agreed-on proposition for opportunistic reasons: "But did I ever say the earth is round?," "But what is wrong with incest anyway?"

The *protagonist* violates Rule 6 if he acts as though a certain proposition was accepted as a starting point when that is not the case. A familiar trick for preventing a proposition from being attacked is to formulate something controversial in such an inconspicuous way that it is not noticed. This can be done by presenting the controversial proposition as a presupposition (an assumption tacitly assumed by the speaker) of another statement; for example, instead of directly saying "Fred is addicted to gambling," saying something like "I can't understand why Fred doesn't do something about that gambling addiction." In the second formulation, Fred's addiction to gambling is assumed, thus falsely giving the impression that the addiction is an established fact.

The protagonist can make unfair use of presuppositions not only in making assertions but also in asking questions:

Who have you quarreled with today?

If it has not yet been established that any quarreling took place, then the formulation of this question is misleading because it creates the impression that it is a common starting point that there has been a quarrel. To go about it properly, the question would need to be split in two: "Have you quarreled with anyone today?" and "Who have you quarreled with?" Asking the question in its original form is an example of the fallacy of *many questions*.

Another way protagonists sometimes wrongly assume that a proposition belongs to the common starting points is when in defending their standpoints they use an argument that amounts to the

same thing as the standpoint. Because the standpoint is precisely that which is being debated, they know very well that a statement that is identical to or synonymous with the standpoint cannot possibly belong to the common starting points. If they nevertheless act as though it does, they are committing the fallacy of *circular reasoning* (also called *begging the question* or *petitio principii*).

Here is a simple example of circular reasoning:

Racial discrimination is a punishable offense because it's against the law.

The circularity is perhaps not immediately obvious, until one realizes that "a punishable offense" implies violating the law. Thus, the argument and the standpoint in this example are nearly identical. A less obvious example of circular reasoning was challenged by Rudy Kousbroek (1970):

In a recent issue of *Tirade*, G. van het Reve berates someone who took recourse to W.F. Hermans's motto: "the human being is a chemical process just like any other." Van het Reve attacked the motto by saying "I have never had a letter from a chemical process." This is a classic case of using that which has not been proved as proof: assuming the motto is correct, then Van het Reve will regularly and exclusively receive letters from chemical processes. (p. 37)

8.2 VIOLATIONS OF THE ARGUMENT SCHEME RULE

Rule 7: A Standpoint May Not Be Regarded as Conclusively Defended if the Defense Does Not Take Place by Means of an Appropriate Argument Scheme That Is Correctly Applied

Even if all of the statements making up the argumentation are accepted by both parties, the defense cannot be considered successful if these statements do not adequately support the standpoint (or whatever part of the argumentation they were intended to support). Only if the protagonist uses an appropriate argument scheme for his defense and applies that scheme correctly can the defense be judged successful. If the protagonist *uses an inappropriate argument scheme* or *applies a scheme in an incorrect way*, then he or she violates Rule 7. Such violations occur during the argumentation stage.

Some argument schemes are rarely acknowledged to be sound. The odds are that the opponent will not accept these schemes, so that

a violation of Rule 7 occurs. One such scheme (a variant of argumentation based on a symptomatic relation) is the *populist fallacy* (*argumentum ad populum*). In the populist fallacy, the opinion of some number of people is used in arguing for the acceptance of the standpoint: It is claimed the standpoint should be accepted because so many people agree with it. However, in the following example it is pointed out that this is not true:

Hundreds of thousands of cheering readers, viewers, or listeners are no proof at all of the correctness of an idea, and it is pure demagoguery to use their opinion as an argument.

Another well-recognized unsound way of arguing is to appeal inappropriately to a causal relation. The mistake of *confusing facts with value judgments* is a fallacy that is traditionally known as the *argumentum ad consequentiam*. In support of a standpoint with a factual proposition, an argument is advanced that is normative because it points out undesirable effects of the standpoint: "It isn't true, because I don't want it to be true" or "It's true, because I want it to be true." An example of *ad consequentiam* is:

It can't be raining, because that would mean we'd have to cancel our picnic.

Even if the argument scheme itself is appropriate, not all ways of applying it are correct. If an argument scheme is correctly applied, then all critical questions corresponding to this scheme can be satisfactorily answered. For example, in committing a *fallacy of abuse of authority* (*argumentum ad verecundiam*), a proposition is presented as acceptable because some person or written source that is inappropriately presented as an authority says that it is so. This is a wrong application of a particular kind of argumentation based on a symptomatic relation.

Another example of improper use of an argument scheme based on a symptomatic relation is the *fallacy of hasty generalization* (*secundum quid*). The fallacy here is generalizing on the evidence of too few observations:

After having spent our 1991 vacation in Cuba, we went there again in 1992, which shows that it's a great place for tourists.

The fact that one tourist couple is prepared to visit Cuba twice in a row is no proof that it is a great place for tourists in general.

If the argumentation is based on a relation of analogy, then the analogy must be a sound one. The two things compared must really

be comparable and there must be no special circumstances that invalidate the comparison. If these requirements are not met, then we have the *fallacy of false analogy*.

When establishing causal relations, using the third main category of argument schemes, the reasoning may also go astray. Sometimes a cause-and-effect relation is based on no more than the fact that the one thing preceded the other. This is the *fallacy of post hoc ergo propter hoc* (“after this, therefore, because of this”). A soccer coach commits this fallacy by suggesting that the rise in ticket sales was due to his taking on the job:

I like the Milan team. I like the way they play, their courage, their drive to win. Since I came we have gone from 40 to 71 thousand season ticket holders. There must be a reason for that.

Another common way of using a causal argument scheme incorrectly has to do with pragmatic argumentation. The mistake here is to wrongly suggest that adopting a certain course of action will inevitably be going from bad to worse, when in fact there is no evidence that such an effect will occur. Because it has not been shown that the predicted negative consequences will really ensue, one of the critical questions appropriate to causal argumentation cannot be satisfactorily answered. This is the *fallacy of the slippery slope*. A slippery slope can be detected in Gerrit Komrij’s sketch of the consequences of government support of activities designed to protect women (but not homosexuals) from sexual violence:

Those who find sexual violence important only when it is aimed at a limited and arbitrary group like girls and women will end up, if their reasoning is carried to its logical conclusion, finding any form of violence acceptable as long as it is aimed at an enemy specially marked out for that purpose.

8.3 VIOLATIONS OF THE VALIDITY RULE

Rule 8: The Reasoning in the Argumentation Must Be Logically Valid or Must Be Capable of Being Made Valid by Making Explicit One or More Unexpressed Premises

Violations of Rule 8 have long been considered to be the most important of the fallacies. Nevertheless, invalid reasoning is certainly not

the most important cause of failure to reach resolution of a difference of opinion—if for no other reason than that arguments in everyday language, which are so often incomplete, can easily be rendered valid by filling in one or more premises.

Rule 8 is violated only if the reasoning, after making explicit everything that was left unexpressed, is still invalid. Violations have to do with the logical form of the reasoning underlying the argument.

There are several forms of faulty reasoning that occur with some regularity during the argumentation stage. The two best-known ones are *affirming the consequent* and *denying the antecedent*; these are the invalid counterparts of the *modus ponens* and *modus tollens* types of reasoning. The mistake made in both of these forms of invalid reasoning is that a sufficient condition is treated as a necessary condition. Lines of reasoning that take the form of affirming the consequent or denying the antecedent have the following pattern:

If you eat spoiled fish (*antecedent*) you get sick. (*consequent*)

Anne is sick. (*affirmation of the consequent*)

Therefore: Anne has eaten spoiled fish.

If you eat spoiled fish (*antecedent*) you get sick. (*consequent*)

Anne hasn't eaten any spoiled fish. (*denial of the antecedent*)

Therefore: Anne is not sick.

It is easy to see that both lines of reasoning are invalid when one stops to think that Anne could have got sick due to causes other than eating spoiled fish.

Another violation of Rule 8 is incorrectly attributing a property of the whole to the component parts or vice versa. The first is called the *fallacy of division*, the second the *fallacy of composition*. These fallacies involve treating the whole as a simple sum of the separate parts and assuming every property of the whole also applies to each of the component parts. But in fact, what is true for the parts is not necessarily true for the whole. If a stew is composed of ingredients each of which by itself is delicious, this is no guarantee that the stew will also be delicious. The following comment from the manager of the school cafeteria seems overly optimistic:

We use real butter, real cream, and fresh lettuce, so our meals are always delicious!

Another example of the composition fallacy is:

The Catholic church is a church for poor people.

Therefore: The Catholic church is poor.

What exactly is wrong with this argumentation? In the first place, it does not take into consideration the fact that the term “poor” is a *relative* one: Standards of wealth are different for individuals than for churches. Whether the Catholic church is poor or not can only be established by comparing its wealth with that of other churches or similar institutions. In the second place, the impression is given that the wealth of the church is simply the sum of the income and property of individual members, whereas *other factors* are involved, for instance, what portion of their income members donate to the church.

An example of the division fallacy is:

The Cabinet is indecisive.

Therefore: The Ministers are indecisive.

In this argumentation, it is wrongly assumed that if the Cabinet as a whole is indecisive, then all of the members of the Cabinet are necessarily also indecisive. In fact, it is entirely possible that each member individually is decisive, but that each Minister wants something different so that the Cabinet as a whole is unable to reach a decision.

8.4 VIOLATIONS OF THE CLOSURE RULE

Rule 9: A Failed Defense of a Standpoint Must Result in the Protagonist Retracting the Standpoint, and a Successful Defense of a Standpoint Must Result in the Antagonist Retracting His or Her Doubts

Resolution can still be obstructed even in the last stage of the resolution process, when the argumentation is completed and the discussion only needs to be brought to a close. The concluding stage of the discussion must establish whether the difference of opinion has been resolved and in whose favor. If the parties do not succeed in coming to agreement on this, the difference of opinion persists. If the protagonist is convinced that the standpoint has been conclusively defended, but the antagonist insists that this is not so, then the discussion ends in a stalemate.

If the protagonist and the antagonist agree on the outcome, then they must also accept the consequences. A protagonist who has not managed to successfully defend the standpoint must be prepared to give up this standpoint. Otherwise, the protagonist commits the *fallacy of refusing to retract a standpoint that has not been successfully defended*. If, on the contrary, the protagonist has succeeded, then the antagonist must be prepared to retract the criticism of the standpoint. Otherwise, the antagonist commits the *fallacy of refusing to retract criticism of a standpoint that has been successfully defended*. Here is an example:

Well, if that's the case, then I can't think of any more objections. But I still don't agree with it.

Other violations of Rule 9 arise when inflated consequences are attached to the successful attack or defense. Successful protagonists are entitled to expect the other party to retract their doubts about the standpoint, but no more than that. Otherwise, these protagonists commit the *fallacy of concluding that a standpoint is true because it has been defended successfully*. If protagonists conclude that they have now proved that their standpoint is true, then they are going too far. The only thing they have shown is that their standpoint, based on the agreed-on starting points, can be successfully defended. This does not imply that the standpoint is necessarily true or acceptable in any broader sense. The acceptability of the starting points outside the context of the discussion, after all, has not been established. The protagonist and antagonist do not even need to believe in the truth or acceptability of their common starting points. Likewise, the failure of a defense does not warrant the conclusion that the standpoint has been shown to be false or that the opposite standpoint is true. An antagonist who makes this claim is guilty of the *fallacy of concluding that a standpoint is true because the opposite has not been successfully defended (argumentum ad ignorantiam)*.

The first mistake made in this fallacy is to confuse the roles of protagonist and antagonist. In a nonmixed difference of opinion, only one of the parties is obliged to defend their position, namely, the protagonist. The antagonist has merely doubted the standpoint, so it is impossible for him or her to have successfully defended the opposite standpoint. Only in a mixed discussion are there two protagonists and two standpoints, so that both protagonists are obliged to defend their positions. But even then, one party's defense failure does not cancel the other party's burden of proof.

The second mistake is to assume that the standpoint adopted in relation to a proposition must always be either positive or negative. This ignores the possibility of a “middle course,” that is, taking a neutral position with no standpoint. If protagonists fail in their defense of a standpoint, this certainly does not mean that they must immediately accept the opposite standpoint. Anyone who acts as though this is a necessary consequence is committing the fallacy of *argumentum ad ignorantiam*. In the following example, both mistakes are made:

Mother: You must never hit children, because then they lose trust in society and ten years later they’ll be hitting everybody.

Father: It has not in any way been proved that hitting children leads to violence later. So a slap once in a while for a good reason can’t do any harm.

8.5 VIOLATIONS OF THE USAGE RULE

Rule 10: Parties Must Not Use Any Formulations That Are Insufficiently Clear or Confusingly Ambiguous, and They Must Interpret the Formulations of the Other Party as Carefully and Accurately as Possible

Unclear or ambiguous language can have direct negative consequences for the resolution of a difference of opinion. Lack of clarity during the confrontation stage can lead to a spurious disagreement, where the formulations chosen suggest a difference of opinion that does not exist. Lack of clarity can also lead to spurious agreement: The parties think they have reached agreement, when in fact their agreement is based on their having given different definitions to the terms used in the standpoint.

Ambiguity and lack of clarity in violation of Rule 10 can occur during any stage of the discussion. Any time a party makes use of unclear or ambiguous language to improve his or her own position in the discussion, they are guilty of the *fallacy of unclarity* or of the *fallacy of ambiguity*.

These fallacies occur not only by themselves, but also—even often—in combination with violations of other discussion rules. Lack of clarity sometimes accompanies a fallacy and enhances its effect. An *argumentum ad baculum* or an *argumentum ad hominem* is often more effective if the threat or accusation is made indirectly. Some-

times lack of clarity is inherent to a fallacy, for instance, the fallacy of magnifying an unexpressed premise. The antagonist can magnify an unexpressed premise precisely because it was not explicitly stated.

Some kinds of unclarity have to do with the structure of larger pieces of text; this is called *structural unclarity at the textual level*, resulting from “illogical” order, lack of coherence, obscure structure, and so on. Goudsblom describes the effect of such lack of clarity (in *Folia*, October 17, 1981):

In many discussions ... a capricious intermingling takes place of descriptive, interpretive, explanatory and evaluative elements that results in an elusive combination of “sense” and “nonsense” that can perhaps best be termed “unsense.” [...] It is striking how many discussions about politics and morals—that is, about society—are conducted by the grace of unsense. The starting points, the terms, the conclusions, even the statement of the problem, together constitute a hopeless tangle of description, interpretation, explanation and value judgment. To take part in such a discussion is to poke about in a rhetorical hornet’s nest. This realization renders us powerless and speechless.

Four main types of unclarity at sentence level can be distinguished: unclarity resulting from (1) implicitness, (2) indefiniteness, (3) unfamiliarity, and (4) vagueness. The best way of explaining these is to give examples. Suppose someone says “Charles is a kleptomaniac.” The listener may ask for clarification in any of a number of ways:

- 1 Are you warning me or just informing me?
- 2 Charles? Charles who?
- 3 A kleptomaniac? What’s that?
- 4 What do you mean, he’s a kleptomaniac? Do you mean once upon a time he stole something, or do you mean he makes a habit of stealing things?

Question 1 indicates the unclarity was due to *implicitness*: The listener is not sure what the communicative function of the speech act is because the context and situation allow for more than one interpretation.

Question 2 indicates the unclarity was due to *indefiniteness*; it seeks clarification of the propositional content. The listener cannot determine who the speaker is referring to; the *reference* is unclear.

Question 3 also indicates unclarity in the propositional content, but this time it is the *predication* that is problematic: The listener does not understand exactly what the speaker is trying to say about Charles because he does not know the meaning of the word “kleptomaniac” and perhaps has not even heard of the illness it designates. So the unclarity here is due to *unfamiliarity* with the word or with the illness it refers to.

Question 4 is the listener’s attempt to obtain a clearer idea of what the speaker means by “kleptomaniac,” thereby reducing the *vagueness* of this term. Although the listener knows the meaning of the word, he or she does not yet know what criteria the speaker is using. How often must someone steal to earn the label of “kleptomaniac”?

Ambiguity has to do with the fact that words and phrases can have more than one meaning. For example, the sentence “That is Herman’s portrait” can be interpreted in three different ways: (1) the portrait was painted by Herman, (2) the portrait is owned by Herman, and (3) Herman is the subject of the portrait.

Questions can be ambiguous as well. There are, for instance, at least five possible interpretations of the question “Who is Tony?”:

- 1 Which of you three is Tony?
- 2 Who in this picture is Tony?
- 3 Who is the actor that plays Tony?
- 4 What can you tell me about Tony?
- 5 Why the hell should we listen to Tony?

Ambiguity includes ambiguity of reference, as in the following sentence, where it is not clear who *her* refers to, Carla or Sandra:

Carla gave Sandra the mail; it was her last day here.

The following text offers a good example of a different kind of improper use of ambiguity:

Although Mr. Wylie claimed he would be open about everything, he started out by lighting up a large cigar and promptly disappeared in a cloud of smoke.... Mr. Wylie is silent when he should be speaking as a liberal.... Mr. Wylie smokes, and where there is smoke, there is fire.

The expression “where there is smoke there is fire” is used here in two senses. It is used literally, in that “smoke” refers to the smoke from Wylie’s cigar, and it is used figuratively: Because Wylie himself

says nothing about them there must be some truth to all the rumors about him. This use of ambiguity serves to camouflage the fact that the standpoint "Wylie is not being open" is being supported by the irrelevant argument that he smokes cigars.

FURTHER READING

In-depth studies of the fallacies can be found in J. Woods and D. Walton, *Fallacies: Selected Papers 1972–1982*, Berlin: Foris/Walter de Gruyter, 1989, and H. V. Hansen in R. C. Pinto (Eds.), *Fallacies: Classical and Contemporary Readings*, University Park, PA: Pennsylvania State University Press, 1995. See also D. N. Walton, *Informal Fallacies: Towards a Theory of Argument Criticisms*, Amsterdam-Philadelphia: John Benjamins, 1987, and *A Pragmatic Theory of Fallacies*, Tuscaloosa: University of Alabama Press, 1995. A discussion of Walton's approach to fallacies can be found in C. W. Tindale, "Fallacies, blunder and dialogue shifts: Walton's contributions to the fallacy debate," *Argumentation*, 1997, vol. 11, no. 3, pp. 341–354. For a typology of arguments from authority, see J. Goodwin, "Forms of authority and the real *ad verecundiam*," *Argumentation*, vol. 12, no. 2, pp. 267–280.