

ISSA Proceedings 2002 - Fallacies As Derailments Of Strategic Maneuvering: The Argumentum Ad Verecundiam, A Case In Point



1. The current state of the art in fallacy theory

As we all know, in 1970 Hamblin sketched a devastating portrait of the state of the art in fallacy theory. Since then, several new and constructive approaches have developed. In all these approaches, the fallacies are - more generally - viewed as “wrong moves in argumentative discourse” rather than as “arguments that seem valid but are in fact not” (see van Eemeren, 2001). Such a new approach is not only taken by Hamblin (1970) himself, but also by Woods and Walton (1989), Barth and Krabbe (1982), van Eemeren and Grootendorst (1984, 1992a), Walton (1987, 1992, 1995), Johnson (2000), Jacobs (2002), and many others. Although one can safely claim that Hamblin’s criticisms no longer apply to the present state of the art in fallacy theory, a fully satisfactory theory of the fallacies is still lacking. If only because the intriguing problem of the remarkable persuasiveness of (at least some of) the fallacies, which was in the traditional definition of a fallacy indicated by the word “seem,” has been completely ignored. In this paper, we shall argue that taking rhetorical considerations into account in a dialectical approach of the fallacies can lead to a better and more complete understanding of how a great many of the fallacies “work.”

2. Ad hoc theoretical treatments of the fallacies

A major disadvantage of various modern theoretical treatments of the fallacies is that they are, in more than one sense, *ad hoc*. This is so in the first place when they take the traditional list of the fallacies as it is handed down by history and recorded in the literature as their point of departure. Several informal logicians, and most notably Walton, tend to do so. The traditional list, however, is - in spite of Woods’ (1992) protestations -, instead of a systematic and theoretically motivated catalogue of the fallacies, a more or less arbitrary collection of the diverse kinds of argumentative moves that have been recognized as fallacious in

the past. The older work of Woods and Walton (1989) is a good illustration of how this kind of label-oriented approach leads to an entirely different theoretical treatment of each individual fallacy. Such a treatment of the fallacies is therefore also ad hoc in a second sense.

A fundamental problem that threatens fallacy theory if each fallacy gets its own theoretical treatment is that not only the treatments are at variance with each other, but often also the general perspectives from which they start. It is, of course, quite possible that all the judgments are made from one and the same perspective, let's say a logical or formal perspective, as favored by Woods, or an epistemological perspective, as Biro and Siegel aspire to develop (1992). More often than not, however, the one perspective is used in the one case and the other perspective in the other, or different perspectives get even mixed up. It often happens, for instance, that ethical or moral considerations all of a sudden get the upper hand over the logical or other considerations that were professed to be the only ones[i]. In his contribution to this volume, Wagemans (2003) provides a good illustration when he discusses Walton's (1999) treatment of the *argumentum ad ignorantiam*. In his analysis, Walton introduces, without giving much of a rationale, an *epistemic* norm to condemn such 'arguments.' Next, however, he starts classifying exceptions to this norm, and mentions, instead of epistemic considerations, practical considerations having to do with the *consequences* of applying the norm[ii].

We think that it is an important requirement of any theoretically adequate evaluation of argumentative discourse, whether the evaluation is given in terms of fallacies or not, that there is a common rationale for applying a certain set of norms that guarantees their coherence. This rationale should, just as the norms that are used in its implementation, be a reflection of a clearly defined philosophical ideal of reasonableness and rationality[iii]. Another important requirement is that the norms used in evaluating argumentative discourse can be made instrumental by means of specific and workable criteria that make it possible to decide in specific instances whether a certain norm has been violated or not. Otherwise the outcomes of the evaluative judgments will not just be ad hoc but even worse, unjustified(iv).

Another disadvantage of some ad hoc treatments of the fallacies is that the labels for the fallacies are not restricted to those cases that are considered unacceptable and unreasonable but are also applied to acceptable and reasonable cases.

Confusingly, you can then have an *argumentum ad hominem* that is an *incorrect* argumentative move but also an *argumentum ad hominem* which is a *correct* move[v]. In our use of terminology, we shall call a spade a spade and reserve the names of the fallacies for cases of the *fallacious* kind[vi].

At this juncture, it is good to observe that although it is generally acknowledged among argumentation theorists that an adequate theory of fallacies presupposes an adequate theory of sound argumentation, it is by no means generally acknowledged that, in addition, these two theories should be connected in such a way that each fallacy has, as it were, its sound “counterpart.” The relationship between the fallacy and its counterpart should in fact be such that the reason for the unsoundness of the fallacy is directly related to the reason for the soundness of its counterpart. As long as the traditional list of fallacies is taken as the point of departure for further reflection, it can be no surprise that this requirement is not fulfilled. Most fallacies on that list are just names of “wrongs” in argumentative discourse, and no sound counterpart is ever mentioned. In such an approach, the discussion of the problems involved in evaluating argumentative discourse *begins and ends with the concept of a certain fallacy*. When, for example, the problems of evaluating cases of ‘begging the question’ are discussed, first, the features are described that are deemed characteristic of the fallacy of begging question, and then, *on the basis of these features*, criteria are developed for identifying instances of begging the question in actual practice. This way of proceeding reveals a serious theoretical defect. Since the fallacy is the beginning and the end of the analysis, no independent account can be given of the sound counterpart of this fallacy, let alone of the way in which the two are related.

3. Systematic theoretical treatments of the fallacies

There are also more systematical treatments of the fallacies in which the requirements we just mentioned are at least partly taken into account. Among them are Hamblin’s (1970) and Barth and Krabbe’s ‘formal dialectics’ (1982)[vii], and van Eemeren and Grootendorst’s ‘pragma-dialectics’ (1984, 1992a)[viii]. Instead of taking the traditional list of fallacies as their point of departure, the dialectical fallacy theorists start from a conception of *sound* argumentation. They assume a critical rationalist perspective on argumentative discourse that is their rationale for designing particular dialectical systems or models of sound critical discussion. Fallacies are then conceived as argumentative moves that are excluded by the rules of a certain dialectical system, as in formal dialectics, or as

moves that are infringements of the procedural rules for conducting a critical discussion, as in pragma-dialectics. In both cases, there are independent reasons for finding fault with particular moves that are made in the discourse and these reasons are closely related with the general goal attributed to the dialectical exchange. In pragma-dialectics, for instance, this general goal is resolving a difference of opinion by testing the acceptability of a standpoint at issue[**ix**].

As systematic theoretical treatments of the fallacies, the dialectical approaches have much to recommend them. All the same, so far none of them offers the comprehensive fallacy theory we are aiming for. Apart from the fact that it is yet unclear to what extent formal dialectics can be usefully applied to ordinary argumentative discourse, there are some other desiderata left unfulfilled, which are also unfulfilled in pragma-dialectics. First, criteria that are specific enough to decide univocally whether or not a certain rule has indeed been violated are still largely to be developed. Second, none of these approaches provides any clue, let alone an explanation, as to why fallacies can be so persuasive that they run the risk of being left unnoticed.

An important reason why they have been so slow in developing the criteria that are needed to be able to check whether the rules are correctly applied in practice is that, so far, dialectical theorists have been primarily interested in the critical objectives presupposed by their rules, without paying much attention to other kinds of purposes that arguers have. What reasons a party may have in ordinary discourse for not complying with the rules, is usually not taken into account. These reasons, however, may be associated with purposes that are at odds with the proclaimed aim of a critical discussion. Moves that are made to realize such contrary purposes may sometimes inevitably lead to a violation of a rule for critical discussion. It is therefore imperative to know what these contrary purposes can be. Take the first pragma-dialectical rule for critical discussion, the so-called 'freedom rule.' This rule prohibits the parties to prevent each other from advancing a certain standpoint or attacking a certain standpoint. The critical rationale of this rule is that it enables people to initiate a critical discussion on any subject they wish. In order to know in which ways this rule can be violated, it can be of great help to know which additional purposes each of the parties may have, which of these additional purposes could be at odds with the critical objective of the freedom rule, and in which ways an attempt to achieve any of the other purposes may interfere with this critical objective.

Deviations from the rules of critical discussion are often hard to detect because none of the parties involved will be very keen on portraying itself openly as being uncritical. It can thus be expected that in order to realize a purpose that is potentially at odds with the objective of a particular discussion rule, they will not use completely different means, but stick to the means that are available for achieving the critical objective and “stretch” these means in such a way that the other purpose can be realized as well. This predicament makes it necessary to know in advance in which - parasitic - ways the means that can be used to achieve the objective of a certain stage in a critical discussion can be employed to realize purposes that are at odds with this objective. Due to the fact that dialectical theorists have largely ignored the issue of cross-purposes in real-life argumentative discourse, it is not surprising that they have not been capable to come up with the kind of insight we are referring to. Perhaps Walton’s (1992) notion of a ‘dialectical shift,’ as developed further together with Krabbe (1995), in spite of its conceptual unclearness, comes closest to a tool for taking such complications into account.

4. Including the rhetorical dimension in a dialectical treatment of the fallacies

While fallacies have for a long time been defined as arguments that *seem* valid but are in fact not valid, the theoretical explication of this characteristic of fallacies has been completely abandoned since Hamblin issued the verdict that this feature brings an undesirable element of psychological subjectivity to the definition (1970: 254). Fallacy theorists are no longer concerned with the question of why fallacies “work.” Jackson (1995) is among the communication theorists who emphatically regret this, because along with this psychological element, the important issue of the *persuasiveness* of fallacies has disappeared from sight.

In recent papers, in our pragma-dialectical approach to the fallacies we have attempted to take due account of the persuasive aims of arguers engaged in argumentative discourse (van Eemeren and Houtlosser, 2002a, 2002b). We started from the assumption that such persuasive aims need not necessarily be realized at the expense of achieving critical objectives. The arguers’ endeavors to have things their way can be fully incorporated in their efforts to resolve a difference of opinion in accordance with the standards for critical discussion. While the arguers can be presumed to maintain these critical standards, they can at the same time be presumed to be out for an optimal persuasive result. In their

efforts to achieve this result, they will resort to what we have termed *strategic maneuvering*, directed at diminishing the potential tension between the simultaneous pursuit of critical and persuasive aims.

Our view of strategic maneuvering as basically aimed at reconciling dialectical and rhetorical objectives does, of course, not automatically mean that the two objectives will in the end always be in perfect balance. If a party allows its commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic maneuvering has got “derailed.” Because the maneuvering violates a particular discussion rule, it has become fallacious. In this sense, all derailments of strategic maneuvering are fallacious.

This approach of the fallacies as derailments of strategic maneuvering can be of help in developing criteria for identifying fallacious argumentative moves. In our view, each type of strategic maneuvering has, in a manner of speaking, its own “continuum” of sound and fallacious acting. Although fallacy judgments are in the end always contextual judgments of specific instances of situated argumentative acting, this does not mean that no clear criteria can be established in advance to determine whether a particular way of strategic maneuvering goes astray. Particular ‘types’ or ‘categories’ of strategic maneuvering can be identified, and for each of these types specific conditions can be determined that need to be fulfilled if the maneuvering is to remain sound. Certain manifestations of strategic maneuvering can then be recognized as legitimate while other manifestations can be pinned down as fallacious because the relevant conditions have not been met.

All fallacies are violations of a discussion rule, and the account just given explains why these violations are usually not immediately *apparent* to everyone. Because a party that maneuvers strategically will normally be regarded to uphold at all times a commitment to the rules of critical discussion, an assumption of reasonableness is conferred on every discussion move (see also Jackson, 1995). This assumption is also operative when a particular way of maneuvering violates a certain discussion rule and is therefore fallacious. Echoing the traditional definition of a fallacy, we can say that then the maneuvering still pretends to obey the rules of critical discussion, but in fact it does not.

5. Fallacies and derailments of strategic maneuvering

In principle, the approach we propose meets with virtually all the requirements of

a comprehensive theory of fallacies we mentioned. To begin with, our approach does not begin and end with the fallacies, but takes the various *types of strategic maneuvering* as its starting point. In addition, this approach makes it possible to clarify - in reverse order - *the relation* between fallacies and their “sound counterparts” by identifying for each type of strategic maneuvering a fallacious counterpart. The approach also allows us to explain the potentially *persuasive character* of the fallacies by attributing a critical pretension to every argumentative move, even if it is in fact fallacious. Finally, this approach provides a basis for developing criteria for *identifying* fallacious argumentative acting. It provides just a *basis*, and no more than that, because these criteria are the “negative counterparts” of the conditions that must be fulfilled for a particular type of strategic maneuvering to be sound. The criteria for determining fallacies can therefore only be fully developed in a systematic way if there is first a well-considered classification available of the diverse types of strategic maneuvering and a specification has been given of their soundness conditions.

A well-considered classification of types of strategic maneuvering is to be based on a systematic specification of the critical aims and the persuasive aims that the parties involved may be supposed to attempt to achieve at the various stages of an argumentative exchange. A good starting point for identifying these aims is, in our view, provided by the pragma-dialectical model of a critical discussion. Although this model specifies in fact only the critical objectives of the parties in the four discussion stages, each of these critical objectives has, as we have argued in earlier papers, its ‘rhetorical’ complement. This means that each party can exploit all the critical objectives to realize its own persuasive intents, and may thus arrive at making a move that optimally furthers its own case. The dialectical objective of the parties in the confrontation stage of a critical discussion, for instance, is to achieve a clear view of the issue on which the parties differ and the positions they assume. Each party involved can attempt to shape the issue and the positions taken in respect of this issue in the way it finds best to handle. These stage-related ‘local’ aims should, of course, be further specified to provide a more refined idea of the types of strategic maneuvering pertinent to the confrontation stage. For now, this degree of specificity should suffice to show that the strategic maneuvering by the parties at this particular stage will be aimed at maintaining the balance between an accurate and an advantageous interpretation of their dispute. In this way, at least one general type of strategic maneuvering has been identified. This makes it possible to examine its soundness conditions and the

criteria that have to be taken into account for deciding whether or not the strategic maneuvering has got derailed, and a particular fallacy has been committed.

6. Argumentation from authority and the argumentum ad verecundiam

As a case in point, we discuss the demarcation of non-fallacious and fallacious moves in one particular type of strategic maneuvering. The type of maneuvering we have in mind takes place in the argumentation stage of a critical discussion when a party defends its standpoint by advancing a so-called 'argument from authority.' The argument from authority is a subtype of argumentation based on a 'symptomatic argument scheme', in which the argument provides a sign that the standpoint is acceptable. In the case of an argument from authority, the sign consists in a reference to an external source of expertise. Arguing from authority is potentially a sound type of strategic maneuvering, but it can derail and result in an *argumentum ad verecundiam*[x].

How can we specify the soundness conditions of this type of maneuvering? Imagine some people who are playing a game of scrabble[xi]. When one of them claims to have compiled a word but the others doubt that the combination of letters that has been laid out really constitutes a word, the first player may argue: "This is a word, because it is in the dictionary." Whether this appeal to authority is a legitimate strategic maneuver depends in the first place on the agreement the players have made prior to the game concerning the procedure that is to be followed for making out whether or not a would-be word is to count as a word. If the agreement consisted in letting the dictionary decide, there is nothing wrong, and the move would even be a strong one, unless it was also agreed that the *Concise Oxford Dictionary* would be the ultimate judge while the arguer refers to *Webster's*. If, on the other hand, the agreement was that a combination of letters would get recognition as a word *only* if it the word and its meaning are known to all concerned, an appeal to the authority of the dictionary would clearly be irrelevant, and fallacious. If nothing was agreed upon in advance, however, the appeal to the dictionary's authority could not be considered 'fallacious,' because then there is no norm or rule that could have been violated. If the other participants object to the appeal to the dictionary, it is to be decided in the second instance whether or not the *Concise Oxford Dictionary* is an admissible source of expertise. If it is then agreed upon that it is not, the appeal would be fallacious in retrospect.

Without too many problems, some more general pragmatic conditions can now be distinguished for sound strategic maneuvering by arguing from authority:

(1a) the parties in the discussion have agreed beforehand that an appeal to authority is legitimate and

(1b) the agreement allows an appeal to precisely the authority that is actually appealed to;

(2a) the parties in the discussion have agreed in the second instance that an appeal to authority is legitimate and

(2b) the agreement allows an appeal to precisely the authority that is actually appealed to;

(3) the parties in the discussion have not come to any agreement about the legitimacy of an appeal to authority. If either the conditions (1a) and (1b) or the conditions (2a) and (2b) are met, no *argumentation ad verecundiam* has been committed and the arguing from authority may be regarded as sound strategic maneuvering. If condition (3) is met, no rule for critical discussion has as yet been violated, but the use of the argument from authority may introduce a new topic of discussion concerning its legitimacy.

7. Conclusion

In this paper, we have clarified the relation between fallacies and their sound counterparts by taking the type of strategic maneuvering involved as the starting point. We have argued that the pragma-dialectical model of critical discussion can be a basis for designing a systematic classification of the various types of strategic maneuvering. As a case in point, we have shown how the soundness conditions of strategic maneuvering by means of an argument from authority can be specified, and have thus provided criteria for identifying fallacious instances of this type of maneuvering. By developing a theoretical perspective on argumentative discourse in which dialectical and rhetorical considerations are integrated, we have illustrated how a general and systematic approach to the fallacies can be developed that also explains their potential persuasiveness.

NOTES

[i] There is also a real danger that the ethical or moral considerations that are advanced are entirely ad hoc.

[ii] In Walton's view, arguments from ignorance are condemnable if knowledge is lacking that could provide positive proof for the derived conclusion, but not necessarily if not drawing a positive conclusion could have disastrous practical

consequences. Someone, for instance, who does not know whether or not a gun is loaded, should in his opinion assume that it is loaded. This may be good practical advice, but it is not exactly based on epistemic grounds.

[iii] For instance, if an abusive personal attack is to be judged fallacious in a theoretically interesting way, a rationale is required that implies a certain general goal with which such an attack is supposed to interfere. One can then appeal to this rationale when a particular norm is invoked that prohibits abusive personal attacks in argumentative discourse.

[iv] These various requirements show that a theory of fallacies can be lacking in many ways. A fallacy theory may, for example, provide particular norms but no rationale to back them up. It may also contain criteria for applying the norms that are not consistent with, or not related, to the norms. A fallacy theory may even fail to provide any criteria at all but only mention exceptions to the norms.

[v] To many theorists it makes sense to say things like “not all fallacies are fallacious” or “fallacies are not always fallacious.” Van Eemeren and Grootendorst (1992b) have pointed out that this manner of speaking is unnecessarily confusing – to say the least.

[vi] Perhaps it is good to hasten to add to this somewhat negative remark that the use of the same label for fallacious as well as non-fallacious moves may also well be a sign that the authors concerned already have a hunch of the kind of relationship between non-fallacious and fallacious moves that we are going to discuss.

[vii] See also Barth and Martens (1980).

[viii] Perhaps some studies of communicative acting by Habermas (1984) and Schreier et al. (e.g., 1995) should be added to this list.

[ix] Viewed merely from the perspective of the problem-solving capacity of these theories, it is just a coincidence that many of the moves that are judged condemnable – or non-moves – in the theory turn out to be fallacies in the traditional sense as well.

[x] Some authors do not make a terminological distinction between arguing from authority and the fallacy that is traditionally called *argumentum ad verecundiam*. They use the latter term as the general label and make a distinction between fallacious and non-fallacious ways of using the *argumentum ad verecundiam*. In our terminology, an *argumentum ad verecundiam* is always a fallacy.

[xi] In scrabble, the parties take turns in trying to compile words from letters that have been randomly distributed among them and receive credit points for every word they succeed compiling.

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