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Commentary on: Andrew Aberdein's "Fallacy and argumentational vice"

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1. The main strand of Aberdein's paper, though perhaps not the only one, is an argument in favor of the viability of a virtue-based theory of fallacies. This theory claims chiefly that arguments can and should be appraised as fallacious, namely as committing some fallacy, if and insofar as arguers have a disposition to engage in various cognitive vices, namely a disposition to violate or fail to practice various cognitive virtues. Aberdein's argument amounts to defending this claim from a key objection and supporting it with at least two reasons.

The key objection stems from a common view about ad hominem arguments; that is, the view that it is illegitimate to criticize an argument on the basis of the circumstances or character of the arguer; indeed to do so is, allegedly, to commit the so-called ad hominem fallacy. Thus, or so the criticism goes, the virtue theory of fallacies is itself advocating committing the ad hominem fallacy in the appraisal of argumentation.

One of Aberdein's supporting reasons is relatively specific and concrete; it involves an analysis of several examples designed to show that it is sometimes legitimate and proper to criticize arguments based on the cognitive circumstances or intellectual character of arguers. His more general and programmatic reason is a sketch of how the eighteen alleged fallacies which John Woods (2004, pp. 4-5; 2013, chapter 1.2) has labeled the "gang of eighteen" could be analyzed as, or at least correlated with, various cognitive vices, i.e., as violations or failures of cognitive virtues.

Part of what I want to do in this commentary is to construe Aberdein's paper as an argument. This is an interpretive task which I have just fulfilled with the reconstruction I have just sketched. Of course, in so doing I have made more explicit what is already implicit in his essay. But I am also implicitly pursuing my own agenda in logical theory, which is partly to emphasize, more than is usually done, interpretive issues, as distinct from evaluative ones (cf. Finocchiaro, 2005, pp. 14-15). Another part is to stress interpretation also at the meta-level, namely when the argumentation in question is about arguments, which may be labeled meta-argumentation (cf. Finocchiaro, 2013b). This is obviously the case in the present context, where Aberdein's argument is clearly a meta-argument. From this point of view, the reconstructed summary I have just given is merely the tip of an analytical iceberg, which is full of interesting complexities, and whose careful examination could easily take up the rest of this session.

However, I also would like to appraise or evaluate Aberdein's argument. Ideally, this should be done not only on the basis of various principles which I find plausible or are generally acceptable ("external" evaluation, so to speak), but also on the basis of the various vices and virtues elaborated in his own account ("internal" evaluation, so to speak). Moreover, it would also be desirable to conduct both the external and the internal evaluations from a positive as well as negative point of view, or at least to keep open the possibility that the commentator may end up strengthening the object argument, and not necessarily refuting or weakening it. Such a balanced evaluation would be especially important, given that the myriad virtues and vices in Aberdein's typology would tend to encourage an internal evaluation that might easily turn into a nit-picking exercise.[1]

2. Let us begin our evaluation by focusing on the key objection to the virtue theory of argument, charging that it commits the ad hominem fallacy. Some of what Aberdein says in its defense makes it sound as if he were countercharging that, in so charging, the critics are committing a fallacy of equivocation. This is the impression conveyed by remarks such as the following: "In Section 2, I will show that this criticism of virtue argumentation unsuccessfully trades on an ambiguity in the definition of ad hominem" (sect. 1); and "once the ambiguity in the presentation of the ad hominem is resolved, the theory is able to withstand the argument that it is inherently fallacious" (sect. 6). I don't think that such countercharge is accurate or fair, but I mention this possibility because if the counterchange were correct, it

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[1] For example, consider Aberdein's definition of ad hominem$_0$ as "arguing from the respondent's commitments" (sect. 2). Now, Aberdein does admit that his list of five subtypes of ad hominem arguments is "neither exhaustive nor exclusive" (sect. 2), and that "ad hominem$_0$ is never argumentationally vicious as such" (sect. 4); still, one could point out that his definition of ad hominem$_0$ is incomplete and misses the main part. In fact, it should be expanded to read "arguing from the respondent's commitments to derive a conclusion not acceptable or nor previously accepted by him/her," for this is the main point in this type of argumentation (cf. Johnstone, 1959; Finocchiaro, 1974, 2001). Then one could search in Aberdein's Table 2 (sect. 1) to find some virtue(s) which he might be violating with this definition; possible candidates might be "insight into theories" (2aiii), "sensitivity to detail" (2di), or "care" (4cii). Next, one would examine Aberdein's Table 3 (sect. 5) to try to correlate such violation(s) with one or more fallacies. Similar issues would arise if we consider Aberdein's treatment of "composition and division" as if it were a single fallacy beset by "inattention to detail, (2) (d) (i)" (sect. 5); however, composition and division refer to two argument types that are basically the reverse of one another, and so the question would arise whether his treatment embodies this very vice; and since here Aberdein may be adapting the gang-of-eighteen list from others, there might also arise the question of what he (sect. 1) calls "fairness in evaluating the arguments of others" (2bii) and "open-mindedness in collecting and appraising evidence" (2biii). Finally, consider Aberdein's remark that "although the fallacies are stigmatized in textbooks as invariably bad, they are better understood as sometimes legitimate and sometimes not" (sect. 5); taken literally, this claim is self-contradictory, since it says in part that fallacies are sometimes legitimate, i.e., that illegitimate arguments are sometimes legitimate; thus, there certainly ought to be some virtue which is being violated and some vice which is being exemplified, although it is hard to find it in Aberdein's Table 2; however, it is obvious that what he really means is that "although the *alleged* fallacies are stigmatized …," or to express it in a more round-about manner, "although the argument types which textbooks call fallacies are stigmatized as invariably bad, those arguments are better understood as sometimes legitimate and sometimes not"; and so formulated, this claim is both right and important.

would exemplify a beautiful sequence of argument, counterargument, and meta-argument. That is, from an interpretive point of view, here we would have a very interesting, and almost awe-inspiring, phenomenon.

However, Aberdein seems to be correct that the critics fail to distinguish and interrelate sufficiently clearly and explicitly the various conceptions of ad hominem. He himself discusses five different meanings, the principal ones of which are the following: "ad hominem$_3$: arguing that the respondent's character rebuts his argument; ad hominem$_4$: arguing that the respondent's character undercuts his argument" (sect. 2). Here, Aberdein is adapting the terminology of John Pollock (1992), for whom to "rebut" an argument apparently means to refute its conclusion or prove a contrary claim, and to "undercut" an argument apparently means to show that the presupposed link between premise and conclusion does not hold, i.e., that the premise (whether true or false) does not really provide support for the conclusion.

There is another strand in Aberdein's reply to the ad hominem charge. He points out that such critics claim that whereas ad hominem$_3$ can be legitimate, ad hominem$_4$ never is, and in the process they assume uncritically that "it is commonly supposed that it is never reasonable to reject an *argument* on the basis of such facts" about the arguer (quoted in sect. 2, from Bowell & Kingsbury, 2013, p. 26). However, Aberdein reports the views of several scholars, showing not only that there is general agreement that ad hominem$_3$ is sometimes correct, but also that "contrary to [the critics], it is not 'commonly supposed' that ad hominem$_4$ arguments are always fallacious" (sect. 2).

The most interesting and important of these views is that of John Woods, who not only distinguishes between ad hominem$_3$ and ad hominem$_4$, but also interrelates them by grounding ad hominem$_3$ on ad hominem$_4$. Woods's account is quoted by Aberdein and is worth repeating: "(1) Sarah makes her *ad hominem* retort. (2) She *concludes* from this that the adequacy of her opponent's case is called into doubt. (3) She *concludes* from *this* that there is reason to think that her interlocutor's position is false" (quoted sect. 2, from Woods, 2007, p. 124). Here, Aberdein's interpretation of this plausibly construes Woods's term "case" as "argument," and his term "position" as "conclusion."

3. Aberdein also replies to the ad hominem criticism by trying to show that the critics' key claim is false, namely that it is false that hominem$_4$ arguments are always fallacious; or positively expressed, that ad hominem$_4$ arguments are sometimes legitimate. This positive claim can also be viewed as a reason constructively supporting the virtue theory. Aberdein discusses several examples to support this claim.

Two of his examples involve simple arguments whose deductive validity or invalidity depends in an obvious manner on the meaning of the premises; these meanings depend in turn on various circumstances in which the arguers find themselves, in such a way that the meaning of some key term is ambiguous and shifts in the course of the argument, thus generating fallacies of equivocation. These are presumably cases where even the deductive evaluation of an argument properly depends on the circumstances of the arguer.

Another group of cases involves heuristic nondeductive reasoning by mathematicians, in which they reach conclusions about the likelihood that the proof of a new mathematical result is correct. Sometimes they base their tentative conclusion on the behavior of the mathematician involved, considering such things as whether he fails to build upon previous work, and whether he wastes much space on standard material (sect. 3).

And a third example briefly mentioned by Aberdein involves arguments by proponents of intelligent design. Many such arguments can be accurately interpreted as inferences to the best explanation, in which complex features of the natural world are claimed to be inexplicable on evolutionary grounds but explicable by intelligent design. However, as Aberdein plausibly points out, many such arguments can also be fairly criticized insofar as their proponents tend to "ignore relevant work showing how complex features of organisms can be the product of natural selection; [and] dogmatically insist on their own preferred explanation" (sect. 3).

As long as we do not exaggerate the import of the conclusion here, I believe this is a cogent argument rendering it plausible that arguments can sometimes be criticized on the basis of the intellectual character of the arguer, in the sense that the link between premise and conclusion can be regarded as weakened by the presence of various vices. In fact, here I would like to strengthen Aberdein's claim by briefly discussing a classic historical example.

4. The example comes from an argument which Galileo advanced on more than one occasion in the context of the Copernican controversy in the seventeenth century. He liked to point out all Copernicans had previously been Ptolemaics, but no Ptolemaics had previously been Copernicans; moreover, the Copernicans knew the pro-Ptolemaic arguments, but the Ptolemaics did not know the pro-Copernican arguments. That is, the Copernicans were open-minded but the Ptolemaics were not, or at least the Copernicans were more open-minded than the Ptolemaics. And from this difference Galileo explicitly drew the conclusion that the Copernican arguments were better than the Ptolemaic ones, and hence that Copernicanism was more likely to be true than geocentrism (Galilei, 2008, pp. 148-52, 217-18; cf. Galilei, 1997, p. 149 n. 74; Finocchiaro, 2005, pp. 98-100).

Note the cautious and judicious formulation of Galileo's meta-conclusion. He is not claiming that the Ptolemaic arguments are worthless because their proponents are closed-minded, nor that the Copernican arguments are conclusive because the Copernican arguers are open-minded. Instead he is saying that the closed-mindedness of the Ptolemaics is a clue to the weakness of their arguments, and that the open-mindedness of the Copernicans is a clue to the strength of their arguments. Moreover, Galileo does not pretend that this is the end of the story. Rather he realizes that this is just one argument among many; that the particular Ptolemaic arguments have to be concretely criticized on their own merits; and that the particular Copernican arguments have to be also elaborated and defended in a concrete manner.

5. Finally, we come to what I called earlier Aberdeen's general and programmatic argument for a virtue theory of fallacies, consisting of a sketch of the connection between Woods's gang of eighteen and various cognitive vices. And here my attitude is more critical, but unfortunately time and space limitation will force me to be even more sketchy in my criticism than Aberdein is in his exposition.

So far I have agreed that Aberdein cogently defends his account from the objection that it commits the ad hominem fallacy (although his defense does not possess the elegance it would possess if it amounted to the countercharge that the objection commits the fallacy of equivocation). And I have also agreed that his inductive generalization for the propriety of ad hominem$_4$ is cogent and independently confirmable to some extent (although only to the extent of claiming that such ad hominem$_4$ undercutting merely weakens, but does not completely destroy, the inferential correctness of the criticized argument). However, with regard to the prospects for a general virtue-based theory of fallacies, I see some serious obstacles.

The essential difficulty stems from the concept of fallacy. By fallacy is meant a common type of argument that appears to be correct but in fact is not (cf. Whately, 1826, p. 131; Hamblin, 1970, pp. 224-25, 253-54; Finocchiaro, 1981, pp. 110-16; Woods, 2012, p. 514; Woods, 2013, chapter 4.6; Finocchiaro, 2013a, sect. 1). There are five elements in this conception: the fallacy must be (1) an argument, not a mere claim; (2) the argument must belong to some more or less identifiable kind or type; (3) the type must be common, in the sense of having frequently occurring instances; (4) the argument must have the appearance of being correct; but (5) it must be inferentially incorrect. Thus, to show that a given argument is a fallacy ("fallacious" in the sense of committing some fallacy), it is clearly not enough to show that it is inferentially incorrect, since there are three other conditions that must be fulfilled, namely generality of kind, frequency of occurrence, and apparent correctness. However, the account of fallacies adumbrated by Aberdein deals with only two of these things, argumentation and inferential incorrectness. This is at best a theory of argument appraisal, not a theory of fallacies.

And there is a second limitation, I believe. The negative appraisal of the argument generated by the cognitive vices of the arguer is a relatively weak kind of criticism; usually, one would want to supplement it with other more robust, more internal, and more concrete kinds of criticism addressing the details of the content and structure of the propositions involved. It is certainly important to understand that criticism of the argument based on the cognitive vices of the arguer is not irrelevant, but can be informative and effective to some extent; and as I said before, Aberdein may be said to have shown that much. However, such ad hominem$_4$ criticism is no substitute for the more traditional, non-agent-based kinds of criticism.

6. However, to end on a more positive note, I would say that it is also important to realize that, besides the traditional non-agent-based criticism of arguments, there exists another kind which is based on good or bad dispositions of the arguers. In fact, such ad hominem$_3$ or ad hominem$_4$ criticism corresponds to (although it is not identical with) what many call methodological criticism, namely criticism based on

methodological principles and practices. I am referring to such critiques as Albert Einstein's criticism of any physical theory that postulates a privileged inertial system (Einstein, 1953; cf. Finocchiaro, 1980, pp. 67-68, 97), Karl Popper's criticism of Marxist social science (Popper, 1963; cf. Finocchiaro, 1979), Stephen Toulmin's criticism of formal deductive logic (Toulmin, 1958; cf. Finocchiaro, 2013b, pp. 7-17), and, to come to less sublime and more pedestrian cases, my own criticism of the standard treatment of fallacy theory (Finocchiaro, 1981; 1987).

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