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Interpretative dilemmas

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ABSTRACT: In this paper I claim that the reason we are reluctant to call many informal fallacies fallacies of relevance is because we can interpret them as providing contextual information about how the argument is to be interpreted. This *interpretative dilemma* is that the logical form is determined in part by whether the analyst wishes to be charitable to the proponent or the opponent. The evaluation of the argument is nonetheless purely logical.

KEYWORDS: equivocation, informal fallacies, logic, translation problem, tu quoque

1. INTRODUCTION

As philosophers we spend much of our time considering arguments as constellations of propositions and trying to work out the various logical relations between them. This has been criticized as being detached from the social reality of argumentative exchanges and has led to an increasingly antagonistic attitude towards formal logic combined with an evangelical zeal towards a conception of argumentation and, for some, of reasoning itself as something inherently dialogical. According to this fashionable trend fallacies are not logical errors but are intelligible only dialogically and analysable only in a dialectical model.

This, I believe, is an altogether exaggerated claim. It is not that I object to any particular model, but one must beware of drawing conclusions about what is being modelled from features of the model.[1] We can model deductive relations as moves in a dialogue and fallacies as those moves that are prohibited by the rules of dialogue, but we cannot conclude from this alone that they are not logical errors and

[1] This is a mistake that empirical scientists never make but philosophers are prone to. No scientist, for instance, concludes from the usefulness of the model of statistical mechanics that the underlying phenomena are inherently statistical; it is entirely consistent with the model that the statistical effects it deals with are the result of interactions that are themselves governed by laws of mechanics that are non-statistical and entirely deterministic in nature. Conversely, the fact that a model does not mention probabilities and is, perhaps, qualitative, does not imply that what is being modelled is similarly non-probabilistic and non-quantitative. This observation undercuts those attempts to show that there are arguments that are not deductive or inductive and consequently norms of arguments beyond deductive and inductive validity, for even if we concede that there are distinct models we do not need to concede that there is a distinct normativity going along with each such model. The usefulness of such models is more descriptive than normative.

Mohammed, D., & Lewiński, M. (Eds.). *Virtues of Argumentation. Proceedings of the 10th International Conference of the Ontario Society for the Study of Argumentation (OSSA), 22-26 May 2013.* Windsor, ON: OSSA, pp. 1-14.

that it is not their logical defectiveness that accounts for their badness as arguments. The normativity is logical, regardless of how we may choose to model it.

What I object to is not the use of dialectical models but the idea that arguments are *inherently* dialectical and that fallacies are unintelligible otherwise. On the contrary, the correctness of argumentation can be defined purely in reference to the product of argumentation, viz., the logical conception of argument. This does not, of course, prevent us from *modelling* the argumentation as a process governed by dialogue rules and defining correctness in relation to these rules, or deny that it may sometimes be more useful to consider the process than the product. Nor does it deny that our evaluation of the product is not also evaluation of the process; we can link the argument as product back to its process in that we can see argumentative moves as assertive speech-acts whose propositional contents are those propositions whose logical inter-relations we are trying to model for eventual evaluation.

More than this, the pragma-dialectical approach allows us to see argumentation itself as a complex speech-act whose conditions of satisfaction require resolving disagreements through arguments that are correct in this way; i.e., that conform to the norms of logic. Arguers who do not desire to resolve disagreement by rational means but through other means such as rhetoric are simply not arguing (this does not rule out the possibility that a particular piece of argumentation may be both rational and rhetorical). But this is only to say that an arguer does not argue rationally well, does not properly perform this speech-act, if she thinks that the logical product is logically defective. Whatever our conception of argumentation – as product, process, or procedure – its norms of correctness are the same. Those norms may be defined operationally by and be theoretically explicated by rules of dialogue but their conceptual, normative analysis is nonetheless logical and not dialogical or anything else. To suppose otherwise is to confuse features of the model with what is being modelled.

Of course, we argue in natural language and not in the symbols of logic. Consequently, there is always a problem of getting from what is uttered to the speech-act, e.g, of assertion. This is the problem of interpretation or translation. Interpretation is chronologically prior to logical appraisal,[2] certainly, but this does not represent any kind of defect in logic such that we must reject or restrict the scope of logic. To reject logic because it "ignores context" is misguided, a mistaken consequence drawn from the true observation that the difficult part is often determining the logical form and not in deciding whether the form is valid. None but the most ingenuous of logicians would deny that in solving this difficulty reference must be made to contextual information. This would not need saying if it weren't for the fact that some philosophers like Gilbert (1997) argue that some argumentation such as those where emotions are expressed require a different, non-logical normativity and seems furthermore to think that because arguments themselves are

[2] We always start with interpretation. However, later I will attack the idea that there is a stage of interpretation independent of appraisal and then a completely distinct stage of appraisal independent of interpretation. The relationship between the two 'stages' is more dynamic than this simple picture makes out, though I doubt whether anyone is seriously committed to this picture.

context-insensitive logicians must ignore any contextual information and in general anything that does not have the surface appearance of making a truth-claim. Logicians ignore neither of these things; arguments are context-insensitive because the context has been, so to speak, discharged in the process of interpreting the utterances as speech-acts and it is this that accounts for the 'detachment' of the argument. Gilbert's accusation that logicians somehow take language to be more clear and less vague and ambiguous than non-linguistic means of communication (the so-called *logocentric fallacy*) is similarly a straw man, confusing the vagueness of the utterance with the clearness of the speech-act it has been interpreted as. An assertion is clear and without ambiguity. The argumentation itself may not make it clear which assertion is the correct interpretation, but this is a different matter. Deciding on what the assertions are and what their propositional contents are is, more or less, to decide on the logical form of the product; formalization does not present any significant *additional* difficulty beyond those encountered in speech-act analysis itself that we can do without by taking a non-formal approach.

Interpreters want to pick up from the context as many clues as they can about what the intentions and mental states of the speaker are, and from such clues it is often quite appropriate to interpret an utterance that has the surface appearance of an expressive, for instance, as an assertive: "I love you" might in most contexts be an expressive but in the context of giving you reasons to marry me it is an assertive, and whether the reasons I give for you to marry me are conclusive or provide some weaker support is a matter of logic and to be assessed against the norms of logic, namely deductive (and perhaps inductive) validity. Gilbert is wrong to suggest that we need to appeal to a completely different norm to evaluate arguing in this "mode." Just as it is appropriate in the context of exchanging reasons to interpret expressive and physical gestures as assertives, I will argue that sometimes it is appropriate to interpret what looks like an assertive, and perhaps even is an assertive from the speaker's point of view, in a different kind of way as trying to affect the interpretation by giving contextual information (or perhaps misinformation) that problematizes how a certain utterance is to be translated. I wish to explain our feeling that sometimes the informal fallacies are not fallacious or, if fallacious, are not fallacious because irrelevant, as being due to the fact that informal fallacies could be interpreted as giving contextual information. When interpreted in this way, what follows is not that the argument is good or bad, but simply that the argument is not what we thought it was, and perhaps in some cases is not an argument at all. It leads us back into the interpretation stage and out of the stage of logical evaluation.

The fallacy could be interpreted in this way, or it could be interpreted in the traditional way as a fallacy of relevance. The interpreter is not compelled to interpret one way rather than the other – it is not that one interpretation is legitimate and the other illegitimate. Thus, there is no fact of the matter independently of the interpreter's decision whether a fallacy of relevance has been committed, and this explains how we may have conflicting intuitions on the subject. This decision boils down to whether the interpreter wishes to be charitable to the one committing the fallacy – in which case he will obviously not charge them with being irrelevant – or to the other.

In justifying her decision, the interpreter may appeal to one of two principles of interpretation that may give conflicting verdicts, and again, it is not that one of these principles is better than the other absolutely, though I will claim that they are better with regard to certain purposes the interpreter may have. This is not unlike the situation with regard to the Principle of Charity and suppressed premises; using a strong version of the Principle of Charity we would use as a suppressed premise whatever makes the argument strongest whether or not we think that the arguer has such a premise in mind, and using a weaker version of the Principle of Charity we would restrict ourselves to what can be plausibly attributed to the arguer himself. This reflects different aims: if we wish to critically test the argument and give it the severest possible test, then the strong version is more suited, but if we wish to evaluate the arguer's performance as an arguer then the weak version is more suited. It is only relative to one of these aims that there is a fact of the matter what the suitable principle of interpretation is and hence what the suppressed premise is and similarly whether a fallacy has been committed.

I will illustrate such an interpretative decision by giving the example of equivocation. The question I wish to ask is: given that all ambiguities are resolved in the process of interpretation, how does equivocation ever occur? What does it mean to say that it has occurred? This turns out to be a more difficult question than it appears. It will be shown that they only occur if an interpretation is given to the utterance that depends not only on the mental states of the speaker but also on the epistemic states of the interpreter. To a certain extent there is no fact of the matter whether an equivocation has been committed but a *decision* by the interpreter to interpret it as a mistake that amounts to a choice between principles of interpretation. Informal fallacies (except for *argumentum ad ignorantiam* which I take to be a logical error irrespective of interpretation) are mistakes only relative to this choice and are problematic because they give rise to what I call an *interpretative dilemma*.

2. INTERPRETATIVE DILEMMAS AND EQUIVOCATION

Suppose Peter offered Paul the following argument:

> Bakers make lots of dough
> People who make lots of dough make lots of money
> Therefore, bakers make lots of money

We, as onlookers, would say that the conclusion does not follow because of equivocation between two senses of "dough" in the two premises, which is to say that we would give the logical form of the argument in quantificational and Aristotelian logic respectively as:

$\forall x.\ \mathrm{IsABaker}(x) \supset \mathrm{MakesLotsOfDough}_1(x)$	All A are B_1
$\forall x.\ \mathrm{MakesLotsOfDough}_2(x) \supset \mathrm{MakesLotsOfMoney}(x)$	All B_2 are C
Therefore,	
$\forall x.\ \mathrm{IsABaker}(x) \supset \mathrm{MakesLotsOfMoney}(x)$	All A are C

Were B_1 and B_2 the same, obviously we would have a perfect syllogism; however, our use of different symbols (here the subscripts 1 and 2) means that B_1 and B_2 are not the same, resulting in a syllogism with four terms that is self-evidently invalid.

This is normally called the fallacy of four terms. It is normally said of a fallacy that it is an argument that looks valid but is not, but the reconstructions above do not even look valid, and if Paul showed this reconstruction to Peter it is quite possible that Peter would say "Well, that's obvious! That's not what I meant at all! I meant "dough" as in that stuff you make bread out of. What else can "dough" mean?" In this scenario Peter is quite unaware that "dough" is a slang word for "money" and consequently the argument he gives is, in fact, the perfect syllogism. How, then, can we say that Peter has equivocated or argued badly?

By deciding that Peter's argument contains an equivocation the analyst performing the reconstruction has *introduced* a second meaning that Peter himself is quite unaware of, and in doing so he has gone beyond the communicative intentions of the speaker as a resource for determining the logical form. So reconstructed the argument does not equivocate because in distinguishing the two terms the analyst has removed the ambiguity. But nor can it be said that Peter has equivocated, because he is using the ambiguous term in the one and only sense that he is aware of. What is more, if Peter does know both senses it is difficult to see how Peter can equivocate if he is arguing sincerely and not deliberately trying to mislead, and if he is not sincere then he is not satisfying the conditions of satisfaction of an assertion (he is not asserting his premises but only pretending to) or the conditions of satisfaction of argumentation if this is defined, as in pragma-dialectics, as rational. In short, Peter would not be arguing at all because it would be self-evident to Peter that the argument he was offering is formally invalid.

Suppose that Paul now tries to tell Peter of his mistake. What can he do? If he simply presents it as a statement of fact, then he is making an appeal to authority, claiming himself, or perhaps a dictionary, to be experts on the meanings of words. Peter may quite reasonably respond "Why should I believe you? And even if I do, you still would not have refuted my argument." Paul may respond, "Well, I can prove it in so far that on my reading of "dough" your second premise is true by definition, whereas on your reading of "dough" it is false. Why do you think that it is true?" To this Peter may respond, "Patricia told me that people that make lots of dough make lots of money. I am justified, then, in thinking it to be true." If Paul now responds that Patricia meant "dough" in the slang sense when she said this, then the argument has simply turned in a circle. The only way for Paul to convince Peter is to give a counter-example, e.g., he might say "Look at Luigi down at Dominos. He makes lots of dough but he still lives with his mother and drives an old car." In doing so, Paul undercuts Peter's entitlement to assert the premise and conclusion, but does not show Peter to have equivocated. So no equivocation is mentioned in this approach either. Peter's argument is valid but unsound, having a false premise. In this way the fallacy of equivocation becomes like a quantifier-shift fallacy: for each premise there is a sense of the ambiguous term that makes the premise true, but there is no sense for which both premises are true.

But imagine the following scenario: it is *true* that all bakers and makers of dough make lots of money. In this possible if unlikely situation the premises are true

and the conclusion is true, Peter is justified in believing his premises, in believing they are relevant to his conclusion, and Paul cannot produce any counter-examples because there are none. Peter's argument is both valid and sound. Yet, as onlookers we would still claim that Peter's argument is mistaken, and this is to be explained by the fact that the evidence that Peter takes to objectively justify his claim in his own sense of "dough" does not actually objectively justify it; if Patricia's testimony is his evidence, the evidence objectively justify his claim in the other sense of "dough" because this is what Patricia meant. Peter is mistaken about his justification, but this does not prevent him from being subjectively justified, that is to say, justified from his own point of view, and this makes the claim assertible for Peter.

The upshot of this is that there is no equivocation or any other mistake if the interpretation takes the point of view that the only thing that matters is the arguer's entitlement to assert his premises and conclusion, where the conclusion is supported as Peter supports his conclusion. In deciding that a mistake is committed, it follows that the interpreter does not take this point of view but an 'objective' point of view where objectively good reasons for making a truth-claim are given priority over the arguer's entitlement to assert them. Neither arguments nor (in the standard cases) arguers equivocate; the only equivocation left is between these two points of view, and this is less an equivocation than a dilemma. The use of ambiguous terms raises problems in analysing the argumentation, but actually plays no role at all in the normative appraisal of the argumentation, which is settled instead by a decision followed by ordinary logical evaluation.

I need to say more (though of a somewhat vague nature) about these two points of view. When we take a piece of argumentative dialogue and analyse its structure, there is more than one aim that we may have in mind. We may wish to get at the truth, in which case we will analyse the dialogue in such a way as to provide the strongest possible reasons for the standpoint, even if we have reason to believe that this is not exactly what the opponent has in mind. These are the severest tests of the standpoint and should be what we are interested in if we want to get at the truth.[3] This suggests a particular principle of interpretation that I will call the Objective Principle, and it is characterized by the fact that it is not always unreasonable to attribute to an arguer an argument that he did not make provided that the argument so attributed is stronger. It is a principle of charity in the sense that we do not attribute to the speaker claims we ourselves know to be false or unjustified even if our contextual evidence indicates that this is, in fact, what the speaker meant.

Alternatively, we may be less interested in the truth of the standpoint than its assertibility for the arguer. If so, then we must forget everything that we know as

[3] As an example, in his attack on Marxism Popper is careful not to attack any naïve or vulgarized version of Marxism but goes back to Marx's actual claims and even strengthens those claims where possible so that his critical attack, when he launches it, attacks core tenets of Marxism that are fundamental to all its variants. Also, despite the fact that the proponent may conceive of his argumentation as only inductive and not conclusive, the analyst may be able to see that the argument *qua* product is deductively valid, establishing its conclusion conclusively, and reconstruct the argument in this stronger way.

analysts with regards to the truth of the claims made, whether they are objectively justified, and the actual inferential relations between them and confine ourselves solely to what we think is assertible for the arguer and how he intends his argumentation to support his standpoint. Something is assertible when the speaker takes himself to be justified in believing the propositional content of his assertion. It should be noted that the notion of justification in play here is justification from the arguer's own point of view, and quite obviously a person can be mistaken about their justification. They can be subjectively but not objectively justified, but the analyst must in this circumstance, adopting a Subjective Principle of interpretation where it is the assertibility of the premises and their *believed* relevance to the conclusion that counts, put aside the fact that he himself knows the speaker to be objectively unjustified and that the premises have different or stronger inferential relations to the conclusion than the arguer thinks, if they do.

Although I speak frequently of a choice between these two principles, this should not be read as implying that one or the other is used exclusively or to imply that there is always a conflict between them. These principles interact with the context and with each other and will often give the same results, since generally speaking people are not mistaken about their justification or about what their best reasons are. However, in the case of equivocation we have to make a choice, and this is not confined only to equivocation. In my view, all of the *ad* fallacies (except for the *argumentum ad ignorantiam*) raise what I call *interpretative dilemmas*. Interpreted under the Subjective Principle alone will give us a deductively invalid argument because of the irrelevance of the argumentation. Interpreted under an Objective Principle, accusing arguers of arguing irrelevantly should be seen as uncharitable and suggests that, even though the argumentation may appear to be assertive and to be making truth-claims, the arguer's utterances can more charitably be interpreted in a different way that I will describe.

Before treating of the *ad* fallacies it is necessary to show exactly why the traditional fallacies *extra dictionem* as they are given in Aristotle do not raise interpretative dilemmas and do correctly reconstruct the arguer as arguing mistakenly. It is just about imaginable that a thinker may be subjectively justified in taking any pattern of inference at all to transmit justification in the absence of a counter-example, especially those that exemplify fallacies *extra dictionem*. But the point now is that for these fallacious patterns there always is such a counter-example, and furthermore the thinker has *a priori* knowledge of such counter-examples – they must only be pointed out to him in order to demand his assent. In other words, the thinker only took himself to be subjectively justified when he actually was not, this false appearance being brought about only by a kind of doxastic akrasia where he considered only a subset of what he knew. It is only because of this possibility that the scenario is even imaginable; otherwise it is incoherent.[4]

[4] The derivation of an absurd consequence such as anything being derivable from anything – as can easily be shown with respect to a 'logical' connective like *tonk* – can be thought of here as a counter-example. The point is that the thinker becomes aware that the inference rule he is using is self-evidently and logically inconsistent with other things he knows. Although the thinker is never

3. INTERPRETATIVE DILEMMAS AND THE INFORMAL FALLACIES

The *ad* fallacies are typically classified as fallacies of relevance, but much depends on exactly what the arguer is arguing and many of the examples are under-described. The arguer may argue that such and such are reasons for some standpoint's being true or false. But this is not the most charitable way of reconstructing the argumentation when it has been challenged by a "fallacious" move, and on a more objective view we will view the argument not as asserting or making a truth-claim about something but as prescribing something, as making a demand of a certain type, e.g, to be taken as an epistemic authority. It is not a demand to believe something, for this would amount to a pragmatic contradiction – "believe" is not an action-verb and is not a possible object of demand. The same applies if that which is demanded is impossible, as will be shown in the case of the fallacy of many questions. These are not felicitous demands. What is demanded in such arguments is to act *as if* something were true.

The conditions of satisfaction of a demand are different from those of an assertion. In particular, it must be agent-neutral. It is incoherent to demand of another that which one does not demand of oneself or to hold another to demands that one routinely ignores – the demand must apply to all relevantly similar situations. When Paul says "Do not smoke" he could be interpreted as asserting "Smoking is bad for you" – and since this is common knowledge it is a reasonable interpretation – but he might also be interpreted as having committed an expressive rather than an assertive, e.g., as expressing disapproval of smoking. Expressives lack cognitive significance but this does not mean that they cannot ground a prescription or be simultaneously an instance of a felicitous demand (one and the same utterance may instantiate different speech-acts, even those of different types), but a felicitous demand does not *necessarily* follow, especially when the speaker does the very thing he is expressing disapproval of. This amounts to a counter-example in the context of a demand. In this case we might interpret the disapproval as mere disapproval or we might interpret it as a demand whose felicity is altogether questionable. This is why there is thought to be something unreasonable about the smoker who tells others not to smoke – they are not in a position to make such a demand, although they certainly may be in a position to assert that smoking is bad for you.

If Paul's utterance of "Do not smoke" is interpreted as an assertion then Peter's response "But you smoke!" is a fallacy of relevance, but if Paul's utterance is interpreted as a demand then the complaint is a valid one. Here the analyst is faced with a double dilemma. Does he take the fact that Paul is doing the very thing he expresses disapproval of as contextual information that Paul is not in fact sincere? Then "Do not smoke" is not assertible for Paul and Paul's utterance is translated as

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actually justified, even subjectively, in believing the result of an invalid inference step, the converse does not follow that the thinker is always objectively justified in believing the result of a valid inference step, for we may suppose that belief in the valid rule is subjectively justified on unreliable grounds and not by what objectively justifies it; even unreliable testimony will be right sometimes. See Botting (2011b).

an infelicitous assertion. This is a rather strong way to interpret Paul's smoking, which in this particular case (though perhaps less so in others) is really rather weak evidence of insincerity, especially given the established facts that smoking is addictive and is bad for you. It is not likely that Paul has any real doubts or makes any factual mistake concerning the demerits of smoking. Thus, neither principle really supports this interpretation for this example.

If instead the interpreter wants to analyse Paul's argumentation so that it favours Paul then he will likely interpret it as a felicitous assertion despite his smoking, but in doing so he *ipso facto* takes the opposite view towards Peter's counter-argumentation, which is now simply irrelevant. On the other hand, if he analyses Peter's counter-argumentation so as to make it relevant and as strong as possible then he will likely interpret Paul's utterance as a demand and be led to consider that such a demand is not felicitous because Paul is trying to hold Peter to a demand that he does not hold himself to. This is the interpretation Peter wants; he does not want Paul's utterance to be interpreted as mere disapproval because then the *tu quoque* response is inappropriate, taking Paul to be giving reasons when he is not. The *tu quoque* response thus seems less a response to the other's argumentation rather than as a kind of inducement, by providing contextual information or misinformation, to resolve the interpretative dilemma in his own favour.

Let us consider now the argumentum *ad verecundiam*. Suppose that we have evidence that a particular expert's utterances are not likely to be true. There are two things we could do with this evidence: we could take it as reason not to believe the expert's assertions, or alternatively we could take it as reason not to interpret the expert's utterances as assertions. Interpreting under the Subjective Principle there is (we assume) no reason to suppose that the utterance is not literally an assertion. Under the Objective Principle, however, we would not want to attribute to the speaker beliefs that are false or unjustified. This is analogous to how Peter's equivocation was analysed – we attributed to Peter a sense of the ambiguous term that he was not in fact aware because of what we, as onlookers, knew to be objectively justified by the evidence Peter had. The negative evidence induces an interpretation where the expert is making a *prima facie* demand that his claims *should be taken to be true because given by an expert*, and there is no reason to suppose this demand to be infelicitous even if we do not in fact take his claims to be true. The argumentation becomes a way of saying that there is a reason for thinking something to be true, and there is such a reason, albeit one that would be defeated in the light of negative evidence, and to be in possession of such reasons is a part of what it means to be an expert. In this case the demand can be construed as a materially valid practical argument. Given enough negative evidence, the conclusion to be drawn is that the expert was not really an expert at all; it goes without saying that appealing to experts or to authority is mistaken if it is believed that those appealed to lack expertise or authority.

Circumstantial *ad hominem* arguments are similar to *ad verecundiam* arguments. Here, both subjective and objective principles of interpretation cast doubt on whether the arguer's utterances should be taken as assertions. This is because, in the situation where the speaker does not believe his claim to be true, or

does not take his belief to be well-justified, he is likely to make the utterance as if it were an assertion anyway. Evidence, e.g., of bias, is contextual information that is relevant to how the argumentation should be interpreted.

Ad populum arguments are similar to *ad verecundiam* arguments. Whereas *ad verecundiam* arguments appeal to authorities and experts whose authority – deriving usually from social institutions – accounts for the force of the demands they make, *ad populum* arguments appeal to public opinion. But public opinion does not seem to have the same force. The one who appeals to public opinion seems to be adopting a dual strategy. Because many believe something to be true there is a good chance that it is true (provided that they are in a position to know), so the arguer does make a truth-claim, but perhaps he is not altogether convinced that the claim is true and realizes that by "following the crowd" he protects himself from criticism, because to any such criticism he has the ready-made *tu quoque* reply "You too!"[5] The main goal of such argumentation is avoiding criticism rather than determining the truth.

What goes wrong with the *ad baculum* fallacy is that those who commit it replace genuine authority with brute force; their demands are never felicitous. It is a degenerate form of *ad verecundiam* and raises no genuine interpretative dilemma because it quite obviously does not satisfy the conditions of either an assertion or a demand. However, there is one way to interpret *ad baculum* as valid and that is when it concludes assertively that you would be better off if you believed something. And indeed, this argumentation is perfectly correct – you would be better off. Of course, one cannot voluntarily believe something because one would be better off doing so. As mentioned above, if the conclusion is a prescription actually to believe something because you would be better off or for whatever reason, then the argumentation is a kind of pragmatic contradiction.

What about argumentum *ad misericordiam*? Typically, it seems wrong to interpret these kinds of moves as claiming to be arguing for the truth of something, or indeed as functioning argumentatively at all; rather, they claim that being true is a goal that should in these particular circumstances be superseded by another goal. There is usually no real disagreement or argument here, but merely the making salient of a conflict in goals. This is a demand, and it seems to me that the demand can be felicitous (which does not mean that it should be acceded to). Can we argue about goals or values? According to Hume we cannot rationally compare goals. However, when we have goals in common we can argue that more of the more important goals will be satisfied if the goal of truth is sacrificed than otherwise. Thus, every *argumentum ad misericordiam* implies an *argumentum ad consequentiam*. Such consequences are irrelevant from the point of view of theoretical arguments aimed at truth, but the argumentation is not here interpreted as claiming otherwise (although it cannot be ruled out that the arguer may have thought that her argumentation was making a truth-claim). There may be reasons why an interpreter is reluctant to interpret an *ad misericordiam* as a demand – e.g., the arguer appeals to an emotion that to all outward appearances she does not feel –

[5] Perhaps the critic is not part of the crowd. Then the criticized responds not with "You too!" but with "Why me?"

yet the *ad misericordiam* and *ad consequentiam* do not raise the kind of general problem for interpretation that, for instance, the circumstantial and *tu quoque* versions of the *ad hominem* do.

Demands relate also to asking questions. Usually it is assumed that if an arguer has been asked a question then this is tantamount to a felicitous demand for an answer. This is usually described as shifting the burden-of-proof. But if the demand is infelicitous there is no such shift. The problem with the fallacy of many questions is that its demand is infelicitous since any attempt to comply with the demand would involve performative contradiction. Thus, when a man who has never beaten his wife is asked whether he has stopped beating his wife he should not answer, and it makes no sense to demand that he give an answer when no answer is assertible. Again, this is a degenerate case that does not raise any genuine interpretative dilemma because the analyst can tell from the start that the demand is infelicitous. This does not, I hasten to add, imply that one can never ask or answer such questions; after all, the answerer can voluntarily assert "Yes" if that is indeed the correct answer, and for that matter assert "No" if he does beat his wife. If he has never beaten his wife and answers "No" then this utterance is not, I would say, an assertion.[6] The point I would wish to make is that the answerer is not obliged to answer at all, on the secure grounds that there can be no obligation to do the impossible. Or maybe the weaker thesis that the demand is not felicitous in precisely those cases where no answer is assertible but is felicitous in other cases is adequate. In either case, I do not consider the fallacy of many questions a fallacy; it would only be so if it were assumed that the answerer were always obliged to answer it, and I have argued that he is not.

The fallacy of equivocation and of many questions, and (with the exception of abusive *ad hominem* arguments and *ad ignorantiam* arguments) the *ad* arguments have all been analysed. In general, the thesis is that the interpreter may interpret these moves as assertives, as demands, or as mere expressives with no force, and that he is guided in this decision by an interplay of subjective and objective principles of interpretation. A subjective approach will often reconstruct the argumentation as a theoretical argument aimed at truth, and reconstructed this way the *ad* fallacies are usually fallacies of relevance as the tradition maintains (but not in those cases where they provide contextual information for some proposition to be interpreted as having been infelicitously asserted because insincere). A more objective approach will balk at attributing irrelevant argumentation to arguers and interpret the argumentation instead as a kind of practical argument and those 'fallacious' moves either as themselves making a demand and/or as providing contextual information that induces interpreting the previous move the 'fallacy' counters as making a demand, where these demands may or may not be felicitous. The *ad baculum* is a degenerate case where the demand is never and can never be felicitous; arguing *ad baculum* is always mistaken and does not really amount to

[6] As a point of logic "No", implying the *external* negation of the propositional content of the question, is correct in the case where he has never beaten his wife. But I would deny that "No" is, in general, assertible for the speaker, unless he has reason to think that his answer will be understood in this way and not as saying that he still beats his wife.

arguing at all. At the other extreme, *ad misericordiam* and *ad consequentiam* seem in general to be felicitous demands.

It is in the intermediary cases such as the *tu quoque* that the felicity of the demand is most problematic and the interpretative dilemma most keen. As I have put it above, the *tu quoque* seems to function less on the level of the argumentation itself than as a kind of inducement to interpret the argumentation in the sense of a practical argument where the target of the *tu quoque* raises an infelicitous demand. Being aimed at the level of the interpretation rather than the argumentation, it would be wrong to class these moves as fallacious or even (except the *ad baculum*) as mistakes absolutely, although they can certainly be interpreted as mistakes relative to a decision to interpret them as functioning in theoretical arguments in which 'mistake' is defined (correctly) in terms of deductive validity. The Standard Treatment that gives them the blanket accusation of being irrelevant is not wrong, and nor is it any defect of logic that it deals only with assertives and not with demands. It is simply a reminder of what everybody knew all along, which is that prior to logical appraisal there is a stage of interpretation where the logical form is to be determined. What I hope to have added is the idea that in interpreting the argumentation the analyst has one eye on whether, in the interpretation, something will be interpreted as a mistake; there is not a process of analysis and then a process of appraisal, but a more dynamic interrelationship where decisions about how we want to appraise something affect how we analyse it.[7] Those 'somethings' are typically classed as informal fallacies. If he *decides* to interpret it as a mistake this feeds back into the decisions he makes and the principles he favours. This is the *interpretative dilemma*.

What fallacies are we left with as genuine fallacies? Excluding the fallacy of many questions, we have Aristotle's fallacies not depending on language, viz., the fallacy of accident, ignorance of refutation, ignoring qualifications, the fallacy of consequent, the fallacy of non-cause as cause, and the fallacy of *petitio principii*.

The *ad ignorantiam* fallacy is basically the same as the fallacy of non-cause as cause. The *ad ignorantiam* fallacy says that failure to prove *p* does not amount to proof of *not-p*. There are a couple of things that could be meant by "failure to prove." One is that there is a proof of *p* but that one has failed to find it; if the *ad ignorantiam* arguer then claims *not-p* she has made a rather obvious logical error, but if her claim is rather that the person arguing for *p* is not, in the absence of a proof, entitled to assert *p* or have any epistemic reason to prefer *p* to *not-p*, then the criticism seems quite valid. Another is that there is *no* proof of *p* from a set of propositions □; then, failure of *p* to be deducible from □ would imply the falsity of *p* only if □ contains the causes of *p* if *p* were true and implies nothing at all (as the fallacy of non-cause as

[7] This is similar to Powers' (1995, p. 312) remark that logical form is linguistic form minus fallacy and that the "determination of fallacy and of logical form are two sides of the same process". One cannot settle the logical form first and then ask whether it is fallacious; taking something to be a fallacy affects what one takes to be the logical form. Powers' comments are in the context of equivocation only but I take them to express a general truth about the informal fallacies. A curiosity of my account is that no argumentation seems interpretable as committing fallacies of equivocation and of relevance, at least not without accusing the arguer of incompetence or deliberate deceit.

cause points out) if □ does not contain the causes of *p*. That □ contains the causes of *p* is trivially true under a "closed world assumption" where □ contains everything. Thus, arguing from ignorance is logically valid in such a situation, as is well known.

4. CONCLUSION

Fallacies are things that look like valid arguments but are not. Aristotle's fallacies *extra dictionem* (excluding the fallacy of many questions) are fallacies and are so either because they are invalid or because (in the case of the fallacy of *petitio principii*) they are not arguments.[8] Other fallacies like the *ad* fallacies are simply cases of *ignoratio elenchi* when interpreted as making truth-claims, but interpreted in the context of a practical argument they may be reasonable. I have tried to elaborate this in terms of making a demand. This is a different kind of speech-act from an assertive in which truth-claims are made and has different conditions of satisfaction, some of which, importantly, rely on objective facts about the speaker. Just as only people who have the authority to legalize a marriage may do so only people with the authority to do so may make this type of demand, and attacks on their person in the form of *ad hominem* argumentation, or appeal to their person in the form of *ad verecundiam* argumentation, is reasonable from this point of view. What attacks achieve when they succeed is not showing that the demand is 'false' in any sense but that the demand is infelicitous or (although this is a Pyrrhic victory) not really a demand but more properly translated as something without cognitive significance. Sometimes it cannot be taken for a demand, or at least as a felicitous demand. This could be because of the content, e.g., when a demand is made for a speech-act that cannot actually be performed in principle, such as occurs when a complex question whose presupposition is unsatisfied is asked, or because the authority backing the demand is not of the right kind, such as occurs in the *ad baculum*. I have called the problem raised by these moves *interpretative dilemmas*. They are not fallacies absolutely, but in fact function on a different level from argumentation as it is normally thought of; they are not concerned with exchanging reasons for or against a truth-claim but with providing contextual information to induce an interpretation or perhaps a misinterpretation of those apparently reason-giving utterances.

Speech-act theory only provides the vocabulary of the interpretation and has little to say about how to interpret and does not force any particular interpretation on the argumentation; this depends on principles of interpretation that may conflict and I doubt that there is any rule to settle the conflict.[9] It must be settled instead by a decision of the interpreter according to whether he is more interested in truth or

[8] This claim about *petitio principii* is defended in Botting (2011a).

[9] Others disagree on this point and seem to favour exclusively subjective principles of interpretation. From what I have said, those who do this would be inconsistent if they also claimed that fallacies of relevance are not fallacious or not irrelevant, for there is generally no reason to suppose that the communicative intentions of the speaker is not to give a theoretical argument. Only in cases where the arguer can be justifiably accused of insincerity and hence of not making proper assertions might a move like this not be a fallacy.

assertibility or, we may say, in the goodness of the argument or in how well the arguer has argued, for these are not necessarily the same thing. This is the *interpretative dilemma*.

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