

University of Windsor

Scholarship at UWindsor

OSSA Conference Archive

OSSA 5

May 14th, 9:00 AM - May 17th, 5:00 PM

Commentary on Jovicic

Mark Vorobej

Follow this and additional works at: <https://scholar.uwindsor.ca/ossaarchive>



Part of the [Philosophy Commons](#)

Vorobej, Mark, "Commentary on Jovicic" (2003). *OSSA Conference Archive*. 52.
<https://scholar.uwindsor.ca/ossaarchive/OSSA5/papersandcommentaries/52>

This Commentary is brought to you for free and open access by the Conferences and Conference Proceedings at Scholarship at UWindsor. It has been accepted for inclusion in OSSA Conference Archive by an authorized conference organizer of Scholarship at UWindsor. For more information, please contact scholarship@uwindsor.ca.

Author: Mark Vorobej
Commentary on: T. Jovičić's "New Concepts for Argument Evaluation"

© 2003 Mark Vorobej

In this short commentary, I want to focus on just one aspect of one of Jovičić's "new concepts" for argument evaluation -- her proposed new definition of fallacies -- and raise a series of questions of clarification about that definition.

Jovičić suggests that a fallacy ought to be understood as a dialogue move (or a dialogue shift) which satisfies two further individually necessary and jointly sufficient conditions. First, the dialogue move must be inappropriate, in the sense that it violates one or more of the rules governing the dialogue within which that move is embedded. Second, this inappropriate move must, in some sense, appear to constitute an appropriate move. So there's something inherently deceptive or misleading about any fallacious move. Those who commit fallacies, on this account, are tricksters of some sort. It's this second condition which most interests, and most puzzles me.

Suppose that some Proponent utters a proposition P within some dialogue D where Proponent's utterance of P violates one or more of the rules governing exchanges within D. Then Proponent is halfway towards committing a fallacy. Whether Proponent satisfies the second condition, however, depends upon how we interpret that condition, and there are subtle differences within Jovičić's discussion.

One possibility is that, in uttering P, Proponent has deliberately or intentionally articulated P in such a way that it will seem to her audience that P is an appropriate move, when Proponent realizes that it is not. This interpretation is at least suggested by Jovičić's remark that "a logical fallacy is committed when an inappropriate dialogue move is made *so as to make it seem* to constitute a proper part of the discussion" (p.9, my emphasis).

Call this the *intentional* reading of the second condition. On this reading, in order to commit a fallacy, Proponent must deliberately attempt to conceal from her audience the inappropriate nature of her own speech act. She must, that is, understand herself to be engaged in an act which is both illicit and deceptive -- illicit because it's a violation of the dialogical rules, and deceptive because the speech act is intentionally presented in such a way as to disguise its illicit nature.

This intentional reading demands a lot of Proponent. In order to commit a fallacy on this reading, Proponent must understand the rules governing her dialogical exchange well enough to realize that her move is illicit, and she must have a rich enough understanding of her audience so that she is able to devise a strategy which will, or has some chance of misleading them. Basically, she must intend to deceive.

Elsewhere, however, Jovičić's language suggests a weaker reading. Again on (p.9) she writes that fallacies are inappropriate dialogue moves which are "*presented in a specific way ...* so that the opposite party in a discussion cannot easily recognize them as improper discussion moves." Here there's no (or at least less) suggestion of deceitful intent, and so no requirement that Proponent understands the rules of her dialogical exchange well enough to appreciate that her behaviour may mislead others. On this *behavioural* reading, Proponent commits a fallacy by uttering P in such a way that P's illicit nature is not (likely to be) apparent to her audience; where

there is no suggestion of willful manipulation on Proponent's part.

The fact that the true nature of P's illicit behaviour is concealed from her audience could be explained, on this account, by appealing to various empirical generalizations or widely accepted public norms governing the interpretation of argumentative discourse. Something along the lines, for example, of: whenever a speaker overtly behaves in such-and-such a way, others will (likely) interpret her to be making such-and-such an (appropriate) dialogue move (even though her move is in fact illicit). On the behavioural reading, Proponent may not be aware of the truth of claims of this sort, although they explain why her behaviour is fallacious.

So there's a subtle ambiguity running throughout Jovičić's account, as to what's required of *Proponent* in order for Proponent to commit a fallacy. There's a related ambiguity concerning what's required of Proponent's audience -- Respondent -- as well.

On her nine-point evaluative scale, Jovičić locates fallacies near the bottom, at level seven, under the category heading "Unacceptable, but Effective." A fallacy, that is, is effective in misleading an audience. This suggests that Proponent commits a fallacy in uttering P only if she *succeeds* in deceiving Respondent regarding the illicit nature of her speech act. A weaker requirement is that a fallacy is committed, within a particular dialogical exchange, just so long as there is a *substantial risk* that Respondent will be misled by, or deceived about the true nature of Proponent's move.

Combining these two sets of variables generates four possible characterizations of the conditions which are individually necessary and jointly sufficient for the commission of a fallacy; based on four possible interpretations of Jovicic's second condition

	Intentional	Behavioural
Success	1	2
Risk	3	4

According to quadrant 1, Proponent commits a fallacy in uttering P only if, in uttering P, she intends to deceive her audience, and she succeeds in deceiving them.

According to quadrant 3, Proponent commits a fallacy in uttering P only if, in uttering P, she intends to deceive her audience, and there is a substantial risk that they will be deceived.

According to quadrant 2, Proponent commits a fallacy in uttering P only if she utters P in a manner which causes her audience to fail to recognize P's illicit nature.

According to quadrant 4, Proponent commits a fallacy in uttering P only if she utters P in a manner which creates a substantial risk that her audience will fail to recognize P's illicit nature.

If there is time, Jovičić may wish to comment upon which, if any, of these interpretations she's willing to endorse. But any discussion of the relative merits of these various interpretations ought to be predicated upon a prior understanding of what kind of work we want the concept of a fallacy to do for us.

Suppose, to consider just one possibility, that we want to say that someone who commits a fallacy is culpable of some act of communicative or argumentative wrongdoing. Jovičić's first condition captures well the notion of wrongdoing; namely, the violation of a dialogical rule. Different interpretations of her second condition flesh out culpability, or responsibility for wrongdoing in different ways.

Intentional accounts provide the strongest connection with culpability. If someone consciously intends to deceive others then, bizarre causal sequences aside, there's a clear sense in

which they are culpable for any deception which results. But the two intentional accounts described above may not be strong enough. Suppose Proponent is just grossly inept at deceiving others. Therefore, while she may regularly violate rules and intend to deceive others, and thus engage in culpable wrongdoing, she'll rarely, if ever, succeed in actually deceiving others, or in creating a substantial risk that others will be deceived. So this Proponent, though culpable of wrongdoing, never (or rarely) commits a fallacy on accounts (1) and (3).

The behavioural accounts (2) and (4) make weaker demands insofar as they are capable of assigning fallacious behaviour to individuals who possess no intention to deceive. There is of course something right about this, since one can unwittingly, yet still culpably deceive others through negligent or reckless behaviour. Proponent may have no intent to deceive, yet she may violate dialogical rules in a manner which in fact leads to the deception of others. Proponent is responsible for this deception, at least in those cases in which she ought to have known that others would (likely) misinterpret her behaviour. So it makes sense that a fallacy could be committed without any intention to deceive.

Still, (2) and (4) seem to err along a different dimension, insofar as they fail to acknowledge that audiences too may bear (some) responsibility for failing to recognize the illicit nature of someone else's speech act. Suppose that Proponent, as a joke, violates a dialogical rule in such a deliberately blatant and exaggerated fashion that she never imagines that anyone will take her seriously. That is, she engages in wrongdoing non-culpably, since she reasonably assumes that her violation of the dialogical rule will be so transparent that there is no risk of deceiving anyone. Still, her audience happens to be so gullible, or obtuse, or so ill-informed about communicative norms that they fail to perceive P's illicit nature and misinterpret Proponent to be making an appropriate dialogue move. So on accounts (2) and (4), Proponent commits a fallacy, in the absence of culpable wrongdoing on her part.

None of the accounts articulated above, therefore, seem entirely up to the task of capturing an understanding of fallacies as consisting of argumentative acts of culpable wrongdoing.