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A Modest Defense of Fallacy Theory

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Abstract: Fallacy theory has three significant challenges to it: the generality, scope, and negativity problems. To the generality problem, the connection between general types of bad arguments and tokens is a matter of refining the use of the vocabulary. To the scope problem, the breadth of fallacy's instances is cause for development. To the negativity problem, fallacy theory must be coordinated with a program of adversariality-management.

Keywords: fallacy theory; minimal adversariality

1. Introduction

Fallacy theory is the convergence of three broad programs in the study of argument. First is the first-order research program of defining fallacy, taxonomizing and finding new types. Second is the pedagogical program of teaching some taxonomy of fallacies as part of critical thinking classes. Third is the meta-theoretical program of articulating what the relationship is between understanding fallacies and the broader program of understanding arguments and reasoning.

Fallacy theory has come under considerable criticism of late. There are three rough classes of objection. First is the *generality problem*: fallacy theory's generality loses its connection to actual argument instances, but its particularity loses normative bite. Second is the *scope problem*: it seems the number of fallacious forms is unlimited—here is no well-defined domain of study. Third is the *negativity problem*: foregrounding failure and the vocabulary of criticism promotes argumentative adversariality, and as a consequence contributes to bad argumentative practice.

This paper is a reply to these challenges. To the *generality problem*, the reply is that fallacy theory provides a vocabulary for critical evaluation in discussion. All normative vocabulary will have some version of the scope problem; but this problem actually calls for more refined vocabulary, not the rejection of it. To the *scope problem*: the fact that there are more varieties of fallacious argument is good news for the discipline, not bad. To the *negativity problem*, the reply is that argumentative exchange is best conceived as *dialectically minimally adversarial*, and so fallacy theory must then provide tools for articulation of criticism and also the tools for management and de-escalation of critical discussion.

My plan here is to briefly survey what I see as the three domains of fallacy theory, then turn to what I take as the three main programs of criticism. Finally, my modest defense of fallacy theory will be to concede much of the critical bite of the cases against fallacy theory but to hold that these are welcome occasions for reform and reconception.

2. Fallacy theory and its components

Fallacy theory is a subdomain of argumentation theory or informal logic, which is a research program devoted to the study of argumentative normativity. A commonplace is to contrast the focus of this broader domain with that of formal or deductive logic; the latter concerned with conditions for argumentative validity and the former concerned with the weaker forms of support for arguments as products and other procedural issues with argument as process. As far as it goes, this is a useful estimation of the broader domain, and fallacy theory is the more restricted study of ways support fails or procedural rules of argument are broken. Exactly how to even thematize these failures is precisely one of the core issues of fallacy theory. We all know that fallacy theory is a subdomain of informal logic focused on argumentative failure, but what constitutes that failure is a matter of debate within fallacy theory. And so, there are divisions about how to even define what a fallacy is. There is the ‘standard treatment,’ as identified by Hamlin (1970) that fallacies are arguments that seem valid but are not. There is the broadened version, as developed by Johnson (1987), that a fallacy is an argument that violates one of the standards for good argument and occurs with sufficient frequency to merit being classified (p. 246). And the pragma-dialectical perspective, as seen with van Eemeren and Grootendorst (1987) that fallacies are discussion moves that threaten the resolution of a dispute—and in particular, they are violations of rules of critical discussion (p. 297). Alternately, a fallacy may be, as Walton (1995) terms it, the misuse of an argument scheme (p. 15). There are, of course, more varieties of definition, and they generally depend on the theory of argumentative normativity on offer, as all theory of fallacy is a theory of how one *fails* to do what one *ought* in argument. Disagreement about argumentative norms yields disagreement about what it is to break those norms or fail their demand.

The second focus for fallacy theory is about how informal logic is taught in the classroom. Again, a contrast with formal logic is useful. With natural deduction, the focus is on rules of good inference and their systematicity, particularly in construction of proofs. Little systematic effort is put into the articulation of ways to fail at the objectives of proof. In contrast, the overwhelming amount of time and energy put into classroom work in informal logic is on fallacies—how arguments fail. And so training for students is often in the form of fallacy-spotting, not argument construction. Work in fallacy theory informs pedagogy in the sense that well-taxonomized and explained accounts of fallacy allow students a rich interpretive framework for discussion. The objective of looking for ‘fallacies in the wild’ from the pages of newspapers and out of mouths of talking heads, regularly yields substantive class discussion.

The third, metatheoretical, component of fallacy theory is the task of articulating how findings in fallacy theory inform our broader research of argumentative and discursive axiology. What does a certain fallacy reveal about argumentative norms? What does the prevalence of a class of vicious dialectical tropes tell us about our society? How does argument, even though we are regularly bad at it, fit with democracy? A natural thought is that certain argumentative failures are pregnant with meaning about what argument should be, how it should work. And so, out of a few object lessons in how not to argue, we have information about how to argue. And so, a kind of reflective equilibrium arises between our theories of argument and our systematic treatment of fallacy. Well, at least that’s the hope.

I will next present the three main families of objections to fallacy theory, and one thing I think arises from their presentation together is a familiar picture, at least to philosophers. It is a picture of a domain of study that has as one of its central and most fractious issues the question

of what it is about and whether it is worth doing at all. Ever since Thales had his pratfall in the well, philosophers regularly have had to answer these questions for themselves: what are philosophy's objects? What are its standards? Is an education in it a hindrance to being a useful human being? And so it goes for fallacy theory.

3. The generality problem

The generality problem for fallacy theory is an instantiation of the wider problem of how norms govern particular actions. Norms are general, if not universal prescriptions. Yet particulars, insofar as they are particular, never are mere instantiations of universals, but are always roughly classed as such.¹ Many the nominalist has said universals are mere words. So a version of this challenge arises for fallacy theory. Maurice Finocchiaro (1981/2005) captures the thought:

[T]here probably are no common errors in reasoning. That is, logically incorrect arguments maybe are common, but common types of logically incorrect arguments probably are not. (p. 113)

In a similar vein, Boudry, Paglieri and Pigliucci (2015) pose what they call the *Fallacy Fork*:

[O]n the one hand, if fallacies are construed as demonstrably invalid forms of reasoning, then they have very limited applicability in real life (few actual instances). On the other hand, if our definitions of fallacies are sophisticated enough to capture real-life complexities, they can no longer be held up as an effective tool for discriminating good and bad forms of reasoning.

Similarly, Massey (1981) charges that the “myriad and intricate schemes for classifying fallacies suggests there is little behind the science of fallacy ... [T]here is no theory of fallacy whatsoever” (p. 491). At best, fallacies are ‘subjective’ and at worst they are empty, as there are simply no instances of them beyond what occur in textbooks.

For sure, the history of fallacy theory is testament to the fact that it is usually an *ad hoc* repository of pet peeves of intellectuals about the linguistic behavior of others. Aristotle’s *Topics* and *Sophistical Refutations* certainly read as such. And the current work in fallacy theory in developing new vocabularies of dialectical criticism is for the most part reactionary scholarly work of seeing patterns of argumentative vice in the buzzing blooming confusion of public reason-exchange.

The strong reply is given by Johnson (1987), that we should eliminate the subjectivity of fallacy theory in the same way that logic should resist psychologism: fallacy theory “should be purged of its subjective and psychologistic nuances” (p. 245). And so the ‘seems’ talk of fallacy theory (that of taking a fallacy to be an argument that only *seems* valid but isn’t) is to be eliminated.

But this is much too strong a solution, if only because we want fallacy theory to do some double-duty in theorizing fallacies. That is, we want to not only (a) explain why the argument

¹ Versions of this problem arise regularly in axiology. This is why Aristotle even after he holds that ethical norms must be universal in a sense, requires that judgments of actions must have sensitivity to the particulars (*NE* 1098a.33, and see Leibowitz, 2011). In the 20th century, the issues arose in ethics with the challenge of particularism (as in Prichard, 1912) and in epistemology with the generality problem for reliabilism (Conee & Feldman, 1998).

given is not good, but also (b) explain why people continue to give it and accept it, too. This is why *seems* itself appears ineliminable in fallacy theory: we want to be able to explain why we fall for certain bad arguments, and ‘seems’ talk is the best vocabulary for illusions of argumentative quality. This double-duty program, further, is the reason why fallacy theory must invoke types in order to evaluate the tokens of the fallacy forms. The type instantiates an argument scheme that, given informal factors, will be appropriate or inappropriate. And the type, given the way we (or many) happen to reason in particular circumstances, appeals to us in particular tokens.

The modest reply, then, is that fallacy theory comprises of a program of identifying groups of argument-types that have rough family resemblances among their tokens.² Notice that this rough notion of the normative category of fallacy is analogous to the moral categories of criticism. *Negligence* is a property of a class of actions one might find objectionable, and though negligence takes many forms, there is still the rough notion of *could have and should have been more attentive* that comprises the class. So too with *theft*, *mendacity*, and *selfishness*.

The generality problem, as posed by Boudry, Paglieri and Pigliucci’s *Fallacy Fork* certainly captures the problem of critical vocabulary being either too specific to be statements of rules or too general to have any obvious connection to real life arguments. But consider that once one learns the language of fallacy-challenge, the charge of fallacy is part of what Johnson (1987) calls “initial probing” in critical discussion. Fallacy theory is the development of a metalanguage for argumentative criticism, and learning the language of fallacy theory is not just that of making fallacy-charges, but of putting nuance on an argument, requiring clarification, developing in a critical discussion.³ The reality is that vanishingly few actual arguments come in textbook fallacy form. This both fallacy theorists and critics of fallacy theory avow. But that does not make the language of fallacy-assessment irrelevant. When it can be plausibly charged that an argument instance is a token of some fallacy type, then it is incumbent on those who either give or accept it to defend against the charge—some relevant piece of evidence is brought to light or the clarification of a connection may arise, or they may have little or nothing to say. The point is that fallacy-vocabulary and the theory behind it is in the service of the reason-and-challenge structure of argument-exchange. As a consequence, the generality problem is both bad news and good news.

The generality problem is bad news in the sense that, because our evaluative categories must instantiate general normative outlooks and specific instance emphasis, they will have penumbral edges and overlapping cases—this is why it is often so difficult to classify some bad argument instances.

The good news is that in the general forms fallacies take, fallacy theory can provide explanations for why some argument correction can be so difficult and can provide roadmaps for critical discussion in light of how the arguments are challenged and so on. The phenomenon described is itself complex and variegated; so, too, must be its description. Thus, a *modest* reply to the generality problem.

² See Fogelin and Duggan (1987, p. 256) for this model, and Wittgenstein (1953, S67) for the reference to ‘family resemblances.’

³ See van Laar (2008) and Anderson, Aikin, and Casey (2012) for developments of the notion that fallacy-charges play dialectical roles in the clarification of views.

4. The scope problem

The scope problem is simply that fallacy theory has no clear demarcational criteria—what distinguishes fallacy theory from culture criticism, political philosophy, or rhetorical analysis? In light of how the modest solution to the generality problem was that fallacy theory has, as a matter of course, rough terms and open-ended evaluative criteria, the scope problem for fallacy theory becomes all the more trenchant. It seems, on its face, that the modest fallacy-theoretic reply to generality amplifies the scope problem that there is no clear limit to what fallacy theory should evaluate, it is, by its own description, an incomplete task.

For example, Catherine Hundleby observes that the domain of most fallacy theory is from the perspective of those who are roughly social equals trading reasons with other social equals. This, for sure, is a relevant domain, but it is not exhaustive of the scope of bad and recurrent argument types. Hundleby (2009) observes that too much is left out—there are ‘androcentric fallacies’ (p. 2), and there is a growing literature on how too many from underrepresented groups are not given their due in critical dialogue, beginning with epistemic (Fricker, 2007; Medina, 2013) and extending to argumentative (Bondy, 2010; Rooney 2012; Hundleby 2013) injustices. Moreover, even within the standard model of fallacy theory, it seems that given the modest solution above, there could be, for every fallacy, particular sub-instances of the fallacy (as seen in the multiplying versions of ‘straw man fallacies’).⁴

From a purely theoretical perspective, the scope problem is really nothing but good news—the variety of argumentative error and systematic explication is wider than anticipated and seems (assuming the examples above are right) to bear significant connection to pressing social issues of the day. Fallacy theory, like critical thinking more broadly, finds its way into anywhere we humans reason (or at least purport to). Consequently, there is much for the fallacy theorist to do: new vocabularies to devise, new strategies of argumentative repair to develop, and programs of connecting these to standing taxonomies of fallacy and argumentative theory. The scope problem, from this perspective, is just a manifestation of the *fecundity* of the research program.

The bad news is the return of the generality problem. How *applicable* is this progressively more complicated machinery of argument-evaluation? Recall that the modest solution to the generality problem was to argue that the intersecting and penumbral categories were part of all normative-evaluative discourse, and so managing these categories requires regular application of principles like those of conceptual tolerance (that some concepts are *gradable* and *intersecting* instead of *absolute* and *exclusive*). The scope problem can be restated now as a special instance of the generality problem: *fallacy theory, in adopting penumbral, intersecting, and expanding categories for fallacy, is on the way to an impossibly unwieldy classificatory and critical system.* In pursuing the specific-critical line in instances of bad reasoning, the general program of identifying fallacy tokens of types has been foregone. The modest reply, then, is that of identifying the objective of developing a metalanguage of challenge for reasoning. The phenomenon of challengeable reasoning is complex, and so the vocabulary will be, too. How fine-grained the vocabulary is depends on the scrutiny to which we are subjecting the reasoning (or how dialectically deep the challenges and replies have gone), and how many new fallacy forms we wish to introduce depends on what, precisely, the critical project is out to accomplish. The language of logic is an instrument of rational self-consciousness, and depending on what needs to be made explicit, the vocabulary’s detail can be

⁴ As seen, for example, in Aikin and Casey (2011) and Lewinski and Oswald (2013).

brought to bear or forborne. And so, this return to the modest solution is *modest* in that it concedes a good deal of the scope problem. The objective of fallacy theory must be defined and refined against the issue or problem's backdrop of what the points of argument-analysis in the contexts are.

5. The negativity problem

Fallacy theory is a systematic view of argumentative *error*. The vocabulary of fallacies, as a consequence, is univocally *critical*. There are two consequences of this negative-emphatic view. The first is that fallacy theory has a *problem with misplaced emphasis*—we should not only be looking for ways to criticize arguments, but to construct good ones and improve bad ones. The second is that fallacy theory, in its negativity, is complicit with (and in many cases actively promotes) the excessive adversariality of argumentative exchange.

Catherine Hundleby (2009; 2010; 2012) and Phyllis Rooney (2010; 2013) have argued along both of these lines. Because of fallacy theory's negative valence, negative consequences ensue. Hundleby (2010) observes that:

The oppositional nature of fallacy-allegation ... lends itself to formulations according to the politically regressive and epistemologically archaic Adversary Paradigm. (p. 280)

Hundleby (2010) further observes that the way fallacies are regularly presented in textbooks offer “no suggestion of argument repair” (p. 289) and yield “pin the tail on the argument” exercises for students. Phyllis Rooney (2010), similarly, argues that the adversarial paradigm is epistemically and argumentatively stunted:

[T]he Adversary Paradigm either leads to bad reasoning ... or ... it sustains a more limited range of reasoning and argument forms ... (p. 205)

In short, the negativity of fallacy-identification is part of and contributes to the Adversarial Paradigm, which obscures the goals of truth-seeking.⁵

The modest defense of fallacy theory is to concede the negativity problem. Fallacy theory, taught exclusively, yields sharks, not arguers. It is a common phenomenon, when teaching a survey of informal logic, to have students ask whether there are any good arguments. One turns them loose on their families over Thanksgiving only to hear, upon their return, that all they could do is call *ad hominem* with their politics-talking uncles.⁶ Hundleby (2010) correctly observes that informal logic is overwhelmingly taught as *only* the taxonomy of fallacies, and this is precisely the problem. As Hundleby (2010) also argues, this is not a reason to *reject* fallacy theory, but a reason to revise our conception of it and to reform the way we teach it (p. 303). This revision can be either *modest* or *minimal*.

There are two parts to the *modest* reply to the negativity problem: (i) the mutuality thesis, and (ii) the intrinsic adversariality thesis. Call defenses without intrinsic adversariality, but with

⁵ Others who have noted this connection are: Paul (1984), Johnson (2000, p. 243), Cohen (2004) and Boudry, Pagliery, and Pigliucci (2015).

⁶ A useful analogy is that of the college sophomore who takes a course in PSYCH 101 and thereupon diagnoses every person in the dorm with OCD, schizophrenia, or depression.

mutuality, *minimal* replies. *Modest* replies require both—so if my case for (ii) fails, the minimal defense may still stand with the mutuality thesis. The mutuality thesis is that vocabularies of negative assessment are both part of normative vocabularies and important to their development; so insofar as there is ‘*ought*,’ *there are correlate ‘ought-nots’* that clarify and provide application. The intrinsic adversariality thesis is that a minimal degree of dialectical adversariality is part of any argumentative exchange; so as a consequence, negativity is an inescapable component of argument, and any proper theory of argument must be poised for its proper management, not elimination. I will argue first for mutuality, then for the more controversial intrinsic adversariality thesis.

The argument for mutuality begins with what I take to be a truism about normative practices—all normative practices have possible metalanguages formulable about them. For example, natural languages have grammars, but the language of grammar need only be *possible*. The same, I think, goes for logic. We have reasoning and arguments, but logic (formal and informal) is a metalanguage that makes the rules of the first-order practice explicit. So, the metalanguage of logic is a repository of all the rules we (ought to) follow when we reason. All normative practices have the possibility of *error* in their performance, because being bound by rules doesn’t guarantee that they are followed. In the case of grammar, common errors are called, for example, run-on sentences, failures of parallel, subject-verb agreement, and so on. The same goes for fallacy theory—common error types are theorized and given names. The point of many of these metalanguages is not only to make the norms explicit and have a theory of their systematicity (and perhaps also a systematic view of the errors, too, as we see in fallacy taxonomies), but to facilitate function of the first-order normative practice. That is, with both grammar and logic, the point is to make the rules (and errors) explicit not just for its own sake, but for the sake of self-conscious and reflective normative practice. When a normative practice is self-consciously assessed, the variety of errors clarifies the norms and the newly clarified norms allow practitioners to refine their first-order practices and also to find errors that had previously escaped their critical gaze from before. And so with a metalanguage, particularly the metalanguage of criticism, normative practices evolve as the kinds of practices we can self-reflectively endorse. Fallacy theory, then, is part of a larger dialectic of rationality unfolding, the norms of reason exfoliating against where we make errors in trying to follow and enforce them. And so we see, for example, with fallacies, the importance of their belonging to a language of argument and argument-assessment, since they not only allow for criticism of particular arguments, but also for assessments of well-run dialectical exchange as being free of particular destructive fallacy forms and for the puzzlement when many bad arguments occur that don’t yield to easy classification.

In this regard, consider the mutuality thesis to be an explicit version of the earlier modest replies to the generality and scope problems—fallacy theory amounts to the development of a critical metalanguage that is dialectically heuristic in its first-order application, but is in the service of broader norm clarification in its systematic articulation. The process is open-ended, because the phenomenon explained and discovered is a moving target—how we argue is, in many ways, influenced not only by what we are reasoning about, why we are reasoning, but also in terms of *how we critically talk about our reasoning*. The norms, then, will and ought to evolve as we develop norms of criticism. Negativity, then, is a necessary component of self-conscious reasoning. But this is not to say that the negativity should be our sole focus. In fact, the negative critical components of fallacy theory need to be integrated with other programs and objectives, such as argument repair, clarification of important but unacknowledged norms, and even

establishing understanding between deeply opposing views. Finally, it is important that those working on fallacies and teaching them to not let the focus on this critical edge of argumentative normativity become their sole pedagogical focus. In fact, it seems incumbent on those working in argumentation theory to write more textbooks integrating the fallacy-approach to argument assessment with the broader objectives of informal logic. Too many textbooks on informal logic and critical thinking are written by people with no detectable knowledge of the broader reach of argumentation theory beyond the fallacy systematics.⁷

The intrinsic adversariality thesis is considerably more controversial than the mutuality thesis. Both Hundleby (2009; 2010; 2013) and Rooney (2010; 2012) have argued that adversariality may be a dominant paradigm, but it is both a bad one and an optional one. Consequently, it should be foregone. More cooperative communicative models are available, so intrinsic adversariality is indefensible. Further, it is clear that the presence of adversariality in argumentative exchange can subvert the broader epistemic objectives of argument (that of pursuing the truth and development of understanding), as it is clear that many will forego argument's adversarial program who are not comfortable with it, adversariality puts many disadvantaged groups at further disadvantage, and it creates retrenchment in the face of further criticism.

Hundleby and Rooney's arguments target primarily Trudy Govier's case for minimal adversariality, showing that, as Hundleby (2013) puts it, "we may exchange reasons without opposing one another's ideas – never mind opposing one another personally" (p. 239). This point is correct, and I think it scores the right critical challenge on Govier's model. Govier's model proceeds from the premise that if one's audience must be on the receiving end of an argument, one must presume that they need correction. As Govier (1999) frames it:

Those who hold not-X are, with regard to the correctness of X and my argument for X, my opponents (p. 244).

Again, my modest strategy is to concede Hundleby and Rooney's point, but make the case for a revised notion of minimal adversariality. Call this particular version *dialectically minimal adversariality*. I can provide the view only in outline here, but I've defended a version of it in my (2011) article, and I have further material in the works. Here is a schematized version of the case:

1. If one is arguing for a view, p, then p is either controversial or potentially so.
2. If a view is controversial, then there is someone who either holds that p is false or dubitable. If p is potentially controversial, there is a possible reasonable perspective that takes it that p is false or dubitable. Call any actual or potential holder of these perspectives W.
3. W is the target audience for the argument for p.
4. If W holds that p is false or dubitable, then W does so for (one or more of) the following reasons:
 - (a) W has *rebutting* reasons against p (showing that p is false, or showing that some other claim, q, is true, which is a contrary of p), or

⁷ In this, I agree with Hundleby's proposals that fallacy theory and fallacy instruction need to be taught alongside the broader research in informal logic, particularly that of argument repair (2010, p. 299).

- (b) W has *undercutting reasons* against p (ones that show that p, given the evidence, is not likely true or reasonable)
- 5. If one takes W as one’s target audience, then one addresses critical challenges with either:
 - (a) vindicating reasons—reasons that establish p in full, or
 - (b) revising reasons—reasons that establish p*, which is a weaker or more defensible version of p.
- 6. *Therefore*, if one is arguing for p, then one is giving reasons within the following dialectical complex:

	Vindicating reasons	Revising Reasons
To W’s Undercutting challenges	V-p to U	R-p* to U
To W’s Rebutting challenges	V-p to R	R-p* to R

- 7. All reasons within the dialectical complex are reasons answering reasonable challenges.
- 8. *Therefore*, All argument-giving is with the objective of answering reasonable challenges.

Call this revision of Govier’s minimal adversariality view *dialectically minimal adversariality*. The only adversariality in this model is the matter of weighing the force of the better reasons, and so this is minimal and only dialectically adversarial. The upshot of this argument is that the adversariality of addressing critical challenges to a view is an essential part of argumentation. One must either speak to a critic or construct a motivating reason for marshalling one’s reasons in the form of a potential challenge. Moreover, there is nothing to this program that excludes the Gricean virtues of cooperation, as it surely takes the cooperative principle to interpret the significant of challenges, objections, and critical questions.

If this line of reasoning is correct, the crucial element to training in fallacy theory is to mitigate the escalation of adversariality from, on the one hand, the useful and productive sources of critical feedback for argument to work toward, on the other, the exchange of insults. So long as the cooperative exchange is critical discussion, dialectically minimal adversariality need not be any impediment to arguments given with good will.⁸ Moreover, notice that there can be collaborative elements that emerge from these considerations such that one can truly value critical questions and challenge, not as personal attacks or even rejections of one’s point of view, but as the kind of useful resistance needed to craft the case for any controversial view.

6. Conclusion

Fallacy theory, properly framed, is a domain with contested target phenomena, and as a consequence, contested applicability and normativity. This comes as no surprise to anyone familiar with philosophy’s long history of fits and starts on a variety of issues. The generality and scope problems are representative of a requirement that domains of research be well-ordered and (at least potentially) finite, and these are reasonable expectations for many areas. But the phenomenon of reasoning is a moving target, as our vocabularies of evaluation change the

⁸ See Aikin (2011) for models of argumentative escalation and accounts of its mitigation.

phenomenon. In fact, the important thing is that they *do* change the phenomena. That people now invoke *ad hominem* attacks or slippery slopes in the midst of arguments is testament to the contribution fallacy theory makes to self-conscious argumentation. Further, the negativity of this critical vocabulary is itself intrinsic to this program of bringing normative practices to self-consciousness. The terms of critique are part of both the first-order practice of argument (as the intrinsic minimal dialectical adversariality argument runs) and of our grasp of that practice as rule-bound (as the mutuality argument runs). The conclusion, then, is that fallacy theory is messy and adversarial, and necessarily so. What's required of us, then, as argumentation theorists, is not that we reject fallacy theory or reform it to the point of being non-adversarial, but that we develop research and teaching programs that (a) maintain a minimum of well-orderedness to research and (b) mitigate the potentiality of adversarial escalation in argument. So programs of *argument repair* alongside fallacy identification must be taught, and we must keep track of the way our critical vocabulary returns to and influences the practices it is designed to describe.

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