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Commentary on Michel Dufour's "On the difference between fallacy and sophism"

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1. Two modes of fallacious argument

Professor Dufour pointed out that the terms “fallacy” and “sophism” are often treated as synonyms and that the same holds for the obsolete French term *fallace* and the current French term *sophisme*. But he pointed out as well that there is also a tendency to make a distinction between the two terms: the terms “sophism” and “sophisme” would in contradistinction to “fallacy” imply or at least suggest that there is an intention to deceive one’s interlocutor. I agree that if one wants to stress that there is, or may be, an intention to deceive one could use the term “sophism” but if one, on the other hand, wants to stress that there is or may be no such intention the term “fallacy” seems to me not suited for the job: one would rather speak of an error in reasoning or in argumentation; the term “fallacy” would be more suitable as a term that equally covers sophisms and errors.

In German there are two terms for fallacies in reasoning: *Trugschluss*, which, I would say, suggests an intention to deceive and *Fehlschluss*, which suggests the lack of intention. Thus *Trugschluss* would correspond to “sophism in reasoning” and *Fehlschluss* to “error in reasoning.” But we saw in Dufour’s paper that Kant used the term *Trugschluss* as a covering term for fallacies in syllogistic reasoning, and the term *Sophisma* for sophisms, and *Paralogismus* for errors in syllogistic reasoning. The choice of terms may differ, but the distinction between two kinds of fallacy based on the presence of an intention to deceive is clearly present in Kant, even though the application of the terms is restricted to syllogistic reasoning.

When, in his Section 3, Dufour proposes his own terminology for the distinction, he speaks indiscriminately of “fallacious argument” and “fallacious reasoning.” If “argument” were here to be taken in the sense of “reasoning,” this would imply that only fallacies of reasoning are taken into account. But not all fallacies in argumentation are cases of fallacious *reasoning*; for example, Straw man, Many Questions, and are Shifting the Burden of Proof are not, and these are precisely kinds of fallacies that one could expect to be used with an intention to deceive. Ultimately, Dufour opts for “Fallacious argument” as his covering term, and this seems to me the better choice because thus the fallacies that do not directly regard the reasoning are included. Even better would be to use the term “fallacy” itself as a covering term, or else the longer term “fallacious move in argumentation.”

Fallacious arguments, according to Dufour, may either be deliberate (normally with an intention to deceive) or non-deliberate. In the first case Dufour speaks of “Sophisms,” in the second case of “Fallacies.” The choice of the latter term for non-deliberate fallacious arguments is in my opinion infelicitous; for, now not all fallacious arguments will be fallacies, which quite deviates from ordinary parlance. Therefore, I would prefer to speak of “erroneous moves in

argumentation” or “errors.” However, in this commentary I shall stick to the terminology introduced by Dufour and stick to “fallacy” for errors and “sophism” for the deliberate cases.

2. Frequency

Dufour assumes that any type of fallacious argument may occur deliberately or not, i.e., of each type there are both sophisms and fallacies. The question is, for each type, how often it occurs as a sophism in comparison with its occurrences as a fallacy. Dufour argues that the relative frequency of some kinds of sophism may be low because in the “heat of dialogue” it would be hard to produce them. Dufour is right that it may depend on the type of fallacious argument whether it can easily be used as a sophism.

But for some types of fallacious moves in argumentation it seems not so difficult. When analyzing a Dutch televised political debate between a Minister and a union leader, occurring in 1991, I discovered that the debaters and the presenter together produced a fallacious move (“committed a fallacy”) every two minutes (Krabbe, 1993). One cannot look into peoples’ minds, but for each of the 26 fallacious moves that occurred, there is little doubt that the perpetrator (1) could be supposed to be in some sense aware of the fallacious character of the move, but (2) even so deliberately argued the way he did, and moreover (3) did so argue with an intention to deceive. So there were plenty of sophisms in this debate. Some of them seemed to be part of a premeditated strategy.

Of course, one can never be sure. But then, does it really matter, for argumentation theory, whether the fallacious moves were put forward deliberately or not? A non-deliberate fallacious move can be as deceptive as a deliberate one. Perhaps the distinction between fallacious moves that are deceptive and those that are not is more of a subject that deserves attention than the distinction between deliberate and non-deliberate fallacious moves.

3. Equivocation

Fallacious moves based on ambiguity may or may not be performed deliberately, i. e., they may occur as sophisms or as fallacies. Merely using an ambiguous term does not suffice to produce a fallacious move; for practically all terms are somewhat ambiguous. What produces fallacious moves is the exploitation of these omnipresent ambiguities. To unmask an argument as exploiting an ambiguity one can make use of the strategy of introducing a distinction (*distinguo!* see Mackenzie, 1988).

According to Dufour a necessary condition for unmasking a homonymy is the latter’s public acknowledgement. One may agree, but the question is *which* public is to acknowledge that there are two (or more) meanings of a certain term in play and *when* is this public to acknowledge this fact? It need not be the case that the two meanings are listed in the dictionaries and were in that sense publicly acknowledged before the fallacious move occurred. It could be that no one had thought of these two meanings before and that they are just introduced in the *distinguo*-move itself. The public may be restricted to those present and the acknowledgement may occur only after the ambiguity has been pointed out.

Let us call those ambiguities that do not rest on two different meanings that are found in the dictionaries or are commonly known to users of language “subtle ambiguities.” By subtle ambiguities one may fool less ignorant victims than young Clinias. Even so, equivocation remains a risky business because of the *distinguo*-move.

4. *Petitio*

Dufour rightly notices that the basic *petitio* (p therefore p) does not constitute an error of reasoning and that, in various contexts, it can be used successfully to get certain messages across. Referring to such contexts, Dufour speaks of “a sophism which conceals a better reason” and of “a highly successful cooperative sophism.” So would there be there nothing wrong with such cases of *petitio*? The use of the term “sophism” by Dufour implies that he considers the *petitio* in such cases as a fallacious argument, even though there is no error in reasoning. This fallacious argument is put forward deliberately, with a particular intention, but the intention is not the usual one: to deceive; rather it is the intention to get a particular message across. Thus there are sophisms without an intention to deceive.

I agree that the *petitio*, even though it is not an error in reasoning and often successful in communication, is still a fallacious move in argumentation: it does not advance the argumentative process, and if condoned could lead to infinite regress. Each use of *petitio* is, according to Dufour’s terminology, a sophism or a fallacy. That means that using a *petitio* is no good from the perspective of argumentation but that does not exclude that it couldn’t be good from some other point of view.

5. *Non causa pro causa*

A difficulty for us to assess this type of argument is that, in contemporary logic, it is no longer a fallacy in an *reductio* if one does not use the hypothesis or assumption to be refuted for the derivation of the contradiction (nor would it be a fallacy in a Conditional Proof to leave the hypothesis or assumption unused).

Dufour’s example starts from the hypothesis to be refuted (the *non causa* proposition): “In ten years the oil price will be high.” To derive a contradiction no use is made of this hypothesis but some other premises are really used. In the first of these, there could be an ambiguity about whether “up to now” includes the present. The example will be clearer if we leave this phrase out and formulate the first real premise as: “When the oil price is low there is no serious research on alternative kinds of energy.” We may suppose that such a premise has been obtained by induction. The other real premises are “The oil price is low” and “There is serious research on alternative kinds of energy.” From this one may validly conclude to a contradiction. We may agree, then, with Aristotle that such an argument is not absolutely inconclusive.

In Dufour’s example, the fallacious move to the denial of the hypothesis is not, I think, an inductive one, but a deductive move starting from the fact that a contradiction (or an impossibility, or known falsehood) has been reached: since a contradiction has been shown to follow from the premises, one of the latter must be false. But which one? Blaming a hypothesis that hasn’t even been used (and therefore is not a real premise) would, according to Aristotle, be a fallacious move. But contemporary (classical and some deviant monotonic) logics would allow such a move and agree that not only a contradiction but also the denial of the unused hypothesis has been shown to follow from the real premises. This accords with their acceptance of the (non-Aristotelian) *ex falso* principle.

I agree with Dufour that the structure of *non causa* is rather complicated, which could inhibit its use as a sophism. On the one hand knowledgeable opponents will not be fooled: either

because they adhere to a contemporary brand of logic that does not recognize *non causa* as a fallacy or because they know the conditions for a correct Aristotelian *reductio*. On the other hand many of the ignorant will be too ignorant even to be fooled as they have no understanding of how a *reductio*, Aristotelian or not, works. Only those whose degree of knowledge lies somewhere in the middle can be fooled, i.e., they may accept the denial of the hypothesis without renouncing any of the real premises.

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