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Commentary on Scott Aikin, "A Modest Defense of Fallacy Theory"

Harald R. Wohlrapp
Universität Hamburg

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HARALD WOHLRAPP
Philosophisches Seminar
Universität Hamburg
Von-Melle-Park 6, D-20146 Hamburg
Germany
wohlrapp@uni-hamburg.de

1. Introduction

Fallacy theory has not been my particular concern until now – even if I spoke here and there about fallacies; mainly about the two specimens which I consider to be of the highest importance for argumentation theory. I mean "Ad baculum" and "Begging the question". In fact I was not aware that a defense of fallacy theory was necessary because I had taken the criticisms of late to be mainly relying on a lack of clarity, confusion and exaggeration. Despite this estimation I will begin with stating that I agree with most of Aikin's well minded proposals and solutions. Nevertheless I will provide some comments which hopefully can contribute to a fruitful discussion. They follow the sections of the paper.

2. The generality problem

As far as I have understood it the author is indeed tackling two problems here, the second one being a corollary of the first. We have no unified answer to what fallacies are and therefore we might face difficulties in identifying them in our texts. Aikin presents four rather different definitions and arrives at the summating phrase, "all theory of fallacy is a theory of how one fails to do what one ought in argument" (p.3). This statement is then completed with the consideration "that certain argumentative failures are pregnant with meaning about what argument should do, how it should work" (p.4). Of course, he is right with that.

I would like to add that the fallacies, however, exhibit that pregnancy in different degrees (so that the metaphor of "pregnant" is at odds here). "Ad baculum" and "Begging the question" are particularly instructive for the concept of argument – whereas e.g. "Affirming the consequent" or "Post hoc – propter hoc" are less interesting in that regard.

One may be inclined to believe that the problem of the definition of fallacy is only the inverse problem of the definition of argument but I think that would be a hasty conclusion. The fallacies of the traditional list of some 25 specimens point to so many different aspects of an argument that it is indeed somewhat preposterous to look for a common quality – besides the fact that they are all mistakes in argument. Why is that a problem? We can imagine indefinitely many faults in argument, but we do not want to list indefinitely many fallacies. A fallacy has something about it. Traditionally it is so, that it is not only false but that its falseness is covert under the appearance of being right. This is the issue of Aikin's "Seem-Talk" (fallacies are arguments that seem to be good ones but are flaws), which has come under critique because the "seem" refers to a subject to whom it seems so. Very obviously these are not all speakers, so who is it? Is that a grave question? We could call fallacies "trap-schemes", which would indicate that users have to pay attention not to step into the trap. This would as well take into account that fallacies are not always fallacious, that there are also correct usages.

The second half of the generality problem is the relation of abstract concepts to concrete reality. It is by no means specific for the concept of fallacy. Someone who learned what a unicorn is, might still be in doubt whether a cow that has lost a horn, is one. If doubt arises about the application of a definition we usually try to sharpen the definition. Aikin, however, seems to move in the opposite direction. He proposes to develop "a metalanguage for argumentative criticism" (p. 7f) so that fallacy charges should be taken as "putting nuance on an argument, requiring clarification, developing in a critical discussion" (loc. cit). This is plain, but I do not quite understand why this should no longer be guided by the knowledge about certain schemes, known as being in risk of mistake.

3. The scope problem

This is the problem that fallacy theory has no clear demarcational criteria. I doubt that this is a serious problem. Do we have clear demarcational criteria for politics, for philosophy, for cultural studies, for games, jokes? Aikin is aware that with his modest solution to the generality problem, demarcations are even more fading away, because there is no longer a complete list of well-defined schemes on the agenda, but only more or less standardized ways of critical discussion. Fallacy theory may thus dissolve into "a metalanguage of challenge for reasoning" (p. 10), whose differentiation depends on the respective cases. I think one can easily agree with this characterization – without giving up on the established forms of "fallacies". For Aikin, however, this is supposed to be once more a "modest solution" of one of the problems about fallacy theory.

4. The negativity problem

This seems to be the biggest one. It took Aikin 7 pages (i.e. more than the other two together) to modestly defend fallacy theory against the accusation of its promoting negativity in argumentation theory. It is a fact that fallacy theory focuses on the critique of arguments instead of fostering the know-how of arguing well. Moreover it seems to nurture a general "Adversary Paradigm" which is supposed to be the covert pattern of a lot of argumentative exchange anyway.

The author's "modest defense" consists here mainly in some mindful clarification. He states that argumentation is a normative practice and that in any normative practice there are intrinsic oughts and ought-nots. As also the ought-nots have to be cared for in argumentation "a minimal degree of dialectical adversariality is part of any argumentative exchange" (p.13). I gladly agree with the content of this statement. Only I would like to sharpen it a little bit with regard to two aspects which I will allude under the headings of (a) "Critical supervision" and (b) "Adversariality".

(a) Critical supervision

If we accept Aikin's proposal to expose a metalanguage of critical reflection over all argument, this could best be achieved by conceiving argument in principle as a dialogical enterprise, i.e. a setting with two roles, called 'proponent' and 'opponent', where the opponent role executes a critical supervision over the steps of the proponent's arguing. Now it should be clear: Critical supervision has *per se* nothing to do with adversariality. In any activity that needs attentive performance (e.g. car driving) I have to critically supervise myself – without assuming that I am

my own adversary. It is true that critical supervision performed within the hierarchical structure of educational institutions runs a risk of getting distorted and adulterated. But the more it is necessary, to care for a clear and sober regard upon the situation.

(b) Adversariality

We all agree in that argumentation is a practice that deserves attentive performance. We also agree in that things can go wrong there – unintentionally or even on purpose. Fallacy theory is an attempt to theorize about what can go wrong. As any other theorizing it may not achieve perfectly satisfying results. This does not impede us to value its outcome as a collection of forms of possible wrongs to which critical supervision should be attentive.

The ways and means of teaching argument in a concrete class depend on material issues and on the background of teachers and students. It may be appropriate to put the stress on good argument, but it may also be appropriate to put the stress on fallacies.

As in arguing also in teaching things can go wrong. When people's argumentative flaws are treated in a disrespectful or adversary manner, then this is bad teaching and has to be criticized. The criticism, however, must be precise and distinctive. Of course, bad teaching is not the fault of fallacy theory, even less the fault of argumentation *per se*.

Another thing may be of importance here. It is a general tendency of our individualistic cultures that people feel personally hurt when their utterances are criticized. This is a bad and dangerous cultural tendency.[1] In the context of argumentation however, it is a blunt mistake to identify oneself with one's claim so much that one feels hurt by critique. In the terminology of my book (*The Concept of Argument*, Springer 2014) this is the lack of the distinction between an "opinion" (which is indeed "mine" – see the German "Meinung") and a "thesis" (which I put on the forum to find out if I can hold it). I think this is a paramount task of teaching argument or fallacies to direct students in realizing that argumentation is, if it is at all fruitful, an exercise in self-distancing, in balancing between commitment and distance.

Upshot: There is no direct link from fallacy theory to adversariality, so that a defense of it (and yet a modest one) against that reproach is not necessary.

Supplement 1:

In ancient Greece where individualism originated with the Sophist movement, this tendency was also observed. Plato has taken account of it in an original way: If the omniscient viz. omni-ignorant Socrates comes to a point where his interlocutor is already very much pressed and hopes to save his view with a last modification of his thesis, then Socrates does not plump forward with a decisive objection. Instead he invents a fictitious third dialogue partner who exhibits the objection. He says something like: "What if somebody asked you the following question—then, what would be your answer?" (e.g. in Meno 73b). Maybe this tactic could be adopted as a remedy for our individualistic disease.

Supplement 2:

The expression "adversary paradigm" should be seen as quarantinable. For one, the word "paradigm" stems from the philosophy of science, where it has rather been banned (scholars used to call it "the P-word") because of its vague meaning that simply allows one to pump up all kinds

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[1] It has often been denounced since the conformity experiments of S. Ash in the early 50ies of 20th century.

of minor perspectives. The second disadvantage of the expression is that no objectifying definition of 'adversary' is at hand. If the sentence 'A treats B in an adversary manner' means nothing more than 'B feels that A is treating her in an adversary manner', then this is a problem. What about A's intentions? Maybe A is not completely aware of them? Yes, but this cannot be an open door to all kinds of allegations. Therefore I recommend to abdicate the expression "adversary paradigm".