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Hans Vilhelm Hansen
University of Windsor

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HANS V. HANSEN
Department of Philosophy
University of Windsor
Windsor ON
Canada N9B 3P4
hhansen@uwindsor.ca

The focus of Professor Dufour's essay is a distinction introduced by Douglas Walton between non-serious and serious errors or, alternatively, between blunders and fallacies. Dufour's question is by what criterion Walton intends to distinguish the two kinds of errors. I am glad to join in this investigation.

1. Walton's distinctions

Walton appears to have offered two different ways of marking the distinction. (1) The dialogue-goal distinction: Rule breakings that do not block the progress of a dialogue towards its goal are non-serious, whereas rule breakings that do block progress toward the goal of a dialogue are serious (and so, fallacies). (2) The intentionality distinction: Errors committed unintentionally are non-serious blunders, whereas dialogue violations committed intentionally, in order to take unfair advantage of an opponent are sophisms (and so, fallacies).

Professor Dufour finds both distinctions wanting and, if we look closely, we see that Walton, himself, was not completely at ease with either one of them. Both his *A Pragmatic Theory of Fallacies* (1995) and *Methods of Argumentation* (2013) books are replete with qualifications, varying perspectives and digressions without ever giving us a precise criterion for the difference between non-serious errors and serious fallacies. As Dufour reads Walton, the best we have is a gradual difference, never a sharply drawn one. 'Serious' is vague.

Three distinctions are central to Walton's pragmatic theory of fallacies.

1. non-serious errors vs serious errors,
2. blunders vs fallacies,
3. unintentional errors vs intentional deceptions.

A plausible reading of Walton is that the terms to the left of 'vs' all go together: small errors and blunders are also unintentional and might be forgivable. On the right side of 'vs' there is less agreement, however. It is not clear that intentional deceptions are errors, serious or otherwise. Another of Walton's distinction also has a prominent role in his discussion,

4. paralogisms vs sophisms

'Paralogism' (παραλογισων) may be the Greek word for fallacy since it is frequently translated as 'fallacy' in, for example, Aristotle's *De Sophisticis Elen*chis, and since, in Aristotle's view,

fallacies could be intended, 'paralogism' doesn't fit well with the other left-hand terms which seem to be intention-free. Sometimes Walton identifies paralogisms with non-serious errors. We might capture some of what Walton had in mind by the following definitions.

Paralogisms are non-relational errors in arguments, i.e., in premise-conclusion units. The error is internal to the argument and independent of its relation to other turns in the dialogue. For example, "the error of jumping to a conclusion without properly considering the critical questions that should be asked" (2013, pp. 217-18). In Walton's view, paralogisms are instances of argument schemes which allows for the possibility that there can be both strong and weak instances of the schemes, the weak instances being paralogisms, non-serious errors but also, sometimes, fallacies.

Sophisms are relational errors in the use of arguments in dialogical interactions. In saying the error is relational it is meant that the error is external to the argument (the premise-conclusion unit) and resides in the argument's use in relation to other turns in the dialogue in which it occurs. Some passages support this characterization of sophisms.

> Most of the fallacies are fallacious moves in a dialogue not because of the inherent unreasonableness of the argument but because of the way it is used in a sequence of moves to try to prevent the respondent from questioning it or even continuing the dialogue at all. (2013, p. 215)

> The fallacy is found not in the argumentation scheme, as applied to a single argument , but in a pattern that can be found only by examining a connected sequence of moves by both parties." (2013, p. 216)

These distinctions are elaborated below.

2. Comments on Walton view of fallacies

I do not accept (i) Walton's premise (1995, p. 232, 244) that Aristotle thought fallacies were sophistical refutations, nor his view (ii) that a fallacy = a sophistical refutation. Aristotle's sophistical refutations are sophistical because they are would-be refutations that fail; and they fail because they contain a pseudo-syllogism or paralogism, i.e., a fallacious argument (premise-conclusion unit). The argument would be a fallacy whether or not it was used in a refutation. In my view, equating sophistical refutation with fallacies is a systematically misleading mistake (see Woods & Hansen, 1997).

I also disagree with Walton's remark (1995, p. 241) that the definition of 'fallacy' as "an argument that seems valid but is not," is (a) glib, and (b) found in most modern logic text books. This concept of fallacy has (mistakenly) become known as the "standard definition of 'fallacy'" (hereafter SDF). True, it is a short definition but it turns on three sophisticated concepts tightly woven together – each of them a technical concept that can be clearly defined. Walton's use of the word 'glib' (and 'shallow' (p. 244)) in connection with SDF shows his strategic manoeuvring to make his case against SDF and for his own pragmatic account. As for the second part of Walton's remark, it is not factually true that this is the definition of fallacy found in most modern logic textbooks. It is in very few. The only one I know of is Wesley Salmon's *Logic* (see Hansen, 2002). Anyone: Tell me of others, please, if you find them.

Leaving our disagreements on the side, for now, let us consider how Walton changes the focus of fallacy analysis.

Whereas Aristotle analysed sophistical refutations in terms of arguments that had gone wrong, Walton analysed them in terms of dialogues that had gone wrong. The lesser faults may in some cases be traceable to arguments (paralogisms) but for Walton, serious errors, fallacies, are interactional in nature. Walton's move allows the possibility that there are bad dialogues that do not owe their misfortune to an argument being bad.

Dufour's observation that Walton tried to tread the water between two poles of fallacy theory, the logical and dialectical poles, is insightful. He identifies the dialectical pole with the Pragma-dialectical school and he could have identified the logical (or epistemic) pole with "the standard treatment" or with the work of Larry Powers, or Biro and Siegel.

Walton acknowledged that his theory of what he called "the traditional fallacies" does not include most of the Aristotelian fallacies. His list of twelve (2013, p. 220) fallacies is largely post-Aristotelian; only three of them bear a resemblance to Aristotle's extended list (that would include the ones mentioned in the *Rhetoric*). Powers saw himself as a defender of Aristotelian ideas, and from his point of view Aristotle's thirteen fallacies in *Sophistical Refutations* are all language dependent, and Walton's post-Aristotelian list is at best a bunch of quasi-fallacies. Walton's embraced the Aristotelian idea of studying fallacies as they occur in dialogue; in fact, he thought that fallacies *must* be understood as occurring in dialogue. How, then, should we explain that Walton's dozen-or-so fallacies have little in common with Aristotle's dozen-or-so fallacies? One hypothesis is that the difference is due to the differences between the Greek and English languages. A better hypothesis is that Aristotle in *Topics* and *Sophistical Refutations* was primarily interested in philosophical discussions, whereas Walton was more interested in extra-philosophical issues: popular discourse and everyday argumentation. Hence, Aristotle's fallacies highlight pitfalls of philosophical discussions and in Walton's those of the less technical everyday argumentations in which we engage. (On another occassion we may wonder whether any of Walton's types of dialogue are suitable for philosophical discussions.)

Walton's definition of fallacy has six necessary conditions (1995, pp. 237-38; repeated in 2013, pp. 213-14). The first three are variations on SDF with very relaxed conditions. The fourth condition tells us that fallacies can only be understood as occurring in dialogues. The fifth, that a fallacy is the misuse of an underlying, systematic technique, and the sixth condition that it must be more than a blunder, it must be *a serious mistake*. Professor Dufour and I agree that the last three conditions, the ones that most markedly set Walton's view apart from SDF, are problematic.

Professor Dufour is right to point out that for some fallacies, especially those that are language dependent, we do not need a context of dialogue to understand them as fallacies. In what kind of dialogue would equivocal inferences not be a serious error? This challenges Walton's requirement that fallacies must be understood in the context of dialogues. Maybe Walton's thought was that the language-dependent fallacies, since they do not have both good and bad instances, are not instances of argument kinds, and so they cannot be misused kinds of arguments, and, hence, they cannot be fallacies. However, Walton saw that the language dependent fallacies could infect any argument that is an instance of a scheme thereby weakening it. Hence, Aristotle's language-dependent fallacies can be errors in all contexts where Walton's schemes can be used and where a minimal standard of reasonableness is expected (2013, p. 223). Therefore, context is not needed to understand these errors; and, a kind of dialogue being a kind of context, dialogues are not

needed. So, this is an argument against the view that a piece of discourse is a fallacy (a serious error) only if it blocks the attainment of the goal of a dialogue. The dialogue fragment will be recognizable as a fallacy even if it is not in a dialogue. The possibility remains open that blocking the progress of a dialogue is a sufficient condition for being a fallacy. (An alternative conclusion is that the language dependent fallacies aren't fallacies.)

(Walton's acknowledgment that ambiguity fallacies can infect any of the arguments derived from schemes, thereby turning those arguments into fallacies unwittingly brings him close to Powers' (1995) view (and maybe Aristotle's) that fallacy, wherever it occurs, is due to an embedded ambiguity.)

The fifth condition of fallacy-hood Walton gives us is that it must be a misuse of an underlying, systematic technique. Interestingly, the concept of a *technique of argumentation* drops out of the 2013 discussion, but it was central to Walton's various attempts to define fallacy in the 1995 book. Dufour does not single the concept out for attention.

Some passages consider being a misused argumentation technique to be a sufficient condition to be a fallacy. Walton said that his pragmatic theory "defines a fallacy as an *argumentation technique* used wrongly," (1995, p. 237) and "Fallacies are techniques of argumentation that have been used in a counter-productive way" (p. 258). It may be advisable, therefore, if we are to understand Walton's concept of fallacy, to think about what an argument technique might be. He takes *argument technique* to be a broader concept than *argument tactic*, and writes as follows.

> [A]rgumentation tactics and techniques can be codified in rules or heuristic pieces of advice that counsel a participant on how to fulfil his goal in a particular context of dialogue ... Such tactical rules advise a participant on how to defend his own arguments in the exchange and how to criticize or attack the arguments advanced by the other participant. (p. 28) . . . .a careful distinction needs to be made between the general concept of fallacy as a type of argumentation technique and the concept of fallacy as a particular instance of a fault or failure of argumentation in a given case. (1995, 259) . . .. the new theory [of fallacies] is pragmatic because it involves judgment of how well a technique has been used in a particular case. (1995, p. 259)

A technique is a way of doing something, a kind of skill to accomplish a goal. There is a technique of lacing your shoes, another of trimming the hedges, and there are techniques of rational persuasion. To be master of a technique is to have know-how of what steps to take to bring about the result the technique is for. Aristotle thought there were three means of persuasion: ethos, pathos and logos, each requiring a different way to bring success. His are perhaps techniques in a very broad way. Walton is after techniques more narrowly construed. He mentions three of Locke's four ways of gaining assent as examples (1995, p. 260). Since these are also known as kinds of arguments, it may be that the argumentation techniques Walton had in mind are the uses of argument kinds like appeal to expertise, argument by analogy, circumstantial ad hominem, etc., (2013, p. 220) as means of holding up an arguer's side in a dialogue. These argument kinds and others like them all have an acceptable place in argumentation, and because they have the air of correctness about them any misuse of these argument kinds may also have the semblance of legitimacy. To speak of the argument kinds as techniques is different than considering them as

schemes or kinds of arguments (which are objects) because a technique involves a doing, a trying to bring something about: techniques involve, in Tindale's (1999) memorable phrase, "acts of arguing." I think this is the main idea Walton wanted to hang his hat on in the 1995 book. Shift the focus from failures of deductive validity to failures in the techniques of using defeasible arguments relative to argument goals. All the stuff about paralogisms and blunders is a broom for sweeping up what is left over of the fallacies tradition after the idea of fallacy as a misused argument technique has been put at the centre of fallacy theory.

We have been distracted. Dufour's quest is for Walton's demarcation of non-serious errors from fallacies (*serious* errors). What are we to make of the qualification, "serious"?
The following diagram, based on Walton's (1995, p. 260) introduces a new distinction which we may add to the four we noticed earlier,

5. a weak execution of a technique vs a misuse of a technique

We see in the accompanying chart (see Table 1; 1995, p. 260) that this distinction corresponds to the non-serious vs serious distinction.

Table 1

Satisfactory execution	Weak Execution	Misuse (abuse)
Not-fallacy		Fallacy
No error	Non-serious error ---------------------------------	Serious error

Walton considered non-serious errors as blunders that need not impede the goal of a dialogue, and so sometimes he did not consider them to be fallacies (but sometimes he did). He gave a scant number of examples of blunders. (i) A blunder can be a breaking of a rule of reasoned dialogue as the Pragma-dialectical theory holds: but "Violating a rule of a critical discussion should not be itself equated with the committing of a fallacy, for some such violations are merely blunders and not fallacies (2013, p. 214; also 1995, p. 233), said Walton. (Curiously, Walton also said (2013, p. 214) that this makes the Amsterdam theory too narrow but it seems rather to make it too broad, encompassing things that he thought should not be included.) (ii) Inadvertently arguing in a circle resulting in a weak argument can be a blunder and not a fallacy in some dialogues (1995, p. 234). (iii) Blunders are not logical fallacies and they are not dangerous to the talk exchange of which they are apart (ibid. – but unclear what Walton means by 'logical' here). (iv) Calling "Arguments or argument strategies that are flawed, weak or poorly presented, or that suffer from specific gaps or shortcomings that can be clarified or corrected in subsequent dialogue" (1995, p. 234-35) fallacies, is not recommended. This last suggestion for distinguishing the seriousness of errors is interesting because we might see a difference between corrections that can be made within dialogue and those that require entrance into a sub-dialogue, the latter being the more serious frustration. But none of these examples lead us to a sharp distinction, or even a practical maxim, whereby we can demarcate non-serious and serious errors.
We may be reminded of Joseph's remark (1916, p. 569; repeated in Hamblin 1970, p. 13) that "error is infinite in its aberrations" (p. 569). The errors that matter most and must be distinguished in the infinity, thought Walton, are the ones most liable to upset a dialogue towards its goal; they

are the ones that fully deserve the name of 'fallacy'. Other errors deserve the appellation less so but tradition has included them as fallacies. Walton response is to say that they are non-serious errors – not serious from the point of view of the dialogues in which they occur – and better deserve the name 'blunder'. A nice distinction for sure, but what is it?

It is not just logical seriousness that is at stake (whatever Walton means by 'logical') in sorting the non-serious from the serious errors. He thought there were also social considerations (1995: 234). It is not advisable for the sake of the success of a dialogue to call every misstep a fallacy because interlocutors may be offended by this and consequently alter the nature of their participation in the dialogue. For example, they may become less cooperative and/or more aggressive. Better it would be to ask questions of the transgressor to help them correct the non-serious error, than to charge her with a fallacy. This digression into the prudential conduct of dialogues prepares the way for a moral distinction introduced below.

3. On the question of intentionality

Is intending to deceive an interlocutor a necessary condition for being more than a blunder, a fallacy? This idea is floated by Walton.

Walton's view was that "the sophistical tactics type of fallacy tends to be a more serious kind of problem than the error in a reasoning one" (2013, p. 218.) One of his characterizations of sophisms is that of an interactional sequence of moves that are intended attempts to get the better of a dialogue partner through unfair means. Let this then be the distinction we are looking for between the non-serious and the serious dialogue misdemeanours: the serious ones are intentional sophisms and the non-serious ones are unintentional paralogisms.

But Walton is not really satisfied with this intention-based distinction because he has another characterization of a sophism. It is a dialogue-rule violation carried out in a series of moves. Admittedly, there are intentional sophisms perpetrated on the unwitting, but sophisms understood this second way can also be unintended. Walton spoke of arguer's who were so committed to their point of view that they were blindly unaware that they were committing sophisms. If that is possible, then not all unacceptable move-sequences are intentional (2013, p. 218). Hence, the violation (the sophism) would reside in the misuse of an argumentation technique (series of moves) that is prohibited by the dialogue, not in the intentions of an arguer. So, if sophisms are more serious than paralogisms, then what makes them more serious is not the intention of the arguer.

Still, Walton's view seems to be that the intentional sophisms are the most serious transgressions an arguer can commit. Dufour has the insight that this may be because it is morally wrong to take advantage of another person, to deny them the game by the rules in which they had agreed to participate. If this is so, then the non-serious/serious distinction is not one found within either logical or dialogical theory but within moral theory. Viewed from another point of view, to have a dialogical theory that can rank sophisms as the most egregious of all fallacies, we must include moral rules among our dialogue rules.

Dufour is right to remind us that errors, mistakes and blunders are unintended. Violations, infractions and rule-breakings can be unintended or intended, but tricks and deception are intentional. If Walton's view is that sophisms are techniques of argumentation intentionally used to gain an unfair advantage in dialogue then, strictly speaking, they are not errors and hence not

serious errors. But I wouldn't hang too much on this semantic point. What we need to do is to understand what Walton meant and what we ourselves mean, and to that end I do not resist calling intentional sophisms errors.

Connected to the intentionality question is the question of how it is possible to deceive a partner-in-argument by the use of an argumentative technique. It must be that the argument-receiver (and sometimes the argument-sender) mistakes a bad use of the technique for an acceptable use of the technique, and presumably this is because the bad use does not appear to be a bad use to the receiver. Perhaps the exchanges in the dialogue have created a psychological climate that has lowered the critical participation of the dialoguers. Those who think that the appearance condition – the potential of a weak argumentation to pass as a strong argumentation – is part of the concept of a fallacy and/or sophism owe us an account of how this false appearance is generated. Aristotle, Powers, and Sally Jackson (1995, *ISSA 3*) have all worked on this with varying degrees of success. Walton thought that those who argue sophistically intend their arguing to appear better than it really is, but in his 1995 and 2013 work he gives us no account of how one can do this. (But see, his "Why fallacies appear to be better arguments than they are," *Informal Logic, 30* (2010), pp. 159-84.)

4. Conclusion

I have not been able to offer Professor Dufour any real help with his project of settling on Walton's distinction between non-serious and serious fallacies. The best I can do is to say that I think the dialogue-goal distinction is Walton's main concern and the moves that are most likely to upset the reaching of the shared goal are more serious errors than the ones that are reparable along the way. But pragmatic theories, because of their focus on the use of language rather than on semantics and syntax, invariably lead us to consider particular cases and their contexts; hence, they resist precise distinctions that will hold over a range of different cases. Maybe Walton told us all he could about the non-serious/serious error distinction in his pragmatic theory of fallacies.

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