

University of Windsor

Scholarship at UWindsor

OSSA Conference Archive

OSSA 10

May 22nd, 9:00 AM - May 25th, 5:00 PM

Exploring the virtues (and vices) of zero tolerance arguments

Sheldon Wein

Saint Mary's University, Department of Philosophy and International Development Studies Program

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



Part of the [Philosophy Commons](#)

Wein, Sheldon, "Exploring the virtues (and vices) of zero tolerance arguments" (2013). *OSSA Conference Archive*. 171.

<https://scholar.uwindsor.ca/ossaarchive/OSSA10/papersandcommentaries/171>

This Paper 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.

Exploring the virtues (and vices) of zero tolerance arguments

SHELDON WEIN

*Department of Philosophy and International Development Studies Program
Saint Mary's University
Halifax, NS
Canada, B3H 3C3
sheldon.wein@gmail.com*

ABSTRACT: The zero tolerance fallacy occurs when someone advocates or adopts a zero tolerance policy towards some activity or behaviour without seeing if there is evidence to support the view that such a policy is the best or most cost-effective way of preventing or reducing the unwanted behaviour. This paper explores the idea that, instead of thinking about what the zero tolerance fallacy is (or what zero tolerance fallacies are), argumentation theorists should try to characterize what features good arguments for zero tolerance policies must have.

KEYWORDS: argumentation, discretion, full enforcement, strict liability, zero tolerance fallacy

1. INTRODUCTION

There are five conditions that are individually necessary and jointly sufficient for something to be granted the status of a *new* named fallacy.¹ The five conditions are:

- the argument type is invalid
- it is a distinctive type of argument
- arguments of this type are often plausible (or seem to be valid)
- the argument type is frequently used
- the argument type is one whose use causes significant harm.

In a recent paper (2013), I claimed that zero tolerance fallacies meet all these conditions. The second condition—that of being of a distinctive type—I characterized according to the conclusion the arguments reach, *viz.*, that we should have zero tolerance for a certain activity or behaviour.

I acknowledged that it is rather difficult to characterize exactly what a zero tolerance policy is and that, consequently, characterizing this type of argument is difficult. Leaving those difficult issues aside, I held that one commits the zero tolerance fallacy when one uses an invalid argument that has the conclusion that we ought to have a zero tolerance policy for some behaviour or practice. And, since

¹ For quite a different practice, see Heath, 2009.

fallacies are to be avoided, we should avoid arguments for zero tolerance policies that commit this (or any other) fallacy.²

In this paper I begin the task of characterizing good zero tolerance arguments. We might say that a good zero tolerance argument is simply a valid argument for a zero tolerance policy. But this will not do, for some arguments for zero tolerance policies beg the question, and though they are valid they certainly are not good arguments.³ Even if we ignore this, there remains the problem of how to characterize zero tolerance arguments and what constitutes validity for such arguments (beyond just the analytic claim that it is not logically possible for the argument to have only true premises coupled with a false conclusion). We might say (again, almost analytically) that a good zero tolerance argument is one that non-fallaciously establishes that a zero tolerance policy is appropriate in the circumstances.⁴ Yet what seems clear is that, before we can analyze what makes arguments for zero tolerance policies good arguments (or what makes them fallacious), we need a good clear characterization of zero tolerance policies.

We might envisage the task of finding out what characterizes a good zero tolerance argument as being similar to that of determining what characterizes a good argument *ad hominem*. For centuries, rhetoricians have used “the *ad hominem* fallacy” to name fallacious arguments of a certain type. And, in the process of attempting to characterize what all arguments that commit the *ad hominem* fallacy have in common, we have learned quite a lot. Yet some *ad hominem* arguments are good arguments, and recently people have begun the task of trying to sort out what are the necessary and sufficient conditions for something being a good *ad hominem* argument. Fallacious *ad hominem* arguments would then be seen simply as those that do not have the virtues appropriate for a good *ad hominem* argument. After centuries of not making significant progress in deepening our understanding of the

² Of course, one can make the tendency to commit fallacies work for one. Aside from the obvious cases of people in sales using fallacies to capture customers (and thereby increasing their sales), people sometimes use their own tendency to commit fallacies to further their own interests. Thus one might buy an expensive gym membership (rather than a cheaper one or a pay-as-you-go-system) because one wants to get in shape and knows that, when the time to exercise comes, because of hyperbolic discounting one will prefer to watch television. However, if one is also prone to committing the sunk cost fallacy, that tendency might be enough to overcome the hyperbolic discounting and move one to choose the gym rather than the television simply because one already paid so very much for the gym membership. In such circumstances, committing the sunk cost fallacy may be the rational thing to do.

³ Typically such arguments take a form something like this:

Premise: We want to do as much as we can to keep people from x-ing.

Premise: Nothing does more to prevent x-ing than having no tolerance for x-ing.

Conclusion: Therefore, we should adopt the following zero tolerance policy: Absolutely no x-ing.
But this, though formally valid, is just an instance of the *petitio principii* fallacy.

⁴ Even this minimal characterization has problems, though I will largely ignore them in this paper. Sometimes advocating a zero tolerance policy has good consequences even when the argument for such policies is not a good argument or an instance of a good argument type. And, of course, the reverse is also possible, that one might have a good argument for a zero tolerance policy but one should not advocate that policy or express the argument. For more on this, see Wein, 2005 or MacIntosh, 1990.

ad hominem argument, this approach shows signs of being very fruitful (see Dahlman *et al.*, 2011 and Groake, 2012).

My hope is that looking at what it would take to make a good case for a zero tolerance policy—that is, what makes a good zero tolerance argument—will provide insights into the zero tolerance fallacy. If we are able to lay bare the relevant features that enable an argument for a zero tolerance policy to be a sound argument, we will be in a better position to understand the ways in which people go wrong and commit the zero tolerance fallacy when arguing for a zero tolerance policy.

2. CHARACTERIZING ZERO TOLERANCE POLICIES

Clearly a zero tolerance *policy* is the policy of having *zero tolerance* for some activity. But in what does this zero tolerance consist? It may be that the concept of zero tolerance is one that cannot be defined. The search for features, each individually necessary and jointly sufficient for having zero tolerance for something, may be one that, because of the very nature of the concept of zero tolerance, is bound to be fruitless and misleading. That is to say, zero tolerance policies may be like Wittgenstein (mistakenly⁵) thought games were like—something incapable by their very nature of being defined. I do not think this is so but I am unprepared to provide a definition of zero tolerance at this point. (Part of my motive for preparing this paper is that it will stimulate someone to find such a definition.)

Lacking a definition but being convinced that the concept is more than one that just has a family resemblance shared by its various proper uses, I will instead focus on the features of paradigm cases of zero tolerance. This will provide us with what Aristotle called the *focal meaning* of the concept. Once we have obtained the focal meaning for the concept of a zero tolerance policy, we will be, I believe, in a better position to begin the task of thinking about what features a good argument for a zero tolerance policy would have to have.

Accordingly, I propose the following. Something is a zero tolerance policy—is a paradigm case of zero tolerance—when it has all of the following features:

1. *Full enforcement*: Those tasked with identifying violators of whatever act has been forbidden by the policy (or failed to be done, if the policy requires an action)⁶ must always identify someone of whom there is some evidence to plausibly suggest she is/was engaging in the prohibited activity. That is to say, any appropriately placed authority who witnesses what she believes might constitute the commission of the prohibited act (or a failure to perform the required act) must bring this fact to the attention of those authorities, who will then determine if the rule has been violated.

⁵ For Wittgenstein's argument (if it can be called that), see Wittgenstein, 1974. For an extended and delightful argument showing that Wittgenstein was mistaken on this matter, see Suits, 1978 and the voluminous literature in both the theory of games and the philosophy of sport that Suits's work has generated. For more on definition see Wein, 1980, 1983, and 2012.

⁶ Except where necessary I will leave it to the reader to provide this adaptation in what follows. Generally I will speak of "violations of the rule" as allowing that the rule in question may forbid or require an action. As is well known, the three basic deontic categories—required, forbidden, and permitted—can each be defined in terms of one of the others plus negation.

(The term “full enforcement” comes from its use in certain statutes that require police officers to arrest someone if there is any evidence of domestic violence. That is to say, if the officer enforcing the rule has a reasonable belief that there was a violent incident, she is not allowed to use her discretion about whether to arrest.) Unfortunately what I am calling full enforcement is sometimes (by itself) known as “zero tolerance”. Happily, most police training manuals that used the term “zero tolerance” have been or are being updated to use “full enforcement”. Yet zero tolerance includes more than just identifying all those for whom there is adequate evidence that they have violated the rule.

2. *Lack of prosecutorial discretion*:⁷ Those who must apply and enforce the policy must always proceed to the stage of determining whether someone who has been plausibly accused of violating the policy has in fact violated the policy. (In legal contexts this is the requirement to always proceed to the trial stage if there is even a reasonable prospect of conviction. So, if one is “arrested” one must be “charged”. The prosecutor cannot use her discretion to decide not to prosecute a person accused with violating the rule.)

3. *Strict constructivist interpretation*: Those deciding if someone who is alleged to have violated the rule must, when applying the rule, use a reasonably broad interpretation of which acts fall within its scope. Thus, there is no room at the trial stage (or its equivalent in non- or quasi-legal contexts) for the accused to avoid being punished because of a narrow interpretation of the rule.⁸

4. *Strict liability*: Those enforcing the rule are not to consider either excuses or justifications.⁹ The only defence available to someone who is alleged to have violated the rule is for her to argue that she did not in fact violate the rule in question.

5. *Mandatory punishment*: Authorities are required to always apply the mandatory punishment. Clemency or reducing the penalty below some mandatory minimum is not an option.

6. *Harsh punishment*: The mandatory minimum punishment is thought to be relatively harsh given the nature of the offence.

When all six of these characteristics are present, it seems to me that we have a clear case of a zero tolerance policy.

⁷ This term, and much of the language in this section, has an unfortunate legalistic ring to it. In many non-legal or quasi-legal contexts, the person engaged in full enforcement, prosecution, and evaluation of guilt or innocence will be the same individual. It is in legal contexts that we make these distinctions most carefully, and consequently legal terminology has infected out way of describing non- or extra-legal situations.

⁸ Thus this prohibits interpretations of the rule “No bringing drugs to school” which hold that, say, aspirin is not a drug. I do not here claim that “strict constructionism” is a coherent theory of legal interpretation. I claim only that zero tolerance policies usually assume that the rule will be interpreted as those who advocate strict constructionism usually think is should be interpreted.

⁹ There is a huge literature on the nature of justifications and excuses and how one should draw the distinction between them. The classic paper, happily not overly burdened by an unfortunate tendency in much of the literature to pay too much attention to legal situations and ignore the broader context, is Austin, 1970. An excellent discussion denying that Anglo-American legal systems should use the justification/excuse distinction is found in Greenwald, 1984.

Of course, there are going to be borderline cases and complications concerning all these features. And in many cases the epistemic issues faced are extremely complex. But any policy that clearly meets all six of these conditions definitely counts as a case of a zero tolerance policy. Indeed, it would be the sort of policy that one could count as a paradigm case of such a policy. On the focal meaning view, other cases which are either on the border of meeting all these conditions or which meet most but lack only one in a relatively minor way might count as worthy of the label “zero tolerance,” providing they approach the focal meaning of the term closely enough. To take a simple—but I hope not simplistic—example, suppose we have a policy of applying a harsh mandatory minimum punishment for violation of some rule, that those charged with enforcing the rule are required to use full enforcement, that there is no allowance for discretion regarding whom to prosecute for such violations, that the rule is interpreted strictly, *and* that there is one small and narrowly defined excuse—say, that one is seriously mentally challenged—that is used to exempt some people from the punishment. Likely, most of us would still count this as a case of having a zero tolerance policy for the activity the rule prohibits. And we can all see why. The case has most of the features of a paradigm case of a zero tolerance policy and deviates only in a rather small way. It is appropriate in such cases to think of this as “sufficiently near enough the paradigm case to count”. So the metaphor of a paradigm case and close-enough-to-paradigm cases also counting in the category is the best we can do absent a proper definition. Since I know of no rigorous definition of zero tolerance policies, for present purposes I will work with this focal meaning of the concept.

3. JUSTIFYING A ZERO TOLERANCE POLICY

Ideally, an argument for a zero tolerance policy would show that the policy is the best way to accomplish the goal of the policy (removing or reducing the activity the policy is directed towards) and that it does so in the most cost efficient manner and in a way that does not violate anyone’s moral rights or seriously infringe on some other values. And, ideally, each of the six elements identified above would be included in such an argument. This is certainly far too much to demand of anyone who is stating the argument in favor of a zero tolerance policy.¹⁰ Yet in many cases this is also too much to reasonably demand of someone who is simply expressing an argument for a zero tolerance *policy*. Still, I will say a little about what one would have to consider concerning each of the constituents identified above. For convenience, I will consider what is unfortunately a familiar type of case: a zero tolerance policy for bringing drugs to a school without previous clearance from the principal.¹¹

¹⁰ Here I follow Smith & Moldovan, 2011, on the distinction between an argument *qua* abstract object and an argument *qua* device used to express the content of that abstract object.

¹¹ I choose this type of case because it is quasi-legal and because it is in schools where it is most obvious that zero tolerance policies have done damage. See the website of National Association of School Psychologists.

When considering whether to adopt the full enforcement policy, one needs to consider whether teachers and other staff members (and, to a lesser extent, classmates) are going to be more or less likely to actually report incidents of violations of the rule against drugs in school. It does not follow from the fact that one has a full enforcement policy that there will be more enforcement, especially when it is known that those higher up in the enforcement chain lack discretion about whether to proceed with prosecution and that the process is coupled with few grounds for finding that the alleged offender did not violate the rule, there being strict liability and a harsh punishment attached to the offence. In some cases, knowledge of these facts will lead teachers to “look the other way” when they faced with violations of the rule. It need not matter whether they do this out of compassion or for some other reason, such as fear that complying with the zero tolerance policy will undermine other important projects in which schools are engaged (for example, providing education to students). The important thing to note is, while we may not know why zero tolerance policies sometimes lead to lower levels of enforcement, this sometimes happens—even though, on our account, such policies require full enforcement. Of course, knowing why it happens might be of great assistance in developing an alternative to the zero tolerance policy; we need no information about the cause to be able to say that we should think very carefully before adopting this part of a zero tolerance policy.

When students know that teachers have no discretion when it comes to rule-enforcement, they will often (and rightly) have less respect for the teachers. Why should one show respect to those who are not trusted to make decisions about how to apply rules? Teachers in such circumstances also quite naturally have lower levels of self-respect, since they inevitably find themselves enforcing a policy when they think doing so is unwise, or violating a policy because they realize it is unwise, or both.

Furthermore, officially taking discretion away from teachers may cause them to use discretion in less appropriate ways. When teachers are instead charged with using a power, such as deciding whether a case of bringing drugs onto campus without explicit permission should be pursued or ignored (“it was only an aspirin, and forgetting to get prior permission hardly seems like something that should warrant the mandatory one-month suspension, especially when we’re getting to the crucial calculus part of the course”), they may use their discretion more wisely and with less bias than if they have to do so “on the sly”. At least in some cases—indeed, in most cases—having full enforcement *when coupled with the other elements constitutive of paradigm cases of zero tolerance policies* rather than discretionary enforcement clearly leads to more negative consequences than to positive ones.¹² Thus, whenever one is contemplating making an argument for a zero tolerance

¹² Full enforcement policies, when they are used in cases where the other constituents of a zero tolerance policy are not present, may well be quite beneficial. The full enforcement policies in some jurisdictions for domestic violence calls have, it seems, contributed to more deterrence, improved quality of information about the types and extent of domestic violence, and enhanced ability to tailor programs to combat domestic abuse in order to make more efficient use of the limited resources available.

policy, one must include some account of why the present circumstances are a special case that warrants special methods, ones that normally do not work.

All the considerations listed above apply at the next level: whether to proceed with a determination of whether the rule has actually been violated. Taking away from the principal any discretion on matters of whether a student should have to go through the process of having it determined whether she has violated the school rule undermines respect, leads principals to enforce erratically, undermines their self-respect, and encourages lack of respect from students. This is especially pertinent given the next two aspects of zero tolerance policies, strict interpretation of the rule and strict liability.

If students and school officials know that they are confined to a strict manner of interpreting the rule and that they cannot rely on either a justification or an excuse to exempt from punishment those whom everyone intuitively feels should be exempted, all parties are less likely to respect the system. In such cases, the policy subjects students to punishments which both they and school officials judge to be unfair.

The mandatory minimum and harsh punishment aspects of full zero tolerance policies also risk enhancing this lack of respect for “the system” among students and a lack of self-respect among those operating the system (coaches, teachers, principals, *et cetera*). And when students, in their first interaction with an outside-the-home system of organized authority, are treated in a manner that violates what they all see as basic standards of fairness, this is a harm not just to the individual students but one that may redound on all of us.

Clearly, any good argument for a zero tolerance policy faces high hurdles.¹³ It must show not just that each aspect I have identified is warranted in this type of situation but also that, even if each part can be justified by itself, the package as a whole does not have emergent properties that undermine the goal of the policy or create other negative consequences, some of which may not show up for ages.¹⁴

4. COMPLICATIONS

There are several ways one might challenge my account of zero tolerance policies. One might pose counter-examples to my account. Or offer another way of chopping up the conceptual space here. Or, ideally, one might find a way to turn a (presumably somewhat modified) version of my focal meaning account into a rigorous definition of zero tolerance policies. We would then be in a much better position to evaluate good zero tolerance arguments—most of which, presumably, would take the form of showing that, in the circumstances we found ourselves, a zero tolerance policy was the best way to deal with our social problem—and to see when such arguments were fallacious.

¹³ For data on how great these hurdles are see the website of the National Association of School Psychologists, Marshall 1999, and Wilson & Kelling, March 1982.

¹⁴ This is nothing more than a warning against committing the fallacy of composition. But it is a very serious danger in the case of full zero tolerance policies.

Let me consider a couple of complications that might be thought to undermine my account. One might argue that, for any case where one objects to a zero tolerance policy because full enforcement or lack of discretion about prosecuting or the strict liability condition either individually or collectively undermine the purpose of the policy or lead to unwanted consequences or violate someone's rights or some standard of fairness or justice, the problem can always be remedied by a more sophisticated statement of what the rule involved is. The rule can be narrowed so that actions that otherwise would violate it are no longer violations, or so that features that might be thought of as legitimate excuses or justifications to a broader rule would no longer fall under the rule itself (so one would not need to make the exceptions and could still have strict liability for remaining cases). Here it seems to me that there are three issues.

One is the deep conceptual question of whether rules could ever be, even in principle, framed so as to capture all and only those cases we want to capture. I will not delve into that issue here, but I will note that, if such skepticism about the capacity of pure rule-based systems to generate acceptable outcomes in a sufficiently high percentage of cases were warranted, that in itself would be a good reason to avoid zero tolerance policies. The second is whether, in practice, we (with our considerable epistemic, conceptual, and linguistic limitations) could generate such a system. Here the answer is quite clear and goes against the suggested revision. Usually part of the appeal of zero tolerance policies is their apparent simplicity, coupled with the expectation that, because they apply to all cases across the board, there is an increased element of fairness about them. Those two features are usually also seen as likely to make the policies' implementation easy to understand and inexpensive to maintain. In fact, to many people it is surprising to discover that, in practice, zero tolerance policies are more costly, less fair, and harder to follow than what they replaced. Finally, there is the issue of whether the suggested amendments make all viable zero tolerance policies overly legalistic while nonetheless retaining the very features that undermine the appropriateness of having legalistic ways of dealing with social problems. When we find ourselves in the circumstances of legality—and clearly some of the problems that zero tolerance policies have been used to solve have been problems that arise in just such circumstances—we usually want to use the full resources of legal systems to deal with them rather than hobble the solution in the way that zero tolerance policies do.¹⁵

One might raise a Dworkinian worry. Ronald Dworkin famously argued that if a legal system is to treat people with equal concern and respect, it has to include several features that, on my analysis, zero tolerance policies lack. Thus Dworkin argued that no system that consists solely of rules or which requires strict constructionism in interpreting those rules could possibly have the integrity needed to treat its subjects with the respect and equal concern we rightly expect a legal system to contain (Dworkin, 1978). On the other hand, Dworkin did show that one could defend rule-based systems on the grounds of fairness by arguing that they do

¹⁵ The concept of "the circumstances of legality" is developed in Scott Shapiro, 2011. The name is deliberately meant to allude to Hume's famous discussion of the circumstances of justice.

an excellent job of providing people with the sorts of protected expectations that decent treatment requires (Dworkin, 1986, especially chapter 4). Zero tolerance policies are perhaps paradigm cases of using a technology for solving a social problem by providing those affected with protected expectations. So, though Dworkin ultimately rejected the idea that providing people with a rule-based system of organizing their behavior could succeed in treating people decently, nothing in his argument denies the possibility of confined areas where providing people with a system of protected expectations might best serve both justice and other social goals. Though the question clearly warrants further research, my inclination is to think that even if one accepts everything Dworkin says about what a true system of justice requires, there still will be room for isolated cases where narrowly applied zero tolerance policies might best serve our social goals.

5. INTOLERANCE AND ZERO TOLERANCE

The human condition, taken as a whole and looked at from a broad perspective, is becoming more civilized (Pinker, 2011). Until recently, most humans used to treat other humans pretty badly. That is less frequently the case and the trend in that direction has been increasing for centuries. In the dangerous and nasty world of our species' past, there may have been lots of circumstances where zero tolerance policies may have been appropriate. Today, such policies are more likely to be part of problem than part of the solution. While there may be isolated and peculiar situations in which we should continue old zero tolerance policies or even institute new ones, those circumstances seem to be becoming increasingly rare. We are now in a time where the tolerance of intolerance is less and less attractive. Understanding this and making policy-makers appreciate its implications is part of the civilizing process. Critical thinking has an important role to play in all this.

6. CONCLUSION

It is too early to say exactly what the minimum characteristics an argument for a zero tolerance policy must have in order to be counted as having avoided the zero tolerance fallacy. However, we are now in a position to be confident that any argument for a zero tolerance policy that contains all the features I sketched above (and lacks any flaw that would make the argument, whatever its content, unacceptable) captures just the sorts of virtues we want when defending zero tolerance policies. There is, alas, more work to be done. We need to show that each part of a zero tolerance policy is warranted in the particular circumstances where we are considering such a policy, that putting the parts together into the package of zero tolerance does not undermine the virtues of having some of the parts of the package, that the violation of side constraints normally not permitted when making public policies is either not as serious as it usually is or is outweighed by the benefits, and that additional expenses which seems so frequently to attach to zero tolerance policies are ones we can afford to bear. These are serious tasks. I hope I have shown in broad outline both how to construct a good argument for a zero

tolerance policy and why most arguments for zero tolerance policies commit the zero tolerance fallacy.

ACKNOWLEDGEMENTS: Leo Groarke originally encouraged me to follow the line of reasoning developed in this paper. Ian Riach, Thea E. Smith, and Bonnie Wein provided helpful comments. I am grateful to Gabrijela Kišiček for her help and to David Karrel for research assistance.

REFERENCES

- Austin, J. L. (1970). A Plea for Excuses. In *Philosophical Papers* (pp. 175-204). Oxford: Oxford University Press.
- Dahlman, C., Reidhav D., & Wahlberg, L. (2011). Fallacies in *Ad Hominem* Arguments. *Cogency*, 3(2), 105-124.
- Dworkin, R. M. (1978). *Taking Rights Seriously*. London: Duckworth.
- Dworkin, R. M. (1986). *Law's Empire*. London: Harvard University Press.
- Greenawalt, K. (1984). The Perplexing Borders of Justification and Excuse. *Columbia Law Review*, 84(8), 1897-1927.
- Groarke, L. (2012). Informal Logic. In E. N. Zalta (Ed.) *The Stanford Encyclopedia of Philosophy*.
- Heath, J. (2009). *Filthy Lucre*, Toronto: Harper Collins.
- MacIntosh, D. (1990). Ideal Moral Codes. *The Southern Journal of Philosophy* XXVIII pp. 389 – 408.
- Marshall, J. (1999). Zero tolerance policing. *South Australia Office of Crime*, 9 March 1999.
- National Association of School Psychologists (USA) website at http://www.nasponline.org/resources/factsheets/zt_fs.aspx
- Pinker, S. (2011). *The Better Angels of Our Nature: Why Violence Has Declined*. New York: Viking.
- Shapiro, S. J. (2011). *Legality*. Cambridge, MA: Harvard University Press.
- Smith, P.S. & Moldovan, A. (2011). Arguments as abstract objects. Proceedings of Ontario Society for the Study of Argumentation Conference, Windsor: OSSA Press.
- Suits, B. H. (1978). *The grasshopper: games, life and utopia*. Toronto: University of Toronto Press.
- Wein, S. (1980). Aristotelian Definition: A Reply to Morgan. *Journal of the Philosophy of Sport*, Volume VII, Fall pp. 46-50.
- Wein, S. (1983). Are Being and Unity the Genera of All Things?. *The Modern Schoolman*, Volume LXI, November pp. 49-52.
- Wein, S. (2005). Reconciling Radicals: Market Contractarianism and Fundamentalist Utilitarianism. In M. Murray (Ed.) *Liberty, Games and Contracts* (pp. 197-213). Aldershot: Ashgate Publishing.
- Wein, S. (2012). The Business of Sport: Ethical and Constructivist Musings. *Revista Portuguesa de Ciências do Desporto*, 1, 183-5.
- Wein, S. (forthcoming 2013). Intolerance and the Zero Tolerance Fallacy. In G. Kišiček (Ed.) *What do we know about the world? Rhetorical & Argumentative Perspectives*. Centre for Research on Reasoning, Argumentation, and Rhetoric (CRRAR) publishing.
- Wilson, J. Q., & Kelling G. L. (March 1982). Broken Windows: The police and neighborhood safety. *The Atlantic Monthly*.
- Wittgenstein, L. (1974). *Philosophical Investigations*. (Translated by G. E. M. Anscombe) Oxford: Basil Blackwell.