
Between Fallacies and More Fallacies?

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Introduction

In this paper, I propose a rhetorical reading of Austin, an Austinian interpretation of Hamblin, and a hybrid Austino-Hamblinian perspective on fallacies (or what is considered to be fallacies).

I'll be asking three questions: What are fallacies? Is there anything like fallacies in natural languages at all? And consequently: aren't we forced to commit and live (in) fallacies (or "fallacies")?

J. L. Austin as rhetorician

J. L. Austin is usually considered to be the "father" of speech act theory, and the "inventor" of performativity. In a very general framework this is both true, but historically and epistemologically speaking there is a narrow and intricate correlation, as well as a deep rupture between the two theories.

Performativity came about as a result of Austin's deep dissatisfaction with classical philosophical (logical) division between statements/utterances that can be (and should be) either true or false (with no gradation in between), and only serve to describe the extra-linguistic reality (a division that implies another opposition between saying and doing *in* language and *with* language).

Speech acts, on the other hand, came about as a result of Austin's dissatisfaction with his own performative/constative distinction, a distinction that placed on the one side the utterances with which we can do (perform) something (and are neither true or false), and the utterances with

which we can only describe what is already “out there” (and can be either true or false). After a careful consideration of what could be the criteria of performativity in the first part of his lectures (that later became a book), in the second part Austin comes to a conclusion that not only performatives do something (with words), but that every utterance does something (with words). ‘Something’ implying: not just describing reality. But between the two poles of the lectures, the performative one and the speech acts one, there is an important (I’ll call it rhetorical) transitional passage that is usually overlooked, and I would like to start my humble examination of fallacies here, with this passage.

Can we be sure that stating truly is a different *class* of assessment from arguing soundly, advising well, judging fairly, and blaming justifiably? Do these not have something to do in complicated way with facts? ... Facts come in as well as our knowledge or opinion about facts. (Austin, 1962/1980: p. 142).

There are two important epistemological innovations in this paragraph:

- (1) Statements (stating truly) are given *the same status (not the privileged one) as all other utterances* we may produce;
- (2) Facts are given *the same status as (our, your, their ...) knowledge of facts*.

And here is Austin’s rationale for this:

... consider also for a moment whether the question of truth or falsity is so very objective. We ask: ‘Is it a fair statement?’, and are the good reasons and good evidence for stating and saying so very different from the good reasons and evidence for performative acts like arguing, warning, and judging? Is the constative, then, always true or false? When a constative is confronted with the facts, we in fact appraise it in ways involving the employment of a vast array of terms, which overlap with those that we use in the appraisal of performatives. In real life, as opposed to the simple situations envisaged in logical theory, one cannot always answer in a simple manner whether it is true or false.¹ (Austin, 1962/1980: pp. 142–143)

What is true and what is false?

Truth and falsity therefore don’t have objective criteria, but depend on “good reasons and good evidence” *we* have for stating something. And even then, we assess constatives employing “a vast array of terms”, which

¹ All emphases throughout the text are mine – I. Ž. Ž.

should be understood as “not just whether they correspond to facts or not”. And Austin’s conclusion concurs with Hamblin’s (as we will see later): it is easy to say what is true or false in logic (as a formally constructed system), it is much more complicated and less evident in everyday life and everyday language use.

Here are Austin’s arguments for this ‘relativization’:

Suppose that we confront ‘France is hexagonal’ with the facts, in this case, I suppose, with France, is it true or false? Well, if you like, up to a point; of course I can see what you mean by saying that it is true for certain intents and purposes. It is good enough for a top-ranking general, perhaps, but not for a geographer. ‘Naturally it is pretty rough’, we should say, ‘and pretty good as a pretty rough statement’. But then someone says: ‘But is it true or is it false? I don’t mind whether it is rough or not; of course it’s rough, but it has to be true or false, it’s a statement, isn’t it?’ How can one answer this question, whether it is true or false that France is hexagonal? It is just rough, and that is the right and final answer to the question of the relation of ‘France is hexagonal’ to France. It is a rough description; it is not a true or a false one. (Austin, 1962/1980: p. 143).

True, false or (just) rough

Statements/utterances can therefore not just be either true or false, there is (or at least should be) a gradation between what is false and what is true, between 0 and 1. What we say in everyday communication can be more or less true, true up to a (certain) point, or more precisely: true for certain intents and purposes. As ‘France is hexagonal’ is a rough description, so are ‘France is a country of good wines’, or ‘France is a country of ripe cheeses’, for example. But these utterances are not true (or false) in any formal (i.e. logical) sense of the term: One must have good (specific) reasons and specific (appropriately oriented) intentions for uttering them.

This brings us to an important part of this discussion, the question of framing.

What is judged true in a schoolbook may not be so judged in a work of historical research. Consider the constative, ‘Lord Raglan won the battle of Alma’, remembering that Alma was a soldier’s battle if ever there was one, and that Lord Raglan’s orders were never transmitted to some of his subordinates. Did Lord Raglan then win the battle of Alma or did he not? Of course in some contexts, perhaps in a schoolbook, it is perfectly justifiable to say so--it is something of an exaggeration, maybe, and there would be no question of giving Raglan a medal for it. As ‘France is hex-

agonal' is rough, so 'Lord Raglan won the battle of Alma' is exaggerated and suitable to some contexts and not to others; it would be pointless to insist on its truth or falsity. (Austin, 1962/1980: pp. 143-144).

Truth, falsity and the context

What we say can therefore not only be more or less true, true up to a point, or true for certain intents and purposes, it can also be true only in some contexts, but not in others. And that is not all, Austin's relativization continues:

Thirdly, let us consider the question whether it is true that all snow geese migrate to Labrador, given that perhaps one maimed one sometimes fails when migrating to get quite the whole way. Faced with such problems, many have claimed, with much justice, that utterances such as those beginning 'All...' are prescriptive definitions or advice to adopt a rule. But what rule? This idea arises partly through not understanding the reference of such statements, which is limited to the known; we cannot quite make the simple statement that the truth of statements depends on facts as distinct from knowledge of facts. Suppose that before Australia is discovered X says 'All swans are white'. If you later find a black swan in Australia, is X refuted? Is his statement false now? Not necessarily: he will take it back but he could say 'I wasn't talking about swans absolutely everywhere; for example, I was not making a statement about possible swans on Mars'. Reference depends on knowledge at the time of utterance. (Austin, 1962/1980: p. 144).

If we sum up all these Austin's hedgings, we get the following:

- (1) what we say can only be more or less true (i.e. true up to a point);
- (3) it can only be true for certain intents and purposes;
- (4) it can only be true in some contexts, and
- (5) its truth (or falsity) depends on knowledge at the time of utterance.

Circumstances, audiences, purposes and intentions – not truth or falsity

This is a real rhetorical perspective on communication (truth, logic, and philosophy) that was very often overlooked, mostly at the expense of classificatory madness that started with J. R. Searle. What Austin is proposing is that - outside logic, in the real world, in everyday communication, where we don't go around with propositions in our pockets and truth tables in our hands - the truth or falsity of what we say be replaced *by right or proper things to say, in these circumstances, to this audience, for these*

purposes and with these intentions. Such a proposal is very Protagorean in nature and does justice to the first three canons of rhetoric, or more appropriately to the *officia oratoris*, placing emphasis on *inventio* and especially on *elocutio*.

I will claim that Hamblin followed the same enterprise 15 years later with his *Fallacies*. These two ground-breaking works follow the same pattern, run parallel, and I will (hopefully) show why.

C. L. Hamblin's pragmatic perspective

Formal language vs. natural language

1) In real life, as opposed to the simple situations envisaged in logical theory, one cannot always answer in a simple manner whether something is true or false. And Hamblin elaborates:

Within a formal language it is generally clear enough which arguments are formally valid; but an ordinary-language argument cannot be declared 'formally valid' or 'formally fallacious' until the language within which it is expressed is brought into relation with that of some logical system. (Hamblin, 1970/2004: p. 193).

The message of this passage is very clear: we can speak of formal validity (which includes truth and falsity, and, consequently, fallacies) only in formal systems (but Hamblin relativizes even that by saying "*it is generally clear enough*"), but not in "natural languages". If we want any kind of formal validity in natural languages, which wouldn't involve only *la langue* (language) in de Saussure's conceptualization, but also his *la parole* (speech, (everyday) communication) - we need to bring it into relation with a formal language of a formal (logical) system. This "bringing into relation" usually means: translating the very vast vocabulary (lexicon) of ordinary language, with its extremely ramified semantics and pragmatics, into a very limited vocabulary of logic with its even more limited semantics.

And we can do so, Hamblin argues, "only at the expense of features essential to natural language." (Hamblin, 1970/2004: p. 213).

Arguments are meant to interpret, not describe "reality"

2) Reference depending on knowledge at the time of utterance. And Hamblin elaborates:

If the arguments we are discussing are arguments that John Smith produces within his own head and for his own edification, the appraisal-criteria will refer exclusively to what is known to John Smith, in doubt to

John Smith, and so on. However, the paradigm case of an argument is that in which it is produced by one person to convince another.” (Hamblin, 1970/2004: p. 239).

My interpretation of the above passage would be that there is no perennial and universal truth(s), and consequently, no perennial and universal truth-conditions or criteria. The truth is relative, but we shouldn't understand 'relative' as a trivial stereotype that everything changes and everything can be different. 'Relative' should be understood more in its etymological sense (*relativus* = having reference or relation to; from *relatus* (pp) = to refer), as a thing (concept, thought) having a relation to or being in a relation to another thing (concept, thought). In a particular relation (X vs. Y), the truth (the "truth") is seen and represented as such and such; in some other relation (X vs. Z), the truth (the "truth") may be seen and represented differently.

Arguments and acceptance: the role of the audience

3) Right or proper things to say in these circumstances, to this audience, for these purposes and with these intentions. And Hamblin elaborates:

What good reasons various people may have for accepting various statements and procedures are, no doubt, themselves sometimes relevant to the worth of argument erected on them; but, if we are to draw the line anywhere, acceptance by person the argument is aimed at – the person for whom the argument is an argument – is the appropriate basis of a set of criteria. (Hamblin, 1970/2004: p. 242).

According to Hamblin, there are no universal arguments or universal criteria for what an argument should look like to be (seen as) an argument. An argument should be adopted and/or constructed *relative* to the (particular) circumstances and the (particular) audience, as well as to the purposes and intentions we, as arguers, have. Consequently, there can be no universal fallacies or universal criteria for what a fallacy is in everyday communication (persuasion and argumentation).

Arguments and truth-conditions? Whose truth conditions?

4) Argumentation/persuasion has no necessary link with truth or falsity. And Hamblin elaborates:

We must distinguish the different possible purposes a practical argument may have. Let us suppose, first, that A wishes to convince B of T, and discovers that B already accepts S: A can argue 'S, therefore T' independently of whether S and T are really true. Judged by B's standards, this

is a good argument and, if A is arguing with B and has any notion at all of winning, he will have to start from something B will accept. The same point applies to the inference-procedure. One of the purposes of argument, whether we like it or not, is to convince, and our criteria would be less than adequate if they had nothing to say about how well an argument may meet this purpose. (Hamblin, 1970/2004: p. 241).

This is a kind of a corollary to the previous point (point 3): not only do we have to rely on arguments that are acceptable by the person the argument is aimed at, we have to use these arguments (at least as our starting points), even if we are not sure whether they are true or false, good or bad.

Rational arguments or/and rational choice of arguments?

The previous quote also openly exposes and emphasizes one of the facets of arguments that is too often timidly held in the shade by (some) argumentation theories: one of the purposes of argument *is to convince*, not just to present a good, solid, valid “evidence”. And in his plea for conviction, Hamblin even goes a step further, for some argumentation theories maybe even over the edge:

5) Conviction, of course, may be secured by threat, water torture or hypnotism instead of by argument, and it is possible that Logic should have nothing to say about these means; but we can hardly claim that an argument is not an argument because it proceeds *ex concessio*, or that such arguments have no rational criteria of worth (Hamblin, 1970/2004: p. 241).

Threat, water torture or hypnotism (we could add more) would be, no doubt, judged as fallacious means of securing conviction by standard, mainstream theories of argumentation (if there is any such thing at all). But Hamblin’s point is worth some consideration: these means of “conviction” *are* arguments nevertheless. They may not be rational *arguments*, but there may be (more or less) rational *criteria* or *reasons* for using them (at least in particular circumstances).

Troubles with fallacies

In this light, Hamblin’s claim from the beginning of his book that there has never yet been *a book* on fallacies becomes more understandable: Arthur Schopenhauer’s *Art of Controversy* is, in his opinion, too short, Jeremy Bentham’s *Book of Fallacies* is too specialized, the medieval treatises are mostly commentaries on Aristotle, and Aristotle’s *Sophistical Refutations* are, in Hamblin’s view, “just the ninth book of his *Topics*” (Hamblin, 1970/2004: p. 11).

So the state of the art would be that nobody is particularly satisfied with this corner of *logic*, concludes Hamblin (and he is emphasizing *logic*, not language).

Impossibility to classify fallacies

And, there may be a reason for that. Even if in almost every account from Aristotle onwards we can read that a fallacious argument is one that *seems to be valid*, but it *is not*, it is rather often argued that it is impossible to classify fallacies at all (and I have just presented Hamblin's own contribution(s) to this impossibility). Hamblin himself quotes De Morgan (1847/1926: p. 276, in Hamblin, 1970/2004: p. 13): "There *is* no such thing as a classification of the ways in which men may arrive at an error: it is much to be doubted whether there ever *can be*." And Joseph (1906/1916: p. 569, in Hamblin, 1970/2004: p. 13): "Truth may have its norms, but error is infinite in its aberrations, and cannot be digested in any classification." And Cohen and Nagel (1934: p. 382, in Hamblin, 1970/2004: p. 13): "It would be impossible to enumerate all the abuses of logical principles occurring in the diverse matters in which men are interested."

Impossibility to avoid fallacies

On the other hand, it seems that certain alleged fallacies are unavoidable, which raises the question whether they are fallacies at all (and even much more important ones: how to classify fallacies? Are there any stable criteria for detecting fallacies? All the way to the obvious one: is there anything like fallacies at all?).

Already Port Royal logic (Arnauld & Nicole, 1662/1964: p. 264, in Hamblin, 1970/2004: p. 46) warns about *caveats*:

Finally, we reason sophistically when we draw a general conclusion from an incomplete induction. When from the examination of many particular instances we conclude to a general statement, we have made an induction. After the waters of many seas have been found salty and the waters of many rivers found fresh, we can conclude that sea water is salty but river water is fresh ... It is enough to say here that imperfect inductions – that is inductions based on examination of fewer than all instances – often lead us to error.

While David Hume (1748/1963, in Hamblin, 1970/2004: p. 29) is quite unambiguous: *every* argument from particular cases to a general rule *must* be fallacious.

Are all fallacies fallacious?

Hamblin, 200 years after Hume, opens a new perspective on this problem: if some fallacies seem to be omnipresent and unavoidable, maybe we shouldn't treat them as fallacies at all: "Fallacy of *Secundum Quid* [hasty generalization] is an ever-present and unavoidable possibility in practical situations, and any formal system that avoids it can do so only at the expense of features essential to natural language." (Hamblin, 1970/2004: p. 213) *Ignoratio Elenchi* [ignoring the issue, irrelevant conclusion] is another fallacy of this unavoidable kind. Hamblin (1970/2004: p. 31) argues:

This category can be stretched to cover virtually every kind of fallacy. If an arguer argues for a certain conclusion while falsely believing or suggesting that a different conclusion is established, one for which the first conclusion is irrelevant, then the arguer commits the fallacy of irrelevant conclusion. The premises miss the point.

Secundum Quid, for example, could thus be easily interpreted just as an instance of *Ignoratio Elenchi*.

Begging the question [*petitio principii*, circular reasoning] fits in the same category; already J. S. Mill (in his *System of Logic*, 1843) claims that all valid reasoning commits this fallacy. While Cohen & Nagel's (1934: p. 379, in Hamblin, 1970/2004: p. 35) affirm (and this passage is absolutely crucial):

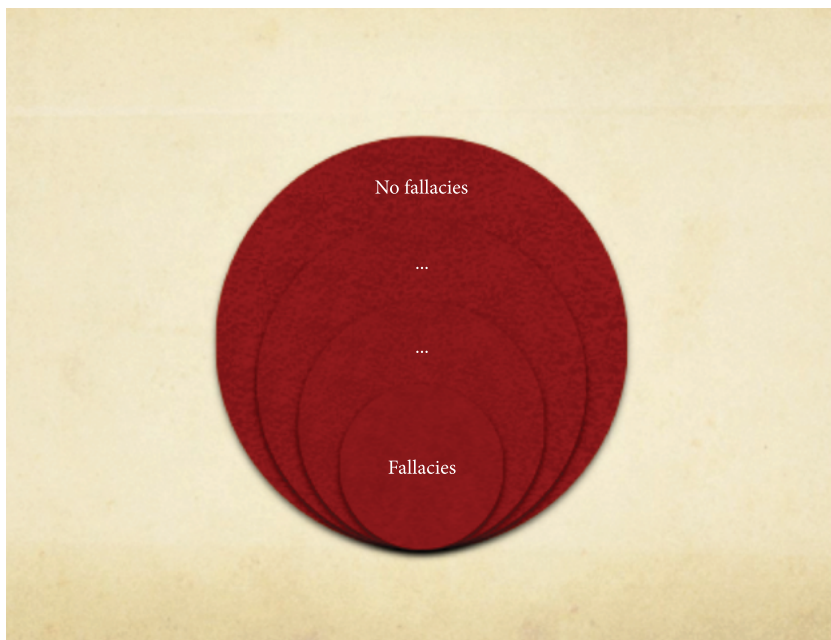
There is a sense in which all science is circular, for all proof rests upon assumptions which are not derived from others but are justified by the set of consequences which are deduced from them... But there is a difference between a circle consisting of a small number of propositions, from which we can escape by denying them all, or setting up their contradictories, and the circle of theoretical science and human observation, which is so wide that we cannot set up any alternative to it.

A possible conclusion we could draw from these observations: on the micro level, we can fuss about small things, everyday conversation and everyday reasoning, and pass our time in inventing numerous fallacies, but when it comes to the macro level, to big things (the big picture), fallacies are not objectionable any more – because there is no alternative. A problem that is very similar to Gödel's (first) incompleteness theorem (Kleene, 1967: p. 250):

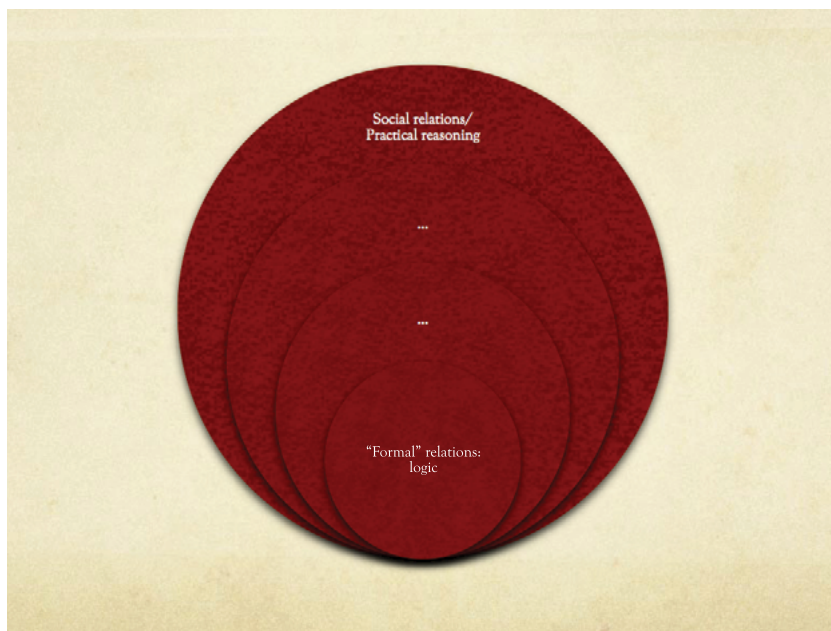
Any effectively generated theory capable of expressing elementary arithmetic cannot be both consistent and complete. In particular, for any consistent, effectively generated formal theory that proves certain

basic arithmetic truths, *there is an arithmetical statement that is true, but not provable in the theory.*

This theorem was designed to prove inherent limitations (incompleteness) for axiomatic systems for mathematics, but what Cohen and Nagel are claiming is, *mutatis mutandis*, an application of Gödel's (first) incompleteness theorem to (possible) theories of fallacies. Graphically, we could represent it like this:



And a verbal explanation of this encircling could read like this: smaller the systems or frameworks (of interest and work), with specific and unambiguous rules, easier it is to detect and declare something a fallacy. Bigger the systems or frameworks (“naturally” comprising many small(er) ones), with less specific and more loose rules, harder and less relevant it is to detect and declare something a fallacy. We could thus represent the relationship between social relations (practical reasoning in everyday life/society) and “formal” relations (logical reasoning) as follows:



Or put differently: from a small circle perspective (micro-level), what is going on within the biggest circle (macro-level) could easily be described as fallacious (according to micro-level standards and criteria). And what is going on within the biggest circle might be described as absolutely correct, valid and/or sound (according to macro-level standards and criteria), while the standards and criteria of the small(est) circle might easily be described as fallacious (according to macro-level standards and criteria). What is a bit surprising, even strange about this micro - macro relationship, is that both levels (micro and macro) could and would use the same “conceptual” grounds for declaring something as fallacy.

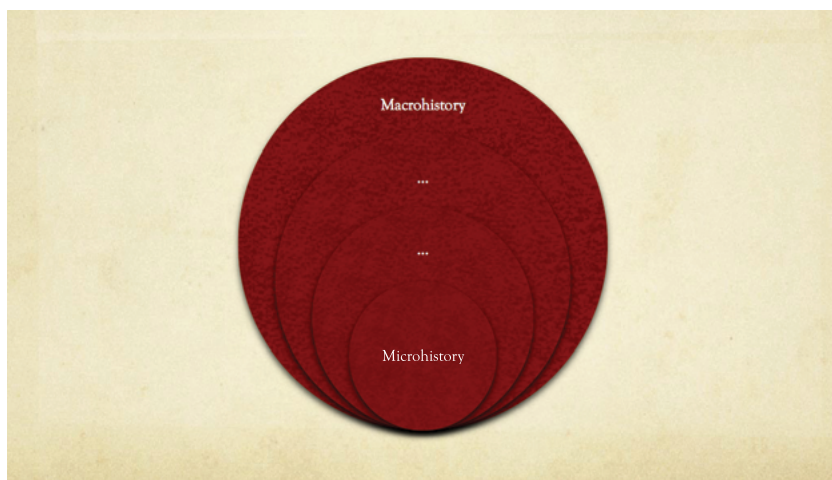
Here is an illustration from well-developed fields within humanities and social sciences, the difference between macrohistory and microhistory (Steele 2006, www.guernicus.com):

A macrohistory takes a long view of history, looking at multiple societies and nations over the course of centuries to reach broad-ranging conclusions about the march of history. Using vast amounts of data – some verified but much of it estimated – the macrohistorian makes conjectures based on averages. This approach might appear to have the most interest on a general level, but often loses sight of local and individual differences. When writing microhistory, the author concentrates upon a single individual or community and through study and analysis, attempts to reach

understanding of wider issues at play. Very tightly limited both spatially and temporally, a microhistory might appear of rather limited importance to a reader whose interests lie beyond that particular point in time and space but in fact, the approach does have certain advantages. The author of such a history is usually an expert in their field, knowing not just the generalities but also the minutiae of their study. This allows a level of depth not usually found in more broadly based works. In addition, they may avoid the natural biases that come in macrohistories from the area of specialization of the author.

If we sum up: when a macrohistorian “takes a long view of history, looking at multiple societies and nations over the course of centuries to reach broad-ranging conclusions about the march of history”, making “conjectures based on averages”, for a microhistorian he may be committing a Straw Man fallacy, namely taking facts and data from a particular (micro) context and projecting them on a much larger screen. Such a generalization necessary implies “conjectures based on averages”, while conjectures based on averages usually qualify as another (very general) fallacy, namely “hasty generalization” or *Secundum Quid*.

On the other hand, when microhistorian “concentrates upon a single individual or community”, “very tightly limited both spatially and temporally”, he is – again, but from the opposite direction – taking facts and data from a much larger (macro) context and restricting them to a much narrower screen. Thus he may be committing a Straw Man fallacy for a macrohistorian, as well as a hasty generalization or *Secundum Quid*, because he is not taking into account all the elements of a larger picture. We could, once more, represent this relationship as follows:



From a historical perspective, macrohistory, no doubt, embraces microhistory. But from a perspective of historiography, what counts as the basic operating principle (even basic epistemological and methodological precept) of macrohistory could easily be seen as a fallacy by microhistory, and *vice versa*. If they embraced what I will call the fallacies hypothesis (i.e. the assumption that there are ready made fallacies lurking at what we say (and do)). If they don't embrace the fallacy hypothesis, microhistory and macrohistory constructively complement each other.

Superabundance and redundancy of fallacies

If we take a look at a situation 40 years after Hamblin, which is today, what we see is an enormous interest in fallacies (and not only among argumentation theorists): there are many, even too many writings on fallacies, and many, even too many definitions of what fallacies are. But the reason for this inflation of writings on fallacies (and even production of ever new ones) *may be the same as the one Hamblin mentioned for the shortage of accounts on fallacies*: the impossibility to unequivocally and unambiguously classify fallacies at all.

Here is a sample of definitions we can find online? Why am I concentrating on fallacies we can find online? Because online would be the first "place" people interested to know what fallacies are and how they function would look for, not the scholarly debates among argumentation theorists.

I highlighted the most ambiguous and vague parts of these online definitions, and provided short (critical) glosses between square brackets:

Vagueness and ambiguity of definitions

- 1) "A fallacy is, *very generally*, [not specific enough, no informative value] an error in reasoning. This differs from a factual error, which is simply being wrong about the facts. To be more specific, a fallacy is an "argument" in which the premises given for the conclusion do not provide the *needed degree of support* [what kind of support?]." (Labossiere, The Nizkor Project (<http://www.nizkor.org/features/fallacies/>))
- 2) "In *logic and rhetoric* [logic and rhetoric have very different principles of functioning] a fallacy is incorrect *reasoning in argumentation* [unclear; what is reasoning in argumentation?] resulting in a *misconception* [misconception of what?]. By accident or design, fallacies may exploit *emotional triggers* in the listener or interlocutor (e.g. appeal to emotion), or take advantage of *social relationships between people*

- (e.g. argument from authority) [what about ‘rational’ or ‘logical’ fallacies?].” (Wikipedia (<http://en.wikipedia.org/wiki/Fallacy>)).
- 3) “A fallacy is a *kind of error* [unclear; what does ‘a kind of...’ mean?] in reasoning. ... Fallacies should not be persuasive, but they often are. Fallacies may be created unintentionally, or they may be created intentionally in order to deceive other people.” (Internet Encyclopedia of Philosophy (<http://www.iep.utm.edu/fallacy/>)).
 - 4) “Fallacies are *defects* [what kind of defects?] that *weaken* [does ‘weaken’ mean that these arguments are still arguments, but with less argumentative force?] arguments... It is important to realize two things about fallacies: First, fallacious arguments are very, very common and can be quite persuasive, at least to the casual reader or listener... Second, it is sometimes hard to evaluate whether an argument is fallacious.” (Handout and links (<http://www.unc.edu/depts/wcweb/handouts/fallacies.html>)).
 - 5) “A “fallacy” is a *mistake* [any kind of mistake?], and a “logical” fallacy is a *mistake in reasoning* [is every mistake in reasoning - btw. what does count as a mistake in reasoning? - a “logical” fallacy?] There are, of course, other types of mistake than mistakes in reasoning. For instance, *factual mistakes are sometimes referred to as “fallacies”* [repetitive, even circular, but not explicative enough].” (Fallacy files, <http://www.fallacyfiles.org/introtof.html>).

Inventing the fallacies

Obviously, there is quite a confusion about what fallacies are nowadays. And this confusion, this inability (impossibility?) to propose clear-cut criteria, boundaries and definitions, generates new fallacies. Actually, there is quite an inflation of (new) fallacies. Here are just a few of my favourite ones (found online as well):

- a) *Poisoning the Well Fallacy*
(Nizkor project: <http://www.nizkor.org/features/fallacies/poisoning-the-well.html>)

“This sort of “reasoning” involves trying to discredit what a person might later claim by presenting unfavorable information (be it true or false) about the person. This “argument” has the following form:

- (1) Unfavorable information (be it true or false) about person A is presented.
- (2) Therefore any claims person A makes will be false.

Example

Before Class:

Bill: “Boy, that professor is a real jerk. I think he is some sort of euro-centric fascist.”

Jill: “Yeah.”

During Class:

Prof. Jones: “...and so we see that there was never any ‘Golden Age of Matriarchy’ in 1895 in America.”

After Class:

Bill: “See what I mean?”

Jill: “Yeah. There must have been a Golden Age of Matriarchy, since that jerk said there wasn’t.”

First, it is not quite evident that this is a fallacy; fallacy is a *fallacious argument* and it is yet to be extracted (if any) from the above dialogue.

Secondly, if we apply a kind of a principle of charity, and concede there is an argument in the above dialogue, we don’t need to invent any new fallacy, it could easily be analysed as *Ignoratio Elenchi*, *Secundum Quid* or even *Petitio Principii* (if we stay with the all-embracing fallacies (or “fallacies”). But it could also be a version of Ad Hominem, Straw Man, even Ad Populum. So, why create a new fallacy? Maybe because it is hard to choose between the existing ones, since the criteria are so unclear?

b) *Nirvana fallacy*

(Wikipedia: http://en.wikipedia.org/wiki/Nirvana_fallacy)

The *Nirvana fallacy* is the logical error of comparing actual things with unrealistic, idealized alternatives. It can also refer to the tendency to assume that there is a perfect solution to a particular problem.

Example: “If we go on the Highway 95 at four in the morning we will get to our destination exactly on time because there will be NO traffic whatsoever.”

First, there is no reason or justification to label this “fallacy” a “logical error”; there is nothing “logical” about it unless we treat everything we say as “logical”. Secondly, even if criteria for detecting fallacies are not very clear, it is clear enough that “Nirvana fallacy” could be analysed as Ad Consequentiam or/and Ad Ignorantiam (leaving aside at least the ubiquitous *Secundum Quid*).

- c) *Argumentum ad Hitlerum*
 (Wikipedia: http://en.wikipedia.org/wiki/Reductio_ad_Hitlerum)

“*Reductio ad Hitlerum*, also *argumentum ad Hitlerum*, (dog Latin for “reduction to Hitler” or “argument to Hitler,” respectively) is an ad hominem or ad misericordiam argument, and is an informal fallacy. It is a fallacy of irrelevance where a conclusion is suggested based solely on something or someone’s origin rather than its current meaning or context. This overlooks any difference to be found in the present situation, typically transferring the positive or negative esteem from the earlier context. Hence this fallacy fails to examine the claim on its merit.

Example: Hitler was a vegetarian, so vegetarianism is wrong.

As already mentioned in the ‘definition’ this is an ad Hominem argument (or an Ad Misericordiam one), so why create a new one? Maybe because it could also be interpreted as Ignoratio Elenchi and Secundum Quid, even as Ad Populum or/and Ad Baculum. And in order to avoid ambiguity, another fallacy is created? Which actually increases the (possibility of) ambiguity as far as criteria and definitions are concerned. But on the other hand, new and separate labels (new fallacies) can facilitate the choice of consumers of fallacies and fallacy enthusiasts.

Back to Austin and Hamblin (via pragma-dialectics and Douglas Walton)

There is much more theoretical rigour as to what fallacies are and how to detect them in academic circles, among argumentation scholars. We will briefly mention two perspectives on fallacies: pragma-dialectics (probably the most influential school of argumentation), and Douglas Walton’s approach to fallacies.

Pragma-dialectics: violation of rules for critical discussion

From the very start, from the very first book by van Eemeren and Grootendorst (1984: p. 177), fallacies would be defined as “violations of the code of conduct for rational discussants”. What does that mean? Here is a quote from *Argumentation, Communication and Fallacies* (Eemeren and Grootendorst, 1992: p. 104):

We present an *ideal model* in which the rules for reasonable argumentative discourse are specified as rules for the performance of speech acts in a critical discussion aimed at *resolving a dispute*. For each stage of the discussion, the rules indicate when participants intending to resolve a dispute are entitled, or indeed obliged, to carry out a particular move. They

must observe all the rules that are instrumental to resolving the dispute. Any infringement of a discussion rule, whichever party commits it and at whatever stage in the discussion, is a possible threat to the resolution of a dispute and must therefore be regarded as an incorrect discussion move. Fallacies are analyzed as such incorrect discussion moves in which a discussion rule has been violated.

Pragma-dialectics differentiates between four stages (of discussion): the confrontation stage, the opening stage, the argumentation stage and the concluding stage, and here is a list of ten requirements (“ten commandments”) that represent the basic “code of conduct for rational discussants” (Eemeren and Grootendorst, 2004: pp. 190–195). Violation of any of these requirements or discussion moves is considered to be a fallacy (i.e. an obstruction of the resolution of a difference of opinion):

1. Discussants may not prevent each other from advancing standpoints or from calling standpoints into question.
2. Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so.
3. Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party.
4. Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint.
5. Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.
6. Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point.
7. Reasoning that in an argumentation is presented as formally conclusive may not be invalid in a logical sense.
8. Standpoint may not be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defense does not take place by means of appropriate argument schemes that are applied correctly.
9. Inconclusive defenses of standpoints may not lead to maintaining these standpoints, and conclusive defenses of standpoints may not lead to maintaining expressions of doubt concerning these standpoints.
10. Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party’s formulations.

The pragma-dialectical view on fallacies definitely represents a big step forward from the so called “standard treatment” (of fallacies): it is dynamic, not static (i.e. it doesn't rely on fixed lists of alleged fallacies), and it is dialectic (i.e. what is fallacious is revealed in dialogue/discussion and through dialogue/discussion). Nevertheless, the pragma-dialectical account of fallacies is still pretty rigid:

- 1) not all argumentation is about “resolving a difference of opinion” (epistemologically speaking, it is not clear why differences of opinion should be resolved at all);
- 2) fallacies are defined as infringements of the above mentioned discussion rules, necessary for and leading to the resolution of a difference of opinion.

In other words, pragma-dialectical view on fallacies is narrowly restricted to the pragma-dialectical theory itself.

Douglas Walton: illicit dialectical shifts

Douglas Walton's approach (i.e. the transformation of his views) is much more interesting in this respect. In *Fallacies* (1989), a collection of previously published articles by himself and John Woods, Walton is still pretty logic oriented (though different kinds of logic are taken into consideration in order to explain different kind of fallacies from the “standard treatment”).

A considerable break is achieved by Walton's systematic study of dialogue and dialogue types. Here is how he defines dialogue in 1992 (Walton, 1992a: p. 133):

A *dialogue* is an exchange of speech acts between two speech partners in turn-taking sequence aimed at a collective goal. The dialogue is *coherent* to the extent that the individual speech acts fit together to contribute to this goal. As well, each participant has an individual goal in the dialogue, and both participants have an obligation in the dialogue, defined by the nature of their collective and individual goal.

Walton differentiates between several kinds of dialogue (persuasion dialogue, information-seeking dialogue, advice-solicitation dialogue, expert consultation dialogue, negotiation dialogue, inquiry dialogue, eristic dialogue) and “argumentation needs to be judged as correct or incorrect in relation to a multiplicity of different models of reasoned dialogue” (1992: p.133). Even during a single discussion, interlocutors may shift from one type of dialogue to another, and these “dialectical shifts”, writes Walton, can be often associated with informal fallacies (1992a: p. 139):

Some dialectical shifts, however, are illicit, and these illicit shifts are often associated with informal fallacies. To judge whether a shift was licit or illicit in a particular case of argumentation, you first have to ask what the original context of dialogue was supposed to be. Then you have to identify the new context, and ask whether the shift was licit or illicit by looking backwards, and judging by the goals and standards of the original context. Is the new dialogue supporting those old goals, or at least allowing their fulfilment to be carried forward, or is blocking them? Was the shift agreed to by the original speech partners, or was the shift unilateral, or even forced by one party? These are the kinds of questions that need to be asked.

Following this procedure, appealing to interlocutor's emotions can thus be legitimate in persuasion dialogue, but not (necessarily) in other kinds of dialogue. "Not necessarily" meaning that one (i.e. the analyst) has to examine each and every dialogue within its context *individually*, before passing the verdict about possible fallacious moves. And that is what differentiates Walton's approach from pragma-dialectical approach where every dialectical exchange has to be evaluated against the same set of criteria ("ten commandments"). What they have in common is that those dialectical exchanges are evaluated from the outside, by a "neutral" observer (i.e. analyst), not from within, by the parties taking part in the dialectical exchange (at least not necessarily). And in relation to this (problem), I would like to point once more to Austin and Hamblin.

Conclusion

After pointing out that the reference depends on the knowledge at the time of utterance, Austin emphasizes:

It is essential to realize that 'true' and 'false', like 'free' and 'unfree', do not stand for anything simple at all; but only for *a general dimension of being a right or proper thing to say* as opposed to a wrong thing, *in these circumstances, to this audience, for these purposes and with these intentions*. In general we may say this: with both statements (and, for example, descriptions) and warnings, &c., the question can arise, granting that you had the right to warn and did warn, did state, or did advise, whether you were right to state or warn or advise -not in the sense of whether it was opportune or expedient, but whether, *on the facts and your knowledge of the facts and the purposes for which you were speaking, and so on, this was the proper thing to say*. (Austin, 1962/1980: pp. 144–145)

Whenever we are judging, not only whether something is true or false, but also whether something is a fallacy/fallacious move or not, *we therefore have to take into consideration the circumstances, the audience, the purposes of communication (and related argumentation) as well as the intentions of the utterer*. And when we do, we also have to bear in mind the following (Hamblin, 1970/2004: p. 242):

When there are two or more parties to be considered, an argument may be acceptable in different degrees to different ones or groups, and a *dialectical appraisal* can be conducted on a different basis according to which party or group one has in mind; but again

The choice of arguments, criteria and acceptability of their use is therefore always *a matter that only the parties involved in the argumentative discussion can decide on*. According to their knowledge at the time of the discussion, the circumstances in which the discussion takes place, the audiences that are involved in the discussion, the purposes and intentions the parties in the discussion have. And since these discussions take place in natural languages, in particular circumstances and at specific times, logic as an artificial system can't really help.

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