

## WHAT SHOULD I AVOID?

Representative Albert Bustamante asked Dr. Ronald Cotterill, director of the Food Marketing Policy Center at the University of Connecticut, about U.S. Department of Agriculture studies that indicate the poor do not pay any more for groceries than the average consumer. Dr. Cotterill's response indicates that even scientific research can lead to hasty generalizations if either the methodology, or its means of operationalization, is flawed.

[T]here was a study in 1988 with regards to whether the poor pay more than purports to show that, in fact, inner-city, low-income residents do not pay any more than anyone else. The study is fundamentally flawed by the nature of the price indices used.

The study does not control for quality as clearly as they could, and it is a very complicated process. In respect for the people that worked on the study, they had hoped to get a full-scale sample, a statistically valid sample for the United States, and they had to use Pinkerton Agency employees to go into stores in 26 cities and gather several thousand prices from several stores at each of these areas.

Quite frankly, the Pinkerton Agency's employees in my opinion, were not up to the task of doing this. Consequently the data was very, very sporadic and with a lot of missing data, and as a result their aggregation procedures produced quite flawed price indexes. (Urban Grocery Gap, 1992, p. 14)

The scientific method imposes rigorous standards for data collection and analysis that must be met if valid generalizations are to be drawn. In the field of scientific argument, those reporting results are also expected to report any limitations that would restrict their generalizability. These limitations constitute the deficiencies in the backing available to support the warrant implicit in all scientific research, that the results are generalizable beyond the sample from which they were derived because the scientific method was employed.

No similar tradition exists in academic argumentation. Avoiding the fallacy of hasty generalization underscores the importance of our earlier suggestions that arguers include all elements of the primary triad in the Toulmin model of argument and that they back their warrants. "If we are forced to spell out the warrants on which our arguments rely and the backing on which those warrants depend, it will usually become clear at once when our grounds are based on too small a sample of cases or on examples that are quite *untypical*" (Toulmin et al., 1984, p. 154).

Many fallacious generalizations occur when arguers are tempted to squeeze more from an argument than is actually warranted. Arguing an unqualified claim grounded on insufficient or atypical cases, rather than one qualified to conform to the limitations of your research, is a mistake. Since generalization is one of the most frequently used forms of reasoning, you are well advised to examine very carefully the generalizations you make and hear.

### Transfer

Transfers extend reasoning beyond what is logically possible. There are three common types of transfer: fallacy of composition, fallacy of division, and fallacy of refutation.

The strength of your arguments is determined by the use of reliable evidence, sound reasoning, and adaptation to the audience. In the process of argumentation, mistakes sometimes occur. At this point, it is important to distinguish between those made deliberately to distort or deceive and those made in error. The message appears the same, whether the mistake is the product of intentional deception or the honest error of an arguer who has failed to examine his or her arguments critically. These mistakes are generically termed **fallacies**.

Rather than identifying all possible ways in which deliberate distortion and deception can occur, focusing on errors to avoid will better serve your development as an arguer. This chapter suggests how you can not only improve your skills as an advocate or an opponent of change but also hone your critical thinking skills to become a more discerning consumer of argument.

Since most errors in logic result from faulty reasoning or problems in language choice, we want to emphasize the need to pay careful attention to the structure of arguments, the nature of the appeals they make, and the language used to phrase them. Consider these problems from the following perspective:

The study of fallacies can be thought of as a kind of sensitivity-training in reasoning. It should attune the student to the omnipresent dangers to which we are exposed as a consequence of imprecise expressions—vague, ambiguous, or misdefined terms—students should also be alert to unarticulated assumptions and presumptions. (Toulmin et al., 1984, p. 132)

## FALLACIES IN REASONING

### Hasty Generalization

When you make a **hasty generalization**, you have committed the error of jumping to a conclusion. Recall the two tests of argument from generalization: The generalization must be made on the basis of a sufficient number of cases, and the cases must compose a representative sample of all cases. The fallacy of hasty generalization occurs when the claim is not warranted, either because insufficient cases were used or because they constitute a nonrepresentative sample.



*Fallacies of composition* occur when a claim asserts that what is true of a part is true of the whole. In testifying before the Senate Committee on the Judiciary's Subcommittee on Patents, Copyrights and Trademarks, Mr. Ralph Oman, Register of Copyrights and Associate Librarian for Copyright Services of the Library of Congress, made precisely that error in reasoning.

Your bill, Mr. Chairman, cuts with what I see as a surgical precision. It does not overreach. It does not cramp the taping habits of teenage America, who still use the analog format. These teenagers have little disposable income anyway, so it's harder to make the case that home taping displaces sales. They would not always buy prerecorded tapes if they couldn't copy.

But that's not the case with digital audiotapes, Mr. Chairman. We're dealing here with a very expensive, high-end technology. Only a serious audiophile with a large disposable income will buy the machines at \$800 a copy. Only he or she has the money to pay \$25 per prerecorded DAT tape. He or she insists on the best quality. With the DAT machines, the serious music lover can make perfect copies for the digital tape deck in the Mercedes. Without the DAT machine, he or she would buy the extra tape. So in the digital format, copying does displace sales. (Audio Home Recording Act, 1991, p. 7)

Before you start thinking "hasty generalization," because this argument certainly is one, and ignoring the fact that we rip MP3s and burn CDs these days, notice the whole lifestyle asserted to accompany the part that represents differences in disposable income between teenagers and the rest of humanity. As a class of citizens, teenagers are poor and unable to afford high-quality stereo equipment or even prerecorded tapes some of the time. The inferior-sounding analog copies they make do not hurt the profits of the recording industry or artists. A trip to Tower Records or Musicland to observe the merchandise and the clientele exposes the fallacy of composition. Teenagers may be strapped for cash, but the kind of music that is produced and sells in quantity suggests the industry wants and gets their business. Since music is an important part of teenage culture, young people discuss it, share it, copy it for each other. These copies, even if they were inferior-sounding analog ones, would have hurt profits because money was being spent on blank tapes rather than prerecorded ones.

Equally fallacious is the characterization of audiophiles. They have enough money for a high-end stereo and a high-end car with a high-end stereo in it. Is the transfer from part (spending money on a high-end stereo) to whole (being wealthy enough to own a Mercedes) warranted? Audiophiles can afford to buy one tape to have at home and another to have in their car, so when they make a perfect DAT copy the industry loses money. Is the transfer from part (they are clever or industrious enough to be wealthy) to whole (they are too stupid or lazy to use one tape in both places) warranted? When claims assert that what is true of a part is true of the whole, the warrant and its backing must be carefully examined, since they are what justifies the inferential leap from part to whole. Mr. Oman's argument fails to justify this leap for either teenagers or the rest of humanity.

*Fallacies of division* are the opposite of fallacies of composition. The error arises from arguing that what is true of the whole will be true of its parts. When you break a whole into its parts and attempt to make claims about them, you may create

an unwarranted transfer from the whole to its parts. "Speech courses are fun, and argumentation is a speech course; therefore, argumentation is fun." This may be true or it may be false, but the transfer from whole to part is not sufficiently warranted. Mr. Neil Hickey, senior editor for *TV Guide*, committed the fallacy of division in responding to Representative Charles Schumer's question about whether network works program to the lowest common denominator, violence, to get better ratings and make higher profits.

Now we are hearing about the possibility of there being 500 channels into the home. What does that mean if everybody is doing the same kind of eye-catching and occasionally violent programming that we have seen samples of today?

It is not realistic to suppose that suddenly all of those programs, all those program creators are going to get religion and start doing Shakespeare.

So we have to deal with the real world, we have to deal with the available world. In the available world, program producers use violent, eye-catching programs, really cheaply produced violent activity as an eye-catching movement, as a ratings builder. (Violence on Television, 1992, p. 60)

Whenever we speak of all members of a group as having uniform motives or behavior patterns, we risk committing the fallacy of composition. When the group is composed of members of an industry, such as television, they compete with each other for customers. Since differentiating from one's competitors may be as commercially advantageous as emulating them, the warrant for a claim such as the one Mr. Hickey makes should be carefully examined. Even in an area where only forty-six channels are available on cable, the groundless nature of his claim—that every channel ends up carrying similar, violent programming—is obvious.

*Fallacy of refutation* is the final transfer fallacy, also known as the *straw man* argument. It occurs when an arguer attempts to direct attention to the successful refutation of an argument that was never raised or to restate a strong argument in a way that makes it appear weaker. It is called a straw man argument because it focuses on an issue that is easy to overturn. It is a form of deception, since it introduces a bogus claim, one that was not part of the argument or misrepresents the original claim.

In her written testimony, Ms. Susan Lamson, director of the Federal Affairs Division of the National Rifle Association of America's Institute for Legislative Action, commits the fallacy of refutation by arguing that a bill that would prohibit juveniles from possessing handguns will fail to solve broader social problems.

In 1982 there was a murder committed by a juvenile approximately every 40 days. In 1992 a murder was committed by a juvenile every 12 days. In 1982 a juvenile committed a rape every 26 days; by 1992 it was every 5 days. The statistics on violent behavior may partially include every race and income group, but those who ignore the fact that there is an overwhelmingly disproportionate impact on poor, black and hispanic inner-city youths are not focusing on where the problem lies.

The pathologies of the inner city cannot be remedied by creating stronger laws, unless of course we can pass laws that every family has two caring parents,<sup>6</sup> unless we



can pass laws that reverse the pernicious effects of drugs and widespread alcohol use in our inner cities; unless we can pass laws outlawing poverty; unless we can pass laws that give young people stability and knowledge that they can reach their goals by hard work and perseverance—and that the goals are worth reaching.

Last year, Professors Joseph Sheley, Zina McGee and James Wright published "Gun-Related Violence in and Around Inner-City Schools"—the results of a cross-sectional survey of ten inner-city high schools in several states. Noting that "nearly everything that leads to gun-related violence among youths is already against the law" the researchers' prescription was neither more gun restrictions, metal detectors, nor shakedowns of students, but "a concerted effort to rebuild the social structure of inner cities." (Children and Gun Violence, 1993, p. 73)

Fallacies of this sort are relatively easy to commit. We often raise a series of questions or call attention to things related but not central to the issue at hand, thinking they constitute a sufficient response to the arguments of another. Ms. Lamson is correct in claiming that the fundamental problems of the inner city would remain if juveniles were prohibited from possessing handguns. Denying juveniles access to handguns as tools for coping with their frustrations, with the very real problems she identifies, would result in fewer people being shot and killed. Her carefully prepared argument refutes a point that was never raised by the bill's advocates, whose goal was to reduce the level of gun violence.

It is easy to accidentally shift the focus of argumentation in an inappropriate direction. When we are uninformed or ill prepared, we may unintentionally create straw man arguments. Carefully examine the degree of similarity between the things compared in an analogy or the number of cases used to support a generalization. Responding to an argument perceived to be weak with a strong argument of your own does not mean you are necessarily creating a straw man by magnifying a minor issue into a major one. Remember, the quality of individual units of argument can vary, depending on both the competence of the arguers and the availability of evidence.

### Irrelevant Arguments

An irrelevant argument is one that does not seem pertinent in terms of the claim it advances or the basis of the proof it offers. Such fallacies are also known as **non sequiturs**, Latin for "it does not necessarily follow." Winston Cox, CEO of Showtime Networks at the time, and Representative Charles Schumer engaged in an interesting discussion of the relative offensiveness of sexually oriented versus violent television programming. Dean emeritus of the University of Pennsylvania's Annenberg School for Communication, Dr. George Gerbner punctuated their conversation with a classic non sequitur.

MR. COX: I think in our country, I ask friends, and I would ask any member of this panel, are you more uncomfortable having your child watch a movie with an adult sexual content or with violence? In most cases the people will say, the sexual stuff should not be on.

MR. SCHUMER: I agree, except that is because the violence is so much more prevalent that you expect it. If every day the morning cartoons show the Ninja Turtles in sexual acts with one another and never show violence, who knows how they might feel? I don't know enough about turtle physiology.

DR. GERBNER: None of the Ninja Turtles are women.

MR. SCHUMER: I see. (Violence on Television, 1992, pp. 135-136)

Perhaps Dr. Gerbner's comment was only made to reduce Representative Schumer's uncertainty or in jest. If it was, it misses the point that the turtles could engage in sexual acts with each other despite the fact that none of them are women. The only way in which his comment is anything other than a non sequitur is if it is taken as extreme shorthand for the following unit of argument.

CLAIM: [Implied] Viewers would be more troubled by the depiction of homosexual than heterosexual acts on television.

WARRANT: [Implied] Because the United States is a homophobic nation.  
GROUND: "None of the Ninja Turtles are women."

Since the discussion went off in another direction, there is no way of knowing for certain what Dr. Gerbner meant. If it is your intention to advance an argument, do so completely by stating your claim, the grounds that support it, and the warrant that links them so that you do not appear guilty of speaking or writing in non sequiturs.

### Circular Reasoning

Also known as begging the question, **circular reasoning** supports claims with reasons identical to the claims themselves. In testimony that took place before the colloquy on turtle sexuality, Mr. Cox noted that people choose to subscribe to a premium service, such as Showtime, and then argued in a perfect circle around the issue of unwanted exposure to violence.

There are thus no premium network subscribers who find themselves unwittingly exposed to programming they did not ask to receive and pay to receive.

Our research has indicated that people subscribe to Showtime's premium services primarily to view recent Hollywood motion pictures. Many of these pictures, including many Academy Award winners for best picture—for example, "Platoon," "The Godfather," or "Silence of the Lambs"—contained depictions of violence as part of their plots.

Movies that are hits in the theaters are usually hits on our services as well. In March of this year, the premiere exhibition of "Silence of the Lambs" on Showtime received the highest viewership rating of any program ever to appear on Showtime up to that time. The rating was surpassed last August by the premiere showing of "Terminator 2," another picture containing episodes of violence. Our subscribers clearly have a preference for feature films, including those containing adult themes and violence.



This is not to say that violence on television, and in all other media, is not an important concern for our society. However, at least with respect to premium television, the protections offered to viewers by the subscription process itself, coupled with the scheduling and communication efforts of the premium networks, safeguard against unwanted exposure to the programming we offer. (Violence on Television, 1992, p. 103)

In this example, the meaning of grounds and warrant are equivalent to the meaning of the claim itself.

**CLAIM:** Unwanted exposure to violence is not a problem on the premium channels. **GROUND:** People choose to subscribe and watch the programming that they want to see, some of which is violent.

**WARRANT:** The act of choosing to watch a violent program causes the viewer to not be exposed to any unwanted violence.

Strictly speaking, this is a nonargument, since it makes no inference from grounds through warrant to claim. It is an example of a fallacious attempt to support a claim by simply repeating the essential aspects of the claim using different words.

### Avoiding the Issue

Any attempt to shift attention away from the issue at hand is an error, because ignoring an issue rather than discussing it denies the integrity of the reasoning process. While we suspect that some avoidance behaviors are intentional, it is more likely that arguers pay insufficient attention to the task at hand. Monitor your own behavior and that of others for these common errors.

*Simple evasion* is the first type of avoidance. Changing the subject for no apparent reason, or bypassing a critical issue, diverts attention from the issues central to the argument. This error is most likely to occur when insufficient time has been spent analyzing the topic to determine which issues are inherent to the proposition. In some instances, evasion represents a conscious attempt to avoid confronting an unpleasant fact.

Critics of the death penalty often cite the execution of innocent people as one basis for their opposition. Since human systems have some residual level of error in them, no matter how many safeguards are built in, this could well be the case. In his statement opening the Senate Judiciary Committee's hearing on the death penalty, Senator Howard Metzenbaum charged the Supreme Court with simple evasion on this point.

In *Herrera*, the Supreme Court rules that the Constitution does not require that a hearing be granted to a death row inmate who has newly discovered evidence which, if proven, could establish his innocence. It was appalling to me that the Chief Justice, Justice Rehnquist, in his opinion for the Court was unable to clearly and unequivocally declare that the Constitution forbids the execution of innocent people. Instead, as the *National Law Journal* put it, his "opinion puts forth the novel idea that innocence is not

a necessary bar to carrying out a death sentence." (Innocence and the Death Penalty, 1993, p. 2)

It should be noted that those on the other side of the issue argued that Senator Metzenbaum and the *National Law Journal* misconstrued the meaning of the Court's decision.

*Attacking the person not the argument* is the second avoidance behavior. Known as an **ad hominem argument**, it shifts attention to the arguer's personality or appearance, ability to reason, skin color, or values, all of which tell us nothing about the validity of the arguments. It is essential that the worth of ideas behind claims be given primary consideration in the argumentative context, and the ad hominem argument subverts this.

Former President Carter wrote a book of poetry that was well received by critics. An ad hominem attack dismissed it briefly, without presenting sound reasons why it was not worth reading. "He's written a book of poetry. I think that I shall never see/a poem as lovely as a goober pea" (Mullen, 1995, p. 10). White House Chief of Staff Leon Panetta used a similar tactic with regard to incoming Speaker of the House Newt Gingrich. "He's not the editor of a cheap tabloid, he's not just an out-of-control radio talk-show host. He's the Speaker of the House of Representatives, and he's got to learn to behave as the Speaker of the House of Representatives" (Republicans, 1994, p. 60).

There is one circumstance in which attacking the person is appropriate and does not commit any fallacy. That is when the qualifications of a source of information are called into question. So long as the argument focuses on factors relevant to the disputed issue and avoids irrelevant personal attack, no fallacy of reasoning takes place. In a written response to the Senate Judiciary Committee, Professor Michael Radelet of the University of Florida and Professor Adam Bedau of Tufts University attacked the tactics of a witness who appeared before the committee and the expertise of a source of information used by that witness.

Mr. Cassell also presented the Committee with a distorted discussion of the research that has been done on the deterrent effect of capital punishment. Again, the belief that only sources that support his conclusion should be cited is seen. Mr. Cassell argues that the death penalty has strong deterrent effects, and cites a study done by Stephen Layson, a young economist, not a criminologist, and published in a regional economics journal, as support. He ignores the fact that a meticulous critique of this study has been published since 1989 that showed that Mr. Layson's conclusions do not follow from his data. In addition, Mr. Cassell ignores the fact that no criminologist or sociologist in the country today claims to have data that show the death penalty has a better deterrent effect than long imprisonment. He ignores the fact that virtually every study done on deterrence in the United States in the last sixty years has found no deterrent effects. He ignores such authority as the National Academy of Sciences, whose study on this topic in 1978 concluded that a study similar to that cited by Mr. Cassell had no relevance for public policy. Even Stephen Layson, author of the study cited by Mr. Cassell, acknowledged in his 1985 Congressional testimony that his results were an artifact of the 1960s, when few executions occurred, and thus the findings could not be generalized to other



years in the irresponsible way done by Mr. Cassell. By ignoring the problems with the work on deterrence he cites, as well as by ignoring numerous other studies that conflict with his preset conclusions, Mr. Cassell misleads this Committee about the status of modern research on deterrence. (Innocence and the Death Penalty, 1993, p. 158)

What Professors Radelet and Bedau did differs from the two previous examples because they offer a series of arguments indicting the tactics of Mr. Cassell and the qualifications of Mr. Layson. They apply tests of proof, source credibility, and sound reasoning rather than attacking the personhood of either the opposing arguer or his source. They apply the rule of that noted practitioner of argumentation, Don Vito Corleone, the Godfather: "It's not personal, it's business."

*Shifting ground* is a third fallacy of avoidance. Shifts of ground occur when an arguer abandons his or her original position on a particular argument and adopts a new one. It is probably one of the easiest errors to commit. In everyday communication, most of us do not decide on what we plan to say in advance. There is a tendency to adapt, to modify our thoughts and the manner of their expression, to those around us. This becomes a problem when we are involved in argumentation, because shifting ground gives the impression of evasiveness. We need to be careful to stick to our claims. This does not mean you can never change your mind or admit an error in argumentation. However, if you find it necessary to move away from your original claims, take special care to explain what has caused you to shift ground.

Notice how Mr. James Fendry, legislative director of the Wisconsin Pistol and Rifle Association, moves from a position of saying we are all in agreement to a position that is precisely the opposite. He justifies this change by arguing that while he can agree with reasonable regulation, he cannot accept an outright ban.

Perhaps my most favorite saying by a philosopher is that conflict among men is seldom a conflict of good versus evil; rather it's varying ideas of good. Everybody in this room, and I think in this nation, concurs with what you want. I agree with what you want, I agree with what Attorney General Doyle claims to desire, but if everybody listened very closely and looked for the Freudian slips, we'd see there's a little more. This isn't an issue of guns and gun control. This is an issue of civil rights and personal freedoms and whether your descendants are going to have the ability to own guns. General Doyle has proposed and has introduced legislation that doesn't reasonably regulate firearms. It strongly bans firearms acquisition on the way to further bans. And the speaker that will follow me will talk about the need for reasonable regulations. But Sarah Brady's organization, Handgun Control, Inc., continues to donate large sums of money to automatic rifles and shotguns, and that's not a reasonable regulation. That is a ban. And even in one of the most liberal cities in the United States, Madison, Wisconsin, when the voters had an opportunity to decide whether they wanted to lose the right, the money that was put in by Sarah Brady wasn't enough and the issue failed. And this is the slippery slope that we're concerned about, Senator. (Children and Gun Violence, 1993, pp. 151-152)

*Seizing on a trivial point* is the final error of avoidance. When you locate another's weak or indefensible argument and magnify it out of all proportion to dis-

credit his entire position on the proposition, you have committed the fallacy of seizing on a trivial point. Since Mr. Fendry referred to Sarah Brady, let's see how her testimony almost committed the fallacy of seizing on a trivial point. At one point, she responded to Senator Herbert Kohl's question about the claim that the existence of 22,000 gun laws proves that legislation cannot reduce gun-related violence.

OK. First of all, I would say, no one has ever been able to figure out where this 22,000 figure comes from. According to the Justice Department we can only figure out close to 15 or 16,000 laws, most of which are very local, some very antiquated. (Children and Gun Violence, 1993, p. 159)

The accuracy of factual information is of great importance, but focusing all of your attention on minor inaccuracies and trivial points is unsound argumentation. Had her response stopped at this point, Ms. Brady would have seized on a trivial point. Even using the lower range of the Justice Department estimate, 15,000 laws is a lot. It should be enough to reduce gun-related violence if laws were a necessary or sufficient cause to produce that effect. The remainder of her response to Senator Kohl's question is what enabled her to avoid the fallacy of seizing on a trivial point.

They are certainly not federal laws. And it points out what we need are effective, national, uniform laws that are enforceable and that are enforced. And we need effective laws, and that's what we're working toward with the Brady Bill, that's with your bill, which would be put in place federally, what Wisconsin already has in place, would do, would make it uniform so that you can't go to other states and traffic guns back in, so that everybody across the country is on an even footing. (Children and Gun Violence, 1993, p. 159)

### Forcing a Dichotomy

A forced dichotomy is one in which listeners or readers are presented with an oversimplified either-or choice, phrased in such a way that it forces them to favor the arguer's preferred option. The fallaciousness of the forced dichotomy rests on its failure to consider alternative choices fully. The forced dichotomy is also known as the *false dilemma*. Because argument from dilemma involves clustering two or more arguments from cause, forced dichotomies, or false dilemmas, are produced when arguers fail to account for the possibility of partial or multiple causality. The forced dichotomy is a fallacy in reasoning because the choice making that it forces is too simplistic.

Notice how Representative Charles Schumer rejected a false dichotomy, that television is either the cause of all social problems or has no effect on them whatsoever, in his statement opening the hearings on television violence.

At a recent symposium on television violence sponsored by *TV Guide*, Neil Hickey pointed out that, in 1940, the seven top problems in public schools identified by teachers were: talking out of turn; chewing gum; making noise; running in the halls; cutting in line; dress code infractions; and illiteracy.



In 1980, the top seven problems in public schools were: suicide; assault; robbery; rape; drug abuse; alcohol abuse; and pregnancy.

Now, of course, television is not to blame for all of this dramatic change, but it is just as wrong to say it has had no effect at all. It has, and that is why we are here. (Violence on Television, 1992, p. 2)

The either-or rhetoric of a forced dichotomy in this instance would have forestalled consideration of too many potential issues. In human affairs, truth about causality is seldom an either-or proposition, a simple choice between two alternative explanations. Examine your own reasoning and that of others to avoid being trapped into arguing or accepting forced dichotomies.

### Summary of Fallacies in Reasoning

1. *Hasty generalizations* offer conclusions based on insufficient information, for example, on too few instances, atypical examples, or overstatements that claim more than is warranted.
2. *Transfer fallacies of composition* result from the unwarranted assumption that what is true of the part is true of the whole.
3. *Transfer fallacies of division* result from the unwarranted assumption that what is true of the whole is true of its parts.
4. *Irrelevant arguments*, non sequiturs, make assumptions that do not follow from the information provided.
5. *Circular reasoning* offers as warrants and grounds statements equivalent in meaning to the claims they are supposed to support.
6. *Avoiding the issue* is an error in reasoning that shifts attention from the issue under consideration. It commonly takes the form of a simple evasion of the issue, an attack on the arguer rather than the argument, a shift of ground, or seizing on a trivial point rather than the central issue.
7. *Forcing a dichotomy* puts the listener or reader in the position of having to choose between oversimplified either-or options.

### FALLACIES OF APPEAL

When you construct an argument, you do not do so in a vacuum. You have an audience in mind and develop your arguments accordingly. This can lead you to commit a series of fallacies based on the appeals you decide to make. In particular we must be careful when appealing to emotion rather than the ability to reason. There is nothing intrinsically wrong with emotional appeals, but problems can arise when you use these appeals to avoid arguing the issues at hand. Appeals that bypass reason are usually based on the feelings, prejudices, or desires of the audience. The fallacies of appeal we shall discuss are some of the more commonly occurring lapses arguers experience that reduce the rationality of their arguments. Again, we emphasize that emotional appeals are an important part of the process of persuasion and caution that in argumentation emotion should not supplant reason.

### Appeal to Ignorance

Appeals to ignorance, known as the **ad ignoratium argument**, ask the audience to accept the truth of a claim because no proof to the contrary exists. Something is true simply because it cannot be proven false. Often the appeal to ignorance is couched in terms of a proposal to study the problem further or to suspend judgment until the results of a study already in progress are available. When asked by Representative Charles Schumer if cable wasn't more violent than network television, Mr. Winston Cox, CEO of Showtime Networks at the time, both was evasive and appealed to ignorance.

As I said, we are in the final stages of having Dr. Gerbner actually conduct a study for us on violence in the original programming created for cable. A lot of the programming on cable is a product that is acquired or that has played somewhere else first, in the case of Showtime, theatrical feature films. In the case of other networks, it is product they may have acquired from places like the broadcast networks themselves. When USA Network licenses, for example, "Miami Vice," it is what we characterize in the business as an "off-net" piece of product.

But I think the areas we can be most directly responsible for, and can exercise some control over, are programs that we create specifically for our networks. I think we need to wait until the results of the study are finished to see just how cable networks stack up against other forms of television. (Violence on Television, 1992, p. 134)

His response was evasive because it asserts that cable should not be accountable for the violent content of material produced elsewhere, even though cable chooses to license and broadcast it. His response appealed to ignorance by playing for time until the results of a study of cable content, which will ignore material produced elsewhere, become available.

Even more troublesome is the technique of claiming that because we cannot prove something has not happened or does not exist it therefore must have happened or must exist. "The inability to disprove the existence of flying saucers and extraterrestrial visitation to earth confirms the existence of the former and the occurrence of the latter."

Can you make nonfallacious claims about what the absence of proof may mean? Yes, to a certain extent. An absence of evidence suggests the possibility of a claim's validity in certain fields of argument, such as medical research. For example, drugs are tested for side effects and are presumed safe when none occur. The problem with using this type of reasoning in other fields of argument is that backing for the warrant becomes the assertion that the lack of evidence is, in and of itself, evidence. This tends to trivialize the meaning of evidence as a concept (Toulmin et al., 1984).

There is one important exception that would extend the medical paradigm to other fields of argument: Artificial presumption may be assigned in such a way that failure to prove something leads to the conclusion that its logical opposite is true. When the prosecution fails to present a *prima facie* case against the accused, we conclude the accused must be innocent. In other fields that do not rely exclusively



on artificial presumption, the absence of contrary evidence may strengthen a claim, but it in no way proves it. The absence of evidence may simply mean that research regarding the phenomenon has not been very thorough.

### Appeal to the People

Also known as the bandwagon appeal, or an **ad populum argument**, appeals to the people address the audience's prejudices and feelings rather than the issues. When a claim is justified on the basis of its alleged popularity—we should do or believe something because the majority of people do or believe it—an appeal to the people is being made. Norman Ornstein of the American Enterprise Institute for Public Policy Research explicitly rejected the idea of relying on ad populum arguments when he testified on the issue of term limits.

Dave Mason mentioned public opinion. Of course, there is no question that a clear majority, a vast majority of Americans now like term limits. Term limits has struck a chord connecting with the anger, angst, and antipathy that a majority of voters feel toward politics and politicians. But I think it should be noted that Americans in large majorities like the idea of abolishing the electoral college, they like the idea of a constitutional amendment to ban flag burning and we have a variety of surveys over the years that have shown clear majorities willing to repeal various parts of the Bill of Rights.

I don't think most of the members of this subcommittee would support all of those ideas, and I think in the end few would argue, although some proponents of term limits do, that simply the support of the American people for an idea through surveys is itself a sufficient condition to pass a law or change the Constitution. It is clearly a good reason to examine this issue in depth, and I think Mr. Mason is absolutely right in this regard, but that is all. (Term Limits . . . , 1993, pp. 48-49)

On the one hand, common sense suggests that when matters concerning "the people" are discussed, their will should be taken into account. In the case of a future law, this allows us to forecast whether it would likely be obeyed or violated. On the other hand, to make popular opinion the sole criterion of a claim's worth, and to appeal to this opinion in order to discourage consideration of pertinent facts, cannot help but result in less informed and less thoughtful decisions. As Mr. Ornstein suggests, critical consideration of the issues should take precedence over popular opinion.

### Appeal to Emotion

As we suggested, the use of emotional appeals is not necessarily bad, nor is it possible to be entirely rational. Nevertheless, strong appeals to emotion are no substitute for careful reasoning. Any emotion may be a source of appeal; here, we will concentrate on the two used most frequently in poor argumentation, appeals to pity and fear.

Traditionally, the use of the appeal to pity was taught as a means of creating audience sympathy for an individual or group. Such appeals are common on topics that address the suffering of those unable to overcome misfortune without the aid of

others. No fallacy is committed when such appeals are used in conjunction with sound reasoning. However, when pity is the only basis on which an alteration of belief or behavior is justified, argumentation has been abandoned in favor of exclusively emotive persuasion.

The appeal to fear is another form of emotion seeking, arousing concern over potential consequences. As with appeals to pity, the use of appeals to fear is a matter of appropriateness and balance. There are occasions when a little fear is needed to move people to action, but appealing to fear alone may produce disastrous consequences. When fear dictates behavior, rash decisions may result, such as the blacklisting that destroyed careers during the McCarthy era.

James Fendry employed appeals to both fear and pity in his testimony opposing legislation that would prohibit juveniles from possessing handguns. His use of these appeals is fallacious because his argument makes a hasty generalization about the dangers faced by an indeterminate number of farm boys, young gay people, young single mothers, and college co-eds who would be denied access to handguns.

[O]ne doesn't have to go to Wyoming to find people under the age of 18 carrying handguns. If we take a look, we'll find that some of the farm boys in the hills of Baraboo carry handguns while working their family farm because of the abundance and the dangers of rattlesnakes that reside in the area. The question then, is would it be prudent or even practical to make that type of activity a Federal violation? Of course, it's the cities where all the problems lie. Even if S-1087 was limited to cities of a certain population, then what about the safety of those under 18 who live alone? How do we tell a young gay person, thrown out of their home by homophobic parents, that if they possess a handgun for protection from murderous gay bashers, that this possession would become a Federal offense? How do you tell a young single mother, living alone, the type of women who often won't have enough money to buy a handgun better than one that was pictured here before, that if she decides to possess one to protect herself and her child that she will then have violated Federal law? And how do you tell the female students at the Florida University, where so many numerous classmates have been raped and murdered, that if dad and mom give them a handgun to keep them from being next, the entire family, then, could end up in Federal court? (Children and Gun Violence, 1993, p. 149)

In the absence of someone arguing the other side of the issue and pointing out that most college students are over eighteen years old and that the potential harm to farm boys, gays, and young mothers cannot be assessed because these claims are ungrounded, it would be left to the members of Mr. Fendry's audience to guard against being swayed by a fallacious emotional appeal by engaging in critical listening.

### Appeal to Authority

An argument from authority that utilizes the opinions and testimony of experts is a legitimate form of reasoning. However, care must be exercised to ensure that the argument from authority does not become a fallacious appeal to authority. An appeal to authority is fallacious when a seemingly authoritative source of opinion either



lacks real expertise or prevents a fair hearing of the other side of the issue. Instead of being used to ground a claim or back a warrant, the authority is characterized as infallible and is used to shut off further discussion of the issues. Abuses of authority commonly involve the Bible, the Constitution, revered persons, or testimonials by celebrities in advertising.

Senator John Chaffee noted how fallacious appeals to authority sometimes find their way into arguments over gun control.

I noticed that the NRA is going to testify later, and I just wanted everybody to fully understand the second amendment. The second amendment, as quoted by the NRA, is "The right of the people to keep and bear arms shall not be infringed." What they don't mention is the first part of the second amendment, which says, "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." That has been universally interpreted by Federal courts to mean that the right of the people to keep and bear arms deals with those who are in a well-regulated militia.

Frankly, I have no argument with the National Rifle Association because my bill doesn't deal with rifles. It deals solely with handguns. And I think it is important for everybody to understand what the second amendment does say and mean because it is not fully explained frequently. I receive lots of letters on this, saying, oh, you are monkeying around with the second amendment of the Constitution. But not at all. (Children and Gun Violence, 1993, p. 10)

Besides avoiding the use of authority to short circuit the process of argumentation entirely, be prepared to defend your choice of experts. Unknowingly, your choice may represent a fallacious use of authority if you cite someone outside her or his acknowledged field of expertise. While we might take Tiger Woods's advice on golf, is he likely to be an expert on cars or some of the other products he hawks? Making this distinction is sometimes difficult because an individual may be an expert in more than one field. At one time, comedian Bill Cosby appeared in a series of computer commercials. We might acknowledge his expertise on issues of comedy or acting, but what about education, the major claim advanced in these commercials? In fact, Bill Cosby has advanced degrees in psychology and education, has produced several educational films, and has also lectured on race relations and motivation. This illustrates why it is always important to provide information documenting the qualifications of those you cite.

### Appeal to Tradition

We normally have strong ties to tradition, and learning the historical background of a topic is a good way to prepare to argue it. However, asking an audience to accept something because it is customary rather than because of the reasons that justify it commits the fallacy of appeal to tradition. A discussion of the circumstances under which it might be appropriate for a juvenile to be able to use a handgun between Senator Carol Moseley-Braun and Susan Lamson of the National Rifle Association culminated in an appeal to tradition.

MOSELEY-BRAUN: Ms. Lamson, I am a little perplexed by part of the testimony. You testified that you wouldn't want to interfere with the lawful use of handguns by juveniles, and I can't think of an instance in which a child should ever have a handgun. I was confused as to what you meant by the lawful use of a handgun by a juvenile.

LAMSON: The issue at hand is the lawful use of firearms under supervision, and there are certainly target ranges, and so forth, that allow juveniles, young teenagers who are juveniles within the age limitation who are quite capable of learning target shooting—

MOSELEY-BRAUN: Well, that is exempted under the bill.

LAMSON: That is right, that is correct, and that is why we recognize there is a lawful use there. As I mentioned in the testimony, one other area we would like to discuss is the ability to have an exception for hunting because most States provide an age for hunting that is less than the Federal standard in terms of possession of guns.

MOSELEY-BRAUN: Well, in terms of hunting specifically, I used to hunt with my daddy when we were growing up and he never used a handgun to hunt. Do people use handguns?

LAMSON: They do for varmint hunting as an example, yes.

MOSELEY-BRAUN: Wouldn't it be alright to say, for hunting for juveniles, we would restrict that to long guns?

LAMSON: Well, the thing is what we are talking about is lawful use, and I think as long as there is an exception—

MOSELEY-BRAUN: Well, we make the laws. That is why we are here. . . .

LAMSON: Well, I would say that we would like to look at this legislation not restricting uses that have been traditional in this country, you know protected and covered by State law, as well as Federal law, and that is why we raised the subject of hunting. We can provide additional information to you on that as it relates to handguns. But, again, we have recommended under consideration because the draft legislation already speaks to or already has underscored that there is firearm use by juveniles that has been legal and that is legitimate.

MOSELEY-BRAUN: Thank you. (Children and Gun Violence, 1993, pp. 76-77)

The argument that since young people have been able to do something in the past they should be able to do it in the future is a fallacious appeal to tradition. It suggests that the existence of any practice sanctioned by law is sufficient in and of itself to justify its perpetuation. On that basis, women should not have the right to vote, and African Americans should not have the opportunity to learn to read, because giving these rights to either group violates a tradition that was legally sanctioned at one time.

Comparisons that reference tradition are not necessarily inappropriate. Value claims often involve matters of taste derived from tradition. A thorough analysis of the reasons behind a tradition provides a valid basis on which to argue its future violation or veneration. However, it is important to realize that arguing on behalf of a belief or behavior solely on the basis of tradition gives the audience insufficient



understanding of the issues that justify opposing a proposed change in that belief or behavior.

Recalling our discussion of presumption, you may think something is amiss. Doesn't presumption favor tradition, that which is already in existence? Yes, and opponents in argumentation find themselves arguing on behalf of the benefits of continuing to believe or behave as we have in the past, just as Ms. Lamson does. However, when the opponent uses such argument, she must provide good and sufficient reasons to justify maintaining that tradition and not merely appeal to tradition alone.

### Appeal to Humor

Appeals based on humor can be problematical for several reasons. The arguer who resorts to a series of jokes about women drivers to refute criticism of auto safety standards uses humor to entertain rather than enlighten. When humor is used to such an extent that it becomes the focal point of the discussion, the point of argumentation is lost.

An ongoing dispute during hearings on term limits was the issue of how long it takes new representatives to learn enough about how the government works to be able to accomplish anything meaningful or worthwhile. Advocates of term limits argued newcomers could be effective on their first day in Washington, while opponents such as Representative Henry Hyde claimed it took them eight years to get up to speed. That led to the following exchange between syndicated columnist George Will and Representative Hyde.

WILL: I am fascinated by Mr. Hyde's eight-year threshold for competence. Before sending my crack staff back to study the first silent years of Henry Hyde's tenure to see if he was silent and demure, which I doubt—  
HYDE: I was noisy, but ignorant. (Term Limits . . . , 1993, p. 291)

Fortunately, the discussion returned to a more serious-minded consideration of the performance of newly elected and appointed officials at the federal and state levels. Had it continued in this lighthearted manner, little would have been accomplished to advance rational consideration of an important issue of public policy.

Humor is also misused when it takes a claim to its most extreme and therefore absurd meaning. This is known as **reductio ad absurdum**. Reducing a claim to absurdity is a particularly troublesome kind of fallacy because it sometimes occurs in an effort to employ style. What it mostly does is decrease the discussion's rationality. One of the premises of the National Rifle Association is frequently seen on bumper stickers: "I support the right to bear arms." This claim is reduced to the absurd by another bumper sticker: "I support the right to arm bears!" While such a turn of phrase may be witty, it has the effect of trivializing a serious issue.

This is not to say that humor cannot be an effective device. Humor can have a positive effect, creating goodwill or lessening tensions in a heated situation. During the summer of 1980, President Carter had the unpleasant task of informing farmers

in the southwest that the economic aid they desired would not be forthcoming. Just before his helicopter landed in the drought-stricken Dallas-Fort Worth area, there was a sudden rainfall. President Carter began an address to a group of farmers saying, "Well, you asked for either money or rain. I couldn't get the money so I brought the rain" (Boller, 1981, p. 346).

### Summary of Fallacies of Appeal

1. *Appeals to ignorance* ask the audience to accept a claim solely because no proof exists to deny its validity.
2. *Appeals to the people* ask an audience to accept a claim because it is supported by majority opinion.
3. *Appeals to pity* arouse sympathy for individuals or groups to encourage the redress of some wrong or misfortune they have suffered.
4. *Appeals to fear* attempt to gain the audience's acceptance of a claim by arousing concern over the consequence it alleges.
5. *Appeals to authority* encourage reliance on some ultimate source of knowledge in place of reasoning as the basis of a claim.
6. *Appeals to tradition* ask an audience to accept a claim because it represents a customary belief or course of action.
7. *Appeals to humor* either fail to make a serious point or reduce another's claim to its most absurd level.

## FALLACIES OF LANGUAGE

Since language is the vehicle of your argument's meaning, you must be cognizant of how you use it in constructing arguments. We have already indicated some concerns about the way in which claims are phrased and stressed the importance of defining terms. We now discuss the care that must be exercised in choosing language appropriate to all aspects of argumentation. In any use of language, but especially in using it to alter belief or behavior, it is important to remember that meanings are in people, not in words. The meaning we attach to the words of others is a consequence of their passing through our own perceptual filters. Become aware of your own language habits and biases to avoid falling victim to the fallacies of language described here.

### Ambiguity and Equivocation

The ambiguity of language interferes with effective argumentation when a term is used differently by both parties to the dispute. This "meanings are in people" problem may occur unintentionally, with both arguers operating on the basis of legitimate, but entirely different, meanings for a term. If you have ever handed a paper in late and the professor, emulating Benjamin Disraeli, has told you, "I shall lose no time in reading this," you have experienced the uncertainty that ambiguity engenders.



Like the errors resulting from the ambiguity of language, errors of equivocation occur because words have multiple legitimate meanings. An error of equivocation occurs when we use ambiguous words in order to conceal the truth or avoid committing ourselves to a position. When you shift the meaning of a term in an argument, you are equivocating. When you use language to try to step around an issue rather than face it head on, you are equivocating. The statements of candidates for public office are frequently and intentionally equivocal as they attempt to avoid offending part of the electorate.

Following World War II, our government authorized a number of studies of the effects of radiation on human beings. Many of the subjects were on active duty in the military or were seeking treatment at hospitals operated by the Veterans Administration. Some were children who were fed or injected with low doses of radioactive material. In all cases, adult subjects and the parents of children included in the experiments were not made fully aware of the nature of the experiments. As a result, they could not give their informed consent to participating in these experiments.

Hearings before the Senate Committee on Labor and Human Resources afforded Austin LaRocque, one of the children in the experiment at the Fernald School in Waltham, Massachusetts, the opportunity to confront Dr. Bertran Brill, research director and professor of nuclear medicine at the University of Massachusetts. In earlier testimony, Dr. Brill indicated his own participation since the late 1950s "in the conduct of studies such as we are talking about from the Fernald School" (Human Subjects Research, 1994, p. 13).

LAROCQUE: To this gentleman here. Nothing personal. But if you had your son here, would you have allowed this to happen, knowing what you know about radiation?

BRILL: Well, I have, you know, many of us in medicine, when we are investigating new phenomena will take radioactive tracers and study ourselves. I've done it so many times.

LAROCQUE: But you didn't answer my question directly. I want to know, if it was your son, would you have accepted it?

BRILL: Knowing what I know now, I would. But at the time, I don't know. At this time, I think the radiation risks from the kinds of doses that were being used are in the noise [*sic*] in terms of biological effect. I don't think any hazard in terms of radiation damage would occur from the kinds of doses that were received. And if I was—the way I think I am, I'd say yes, honestly, yes. (Human Subjects Research, 1994, p. 22)

Since the audience is a part of the process of argumentation, it will be impossible for you to avoid all instances of ambiguity. However, by exercising care in phrasing arguments and defining key terms, you can avoid many errors of equivocation. You should be cognizant of language in the arguments you construct and scrutinize the language used in the evidence these arguments contain, especially when it is opinion evidence.

## Emotionally Loaded Language

The arguments of everyday life are frequently condensed to what fits on a bumper sticker, a T-shirt, or a picket sign carried at a march or rally. "War is unhealthy for children and other living things." "Abortion is murder." "A boy of quality is not threatened by a girl of equality." In addition to serving as a vehicle for the denotation of ideas, language is a powerful instrument for the expression of attitudes and feelings. Your choice of language can reveal your attitude toward a topic. There can be little doubt how Marvin Kitman, television critic for *Newsday*, feels about the issue of violence.

The networks are like serial killers. Their programs are the equivalent of writing with lipstick on the mirrors in our home. "Stop me before I kill again." They have won the disrespect and distrust of the Nation in dealing with the violence problem. It is time TV was made to end the killing fields of violence. (Violence on Television, 1992, p. 16)

In various forms of imaginative or creative speaking and writing, language that fully expresses feeling or attitude is highly prized. Indeed, if language did not possess the power to express and elicit feelings, most of the world's great literature would not exist. In arguments, however, emotionally loaded language, which exceeds the natural warmth that marks a sincerely expressed belief and earnestness of purpose, becomes an impediment to rational decision making and represents a poor choice.

## Technical Jargon

The use of the technical terminology of a field becomes a problem when it so confuses listeners that they lose sight of the issues or when it is used in place of reasoning on the issues. Beginning arguers frequently become so involved in their topic that they forget that not everyone is as conversant with its jargon as they are. Technical terminology may be important in explaining the issues involved, but it is possible to send an audience into semantic shock if you ask them to deal with too many new terms at once.

Audience analysis is critical in determining what needs further explanation and what does not. Some of the discussion of the bill prohibiting possession of handguns by juveniles centered on the wisdom of passing a law that would create, for the first time, a federal status offense. For those in attendance, the issue was not clouded by jargon. As lawmakers and lobbyists, they all knew a status offense is one in which behavior is only an offense (an illegal act) for persons of a certain status (under eighteen years old). A minor caught with a beer is a status offender. A minor caught with marijuana gets busted just like the rest of us.

In some cases, problems with jargon are less a result of the failure to analyze our audience than they are a failure to refrain from making word-salad when we speak or write.



One of the concerns that we had in our preliminary review of the bill is that it doesn't state an interstate nexus to it, and you have a situation of possession with intrastate, and so we just would want to address what we need to do in terms of the Federal Government's role as the nexus in interstate commerce. (Children and Gun Violence, 1993, p. 75)

The best way to avoid problems with jargon is to say what you mean, and mean what you say, plainly.

### Summary of Fallacies of Language

1. *Ambiguity* occurs when a term is used in legitimate but different senses by two or more persons involved in argumentation.
2. *Equivocation* occurs when an individual uses a term in different ways in the context of the same argument.
3. *Emotionally loaded language* is a problem when we use terms that show more about our feelings on the issues than about the rational basis from which those feelings derive or when we use emotion as the sole means to alter the belief or behavior of others.
4. *Technical jargon* becomes a problem when the audience is overwhelmed with too many new terms or when it is used to impress the audience or replace sound reasoning.

The foregoing are the sorts of errors in reasoning, appeal, and use of language that you should avoid in constructing your own arguments. Use them as a yardstick as well in evaluating the arguments of others. You should now be able to construct valid arguments, patterns of proof and reasoning that are sufficient to support claims. You are ready to begin putting it all together. In the next chapter, we will look at how advocates and opponents argue propositions of fact.

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### SUGGESTED SUPPLEMENTARY READINGS

Fearnside, W. W., & Holther, W. B. (1959). *Fallacy: The Counterfeit of Argument*. Englewood Cliffs, NJ: Prentice-Hall.

This is one of the most comprehensive sources on the nature of fallacies. The authors provide an excellent classification system to cover fallacies of logic, emotional appeal, and language use. Despite its age, this book remains usable since most of the examples are taken from well-known historical sources or common communication situations.

Tindale, C. W., & Gough, J. (1987, Winter). The Use of Irony in Argumentation. *Philosophy and Rhetoric*, 20, 1-17.

The authors distinguish between the inappropriate use of humor to reduce reasoning to the level of absurdity and the potential for an appropriate use of the humorous technique of irony. Irony is a legitimate, and frequently used, literary device for offering social criticism. Tindale and Gough suggest that irony used for negative commentary is not necessarily committing a fallacy. Their discussion of the audience's receptiveness to ironic forms is particularly good.

Walton, D. N. (1980, Fall). Why Is the Ad Populum a Fallacy? *Philosophy and Rhetoric*, 13, 264-278.

Walton considers when the appeal to the people, the ad populum argument, is a fallacy and when it may be a legitimate use of reasoning techniques.

Walton, D. N. (1988). Burden of Proof. *Argumentation*, 2, 233-254.

The fallacies of begging the question and appealing to ignorance can undermine an advocate's ability to meet her or his burden of proof. Walton suggests that begging the question "begs for" the audience to accept an argument rather than proves it. This is not argumentation; for something to be an argument, proof must be supplied. Walton suggests that the appeal to ignorance may not be as much a fallacy as simply a poor argument in which the arguer fails to meet his or her responsibility to ground claims with valid evidence.

Woods, J. (Ed.). (1987). *Argumentation*, 1, 209-349.

This entire issue of the journal *Argumentation* is devoted to discussing fallacies. Eight articles consider the nature of fallacies, how we might revitalize fallacy theory, fallacies of statistical use, and other topics that point toward a reconsideration of the nature of fallacies.

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