

Fallacies Arising from Ambiguity

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Fallacies Arising from Ambiguity

by

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For Karen, with love.

EDITORIAL PREFACE

We are happy to present to the reader the first book of our Applied Logic Series. Walton's book on the fallacies of ambiguity is firmly at the heart of practical reasoning, an important part of applied logic.

There is an increasing interest in artificial intelligence, philosophy, psychology, software engineering and linguistics, in the analysis and possible mechanisation of human practical reasoning. Continuing the ancient quest that began with Aristotle, computer scientists, logicians, philosophers and linguists are vigorously seeking to deepen our understanding of human reasoning and argumentation. Significant communities of researchers are actively engaged in developing new approaches to logic and argumentation, which are better suited to the urgent needs of today's applications. The author of this book has, over many years, made significant contributions to the detailed analysis of practical reasoning case studies, thus providing solid foundations for new and more applicable formal logical systems. We welcome Doug Walton's new book to our series.

The Editors

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PREFACE

The genesis of this book was the experience, revealed in teaching courses on informal logic and argumentation, that covering the area of fallacies relating to ambiguity, and related fallacies within language, proved difficult and frustrating. One problem was that the textbooks were all over the place, offering widely different accounts of these supposed fallacies. Another difficulty was the lack of nearly enough good examples that would convey clearly to the students what the fallacy and its variants consisted in, and why it was worth bothering about as a serious kind of error or trap of reasoning. Another problem was the question of whether some of the traditional fallacies included in the curriculum were really worth serious study, as opposed to being merely historical curiosities, handed down from one generation of textbooks to another since Aristotle's time.

Some early research with John Woods [Woods and Walton, 1979] had indicated that equivocation was a serious fallacy, well worth further study. But in the classroom, following the trend of the current textbooks, one had a hard time knowing what fallacies, if any, belonged in the same class as equivocation. Ambiguity and accent, much less the fallacy of figure of speech, could hardly be recommended to students as having any worth, or clear basis, as fallacies that are important to know about.

At the same time however, the opening up of new developments in the pragmatics of argumentation suggested that this class of fallacies could be advanced by looking at them from a dialectical point of view—that is, in a perspective of interactional argumentation, where two parties reason together in a goal-directed sequence of conversational exchanges.

What began to make the tools available for such an analysis was a joint research project with Erik Krabbe in 1987-88 at NIAS (Netherlands Institute for Advanced Study in the Humanities and Social Sciences), which resulted in the monograph, *Commitment in Dialogue* [Walton and Krabbe, 1995]. Commitment had been taken as the basic concept by Hamblin [1970] in his use of formal dialogue systems as the preferred structure for the analysis of fallacies. But Hamblin didn't develop the concept of commitment very far. Our project was to formalise this notion more extensively in different types of dialogue in which argumentation typically takes place, providing rules for the organisation of commitment in these different types of dialogue.

While this research continued, an invitation to be a member of a research group on 'Fallacies as Violations of Rules of Argumentative Discourse' at NIAS in 1989–90, was a big stimulus to working on various fallacies like begging the

question, appeals to emotion, slippery slope, and so forth. Much of this work has now appeared in print. But generally, this period of collaborative research and study provoked a rethinking of the concept of fallacy generally, and its role in informal logic.

Clearly these experiences of doing collaborative work with my colleagues, in an international setting, have had a profound effect on this study of the fallacies arising from ambiguity, in such a basic way that detailed acknowledgment of indebtedness is not possible. But individual thanks to a few individuals should be made.

First, I would like to thank Erik Krabbe, with whom I have jointly developed many of the basic concepts and categories utilised in this book. Erik contributed valuable insights and suggestions at so many points to the arguments of the book, and made so many detailed comments and criticisms on it, correcting errors and shortcomings, that detailed acknowledgement of these contributions is impossible. Thanks are also due to Frans van Eemeren and Rob Grootendorst, who have done so much to build up the field of argumentation as an academic discipline. Their influence on this book has also been pervasive. Some other members of the Amsterdam School that I would like to thank for discussions and influences of one kind or another are Eveline Feteris, Francisca Snoeck Henkemans and Erik Viskil. Members of the NIAS group on fallacies in 1989-90 were: Frans van Eemeren, Rob Grootendorst, Sally Jackson, Scott Jacobs, Agnes Haft van Rees, Agnes Verbiest, Charles Willard, and John Woods. Many discussions within this group have greatly influenced the approach to argumentation exhibited in this book.

I would also like to thank my research assistant, Victor Wilkes, for collecting material for me, during the period of 1990-93, and to the Social Sciences and Humanities Research Council of Canada for a research grant supporting the work of this period.

Special thanks are due to Amy Merrett for word-processing the manuscript, including the figures, through the various drafts. I would also like to thank Harry Simpson for help with the proof-reading.

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1995

CHAPTER 1

AMBIGUITY AND FALLACIES

The study of fallacies, of errors in reasoning and sophisms used to deceive in argumentation, has a long history, chronicled by Hamblin [1970]. Aristotle founded the field, but aside from isolated individuals who have taken a lively interest in it from time to time, few if any well established advances in it appear to have been made. The study of the fallacies, dominated by Aristotle's treatment of the subject, has throughout the ages, been carried on by a succession of logic texts and manuals that have proved their use in practice. But it has become clear that the subject itself lacks any underlying, unified basis of research upon which any kind of genuine depth of classification or analysis of the fallacies could be built.

This sleepy giant of a subject finally began to be roused from its slumbers only recently, with the advent of the interdisciplinary field of argumentation, and the new scholarly work in the practical study of argument in journals like *Argumentation*, *Informal Logic*, and *Philosophy and Rhetoric*. This arousal was provoked by pioneering books like Perelman and Olbrechts-Tyteca's *The New Rhetoric* [1969] and Hamblin's *Fallacies* [1970]. With the advent of the pragmatic and dialectical approach to argumentation set in place by these pioneers and their more recent successors, finally a framework has made possible the appearance of some research on the fallacies.¹

The tradition in logic has been to divide informal fallacies into two groups, linguistic fallacies, those primarily having to do with the language used to express an argument, and those fallacies 'outside language' that are not exclusively, or primarily linguistic in nature. This way of classifying fallacies originated with Aristotle's distinction, in his book on fallacies, *On Sophistical Refutations*, between fallacies dependent on language, and those not dependent on language.² Leading logic textbooks in the twentieth century continue to adhere (broadly speaking) to this Aristotelian classification of fallacies, although not all of them follow Aristotle's subclassification of having five fallacies inside

¹ See the bibliography of Hansen [1990].

² See Section 3, below.

language (or six, if you count combination and division of words as two separate fallacies—see Section 3 below). Surprisingly however, quite a few of the textbooks continue to follow Aristotle's way of treating linguistic fallacies fairly closely.³

The distinction between fallacies inside and outside language is not an absolute one, because all informal fallacies have to do, to some extent, with the language in which an argument is expressed.⁴ The point in making such a distinction, presumably, is that with a certain subclass of the fallacies, the primary factor that makes this particular type of argumentation fallacious is linguistic in nature, i.e. turns on the language used, the words, sentences, or other linguistic units in which a claim is made.⁵

Aristotle recognized only five (or six, depending on how you count them) of these fallacies dependent on language—see section three below. Although there is every indication that he hit on some of the very most important ones, it is highly unlikely that his list is complete.⁶ In fact, subsequent textbooks have identified many fallacies that appear to be primarily linguistic in nature. What distinguishes Aristotle's list of fallacies dependent on language is that he appears to have concentrated on the leading types of fallacies that arise from ambiguity in language.

1 VAGUENESS, AMBIGUITY AND OBSCURITY

Here we need to distinguish three leading factors in language that can commonly lead to fallacies and problems in communication. An expression is *vague* if it has no definite cut-off points or borderlines so that we can say nonarbitrarily whether something is included under that expression or not. For example, the word 'rich' is vague. Although, for many individuals, we can definitely say they are rich or not rich, there are also other individuals of whom we cannot definitely say, nonarbitrarily, that they are rich or they are not rich. An expression is ambiguous if it has more than one meaning. For example, the word 'bank' is ambiguous in the sentence 'She went to the bank,' because it could mean 'savings bank' or it could mean 'river bank.' An expression is *unclear (obscure)* if

³ As will be shown in Chapters 2–5.

⁴ Hamblin [1970, pp. 80–81].

⁵ Admittedly, what Aristotle says can be taken a number of different ways, as shown by Hamblin's discussion [1970, pp. 80–82].

⁶ Aristotle claims his list is complete (*Soph. Ref.* 165 b 25), but never proves this claim. Commenting on this claim, Hamblin [1970, p. 80] writes, 'what he [Aristotle] says is extremely puzzling and leads us to suppose that we do not have the full story'.

we do not know what it means. For example the following sentence (part of an art exhibit) is cited by Werier [1993, p. A6] as a statement that ‘sounds important’ but is ‘completely unintelligible’.

Case 1.1

It is only by rhetorical resort to synecdoche, the figure of speech in which the part stands in for the whole, that scraps of captured secret can be taken to represent the entire culture of the other and multiple subjectivities that constitute it.

Obscurity of language is a matter of presentation and style. It can be acceptable in literary contexts, and perhaps also in describing art, as in Case 1.1. But lack of clarity can be an obstacle if the purpose of a discourse is to explain something, to give directions to carry out instructions for action, or to resolve a conflict of opinions by a reasoned critical discussion, using arguments.

Obscurity is often accompanied by ambiguity and vagueness, and the latter two elements may contribute to it. Obscurity is sometimes intentional. In political speeches, for example, obscure but impressive-sounding language is often used to confuse one’s adversaries, and perhaps the voters as well. Often it is hard to tell whether the lack of clarity is intentional or inadvertent. In the following case ([Lutz, 1989, p. 5]), a quote that may have perhaps sounded more coherent when spoken, appears highly obscure when put in print.

Case 1.2

During the 1988 presidential campaign, vice-presidential candidate Senator Dan Quayle explained the need for a strategic defense initiative by saying, ‘Why wouldn’t an enhanced deterrent, a more stable peace, a better prospect to denying the ones who enter conflict in the first place to have a reduction of offensive systems and an introduction to defensive capability? I believe this is the route the country will eventually go’.

Here the problem is not so much one of ambiguity or vagueness, both of which presuppose some level of meaning or intelligibility. The problem is one of making any sense at all of what was said. This case is best described then as one of lack of clarity (obscurity).

What is the relationship of ambiguity to clarity? Ambiguity is not the opposite of clarity. Nor is ambiguity precisely targeted or totally eliminated by the conversational maxim ‘Be clear’.⁷ Clarity is the opposite of obscurity. Ambiguity can, and perhaps often does lead to obscurity. But, in principle, the two

⁷ As shown in detail in Section 10, below.

things are different. Ambiguity is multiple meaning. Obscurity is more difficult to define, but it refers to a case where an utterance has no clear meaning that is easily or straightforwardly understandable to its intended respondent in a dialogue.

Obscurity often, and perhaps even typically, leads to confusion.⁸ And confusion is generally a bad thing in communicative dialogue generally, although not in every case. Ambiguity can also lead to confusion, and presumably, it often does. This too can be an obstacle to conversations and to goal-directed activities. If what you say is ambiguous, and I don't know which way I am supposed to take it, then this could be an obstacle to my carrying out some action that you are trying to direct me to carry out.

For example, the following sentence was found on the label of a bottle of capsules containing a herbal remedy (*Herbal combination IGS II, Nature's Sunshine Products of Canada Ltd.*, Orangeville, Ontario).

Case 1.3

Recommendation: Two capsules with three meals each day, or as desired, as an addition to the everyday diet.

Does this mean one is supposed to take two capsules with each one of your three meals, each day (a total of six capsules per day)? Or does it mean that one should take a capsule with two of your three meals, each day (a total of two capsules per day)? In answer to a poll, four students in my argumentation class thought that it probably meant the former, but were unsure. The two remaining students replied they did not know which recommendation was meant. One student said she guessed the former was meant because 'with herbal remedies, you generally have to take a lot'. Uncertainty is a problem arising from ambiguity in this case, because the person taking the pills needs to know how many are indicated daily.

It is natural to take a next step here of declaring that ambiguity is a fallacy, or is inherently misleading or erroneous. But in fact, ambiguity, and one could say the same of vagueness, is not always a problem. They are not wholly wrong, or subject to condemnation, in all types of discourse. Indeed, it seems improbable that we will ever be in a position to escape vagueness and ambiguity, especially in natural language conversations, or even in more structured, e.g. scientific inquiries, where systematic efforts are made to reduce vagueness and ambiguity by the use of definitions, technical terms, and the like. However, what is notable from a point of view of logic is that vagueness, ambiguity, and lack of clarity

⁸ On confusion, see Mill's account in Section 8, below.

can lead to misunderstanding, misdirection and confusion, and even to fallacies or logical errors of certain kinds.

2 EQUIVOCATION, AMPHIBOLY AND ACCENT

In the standard textbook treatments, there are three famous fallacies associated with ambiguity in language—equivocation, amphiboly, and accent. There is also a more rarely treated fallacy called ‘figure of speech’. Nearly all the textbooks that cover the fallacies include equivocation. Amphiboly and accent tend to be less popular—increasingly so today—although many books still mention them.

According to Manicas and Kruger [1968, p. 321] equivocation is the fallacy of ‘using a word or phrase in two different senses in the same argument’. They give the following example [1968, p. 321].

Case 1.4

Nothing is better than a good grade.

A bad grade is better than nothing.

Therefore, a bad grade is better than a good grade.

Here, as Manicas and Kruger note [1968, p. 326], the argument appears to be valid. But the conclusion is outrageously false. It follows that one or the other of the premises must be false. But each of them, individually, appears plausible. Neither appears to be false.

What is the explanation? It is, according to Manicas and Kruger [1968, p. 322], that the word ‘nothing’ is ‘used in two senses’, i.e. is ambiguous. It appears then that there has been a shift in the meaning of this word as we pass from the one premise to the other. Actually the argument in Case 1.4 is logically complex, because the tricky word ‘nothing’ in the first premise is a quantifier. But putting such subtleties aside, one can see that the word ‘nothing’ does exhibit a shift of meaning in this case, and that this shift is a problem, because it can create a deception.

It is this kind of shift or ambiguity in the meaning of a word or phrase in an argument that is characteristic of the fallacy of equivocation.

The key thing to note at the outset is that it is not the ambiguity itself that is fallacious. The fallacy of equivocation arises because the ambiguous term is used in an argument in such a way that it makes the argument appear correct or persuasive, when really it is not. Once we perceive the ambiguity, the deceptive cogency of the argument falls apart. It is revealed as fallacy.

Manicas and Kruger add a qualification [1968, p. 322] that is worth quoting.

It should be noted that the fallacy of equivocation can occur only in an argument. In expressions like ‘Boys will be boys’, and ‘Business is business’, there is no fallacy, for there is no argument.

This is what we will call below *the argument requirement*—in order for the fallacy of equivocation (or any other fallacy) to occur in a given discourse, there must be an argument in that discourse. Thus ambiguity, by itself, is not the same thing as the fallacy of equivocation. Equivocation arises from the ambiguity of a word or phrase that occurs (normally at least twice), in an argument, and can be interpreted one way in one occurrence and another way in the other occurrence, by someone to whom the argument was directed. Whether an argument having an ambiguous term in it that occurs only once can be an equivocation is a bone of contention to be taken up subsequently.

The fallacy of amphiboly is similar to the fallacy of equivocation, except that the ambiguity is in the grammatical structure of a whole sentence, and not specifically in a word or phrase that occurs in an argument. The most severe problem with the standard treatment of amphiboly in the logic textbooks is that the examples given appear to fall short of the argument requirement [Hamblin, 1970, pp. 16–18].⁹ Case 1.3, as we saw, is an ambiguous sentence, and the ambiguity is in the grammatical structure of the sentence as a whole. It is not in any single word or phrase, by itself, in the sentence. Case 1.3 is typical of the kind of case so often cited in the textbooks as examples of amphiboly—see Chapter 3. But Case 1.3 is not an argument. It does not have premises and a conclusion. It is a single sentence. Hence, although it is an ambiguous sentence that is confusing, and even misleading, or at least could be the source of misunderstanding and inappropriate action, we should not classify it, properly speaking, as a fallacy (or an instance of one).

But perhaps Case 1.3 could contain a nonexplicit argument, by suggestion or innuendo. Someone who reads the bottle, and draws the conclusion, may infer (perhaps incorrectly) that she ought to take two capsules every day. She has drawn a conclusion from the sentence written on the bottle. So, it appears, there is an argument contained in Case 1.3, at least implicitly, or indirectly.

But is this implicit, potential inference involved in Case 1.3 enough for us to say that this case is an argument, i.e. that it meets the argument requirement? This is one of the two major problems that needs to be addressed if we are to make any sense of amphiboly as a fallacy. The other problem is that the examples of amphiboly given by the textbooks are not very convincing or serious,

⁹This will be demonstrated amply in Chapter 3.

in the sense that they appear to be errors or deceptions that would not actually fool any intelligent person who is paying much attention.

The fallacy of accent [Hamblin, 1970, p. 22] is ‘supposed to arise from the confusion of words which are spelled alike but differ in spoken accentuation’. The first problem with this fallacy, like amphiboly, is that the textbooks have failed to come up with good cases that clearly are arguments that would seriously fool anyone. Perhaps this is because, as Hamblin notes [1970, p. 24], ‘In English we do not rely much on the rise or fall of intonation’. This paucity of examples created a need to fill the gap by interpreting ‘accentuation’ widely to include not only verbal stress on a word or phrase in pronunciation, but also ‘stress’ in the sense of emphasis.

The problem here is that emphasis, broadly construed, could include all kinds of failures of balance or proportion in argumentation, including things like bias and wrenching from context. But portraying these things as fallacies within language, arising from ambiguity, is very questionable indeed. Certainly wrenching from context is an important fallacy, but is it right to include it under the heading of accent?

One very simple and clear type of case of wrenching from context is the case where someone’s assertion is reported by a critic in a way that simply omits a condition which the speaker placed on that assertion. A good example is given by Little, Wilson and Moore [1955, p. 57].

Case 1.5

During the 1952 presidential campaign, newspapers reported Eisenhower as declaring that taxes could be reduced by \$ 40,000,000,000. A critic apparently put him in an untenable position by declaring that such a reduction in taxes would cripple the defences of the nation in time of peril. What Eisenhower had actually said, however, was that taxes could be reduced by the stated amount *if* international tensions could be resolved—a statement of vastly different significance from the inference based on the partial quotation.

The fallacy of wrenching from context is quite a straightforward kind of erroneous inference in this type of case. Eisenhower’s assertion really had the form of a conditional statement, ‘If *A* then *B*’. But the critic simply dropped the antecedent (*A*), and reported Eisenhower as making the unconditional assertion, *B*.

The fallacy here is one of incorrectly reporting what someone said, by omitting part of it, and thereby taking the claim out of context. Thus the error in

this case is also related to the *straw man fallacy*. But this is a far cry from what Aristotle evidently had in mind by the fallacy of accent, as a fallacy arising from spoken accentuation of a word or phrase. It has now become a fallacy that has to do with balance of fairness in reporting a source, or summarizing an argument. What is wrong is that the arguer's real claim or position on the issue has been misleadingly torn from its context in the larger dialogue or discourse of which it is a part.

3 ARISTOTLE'S FALLACIES WITHIN LANGUAGE

Aristotle divided fallacies (sophistical refutations) into two categories, those dependent on language (*para ten lexin*) and those independent of language (*exo tes lexeos*). The traditional Latin terms are *in dictione* and *extra dictioinem*, often used in the textbooks. Five fallacies dependent on language are cited (or six, if combination and division of words count as two).

Equivocation

This fallacy occurs where we have an argument in which 'we fail to indicate the same thing by the same terms or expressions'. (*On Sophistical Refutations* 165 b 28). Aristotle gives three examples, none of which translates very well into English in a way that makes it useful to illustrate equivocation in a modern textbook. But at any rate, the first example he gives is this one (165 b 30–165 b 33).

Case 1.6

Arguments such as the following are based on equivocation:
 'Those who know, learn; for it is those who know the use of letters that learn what is dictated to them'. Here 'learn' is equivocal, meaning 'understand by using knowledge' and 'acquire knowledge'.

Why this argument would fool someone in argumentation, once translated into English is not evident. But still, one can get the general idea of how equivocation works as a fallacy. Here we have an argument, and a key term 'learn' is used in one sense in the premise, and then in a different sense in the conclusion. The premise is plausible only if 'learns' is interpreted one way, but the conclusion, taken by itself, somehow suggests that the term is to be interpreted the other way, even though this makes the conclusion quite implausible.

Two Readings of Case 1.6

Reading 1: ‘understand by using knowledge’:

Premise plausible.]
Argument valid.	
Conclusion not implausible.	

Reading 2: ‘acquire knowlege’:

Impossible in premise 1.]
Conclusion is implausible.	
Yet the conclusion is interpreted this way because this reading is the normal one, the other being tied to special contexts.	

The fallacy then is explained by the appearance of validity the argument has, before disambiguation of the key term, as contrasted with the failure of validity once the term is disambiguated in the premise and conclusion.

Amphiboly

Amphiboly is essentially the same fallacy as equivocation, except that the ambiguity is in the grammatical structure of the whole sentence, and not just in a single term or phrase within the sentence. Aristotle gives the example of the sentence ‘To wish me the enemy to capture’ (166 a 8). This could mean ‘I wish you to capture the enemy’, or it could mean ‘I wish that the enemy would capture you.’ This ambiguity is not an argument, nor does Aristotle appear to be presenting it as an argument, or in an argument. But it is not difficult to see how it could be part of an argument that would confuse or mislead someone. Another example he gives (166 a 12) is in the form of an argument.

Case 1.7

You insist on being what you insist on being.
 You insist on a stone being.
 Therefore, you insist on being a stone.

The sentence in the second premise presumably means ‘You insist that a stone exists’, which is a harmless sort of assertion. But you could also take the second premise as meaning the same thing meant by the conclusion, i.e. ‘You insist on

being a stone', an assertion that seems absurd, and implausible or outrageous for anyone to venture. So if you interpret the sentence of the second premise one way, the argument is valid, but the premise is absurd, or implausible. But if you interpret the second premise the other way, the argument is invalid, even though the premise seems sensible and plausible.

Combination and Division of Words

This fallacy (or pair of fallacies) has to do with how words are combined together in a sentence. Aristotle (166 a 27) gives two examples of combination of words.

Case 1.8

A man can walk when sitting.

Case 1.9

A man can write when not writing.

In a divided sense, these sentences can express true propositions, i.e. 'Even while a man is sitting, it is true that we can say of him that it is possible for him to walk', or 'Even while a man is not writing, it is true that we can say of him that it is possible for him to write'. But in another (combined) sense, these sentences express impossible propositions that could never be true, i.e. 'A man can walk-while-sitting' or 'A man can write-while-not-writing'. In the combined sense, these sentences refer to the actual carrying out of these two actions at the same time.

The first example of division of words Aristotle gives (166 a 35) is arithmetical, and has to do with punctuation (parentheses).

Case 1.10

5 is 2 and 3

This sentence could express the one true proposition, ' $5 = (2 + 3)$ ' or it could express the pair of false propositions ' $5 = 2$ ' and ' $5 = 3$ '.

None of the last three cases is an argument, but it is perhaps not too difficult to see how they could occur in misleading or sophistical arguments. And in fact Aristotle gives a good example of such an argument in *On Sophistical Refutations* (177 b 20–177 b 22).

Case 1.11

It is true to say at the present moment, you are born.
Therefore, you are born at the present moment.

This is an example of the fallacy of combination of words. For the premise could be true when the words are combined in the way indicated by the given punctuation. But the premise could be false if interpreted as ‘It is true to say, at the present moment you are born’. There could also be a use-mention difference confusion partly involved here, as it could be clearer to express the meaning of this sentence as follows: It is true to say, ‘At the present moment you are born’. Here, quite clearly, the speaker is committing herself to the proposition, ‘You (the hearer) are born just at the present moment I am now speaking’.

One potential problem with Case 1.11 is that it shows how unclear it is how combination and division of words are different fallacies from the fallacy of amphiboly. For the ambiguity in Case 1.11 is due to punctuation, which seems to make it a species of grammatical (structural) ambiguity.

It is not clear, however, just to what extent Aristotle thought combination and division of words are subspecies of equivocation and/or amphiboly, or are separate fallacies in their own right. For when he first introduces combination and division of words, he writes: ‘Amphiboly and equivocation then take these forms’. However, Aristotle does mention the number six (165 b 25), and the sentence following the one quoted above is a transition (in the Greek text), to the next sentence, containing a ‘but’ (166 a 23) and linking combination of words to some examples. So there are textual grounds for thinking Aristotle did see combination and division of words as separate or new fallacies in their own right, apart from equivocation and amphiboly, and as two distinct fallacies.

Another confusion implicit in combination and division of words is that in the modern textbooks, these fallacies have been replaced by the fallacies of composition and division, which are generally taken to be non-linguistic fallacies (not dependent on language, in Aristotle’s sense), having to do with arguments from parts to wholes and vice versa. Nonetheless, these modern non-linguistic counterpart fallacies still tend, routinely, to be classified as fallacies within language.

Accent

The fallacy of accent is evidently, for Aristotle, similar to equivocation and amphiboly, except that the ambiguity turns on pitch in pronunciation. The example he gives is a phrase in Homer (166 b 7), which means ‘part of which decays in

the rain'. But this interpretation appeared strange to critics, so they 'solve the difficulty by a change of accent', by pronouncing one syllable more sharply. This fallacy seems to be a fallacy relating to the Greek melodic accent in pronunciation, as contrasted to equivocation and amphiboly, which could be either written or oral. According to Aristotle (166 b 1), it is not easy to give an example of the fallacy of accent in spoken discourse (the exception being poetry, and hence the example from Homer). In spoken discourse, you *hear* the accent (pitch). The three accents are *acutus* (high pitch), *gravis* (low pitch), and *circumflexus* (wavering pitch). Vowels were also marked at the beginning of some words as 'aspirated' or not—for example, in some cases the vowel at the beginning of a word could be begun with a pronounced 'h' sound, or not. But written Greek, in Aristotle's time, did not yet write the accents over the words. So at that time a written word could be interpreted as having different meanings, depending on how it might be pronounced in oral speech.

Form of Expression

This fallacy occurs where 'what is not the same is expressed in the same form'. (166 b 12). The fallacy arises because the meaning may appear to be alike, because of the expression, whereas really it is not alike (178 a 23). Aristotle gives the following example.

Case 1.12

It is not possible to be doing and to have done the same thing at the same time.

'To see' like 'to do' is an active form of expression.

Therefore, it is not possible to be seeing and to have seen the same thing at the same time.

In this argument, both premises are true, but the conclusion is false. Aristotle thinks however that this type of argumentation can have an appearance of validity because the expression 'to see' has an active form like 'to cut' or 'to run', as opposed to a passive form. But this is, to some extent, misleading, because 'to see' is surely a 'form of being struck by a sensible object' (178 a 16). Hence, in its logic, seeing is more of a passive than an active type of verb.

Form of expression has evolved into the modern fallacy usually called *figure of speech*, described by Hamblin [1970, p. 25] as the fallacy of 'being deceived by the misleading structure or etymology of a word'. But this fallacy appears to have dwindled into insignificance in modern textbooks. As Hamblin notes [1970, pp. 25–26], few modern textbooks 'bother to mention' this fallacy at

all, and there has been a general failure, among those that do, to find any serious examples of it. This neglect is remarkable, since, as we will see, there is an important application of it to examples of ‘misleading form’ in twentieth-century analytic philosophy.

Combination and division of words gradually faded out from the logic textbooks over the centuries, or at least gradually became transformed into the fallacies of composition and division, construed as non-linguistic fallacies having to do with parts and wholes.¹⁰

Nearly all the modern textbooks that treat fallacies include equivocation, however, and many of these also include amphiboly and accent. These two are often treated as less important than equivocation, or in many instances, as subspecies of equivocation.

4 DEVELOPMENTS AFTER ARISTOTLE

The notion of ambiguity played a very important role in Stoic philosophy, both in logic and ethics. According to Atherton [1993, p. 28], Chrysippus (*c.* 280–*c.* 206), the third leader of the Stoic school, ‘wrote at least seven, and almost certainly eight, treatises on ambiguity’. Unfortunately, all these texts were lost, and only one mutilated and incomplete Chrysippean text in which ambiguity is discussed survives. Because of textual difficulties with this manuscript [Atherton, 1993, p. 30], little has come out of it yet that is helpful in understanding the Stoic concept of ambiguity.

Because of this lack of first-hand sources, what we know about the Stoic doctrines on ambiguity comes from other authors—like Diogenes Laertius, Galen, Theon of Alexandria, Sextus Empiricus, Alexander of Aphrodisias, Simplicius and St Augustine—and these sources give incomplete paraphrases that are mainly put forward as doctrines to be criticized.

One of these sources that is particularly interesting from a point of view of the study of fallacies is the small manuscript on language and ambiguity (*De Captionibus*) surviving from Galen’s works [Edlow, 1977, pp. 106–107]. Galen himself had a theory of fallacies dependent on language, but this manuscript is really more of a commentary on Aristotle’s treatment, and does not differ in any deep way from the Aristotelian treatment, even though ([Edlow, 1977, p. 72]) Galen himself wrote that he was not interested in merely expounding or interpreting Aristotle. One interesting part of the manuscript is Galen’s classification of eight types of ambiguities attributed to the Stoics by name, translated

¹⁰ Woods and Walton [1977].

with original text in [Atherton, 1993, pp. 180–183].

Another interesting aspect of Galen's treatment is his distinction relating to three kinds of ambiguity—actual, potential and imaginary. This same threefold distinction is found in the work of a contemporary of Galen's, the Aristotelian commentator Alexander of Aphrodisias, who lived in the late second century A. D. Alexander, according to Hamblin [1970, p. 98] contributed the doctrine of *to ditton* (the double) meaning ‘double meaning’ or ‘multiple meaning’, which came to be known in Latin as *multiplex*. According to Hamblin [1970, p. 98], this expression also has overtones of ‘deceit’, ‘something like the word “duplicity” in English’. Hamblin outlines the gist of the *multiplex* doctrine of Alexander's [1970, p. 98], pieced together from references in later Byzantine and medieval commentaries (the foremost being Peter of Spain's 13th century *Treatise on the Major Fallacies*).

There are three kinds of *multiplex*—actual, potential, and imaginary. The word ‘actual’, which describes the first and simplest sort, refers specifically to the ‘act’ of speaking. Actual *multiplex* occurs ‘when a word or phrase, without variation either in itself or in the way it is put forward, has different meanings’, or ‘when a word or phrase, unchanged *simpliciter*, has more than one meaning’. This is the case with Equivocation and Amphiboly, the one being in respect of a single word and the other in respect of a phrase.

Potential *multiplex* occurs ‘when a word or phrase, without variation in itself but varying in the way it is put forward, has different meanings’. This is the case with Composition, Division, and Accent and it seems that the word ‘actual’ and the verb ‘put forward’ are being used very literally to refer to speech, distinguished from writing.

Imaginary or apparent *multiplex* occurs ‘when a word with a fixed meaning seems, owing to some likeness, to have a different one’. [Hamblin, 1970, pp. 99–100]

The actual details of this threefold distinction are less interesting than what it suggests as a potential basis for developing a theory of fallacies of ambiguity.¹¹ What is apparently needed is an analysis of the concept of ambiguity that could help to explain exactly why and how ambiguity is a source of deception and error in argumentation. This seems to be at the heart of the problem for, as we

¹¹ We return to a consideration of the possible significance of this puzzling but intriguing distinction in Section 6, below.

will see in Section 6 below, the very concept of ambiguity seems to be itself ambiguous.

Through the rest of the history of logic, the fallacies of ambiguity continued to appear in the textbooks, but were not further developed in any theoretical way, except for occasional insights arising from particular examples.¹ The study of fallacies tended to be eclipsed by the development of formal logic, stemming from Aristotle's theory of syllogistic reasoning, and from the elements of propositional reasoning developed by the Stoics. Equivocation was the main fallacy covered by the textbooks, and it was often placed in a context of syllogistic reasoning.

Many logic textbooks related the fallacy of equivocation to two other fallacies that arise in connection with syllogisms. A syllogism is defined as a special type of argument that contains three propositions, each proposition contains two terms, and each term occurs in exactly two of the propositions. The following is an example.

Case 1.13

All spaniels are dogs.
All dogs are mammals.
Therefore, all spaniels are mammals.

The term 'dogs' is called the *middle term* because it is the term that occurs in both premises.

The *fallacy of four terms* (*quaternio terminorum*) occurs where an argument fails to be a syllogism because it has four terms instead of three, while otherwise having the form of a syllogism.

Case 1.14

All spaniels are dogs.
All cats are mammals.
Therefore, all spaniels are mammals.

In this case, it is not likely that the argument would have any appearance of being a valid syllogism, because the failure to have exactly three terms is not disguised.

In fact, the fallacy of four terms is most likely to arise where the failure to have only three terms in what appears to be a syllogism is disguised by an equivocation. An illustrative example of this sort is given by Creighton [1904, p. 158].

¹ There are possible exceptions to this generalization, including Mill's treatment of fallacies of ambiguity (Section 8).

Case 1.15

Every good law should be obeyed.

The law of gravitation is a good law.

Therefore, the law of gravitation should be obeyed.

As Creighton [1904, p. 158] observes, the word ‘law’ in the first premise means a command or enactment given by some authority, while the same term in the other premise refers to a statement of the uniform way phenomena behave under given conditions. When an equivocation of this four terms type is cited by textbooks, it was often classified as a case of the *fallacy of ambiguous middle term*. Thus generally, we could say that when the fallacy of four terms occurs (1) in relation to the (apparent) middle term, and (2) through an equivocation on that middle term (the ambiguity revealing there being really two terms instead of one), the fallacy can be precisely characterized as that of ambiguous middle term. Accordingly then, the fallacy of ambiguous middle term can be classified as a special type of equivocation fallacy that occurs in relation to syllogistic theory as a special type of valid argument.

In cases where an ambiguous word or phrase that is the basis of an equivocation is cast as the middle term (or ostensible middle term) of a syllogism, the argument in question can be said to be an instance of the fallacy of equivocation on the grounds that it is not really a syllogism at all, but only appears to be. But this would be too limited, as a general account of the fallacy of equivocation. For it appears that the fallacy of equivocation can occur in arguments that are nonsyllogistic, i.e. where casting the argument in syllogistic form would not fully represent the nature of the argument (or explain properly why it failed to be a good argument because of the equivocation).

In short, the fallacy of equivocation (generally) is broader than the fallacy of ambiguous middle term. Moreover, as will be made clear below, the fallacy of equivocation has not only to do with the failure of an argument to have a deductively valid form. It is not a formal fallacy.

Even so, the failure in Case 1.15 gives us a clue to the nature of this fallacy. The fallacy occurs because something that appears to be an argument of a certain sort is not really an argument of that sort at all. Somehow the failure relates to the requirement that in an exchange of views or critical discussion, an argument containing an ambiguous term can be misleading.

5 A SIMPLE CASE OF A FALLACY DUE TO AMBIGUITY

To get a basic grasp of how fallacies due to ambiguity work, it is best to start with a simple example. The basic structure of this simple example will be essentially the same, in respect to its being a fallacy arising from ambiguity, as more subtle examples. A good case is the following one from Beardsley [1956, p. 177].

Case 1.16

A planned society is evil.

Therefore, planning is wrong.

As Beardsley points out [1956, p. 177] the word ‘plan’ has shifted to a different sense in the conclusion. In the premise, ‘planned’ was used to mean ‘decided by the government and imposed on the citizens’. The word ‘planned’ as an adjective used to modify the word ‘society’ has a connotation of ‘social planning’ that is negative (from a democratic point of view). However, the word ‘plan,’ as used in the conclusion has quite a different meaning. Here ‘planning’ means ‘foreseeing and preparing for future contingencies’ [Beardsley, 1956, p. 177]. This does not have the same negative connotations as ‘planned’ in the premise.

This case is said to be an instance of the fallacy of equivocation by Beardsley [1956, p. 177], because the word ‘plan’ as used (in different grammatical forms) in the premise has a different meaning from the same word used in the conclusion. The meaning-shift from the one proposition to the other is the characteristic mark of an equivocation.

However, using Aristotle’s system of classification of fallacies dependent on language, there is a problem with calling this case an instance of equivocation. In Case 1.16 there is a grammatical shift from the adjectival form ‘planned’ in the premise, to the gerund form ‘planning’ in the conclusion. Hence you could classify this case as a fallacy of form of expression.

But even that is not the whole story. The ambiguity arises not so much only from the grammatical shift as from the problem that the word ‘planned’ takes on a special meaning when placed in front of the word ‘society’. For the phrase ‘planned society’ is a colloquial one in political conversation that has something of an ‘undemocratic’ connotation to it. In Aristotle’s classification, perhaps this might come under the fallacy of combination of words.

But current textbooks tend no longer to mention the fallacies of form of expression and combination of words. So Beardsley (by his classification of fallacies) could be justified in calling this case an equivocation.

Whatever we call it, the fallacy in this case is one that arises from ambiguity, to be sure. But the existence of the ambiguity does not by itself tell the whole story of why the argument is fallacious. A second characteristic is that each sentence has, by itself, one plausible disambiguation. If we disambiguate both sentences, following the most (individually) plausible interpretation of each, the following argument is produced.

- (A1) A society in which things are decided by the government and imposed on its citizens is evil.

Therefore, foreseeing and preparing for future contingencies is wrong.

In (A1) however, the premise is clearly true and the conclusion clearly false. At least, these are the plausible interpretations that would normally be given to them by an audience or readership. On this interpretation, the argument is invalid. It is deductively invalid, because any argument where the premises are all true and the conclusion is false is deductively invalid. Moreover, as an inference, this argument is not even plausible. The premise seems to have little, if any, bearing on the conclusion, and gives it little or no support.

This being the case, we might wonder how the original argument in Case 1.16 could be a fallacy that would ever fool anyone into thinking it was a good, or plausible argument. The answer lies in the ambiguity of the word ‘plan’.

The word ‘plan’ in the original case, if interpreted univocally in both premise and conclusion, can generate two possible arguments, both of which are somewhat plausible inferences. In both arguments, if the premise is true, it gives at least some reason for thinking that the conclusion is true.

- (A2) A society in which things are decided by the government and imposed on its citizens is evil.

Therefore, having things decided on by the government and imposed on its citizens is wrong.

- (A3) A society based on foreseeing and preparing for future contingencies is wrong.

Therefore, foreseeing and preparing for future contingencies is wrong.

In both these arguments, the premise has at least some bearing on the conclusion. In (A2) both the premise and the conclusion are plausible. (A2) is not a very surprising inference, in the way that the argument in Case 1.16 is. But still, it is an argument where the premise gives some support to the conclusion.

In (A3), both the premise and the conclusion are (plausibly) false. However, here too, the premise does at least have some bearing on the conclusion. If the premise were true, it would at least give us some reason to think that the conclusion is true too.

Argument (A1) had ‘bite’, in the sense that it has a (plausibly) true premise and a (plausibly) false conclusion. By contrast, both (A2) and (A3) lack bite. The premise is, in each instance, about as plausible or as implausible as the conclusion. No surprising ‘leap’ is made by either of these arguments.

On the other hand, both (A2) and (A3) have ‘bearing’ in that the premise is relevant to the conclusion, in each instance.¹ One has bite but lacks bearing, while the other two have bearing but lack bite.

An argument has *bite* where the conclusion is considerably less plausible (in itself) than the premise(s) so that the premise(s) would, as a basis for inferring the conclusion, increase the plausibility of the conclusion considerably. Bite does not require that a particular structure of inference be applicable to the given case of an argument, so that the plausibility of the premise(s) will actually increase the plausibility of the conclusion. Bite only requires that the potential for such an increase be there. Bite could also be described as potential for convincingness in relation to a conclusion that is open to dispute or doubt.

An argument has *bearing* where the premise does actually give some reason to increase the plausibility of the conclusion, given that the premise is plausible. To say an argument has bearing is to say that the premise is relevant to the conclusion, in one sense, at any rate.

The original argument in Case 1.16 appeared to have both bite and bearing. It appeared to have bite because the premise seemed plausibly true, while the conclusion seemed highly implausible. It appeared to have bearing, because both premise and conclusion contained the word ‘plan’ in some form, and therefore seemed to be connected to each other.¹⁴

But once we analysed the original argument into its component sub-arguments by disambiguating, we lost the illusion of a single argument that had both bite and bearing. Instead, what we got was one argument, (A1), that has bite all right, but lacks bearing. And we got two other arguments, (A2) and (A3), that have bearing but lack bite.

¹ The concept of bearing is very similar to the concept of relevance cited by Johnson and Blair [1983, p. 131] in their analysis of equivocation. It is a pragmatic concept of the dialectical relevance of a speech act in a dialogue. However, defining relevance generally is beyond the scope of this Chapter.

¹⁴ One can see the similarities of this analysis with the definitions of equivocation given by Church, Johnson and Blair, and Freeman, below (Chapter 2, Section 1, and just prior).

We see the illusion then. We see how the fallacy of equivocation (and associated fallacies arising from ambiguity) works, as a deceptive tactic. The problem is that the entity described as Case 1.16 is not really an argument. An argument is a set of propositions, some of which are premises, and (normally) one of which is a conclusion. But the entity in 1.16 is not an argument. It is a pair of sentences, both of which are ambiguous. It is really three arguments rolled up into one configuration that only appears (before disambiguation) to be an argument.

On the surface of initial appearances, the configuration in 1.16 is only an instance of the fallacy of equivocation to the extent that it appears to be an argument. Moreover, surprisingly, at least on the surface, it appears to have both bite and bearing. This proved to be an illusion, however, that quickly evaporated with a little analysis.

Here then is the classical pattern of equivocation as a fallacy. What looks like a useful, working argument—one having both bite and bearing—turns out to be an illusion. It is not really an argument at all, much less one that has both bite and bearing. This sketch of the gist of the fallacy provides a target for our analysis in Chapter 2.

In this case, it was not a straightforward lexical ambiguity that was at the root of the equivocation. The problem was the adjectival use of ‘plan’ in the premise, in context (‘planned society’) took on negative connotations not present in the noncontextual use of ‘planning’ in the conclusion. Whether the fallacy is better classified as a special subtype of equivocation, or as some related fallacy like form of expression, remains to be seen. But at least we have seen enough now to get some idea of how this general class of fallacies works.

It is not just a formal fallacy, or a failure of the argument to be valid, or otherwise be used (have bearing) to prove the conclusion. Rather, the core of the fallacy is the failure of the group of sentences presented, to actually be an argument. It appears to be a single argument, but that is an illusion, created by ambiguity.

This, at any rate, is the gist of the conception of equivocation, and the associated fallacies arising from ambiguity, that will be given an analysis in this book.

We can note three essential ingredients in the fallacy of equivocation. One is that it involves ambiguity. The second is that the ambiguity occurs in an argument, a sequence of propositions having premises (at least one) and a conclusion. The third is that somehow the first two ingredients interact to give rise to a fallacy. This third ingredient means that the argument has somehow become incorrect or inappropriate as a piece of reasoning, has failed to meet some kind of

requirement for a good argument, or has violated some rule or maxim of polite conversation.

Let us examine these ingredients one at a time, starting with the concept of ambiguity.

6 THE AMBIGUITY OF AMBIGUITY

A term is said to be *ambiguous* if it has more than one meaning, as defined in section one, above. Many textbooks also use the term *equivocal* as a synonym for ‘ambiguous,’ as we will see in chapter two, section one. A *term* is a word or phrase, as opposed to a whole sentence. Thus ambiguity of terms is generally presumed to be a lexical, as opposed to a grammatical concept. It is also possible to have grammatical ambiguity, i.e. ambiguity at the sentence level, but this would be generally specified by the textbooks as *amphiboly* (or *amphibology*), or by specifically attaching the adjective *grammatical ambiguity*.

Jevons [1883, pp. 31–32] gives a fairly typical, but better than average account of ambiguity, with a good illustration.

Terms are said to be *univocal* when they can suggest to the mind no more than one single definite meaning. They are called *equivocal* or *ambiguous* when they have two or more different meanings. It will be observed, however, that a term is not equivocal because it can be applied to many objects when it is applied in the same sense or meaning to those different objects. Thus cathedral is the name of St. Paul’s, the York Minister, and the principal churches of Salisbury, Wells, Lincoln and a number of other cities, but it is not ambiguous, because all these are only various instances of the same meaning; they are all objects of the same description or kind. The word cathedral is probably univocal or of one logical meaning only. The word church, on the other hand, is equivocal, because it sometimes means the building in which religious worship is performed, sometimes the body of persons who belong to one sect or persuasion, and assemble in churches.

It is interesting to see that Jevons only claims that the word ‘cathedral’ is ‘probably’ univocal. This reflects the practical reality that it is generally very difficult to say that any particular word in a natural language is non-ambiguous, for sure.

This account of ambiguity is good, as far as it goes, but the matter is more complex.

The word ‘ambiguous’ is itself ambiguous. In one sense, the word ‘bank’ is ambiguous, because it could mean ‘savings bank’ or ‘river bank.’ We could say, to describe this sense of ambiguity that the word ‘bank’ is semantically ambiguous. It is a word that could mean two different things, in different cases (or even in the same case). However, in a sentence like ‘Bob went to the bank and cashed a cheque’, the word ‘bank’ is not ambiguous. What we mean by this second sense of ‘ambiguous’ is ambiguous-in-context. This could also be called pragmatic ambiguity, or ambiguity in use (as opposed to ambiguity in meaning). In the sentence, ‘Bob went to the bank and did something there’, the word bank is both semantically ambiguous and pragmatically ambiguous.

When we ask whether ambiguity is fallacious, or is generally a bad thing in argumentation, it is important to be clear which sense of ambiguity is meant. In a given case of argumentation, it may be no problem that a word in the argument like ‘bank’ is ambiguous, that is, semantically ambiguous. For it may be quite clear *in context*, what the sentence containing that word is supposed to mean.

Schiller [1912, p. 27] takes the not uncommon line that, from a point of view of logic, there is nothing wrong with verbal (lexical) ambiguity.

Every word is (or may be) actually used in a plurality of senses. But so long as it serves to convey the meaning actually intended, the more meanings it can convey, the greater its capacity, *the better it is as a word*, the more useful, efficient, and economical it grows. It is *verbally* ambiguous, but *not* really. If we look up a word in the dictionary and find that it rejoices in a multitude of meanings, the right reflection is not ‘How terribly ambiguous!’ but ‘What a useful word it must be!’

However pragmatic ambiguity, or ambiguity of a word when actually used in a given case of argumentation is quite a different thing, Schiller adds [1912, p. 27]. It can lead to misunderstanding in a way that is ‘something to be really feared’:

[Lexical ambiguity] exists only in the abstract meaning of the word, and not in the actual use. Real ambiguity is a very different affair. It means that a form of words, *when actually used*, fails to convey the meaning intended, or conveys one meaning to one man and another to another, or is intended to convey several meanings to a choice between which the assertor will not commit himself.

Schiller calls pragmatic ambiguity ‘real’ ambiguity, in contrast with lexical ambiguity, which he thinks of as only ‘verbal’. In fact, he even goes so far [1912,

p. 27] as to suggest that it would be better to call lexical ambiguity *plurality of senses*, reserving the term ‘ambiguity’ wholly for pragmatic or ‘real’ ambiguity. This may call to mind the *multiplex* distinction between actual and potential ambiguity.

This proposed bit of linguistic legislation would not likely be popular generally, especially in the field of linguistics, where lexical ambiguity is very important in its own right. But it does make some sense from the more limited viewpoint of logic, as applied to the fallacy of equivocation. For Schiller is right that it is pragmatic ambiguity that is the real danger and source of mischief, from that viewpoint. From this point of view we might do well to suggest a distinction, following along the lines of the *multiplex* doctrine (Section 4). Lexical ambiguity is a potential ambiguity, whereas pragmatic ambiguity is actual ambiguity in a particular case.

Ancient Greek had two words for ‘ambiguous’, and the distinction between them does appear to be comparable to our distinction above between lexical and pragmatic ambiguity. Homonymy (*homonymia*) literally means ‘sameness of name’ (homonymy) and refers to instances where the same word has two different lexical meanings. *Homonymia* was called ‘mere ambiguity’ by Sir David Ross, but Hintikka [1959, p. 137] calls it ‘homonymy’ (which is actually the term used by Aristotle). *Pollachos*, another word often used by Aristotle, refers to a multiplicity of applications. According to Hintikka [1959, p. 140] *pollachos* ordinarily means ‘in many ways’ making the term ‘very apt to express any diversity of applications, whether it be due to a real difference in meaning, to different relations to one and the same basic meaning, or just to a difference in context’. Hintikka thinks [1959, p. 148] that gradually Aristotle attached more and more importance to *pollachos* and distinguished it more clearly from homonymy, but that in some writings, e.g. the *Topics*, he disregarded the distinction between the two types of ambiguity (for systematic reasons, according to Hintikka, [1959, p. 149]). If Aristotle was drawing a distinction between lexical and pragmatic ambiguity, his discussion of ambiguity would seem to be more subtle than that of modern logic textbooks, where most often this distinction is ignored.

In English we do have the word ‘homonym’, meaning ‘one of two or more words spelled and pronounced alike but different in meaning (pool of water and pool, the game)’ (*Merriam Webster Dictionary*, p. 339). However, the word ‘homonym’ is not generally in use as indicating a species of ambiguity in textbook treatments of the fallacy of equivocation. On the other hand, the Latin word *aequivocatio* is a literal translation of the Greek word *homonymia* (*homos* = *aequus* = same, equal; *onoma* = *vocatio* = name, calling).

According to the *Oxford Latin Dictionary* [Glare, 1982, p. 114] the noun *ambiguitas* in Latin means ‘ambiguity of meaning’ which seems therefore (nonambiguously) to mean pretty much what the English word means. However, the verb *ambigo* (*ambigere*) can have three meanings [1982, p. 113] : 1. ‘to dispute, quarrel, contend’, 2. ‘to be undecided or uncertain, doubt’, 3. ‘to call into question, argue about, or to be at issue, be uncertain’. This word is from *ambi*, meaning ‘round, about’ [1982, p. 113], and *ago*, meaning variously [1982, p. 88], to drive (as cattle), force to move, push, set in motion, etc. Moreover, the adjective *ambiguus* can have a wide variety of meanings [1982, p. 114] including ‘unsettled, undecided, doubtful, wavering, hesitating, of uncertain direction, double, mixed, untrustworthy, and having more than one possible meaning’ (e.g. of oracles).

Certainly ambiguity, in English means multiplicity of meaning. But the uses to which we will put the concept of meaning in analysing the fallacy of equivocation, below, will bear out the wisdom of Johnson and Blair’s suggestion [1983, p. 131] that it is meaning-in-context, i.e. pragmatic ambiguity (*pollachos*) that ought to define the concept of ambiguity appropriate for informal logic.

Underlying all this, however, we must keep in mind the distinction between ambiguity and equivocation. Ambiguity is a phenomenon in language, which could be good, indifferent, or bad (from a logical point of view). Equivocation, by contrast, ought to be defined as a fallacy, for the purposes of logic. It, therefore, is inherently bad, as a species of argumentation.

7 THE ARGUMENT REQUIREMENT

The second ingredient in the fallacy of equivocation is the concept of an argument. The general requirement is that a fallacy should be a fallacious argument.

Part of the problem of analysing the fallacy of equivocation is a general problem of determining what should be meant by ‘fallacy.’ Is it proper to describe an ambiguity in the usage of a term that is the basis of a misunderstanding or failure of communication as a fallacy? Many textbooks do in fact describe such failures as instances of the fallacy of equivocation. However, there are grounds for not acquiescing too quickly in the point of view that any blunder, misunderstanding, ambiguity or error can rightly be called a fallacy. A fallacy should be a serious, systematic, underlying error in an argument that contains defective reasoning, or an illicit use of reasoning in argumentation. If so, ambiguity, in itself, is not a fallacy, or fallacious argument, properly speaking.

There are some grounds for questioning this argument requirement on the

concept of a fallacy. The fallacy of many questions has the form of a question, e.g. ‘Have you stopped engaging in child abuse?’¹ And the *ad baculum* fallacy, of appealing to force, threat or fear tactics, can perhaps be committed by making a threat that is, at least not explicitly, in the form of an argument.¹⁶ But even so, to the extent both these types of tactics are used as fallacies in a particular case, we may be inclined to find that there is argument, or argumentation of some sort, taking place (at least implicitly, or contextually) in that case.

Thus there are grounds for doubting whether an ambiguous sentence, with no clearly evident premises or conclusion in which it is used, should be cited as an instance of the fallacy of equivocation (or amphiboly). Such doubts have been voiced before, in a particularly pointed form by Hamblin [1970].

According to Hamblin [1970, p. 14], the basic problem with the standard treatment of equivocation and amphiboly in the logic textbooks is that the examples given, although they do introduce us to the idea of ambiguity, are not good or real examples of the fallacy of equivocation or the fallacy of amphiboly. The word ‘fallacy’ is the key to this problem. For as a fallacy, ‘equivocation’ means more than just ambiguity, or double-meaning. It has a pejorative or negative sense, referring to an *argument* that has exploited or abused ambiguity as a means of deceiving some audience, readership, or speech partner. It is more than just ambiguity of a word or phrase, but misuse of that ambiguity in *argument*. An equivocation is a type of flawed or bad argument that has gone wrong because of ambiguity of a word or phrase used in the argument. The point of view represented by Hamblin is that equivocation is more than merely ambiguity, and that any good analysis of equivocation as a fallacy must show how the ambiguity is linked to a failed argument.

An early example of a textbook failure to meet this requirement is the following supposed case of the fallacy of equivocation from Fraunce [1588, p. 27], quoted by Hamblin [1970, p. 14].

Case 1.17

All the maydes in Camberwell may daunce in an egge shell.

Fraunce explains the ‘fallacy’ as follows:

Of a little village by London, where Camberwell may be taken for
the Well in the towne, or ye towne it selfe.

But this is just an ambiguous term (Camberwell) that can be taken in either of two ways. It is not a case of the fallacy of equivocation, at least as far as we

¹ Walton [1989b]

¹⁶ Walton [1992b].

can determine, from the information given. What would be required to make it so would be a context of argument with premises and a conclusion wherein the ambiguous term has been misused.

It is possible that such a context could be supplied in this case. It could be that the Elizabethan readers would most plausibly take 'Camberwell' in one of the indicated senses, whereas the proponent of the argument in Case 1.17 needed to have it taken in the other way to prove his point (in the discussion). However, if no such context is given, then case 1.17 falls short as a good example of the fallacy of equivocation. It is, for all we know, merely an ambiguous sentence. Beardsley [1950, p. 44] gives a good definition of the fallacy of equivocation that makes the fallacy more than just the uttering of an ambiguous sentence.

The *fallacy of equivocation*, then, consists in this: that in the course of an argument a term changes its meaning in such a way that the conclusion seems to follow when it doesn't. Whether or not the writer is aware of the equivocation, it is still a fallacy.

According to this definition, the change of meaning has to take place 'in the course of an argument'. And moreover, there has to be something misleading about the argument in the sense that the conclusion seems to follow, but really doesn't. Also, the proponent doesn't have to have intentionally tried to deceive the respondent. Nor does the proponent even have to be aware of the equivocation, for the fallacy to be committed.

There is a literature on the subject of casuistry [Jonsen and Toulmin, 1988] that identifies equivocation with lying. According to Jonsen and Toulmin [1988, p. 196], Augustine began his treatise *On Lying (De Mendacio)* by defining *lying* as 'uttering one thing by words or signs while having another thing in one's mind, with the intention to deceive'. The classical case about the immorality of lying, up to the time of Kant, was the famous case of the person who has an innocent (unjustly condemned) man hidden in the house, and the authorities come to arrest him. Is it permissible to lie or not? Raymond of Pennafort, a contemporary of Aquinas, argued that one form of 'non-pernicious' lying would be the case where, compelled to answer, the homeowner replies using 'an ingenious Latin equivocation' [Jonsen and Toulmin, 1988, p. 197]: '*Non est hic.*' can mean either 'He is not here' or 'He does not eat here'. Raymond and other casuists who discussed this sort of ethical problem called this sort of reply 'equivocation' or 'the use of equivocal words'.

But this case of 'equivocation' does not appear to be an instance of the fallacy of equivocation (used in the logical sense explained by Hamblin), because there appears to be no argument put forward by the homeowner. The homeowner as-

serts a sentence which has two meanings, and which therefore expresses two propositions, depending on how you interpret or take it. There is ambiguity, and in the case cited by Raymond, there is a kind of (ethically questionable) deception—a kind of ‘lying’ in Augustine’s sense. But is it a case of the fallacy of equivocation? The answer seems to be ‘no’. The answer is that it is only ‘equivocation’ in the ethical sense of being a case of lying. It is not an equivocation in the logical fallacy sense. Of course, it could be an equivocation in this latter sense if one could extract some sort of argument from what the homeowner says. We return to this possibility in Chapter 2.

This leads us to the third ingredient of the fallacy of equivocation. Such an argument seems to be a good one, but is not. The fallacy arises because some sort of violation of a standard of good, appropriate, or correct argument has occurred.

The leading line of argument here seems to be that fallacies of ambiguity are fallacies because they create confusion, and confusion is a source of logical errors and deceptions. The general idea here seems to be that there is some sort of standard of clarity of speech that should be binding on logical argumentation. Ambiguity leaves multiple interpretations open, which leads to misunderstandings and failures of communication. Hence it is the element of obscurity or confusion that explains the fallaciousness of fallacies of ambiguity. The historical advocate of this view is John Stuart Mill.

8 FALLACIES OF CONFUSION

Mill [1843;1970] appears to have taken the position that the source of the error in fallacies of ambiguity is lack of clarity. Mill distinguished a particular classification of fallacies he called *fallacies of confusion*, ‘in which the source of error is not so much a false estimate of the probative force of known evidence, as an indistinct, indefinite, and fluctuating conception of what the evidence is’, [Mill, 1843, p. 530]. According to Mill, ‘at the head of these stands’ the fallacies due to ambiguity, which he characterizes as follows: ‘When something which is true, if a word be used in a particular sense, it is reasoned on as if it were true in another sense’, [Mill, 1843, p. 530]. Note that Mill does not require that the word occurs twice or more in the argument—an analysis to be followed by Johnson and Blair—see Chapter 2, Section 1. This account fits what we have been calling the fallacy of equivocation, at least fairly well, but Mill tends to use the term ‘fallacy of ambiguity’ to cover figure of speech, equivocation, or any type of fallacy arising from ambiguity. Indeed, he uses the generic term ‘the fal-

lacy of ambiguity' to cover cases that include equivocation, as well as figure of speech (or at least the same cases that Whately covered under the heading of *figurae dictioonis*—paronymous terms and the fallacy of etymology—see Chapter 5, Section 4).

But what exactly does 'confusion' mean for Mill? It does not seem to correspond exactly to the opposite of clarity, which could perhaps be called *obscurity*. As noted above, Mill cites three elements as characteristic of confusion: indistinctness, indefiniteness, and a fluctuating conception of what the evidence is. The 'fluctuating' idea may suggest indecision, or even ambiguity—it suggests a participant in argument who has several (possibly distinct) things in mind, and goes back and forth, from one thing to another. Indistinctness sounds like obscurity, and indefiniteness sounds like vagueness.

If vagueness is really a separate problem from ambiguity, as far as fallacies are concerned, and if fluctuatingness is not different from ambiguity itself, we are left with indistinctness. And if indistinctness is the same as obscurity (or lack of clarity), then it may be that Mill's analysis of confusion, in the end, comes down to portraying it as lack of clarity (or the opposite of clarity).

Mill took the term 'fallacies of confusion' from Bentham [Bentham, 1824; 1969], who described this class of fallacies [Bentham, 1824, p. 336] with the phrase, 'fallacies of confusion, the object of which is, to perplex, when discussion can no longer be avoided'. Bentham clearly thought this an important class of fallacies, and his famous theory of eulogistic and dyslogistic terms comes under it [Bentham, 1824, p. 338]. Bentham's showing how terms with positive (eulogistic) and negative (dyslogistic) connotations can be subtly used to support or undermine one side of a dispute in argumentation is excellent work, but it is hard to find any further elucidation in it of what exactly he means by 'confusion.' He does use the term 'cloudy appellatives' [Bentham, 1824, p. 345], by which he seems to refer to the use of 'insinuation' and connotation to throw bad light on your opponent's point of view, or enhance your own, in a prejudicial way that avoids 'direct assertion' and the giving of proof, used to back up the assertion.

Bentham's account of fallacies of confusion takes us beyond ambiguity in the sense of multiplicity of lexical meaning, and moves towards consideration of the whole area of positive and negative connotations that words may have when used in a particular context. A clue to this is given in Bentham's definition of vagueness and ambiguity [Bentham, 1824, p. 344].

An expression is vague and ambiguous when it designates, by one and the same appellative, an object which may be good or bad, ac-

cording to circumstances; and if, in the course of an inquiry touching the qualities of such an object, such an expression is employed without a recognition of this distinction, the expression operates as a fallacy.

It is clear that Bentham is not confining his treatment of fallacies of confusion to ambiguity or vagueness in a narrower, lexical sense of meaning. He is more broadly concerned with the question of how the positive and negative connotations that words have in everyday conversational speech, including fine shadings, innuendo, and indirect insinuations, can be used in argumentation as instruments of deception.

From Bentham and Mill then, we get the idea that some important fallacies arising from or related to the ambiguity of words can somehow insightfully be described or classified as fallacies of confusion. But the problem is that when we try to pin down exactly how ‘confusion’ should be defined, or what it amounts to with respect to fallacies, we don’t get any clear or very helpful answers.

We could perhaps say that defining ‘confusion’ has turned out to be somewhat confusing, or at least unclear in explaining what sort of rule or requirement of argumentation or good reasoning is supposedly violated.

Bentham’s remarks do suggest a new dimension of ambiguity we will return to later, in Chapter 8, namely that terms can have varying connotations. This could perhaps correspond to the imaginary type of ambiguity distinguished in the *multiplex* doctrine.

9 CONVERSATIONAL RULES AND AMBIGUITY

Recent developments in the field of speech communication have some suggestions to make in explaining how and why ambiguity could be a violation of a general requirement on conversation that rules obscurity of expression as inappropriate or unacceptable.

For van Eemeren and Grootendorst [1984], a fallacy is a violation of a rule of a critical discussion. Rule ten [van Eemeren and Grootendorst, 1984, p. 292] says: ‘Formulations must be neither puzzlingly vague nor confusingly ambiguous and must be interpreted as accurately as possible’. It seems then that ambiguity, for van Eemeren and Grootendorst, where it is ‘confusing’ and therefore violates rule ten in a critical discussion, can rightly be described as a fallacy. Part of the problem here, however, is knowing exactly in a given case when the rule is being broken. Van Eemeren and Grootendorst say [1984, p. 292]:

'Rule ten is broken if one of the parties tries to gain advantage over his opponent by misusing uncleanness or ambiguity'. But determining whether a case constitutes an instance of trying to gain advantage over an opponent by misusing ambiguity sounds like it involves much more than just the existence of an ambiguity. Indeed, it sounds very much like that for van Eemeren and Grootendorst, it is not just ambiguity that is fallacious *per se*, but the misuse of ambiguity by a participant in dialogue as an unfair way of trying to gain advantage in argument. This interpretation is confirmed in van Eemeren and Grootendorst [1992, p. 202], where the fallacy of equivocation is defined as one of 'misusing ambiguity' (see also Section 10, below).

Grice [1975, p. 67] has as one of his maxims of polite conversation the injunction 'Be perspicuous', and with it the submaxim 'Avoid ambiguity'. But Grice evidently thought of this maxim as a guideline of politeness, not as an absolute rule, the breaking of which is absolutely forbidden, much less 'fallacious' (see Section 10, below). Moreover, unclear speech is not necessarily ambiguous. It could be vague, obscure, or even meaningless, without being ambiguous. There seems to be quite a logical gap between the maxim 'Be clear' and the fallacy of equivocation. What exact steps are needed to bridge the gap?

Moreover, there is quite a strong climate of opinion in the field of speech communication that ambiguity may not be such a bad thing. Williams and Goss [1975] found that equivocating in disagreeable arguments helped to preserve credibility of a speaker in political speeches. They see their point of view as opposed to the classical rhetoricians demand for absolute clarity [Williams and Goss, 1975, p. 29]. They see equivocation as a practical solution to the political speaker's common problem of not being given enough time to 'clearly address all issues, unfolding the intricacies of his position regardless of the nature of his audience' [Williams and Goss, 1975, p. 266]. As an alternative to saying nothing at all, or saying too much and getting a negative audience response for that, Williams and Goss recommend using equivocation as a 'stalling strategy' to preserve credibility for a future encounter [Williams and Goss, 1975, p. 266]. This suggests that they are arguing that ambiguity can be a normatively good thing in conversation, i.e. that it can contribute positively to the goals of a dialogue.¹

¹ One might accuse Williams and Goss of ambiguity in confusing an argument's being practically good, e.g. in persuading an audience, winning votes, etc., with arguments being 'good' from a logical point of view (normatively good). However, in their defense, it seems that they are claiming more than just the thesis that ambiguity can be practically good. They also appear to be claiming that ambiguity can be normatively good, in that it can contribute positively in argumentation to the goals of a dialogue. For example, in political dialogue, they claim, ambiguity could be good as a means of helping a political speaker to bridge the gap towards a fuller exposition of his position on

One questionable aspect of the argument of Williams and Goss is whether it distinguishes clearly enough between ambiguity and vagueness—a general problem with most accounts of equivocation. But their point of view is interesting and provocative in that it suggests quite plausibly that clarity may not always be a good thing in contributing to the goal of a dialogue or conversation. It seems to follow that condemning equivocation as fallacious, simply on the grounds that an ambiguity may or will fail to be clear in a conversation, may be jumping to a hasty conclusion. For it may not always be the case that unclarity blocks the goals of the conversations. It may even contribute to the goals of the conversation, conforming to the Gricean co-operative principle (CP) that moves made in a conversation must contribute, at the appropriate stage, to the goals of the conversation.

Eisenberg [1984] argues that ambiguity as a communicative strategy is essential to facilitating organizational change in an organization that has conflicting goals and multiple situational requirements. Ambiguity, he argues, is commonly found in organizational goals and plans, and can be used positively ‘to foster agreement on abstractions without limiting specific interpretations’ [Eisenberg, 1984, p. 231].

Case 1.18

University faculty on any campus may take as their rallying point ‘academic freedom’, while at the same time maintaining markedly different interpretations of the concept [Eisenberg, 1984, p. 231].

One can certainly see here how, in certain kinds of speeches—for example, a leadership speech made to make organizational activities meaningful to members—key terms used may be abstract, and mean different things, at a more specific level, to different members of the audience. In such a case, ambiguity could not only be tolerable or acceptable, it could even be a positive strategy to contribute to the goal of the speech. In this sense, it could be, normatively speaking, a good thing for the dialogue.

Eisenberg is quick to add [1984, p. 228] that he is not urging a ‘retreat from clarity’, but only reacting against what he sees as the traditional, overly ideological adherence to an absolute ideal of clarity in all types of communication. He maintains that the absolutist idea of an ‘ideally clear message’ is misleading, because clarity should be defined as a relational concept, depending on the attributes of the speaker and the hearer in a context of dialogue.

an issue at some future point in the dialogue.

If these speech communication theorists are right that standards of clarity should vary according to different contexts of dialogue—and the line of argument in this book will bring forward considerations to generally support this claim—then one should not be allowed to make a blanket presumption in logic that ambiguity is bad or fallacious, *per se*. This bears out Black's claim that ambiguity is not always a 'hindrance to human purposes' (Chapter 2, Section 1). This puts a burden on those who postulate a separate fallacy of ambiguity besides the fallacy of equivocation (see Chapter 2). If ambiguity is said to be fallacious in some cases, in some contexts of dialogue, then reasons must be given to show, in a specific case, why the ambiguity is bad, or fallacious. Ambiguity might be bad in a specific case of historical scholarship, as Fischer alleged (Chapter 2, Section 1), because it led to confusion that was destructive to the inquiry in the scholarly process. On the other hand, ambiguity in a context (like Case 2.2), where a shift of meaning is clearly meant to be ironic or humorous, could be no fallacy at all.

The possibility remains that ambiguity could be a bad thing in some cases of dialogue, without being a fallacy. It could be a failure to communicate successfully in describing or explaining something, without argument being involved at all. Or even if the ambiguity occurs in argumentation, it could be simply a blunder or communicative misfire that is not so bad or serious that it merits being called a fallacy.

Hence we are still left with a gap between a case where ambiguity occurs in an argument and showing that this case is an instance of the fallacy of equivocation, or some other fallacy arising from ambiguity, of one sort or another. However, van Eemeren and Grootendorst's idea that such a case is fallacious because of some sort of failure to meet the requirements of a rule of dialogue governing the conversation in which the argument has occurred does seem to be quite a good one. Surely this direction is where the third ingredient of equivocation (and related fallacies arising from ambiguity) needs to be sought.

Somehow, equivocation and these other fallacies arising from ambiguity do seem to constitute a distinct class of fallacies precisely because the ambiguity is used in a given argument in such a way as to obstruct or interfere with the purpose of a disputation or critical discussion where two parties are reasoning with each other. The problem is to get clearer on exactly what a rule requiring clarity of expression says to rule out ambiguity, when ambiguity is inappropriate, or has been misused in argument.

10 THE MAXIM OF CLARITY

Grice [1975, pp. 45–46] gives four maxims that govern the successful conduct of a conversation.

1. **QUALITY:** *Try to make your contribution one that is true! Do not say what you believe to be false. Do not say that for which you lack adequate evidence.*
2. **QUANTITY:** *Make your contribution as informative as is required! Do not make your contribution more informative than is required.*
3. **MANNER:** *Be perspicuous! Avoid obscurity of expression. Avoid ambiguity. Be brief. Be orderly.*
4. **RELATION:** *Be relevant!*

These maxims are meant to be conversational postulates or presumptions of polite conduct known to the participants in a conversation. Violations of a maxim by one party often lead to implicatures or non-explicit inferences of a defeasible kind, drawn out by the other party.

Van Eemeren and Grootendorst [1992, pp. 49–59] have modified the Gricean maxims somewhat. According to their account, the maxim of manner expresses the command, ‘Be clear’. [1992, p. 50]: ‘This does not mean the speaker must be completely explicit but it does mean he must not make it impossible, or all but impossible, for the listener to arrive at the correct interpretation’. Accordingly, van Eemeren and Grootendorst [1992, p. 50] make the rule of manner even more explicit as follows: ‘Do not perform any incomprehensible speech acts’. This seems to offer some guidance on how to understand the basis of amphiboly and accent as fallacies.

One solution to the problem of why amphiboly (or accent) is a fallacy is to say that a fallacy is a violation of a conversational maxim, and the Gricean maxim says ‘Be perspicuous’. And then the submaxim of this maxim is ‘Avoid ambiguity’. But this solution does not seem to work, for the following reasons.

In natural language, it is not realistically possible to avoid (all) ambiguities in your argumentation. The reason is that natural language is full of ambiguities. In many cases, we are not even aware of these ambiguities in the language used in argumentation, and as long as we do not get into trouble with them (that blocks the contribution of an argument to a goal of conversation), then ambiguity is acceptable, or at least tolerable, nonproblematic, and nonfallacious in argumentation.

Thus just saying flat out ‘Avoid ambiguity’ begs the question of what is fallacious about amphiboly (or accent). Ambiguity is wrong or harmful in arguments alleged to contain the fallacy of amphiboly (or accent) only to the extent that the ambiguity causes a problem, or blocks the conversation, in a manner that makes the argument fallacious. Thus ambiguity, by itself, is not the sole reason why a fallacy of amphiboly (or accent) is committed, in a given case. It is troublesome, problematic, or fallacious ambiguity that is the kind of violation that is characteristic of amphiboly (or accent). But what rule does this violate?

Perhaps a way out would be to appeal to the greater generality of the supermaxim ‘Be perspicuous’, or the variant proposed by van Eemeren and Grootendorst, ‘Be clear’. But what is perspicuity, or clarity? Unclarity, or lack of perspicuity does seem to be inherently bad in argumentation, perhaps. But what is it to be clear or perspicuous, exactly? Or perhaps a certain amount of lack of clarity or perspicuity in argument is permissible, if the arguer clears up her argumentation if challenged to do so by the other party in the conversation.

Another thing about unclarity, and ambiguity as well, is that they vary in tolerability with the context of dialogue. Standards on such things may be quite a bit stricter in a scientific inquiry, than in a casual conversation on politics. It is a question of *how* clear or perspicuous one needs to be in order to contribute to the goals of a type of conversation in which argumentation takes place. Grice didn’t see the conversational maxims as strict or absolute rules, but as maxims guiding implicatures based on the co-operative principle. Thus what Grice evidently required was that an argument should be perspicuous or non-ambiguous enough so that it could contribute to the goals of a conversation at the stage at which the argument was put forward. This then would be a matter of degree to be judged relative to a type of conversation, at a given stage of that conversation, and in relation to the context of discourse generally. It is not just the rule-violation *per se*, at least of an absolutistic rule, that would enable us to say that something like a fallacy has been committed.

Or perhaps a rule-violation might be enough. It seems hard to say, until we can get some clear account of what clarity is, so we can tell what counts as violating the supermaxim ‘Be perspicuous’, or ‘Be clear’. (We take it these amount to the same thing.)

Another thing one wonders about here—clarity is certainly desirable in argumentation, but should it be mandatory? Is it an obligation on a proponent of an argument to be clear, or should the obligation be on the respondent to ask for unclarities to be cleared up, if he sees them? The answer would seem to be—a little of both (depending on context)—but neither obligation is absolute or unconditional. It seems better to require that both parties should clarify unclarities

whenever they see them, and whenever the unclarity is an obstacle to the dialogue.

Another problem is that what is clear to one person may not be clear to another. So it seems that clarity is a highly contextual idea that may depend very much on the audience to which an argument is supposed to be addressed. Again, it seems to be a pragmatic concept that is dependent on the context of dialogue.

Judging from the cases of amphiboly and accent studied, it seems that unclarity (and ambiguity, for that matter, as well) only becomes a problem, at least to the extent of being a fallacy, where it is somehow misleading to the respondent. The kind of case associated with the committing of a fallacy is one where the argument is ambiguous and (in context) misleading, so that the respondent interprets it in such a way that he draws an incorrect or unjustified conclusion from it by inference. The drawing of the incorrect conclusion, in the fallacious case, is an error of the respondent. In many cases, as well, it is an error encouraged or set up by the proponent's putting forward some sentence in an ambiguous manner.

In such cases then, it is not just the ambiguity, or the unclarity, that is the fallacy. The fallacy is tied to the fact that the ambiguity is *misleading*, and that is why the respondent or audience gets into trouble with it. So it is not just the maxim violation, in itself, that defines the fallacy, or accounts for the fallacy having been committed. It is that the ambiguity is used in a particular way, in the dialogue, that makes it misleading, making it a trap or pitfall. Thus it is only certain types of ambiguities, in context, that are a problem of the kind we identify with a fallacy.

We now have the main ingredients of an important group of fallacies, and the problem is posed of putting them together into a coherent, general analysis. How many fallacies are there in this group, how are they related to each other, or classified as a group, and how can they be identified and evaluated as specific fallacies, or logical faults, in a given case? To answer these questions, we take a closer look at each of four of the fallacies in Aristotle's list, picking up what conventional wisdom is to be gathered from the standard treatments, and from a study of cases.

CHAPTER 2

EQUIVOCATION

Equivocation (from the Latin *aequi/vocare*, to speak on both sides) is a fallacy that, on the surface, appears to be relatively straightforward, and described in many of the logic textbooks, and other standard sources. Many of these sources follow the Aristotelian definition of the fallacy, which, as we saw in Chapter 1, seems fairly clear. The definition of Alonzo Church in Runes' *Dictionary of Philosophy* [1964, p. 96] seems to capture the gist of the Aristotelian conception fairly well.

Equivocation is any fallacy arising from ambiguity of a word, or of a phrase playing the role of a single word in the reasoning in question, the word or phrase being used at different places with different meanings and an inference drawn which is formally correct if the word or phrase is treated as being the same word or phrase throughout.

A. C.

The adverb ‘formally’ in front of ‘correct’ makes Church’s definition narrower than some would like, but otherwise his definition reflects mainstream thinking on equivocation that has not been widely (at least explicitly) challenged. It is when we get into the textbook treatments of this fallacy that we start to run into problems that indicate a questioning of this definition, and even suggest that ambiguity itself is a sort of fallacy. The problem here is that the Church-type definition explicitly meets the argument requirement (see Chapter 1), whereas many of the textbook accounts appear to waive or ignore this requirement, either wholly or in part. Also, Church’s definition requires that the word or phrase be used ‘in different places’—meaning that it occurs at least twice. And there does not seem to be universal agreement on this requirement (as we will see below).

Another problem with the standard treatment of equivocation, according to Hamblin [1970, p. 15], is that many of the textbook examples are trivial puns, or merely humorous arguments or jokes, that are not capable of deceiving anyone by a ‘serious chain of reasoning exploiting the double-meanings’. Many

textbooks use the following example as a case of the fallacy of equivocation.¹

Case 2.1

Some dogs have fuzzy ears.

My dog has fuzzy ears.

Therefore, my dog is some dog.

This case is an argument, and it does use the word ‘some’ in a different sense in the conclusion than in the premise. It is not clear that this argument is ‘formally correct’, in the sense of being valid in virtue of its logical form. But on the assumption that it could be analysed somehow as structurally or formally correct, if the word ‘some’ were treated as being the same throughout, then technically it would be a case of the fallacy of equivocation by Church’s definition.

But would anyone be seriously deceived by such an argument? Not likely.

Some of the textbooks go on to give examples of equivocal arguments that could indeed be seriously deceptive. But, as Hamblin [1970] showed, they don’t deal with these cases very well, and in fact they fall well short of proving that such cases can be nonproblematically determined as genuine instances of the fallacy of equivocation.

But the difficulties with the textbook treatments begin even earlier than their failure to deal with this problem of a lack of good casework. Many of them disagree fundamentally on terminology, calling ‘the fallacy of ambiguity’ what others call ‘the fallacy of equivocation’. Some even have two separate fallacies! Underlying these verbal disagreements are more substantive conflicts of opinion on whether ambiguity is, in general, a bad thing, on what is wrong with it when it is bad, and on whether it is generally such a bad thing in argumentation that it can be presumed to be fallacious.

The analysis arrived at in section eight below will turn out to support Church’s contention that there is only one fallacy of equivocation, concluding that ambiguity is not a separate fallacy. However, it will also conclude that Church’s definition is, as it stands, insufficient to completely define the fallacy of equivocation. It will concede however that ambiguity can be a serious problem in conversational exchanges, resulting in various kinds of failures of communication, that can lead to errors and fallacies related to equivocation.

¹ For example, Irving M. Copi, *Introduction to Logic*, 7th ed., p. 114. Macmillan, New York, 1986.

1 THE TEXTBOOK TREATMENTS

What do the logic textbooks say? Do they take ambiguity to be a bad thing, from a logical point of view? Do they distinguish between ambiguity and equivocation? Do they see one fallacy here or two? And how do they define the fallacy of equivocation?

The textbooks are all over the map on these basic questions. Some say that ambiguity is not always a bad thing. However, others clearly portray ambiguity as being generally bad, from a logical point of view. Many books even postulate the ‘fallacy of ambiguity’, and quite a few, as noted above, even have two separate fallacies—the fallacy of ambiguity and the fallacy of equivocation. Hardly any of them agree precisely with each other on how these two would-be fallacies are to be defined.

Wheelwright [1962, p. 289] describes ambiguity as a fallacy: ‘The material fallacy of ambiguity occurs when two meanings of an ambiguous word or phrase are at work in an argument’. He then adds that the fallacy of equivocation is committed ‘when such ambiguity is deliberate’. In this account then, there are two fallacies distinguished—the fallacy of ambiguity and the fallacy of equivocation.

Black [1946, p. 170] takes the line that ambiguity, in contrast to vagueness, should generally be presumed to be a defect in argumentation, but subject to exceptions. In political dialogue and also in literary uses of language, ambiguity is not necessarily bad. As Black puts it [1946, p. 170], ‘Ambiguity is not always a hindrance to human purposes’. According to Black [1946, p. 213] ambiguity is not a fallacy if it is concealed in an argument or unintentional, or if it is a deliberate use of ambiguity. Black’s view then is that ambiguity is generally (but not always) a defect, but is only a fallacy under certain conditions of use.

One book takes the approach of distinguishing between equivocation as ‘the use of a word in two different senses’, which can be quite harmless, and equivocation ‘as a logical fallacy’, when the participants in a conversation are ‘all in on the trick’, [Little *et al.*, 1955, p. 56]. They give the following harmless (non-fallacious) case of equivocation where we all recognized the device as ‘word-play’.

Case 2.2

The poet Wordsworth is said to have remarked, ‘I believe I could write like Shakespeare if I had a mind to try it’. To this his friend Charles Lamb is supposed to have responded, ‘Yes, nothing is wanting but the mind’. The word *mind* was used by Wordsworth

in the sense of *inclination*, and by Lamb in the sense of *intelligence*.

This is nonfallacious equivocation, according to Little, Wilson and Moore [1955, p. 56], because ‘we are intended to see and appreciate the shift in meaning’.

By contrast, in fallacious cases of equivocation, ‘we are expected to take the word in one sense only’ [1955, p. 56]. We are not ‘all in on the trick’. Thus for Little, Wilson and Moore’s definition of equivocation as a fallacy, concealment of the meaning-shift is an essential requirement. They, like Black, define equivocation as a logical fallacy ‘when an inference is drawn from a word whose meaning has been deliberately or inadvertently shifted in the course of argument’ [1955, p. 56]. Here, deception or concealment, i.e. how the meaning-shift is known or apparent to the participants in the dialogue, is an essential part of the fallacy of equivocation.

Fischer [1970, p. 265] defines the *fallacy of ambiguity* as ‘the use of a word or an expression which has two or more possible meanings, without sufficient specification of which meaning is intended’. According to Fischer [1970, p. 266] ambiguity is a fallacy in writing history, because it can be confusing, and destructive to historical scholarship. One historian cannot tell what another is trying to say, where a term is ambiguous. The problem cited here is that of uncertainty—see Section 2.

Fischer only writes of the fallacy of ambiguity, and does not distinguish it in any way from, or even mention, the fallacy of equivocation. Moreover, Fischer also adopts a broader view than either that of Wheelwright or Black, not requiring intent (deliberate ambiguity), or even the use of ambiguity in an argument. For Fischer, the use of any ambiguous word that is insufficiently specified is a case of the fallacy of ambiguity.

Rescher [1964, p. 75], like Wheelwright, has two separate fallacies, but distinguishes them in a different way. According to Rescher’s account, the *fallacy of ambiguity* occurs where ‘a word or phrase is used in one of its senses in the premise of an argument and in another in the conclusion’, or in a different premise [1964, p. 75]. Then the *fallacy of equivocation* ‘results from the confused use of a word or phrase in the propositions constituting an argument’. The key difference seems to be that the fallacy of equivocation necessarily implies a confusion, or ‘confused use’, whereas the fallacy of ambiguity does not.

Kilgore [1968, p. 54] defines the *fallacy of simple ambiguity* as ‘the drawing of an improper conclusion from a statement having more than one possible meaning’. This is a species of misunderstanding that also involves argument, or

at least the drawing of a conclusion. By contrast, for Kilgore [1968, p. 55] in the fallacy of equivocation, ‘the meaning of a key expression changes or shifts its meaning in an argument’. Hence in Kilgore’s account, both the fallacies of simple ambiguity and equivocation involve an argument. It seems that the fallacy of simple ambiguity is more one of lack of clarity, or perhaps one of misunderstanding. Kilgore writes [1968, p. 55] that in cases of this fallacy, ‘the probable intention of the author remains obscure’, due to lack of a basis for clarifying his statement. The contrast with equivocation presumably is that with equivocation there is a definite shift of meaning, whereas with the fallacy of simple ambiguity, there is only uncertainty about what is meant.

Damer [1987] also distinguishes two separate fallacies, but in a way that is approximately the reverse of Rescher’s. Damer defines the fallacy of equivocation and the fallacy of ambiguity as follows. The *fallacy of equivocation* is a tactic of deception whereby the proponent of an argument makes it appear, or gives the impression that two words have the same meaning, when they do not: ‘This fallacy consists in directing an opponent toward an unwarranted conclusion by making a word or phrase, employed in two different senses in an argument, appear to have the same meaning throughout’ [1980, p. 20]. By contrast, the *fallacy of ambiguity*—divided into the fallacies of semantic and syntactic ambiguity in the first edition [Damer, 1980, p. 12] ‘consists in presenting a claim or argument that uses a word, phrase, or grammatical construction that can be interpreted in two or more distinctly different ways without making clear which meaning is intended’ [Damer, 1980, pp. 22–23].² The second failure is a failure to be clear (by not making it clear which meaning is the intended interpretation).

This type of failure is consistent with a lapse or omission, which could simply be a blunder, or a failure to be specific. By contrast, the fallacy of equivocation is clearly meant to be more than an accidental or inadvertent error. It is a misleading direction of one’s opponent towards a wrong interpretation of the ambiguous term in question. It is, if not a deliberate tactic of deception, at least not consistent with a mere blunder or inadvertent failure to be specific enough in an argument presentation.

An example given by Damer [1987, pp. 23–24] shows how the distinction is meant to be applied. It is meant to be an example of the fallacy of (semantic) ambiguity.

² In the 1980 edition, there are two separate fallacies of ambiguity, one called ‘semantical ambiguity’ and one called ‘syntactical ambiguity’. In the 1987 (second) edition, the one ‘fallacy of ambiguity’ is meant to cover both semantic and synthetic ambiguity.

Case 2.3

Newspaper headlines are often semantically ambiguous. If you read only the following headline, it would be difficult to draw any justifiable conclusion: ELIZABETH TAYLOR LOSES APPEAL. It would be impossible to know, without reading the article, whether Ms. Taylor had ranked low in a recent poll ranking the world's most beautiful women, whether she is now no longer a box-office attraction, or whether she had just lost a case that she had appealed to a higher court.

In such a case, Damer adds, the reader should not draw any conclusion, one way or the other, in the absence of knowing which way 'appeal' is to be taken.

What then, really, is the difference between the fallacy of equivocation and the fallacy of (semantic) ambiguity? One criterion would be to say that the fallacy of equivocation implies deliberate deception (intent to deceive) on the part of the proponent, whereas the fallacy of ambiguity does not. Damer, however, does not appear to favour this approach, for he does not define the fallacy of equivocation as a deliberate or intentional deception.

Freeman [1988, p. 115] posits the *fallacy of unclear assertion*, where a premise or conclusion of an argument contains a vague or unclear word so that 'we cannot be clear what is being asserted'. This seems similar to Fischer's fallacy of ambiguity, and perhaps to Kilgore's fallacy of simple ambiguity, but more general than either, because vagueness is included as well. Then the *fallacy of equivocation* [Freeman, 1988, p. 118] is defined by three conditions:

1. a vague or ambiguous expression occurs several times in an argument;
2. if the premises and conclusion are to be plausible, this expression must be interpreted as shifting its meaning from one occurrence to another; and
3. for the argument to be cogent, it must have only one meaning throughout.

We can see that Freeman's account is like those of Wheelwright, Rescher, Kilgore and Damer in distinguishing between two types of fallacy arising from ambiguity. What is especially notable, however, is that his way of defining the fallacy of equivocation is quite different from any of the above, requiring a shift of meaning due to plausibility of the respective propositions involved.

The account of the fallacy of equivocation given by Scriven [1976, p. 122] is broadly similar to Freeman's in its general thrust, but differs in details. In Scriven's account, the fallacy of equivocation occurs in an argument where a term occurs more than once, and there is a 'shift of meaning' so that 'the term

is used in a slightly different way, and the argument wouldn't work if the same meaning had been used throughout', [Scriven, 1976, p. 122]. The main difference between Scriven's account and Freeman's is that Freeman adds the requirement that the shift of meaning must arise in order to make the premises and conclusion plausible. But both Scriven and Freeman require that the term in question must occur more than once for an argument to be an instance of equivocation.

Another account ([Waller, 1988, p. 232]) defines the *fallacy of ambiguity* as occurring where one meaning of a word or phrase is used in the premises of an argument, another in the conclusion. Like Fischer, Waller only postulates one fallacy, not distinguishing a separate fallacy of equivocation. But Waller's definition is even more of a minimalist one than Fischer's. Waller requires only the shift of meaning, and not even the confusion arising from it, as essential to the fallacy of ambiguity.

Johnson and Blair [1983, p. 131] define ambiguity as a pragmatic notion which only occurs where a word or phrase is in a context where it can be taken more than one way: 'So its words-in-context that are actually open to ambiguity', [1983, p. 131]. They define the *fallacy of ambiguity* as 'the manoeuvre *in argument* of trading on the potential of a word or phrase for more than one interpretation'. They see this fallacy as a strategy of argument that works by playing off one interpretation that is plausible in an argument against another that is relevant. According to their account, there are three conditions of the fallacy of ambiguity.

1. A sentence A in an argument Arg contains a term T that is open to two interpretations, I_a and I_b .
2. One interpretation I_a is relevant to defending the conclusion of the argument Arg .
3. Typically, I_b , the other interpretation of T , makes A come out as a plausible proposition (giving it credibility).

The problem, as Johnson and Blair point out [1983, p. 134] is that when the sentence 'is interpreted in its *relevant* sense, the argument usually founders'. It founders because, so interpreted, it is not plausible. Note in passing that this definition does not require that T occur twice. In this respect it follows Mill's account.

So in spite of the fact that Johnson and Blair call the fallacy the fallacy of ambiguity (like Mill), as opposed to equivocation, they think of this fallacy in

explicitly dialectical terms. They define it in terms of a context where two parties are having a dispute or conflict of opinions, and a term that is ambiguous in this context affects the relevance and plausibility of the component sentences or propositions used by one party in the argument to support her conclusion. In this respect, the Johnson and Blair approach will turn out, in the end, to be quite favourable, and will be quite consistent with the approach taken to the analysis of equivocation in Section 10 below.

The analysis of the ‘fallacy of ambiguity’ given by Johnson and Blair appears broadly similar to the analysis given by Freeman of the ‘fallacy of equivocation’. Both accounts have three explicit requirements. But Freeman’s account requires the term to occur twice in the argument. Johnson and Blair’s account does not. Freeman’s analysis also come fairly close, in general outline, to the account Damer gives of the ‘fallacy of equivocation’. To try to begin to generate some sort of consistency of terminology, let’s call this fallacy, as a rough, initial target of analysis, the *fallacy of equivocation*.

Having staked out this area, the immediate concern is that many of the textbooks postulate a second fallacy which appears to be a weaker, or more minimal fallacy, having fewer or less stringent requirements than the fallacy of equivocation. This other fallacy tends to be called the *fallacy of ambiguity*. The first question to ask here is whether ambiguity can, by itself, be a fallacy, or whether the fallacy of ambiguity needs other requirements as well, e.g. leading to confusion, or being concealed, etc.

2 MISUNDERSTANDING AND UNCERTAINTY

Misunderstanding due to ambiguity is a common enough phenomenon. And as we all know, such failures of communication can be quite serious, leading to confusion and misdirection. A good example of this kind of misunderstanding is given by Lepenies [1992].

Case 2.4

When the writer Ernst Jünger, then an officer in the Germany army’s staff, had to leave Paris he visited Sacha Guitry for the last time. Guitry gave him, as a present, good advice which he himself had been given by Octave Mirbeau: ‘*Ne collaborez jamais!*’ Jünger was utterly nonplussed. Did Sacha Guitry really repent and was he willing to regret his considerable involvement in the activities of Nazi cultural propaganda? Not at all. It was a misunderstanding on Jünger’s part. Sacha Guitry had only wanted to

give him collegial advice: ‘Young man, write your books alone!’ These French collaborators succumbed to political temptation but they remained interested in the most important thing in the world: books.

In this case, what the speaker said, ‘Never collaborate’, would naturally enough, in context, be taken by the hearer to mean ‘Never support the Nazis’. And that is the way the hearer took it. But evidently, that was not the advice the speaker meant to give. The problem here is one of misunderstanding.³

In this case, it is not at all obvious that an argument was being put forward by the speaker, or that argumentation is essentially involved. It seems to be a case of advice-giving dialogue, where the attempt to give advice misfired through ambiguity of a term. Even though premises and conclusion are not explicit however, there does seem to be argumentation involved, in so far as Guitry was taking a stand on an issue of dispute, namely whether writing a book with a co-author is generally a good thing or not.

On balance then, what should we say? Is this case an instance of the fallacy of equivocation or not? This case would not seem to be an instance of the fallacy of equivocation because it does not seem that there is an argument in it.

But perhaps it does contain an argument of sorts, after all, even if it is not an argument of the deductive or inductive kind so often featured by the logic textbooks. Instead, it could be a presumptive type of argumentation that occurs in the context of advice-giving dialogue. Guitry was an older man who wanted to give the younger man some collegial advice on how to conduct his career as a writer. Presumably, Guitry was in a position to know about such matters. From Jünger’s point of view, Guitry had some expertise, or at least personal experience of such matters, and therefore whatever Guitry said would have special presumptive weight, or status as a premise, for whatever conclusions might be drawn by Jünger on how to pursue his career as a writer.

When Guitry said ‘*Ne collaborez jamais!*’ he was giving a kind of imperative, or personal directive that could be taken in two ways, however. Jünger took it to mean ‘Don’t collaborate (politically) with the Nazis’. Given the significant meaning of the term ‘collaborate’ at the time, in Nazi-occupied France, such an interpretation is quite understandable. Jünger drew the conclusion that Guitry was expressing repentance at his own involvement in Nazi cultural propaganda.

³ Robinson [1941]—see below—cites a kind of ambiguity he calls *misunderstanding*, where the hearer takes what the speaker says in a different way than the speaker intended.

However, evidently, this conclusion was incorrect, and Guitry meant only to give some nonpolitical advice about authoring to the effect, ‘Never collaborate on writing a book with someone else!’ Whatever specific conclusion Jünger should have drawn, in regard to conducting his life as an author, he failed to make such inferences, because he took the premise in the wrong way.

The argumentation for this kind of argumentation, called *position to know* reasoning, has the following form.

Individual x is in a position to know about matters in domain D .

x asserts proposition A .

A is in domain D .

Therefore, A is a plausible presumption.

The problem in the case at issue, however, is that the sentence that x asserted did not turn out to be a proposition. The advice-giving dialogue broke down because the sentence did not express a univocal proposition. In context, it was ambiguous. Hence, understandably, the advice-seeker drew the wrong conclusion, using argumentation from position to know.

One might be able to give a comparable reconstruction of the case of ‘equivocation’ cited by Raymond of Pennafort (see Chapter 1). When the homeowner said, ‘*Non est hic*’, he was engaged in an information-seeking with the authority who appeared at his door. The authority could be said to reason, using the following argument.

The homeowner is in a position to know about who is in his house.

The homeowner says, ‘*non est hic*’.

Therefore, the condemned man is not in the house.

This inference is an argument. Or more correctly, since it contains an ambiguous component (term or sentence) in the second premise, it is really two arguments, depending on how that premise is taken. Hence, this case could be described as an instance of the fallacy of equivocation, on the grounds that the argument requirement is met.

So it seems then that we can extract an argument of sorts from this kind of case, even if it is more of a Gricean implicature than a deductive implication of the sort more usually featured as an ‘argument’ in logic textbooks. It is, instead, a type of implicit argumentation based on presumption and collaborative maxims of advice-giving dialogue. This type of argumentation can break down, or be susceptible to misfires and erroneous conclusions, because of ambiguities

in what was said. On this basis, it could be argued that it meets the argument requirement.

Is it always possible to extract an argument from the context of dialogue when two people are attempting to communicate and one fails to understand what the other said because it was ambiguous? Clearly the answer is ‘no’. People can have misunderstandings when they are engaged in forms of communicative discourse other than argumentation. One party could be giving instructions to the other on how to do something, or attempting to describe something to the other, and the purpose might not be argumentation. If this is so, ambiguity can be a problem, and can lead to failure of communication, where the fault should not be described as the fallacy of equivocation.

Robinson [1941, pp. 150–151] distinguished between two kinds of bad ambiguity which we could call *misunderstanding* and *uncertainty*. In both types of ambiguity, two persons are involved, and both are what Robinson [1941, p. 151] calls *errors of expression*—the words the speaker chooses do not have the effect she intends on the hearer. Robinson [1941, p. 151] also cites a third, ‘more difficult’ type of bad ambiguity, which involves a transition in an inference, from earlier to later parts, and there is a mistaken supposition that a word means the same thing in the two parts.

Robinson [1941, p. 151] expresses the difference between the first two types of bad ambiguity and the third by indicating of the third type: ‘This ambiguity is an affair of inference’. It is a requirement of this third type of bad ambiguity that it must occur in a chain of reasoning or argument, where there are premises (or at least one premise) and a conclusion.

Robinson doesn’t mention equivocation, but judging from the many textbooks that, like Beardsley, define equivocation as meaning change in an argument, this third type of bad ambiguity is surely the one that is connected to, or identified with the fallacy of equivocation.

There is no doubt that uncertainty and misunderstanding are common problems of communication that can arise from ambiguity, and that can in turn lead to obscurity and confusion. But it does not follow that uncertainty and misunderstanding are fallacies. Nor should it follow that ambiguity is a fallacy, even though it causes many problems in communication, and can lead to the committing of fallacies in some instances.

The Sacha Guitry case could be simply a misunderstanding. And the case of Raymond of Pennafort could simply be a lie. Only if you can extract an implicit argument from these cases should you properly classify them as instances of the fallacy of equivocation. But even beyond these remarks, there are other issues to be raised about these cases. Should an occurrence of the fallacy of equivo-

cation require that the ambiguous term occur (at least) twice in the argument?

On Johnson and Blair's account (and on Mill's account as well), our argument-reconstructions of the Sacha Guitry case and Raymond of Pennafort's case could count as instances of the fallacy of ambiguity (as Johnson and Blair call it). But in both these cases, the ambiguous term occurs only once in the argument. Hence on our own definition of the fallacy of equivocation, the arguments reconstructed out of these two cases would not count as instances of the fallacy of equivocation.

These developments suggest then that there could be room for the term 'fallacy of ambiguity' as a broader category that covers one-term-occurrence cases of ambiguity in argument as well as two-or-more-occurrence cases constituting instances of the fallacy of equivocation.

There is also another borderline type of case we now turn to, where ambiguity does actually occur in argumentation and presents the resolution of a conflict of opinions in a dispute.

3 THE SQUIRREL CASE

It often happens during the course of a dispute that one of the disputants (or perhaps a third party) may make a distinction, showing the ambiguity of some key term in the dispute. In such a case, the revealing of the ambiguity may be helpful in clarifying, perhaps even in resolving the issue of the dispute. Definitely, in this type of case, we would say that the ambiguity is a problem, or even an obstacle in the argument. But would we say it is a fallacy?

The classic case, called 'the squirrel', is from William James' lecture, 'What Pragmatism Means' in [James, 1907, pp. 43–45].

Case 2.5

Some years ago, being with a camping party in the mountains, I returned from a solitary ramble to find every one engaged in a ferocious metaphysical dispute. The *corpus* of the dispute was a squirrel—a live squirrel supposed to be clinging to one side of a tree-trunk; while over against the tree's opposite side a human being was imagined to stand. This human witness tries to get sight of the squirrel by moving rapidly round the tree, but no matter how fast he goes, the squirrel moves as fast in the opposite direction, and always keeps the tree between himself and the man, so that never a glimpse of him is caught. The resultant metaphysical problem now is this: *Does the man go round the squirrel or not?*

He goes round the tree, sure enough, and the squirrel is on the tree; but does he go round the squirrel? In the unlimited leisure of the wilderness, discussion had been worn threadbare. Every one had taken sides, and was obstinate; and the numbers on both sides were even. Each side, when I appeared, therefore appealed to me to make it a majority. Mindful of the scholastic adage that whenever you meet a contradiction you must make a distinction, I immediately sought and found one, as follows: ‘Which party is right’, I said, ‘depends on what you *practically mean* by “going round” the squirrel. If you mean passing from the north of him to the east, then to the south, then to the west, and then to the north of him again, obviously the man does go round him, for he occupies these successive positions. But if on the contrary you mean being first in front of him, then on the right of him, then behind him, then on his left, and finally in front again, it is quite as obvious that the man fails to go round him, for by the compensating movements the squirrel makes, he keeps his belly turned towards the man all the time, and his back turned away. Make the distinction, and there is no occasion for any further dispute. You are both right and both wrong according as you conceive the verb “to go round” in one practical fashion or the other’.

Although one or two of the hotter disputants called my speech a shuffling evasion, saying they wanted no quibbling or scholastic hair-splitting, but meant just plain honest English ‘round’, the majority seemed to think that the distinction had assuaged the dispute.

The problem posed for us by this case is that the ambiguity of the key phrase ‘going round’ was blocking or interfering with the resolution of the dispute that had divided the camping party into two sides. The ambiguity was a problem in the argument, a kind of deceptive pitfall for both sides, which prevented them from resolving their conflict of opinions. Could we call it a fallacy then, perhaps an instance of the fallacy of ambiguity? Or perhaps it could be an instance of the fallacy of equivocation.

Equivocation is the fallacy, many would agree, where a key term is used in one way in one proposition in an argument, and then again in another way in another proposition in the argument. The result is that what appears to be one argument is, in reality, many arguments. However, there is less agreement on whether ambiguity is a fallacy, or if so, what sort of fallacy it is. But Mill would

classify something as an instance of the fallacy of ambiguity where ‘when something which is true, if a word is used in a particular sense, it is reasoned on as if it were true in another sense’. (See Chapter 1, Section 8).

In James’ account of the case, it looks like equivocation could be involved when the following argument is cited. The problem turns on the ambiguity of ‘goes round.’

The man goes round the tree.
The squirrel is on the tree.
Therefore, the man goes round the squirrel.

But it is on this argument that the two sides disagree. The one side thinks both premises are true, and therefore the conclusion is true. The other side concedes both premises, but does not think that the conclusion is true. In effect, what is happening here (at a deeper level, shown once the ambiguity has been revealed), is that the side that thinks the argument is sound takes the expression ‘goes round’ to have the same meaning in the premise and the conclusion. In contrast, the other side is, in effect, accusing the first side of equivocation, i.e. taking the position that ‘goes round’ means one thing in the premise, but something else in the conclusion.

But once the dispute is clarified by revealing the ambiguity, it is shown that neither side is (entirely) right. Hence the fallacy of equivocation, while partly involved, as shown above, is not really the central fallacy or problem in the squirrel case. It seems inappropriate and inaccurate to say that one side or the other, exclusively, is committing the fallacy. If there is a fallacy, or problem of deceptive argumentation, it seems that both sides are equally at fault in producing or maintaining it.

A much better explanation of what has gone wrong in the squirrel case is that both sides have misunderstood the nature of the dispute itself. They both think it is a ‘real’ dispute about a conflict of opinions concerning a situation in the ‘real world’ that could, presumably, be settled by some empirical facts. However, the mediator showed that it was really a verbal dispute. By making a distinction between two meanings of ‘go round’, the mediator settled the dispute. Thus the problem or fallacy is that of a verbal dispute masked as a (non-purely verbal) substantive dispute, supposedly about some reality independent of the words used to describe it.

But this explanation of the problem makes it appear not to be a fallacy, in the sense of a bad argument, or error of argument committed by one side against the other. It seems more general than that. It seems more like a misconception shared by both sides on the kind of conversation or dispute they were suppos-

edly engaging in with each other. But is this a fallacy, or is it more of a failure to communicate? Or is there a difference between these two things? These seem to be open questions.

As we will see in section four, there is considerable disagreement in the criteria given by the logic textbooks on where this kind of case would fit in. The majority would treat it not as an instance of the fallacy of equivocation, but as some kind of failure to understand the nature of a dispute, of confusing real and purely verbal disagreement. However, as we saw in section one, some textbooks classify ambiguity as a fallacy in its own right. On these accounts, the squirrel case would seem to qualify as an instance of the fallacy of ambiguity, or perhaps even on some accounts, an instance of equivocation.

Certainly the squirrel case seems unlike a standard case of equivocation, because in the squirrel case, it is not true that one side is committing the fallacy against the other, in a perpetrator and victim relationship,. Instead, both seem to be collaborating, or jointly taking part in the failure of communication, or failure to address the issue properly.

On the other hand, in the squirrel case, argument is involved, and the ambiguity in the argument blocks the resolution of the dialogue. On this basis, it does appear that some sort of fallacy is involved. But is it equivocation?

4 QUIBBLING

Beardsley [1950, p. 44] distinguishes a special kind of equivocation, called *quibbling*, where two parties are engaged in dispute that appears to be a genuine conflict of opinions, but where their disagreement is illusory, because of ambiguity in a key term or phrase.

Case 2.6

A says: ‘I believe in free enterprise; therefore no government interference with business should be permitted. Steel companies should be allowed to fix their rates on the basing-point system, and railroads should be allowed to set up differential freight rates, if they want to’.

B says: ‘I believe in free enterprise, too; therefore I conclude that the government should prohibit combinations in restraint of trade, and conspiracies by one part of industry directed at other parts, for these combinations, as in the cases you mention, dry up free enterprise’.

In this case, it appears that **A** and **B** are disagreeing on what is required for free enterprise. In reality however [Beardsley, 1950, p. 45] **A** uses the term ‘free enterprise’ to mean ‘the absence of laws regulating private industry’ and **B** uses the same phrase to mean, ‘conditions of maximum competition in industry’.

The problem here is that **A** and **B** appear to have a genuine conflict of opinions that they can resolve by having a critical discussion. But if they attempt to do so, what will happen? Beardsley thinks [Beardsley, 1950, p. 55] that ‘they will merely frustrate and annoy each other’. In other words, the goal of resolution of the conflict of opinions by rational discussion will be blocked, unless they agree to use the term ‘free enterprise’ in some univocal way, or otherwise disambiguate their terminology in the discussion. This appears to be the same kind of problem as posed by the squirrel case. If it is a fallacy, it could be called the fallacy of taking a merely verbal dispute to be a ‘real’ dispute, i.e. a dispute involving a nonpurely verbal conflict of opinions. Or for short, it could be called *quibbling*.

Quibbling does appear to be related to equivocation, or even perhaps a kind of equivocation. But it is a special kind, where two parties in a dialogue ‘equivocate’ against each other, by each having a different meaning of a key word in mind.

There is reason to think that quibbling can be a not uncommon phenomenon in argumentation. The following case is a good example to show how quibbling can easily arise in a philosophical discussion. This case, succinctly outlined by Salmon [1984, p. 158] concerns a kind of argument used to support the thesis of ethical egoism, the view that all human actions are, at bottom, selfish.

Case 2.7

People have gloomily concluded that decency, altruism, and consideration of others are completely absent in mankind. The premise from which this conclusion is deduced is ‘People never act unselfishly’. This premise is not obviously analytic; but when it is challenged, we find that no conceivable factual evidence could possibly refute it. When we point out that saints and heroes have sacrificed everything for others, we are told that they did so because they wanted to, so they were really acting selfishly. It appears that no act would be unselfish unless it were motivated by a motive that the agent did not have. But to be motivated by a motive that one does not have is logically impossible. Hence, the premise turns out, after all, to be analytic, and the argument must therefore be invalid.

The problem with the critical discussion in this kind of case is that the argumentation of the one side (the egoist's) is never open to refutation by any (apparently) relevant empirical evidence brought forward by the other side. Every time an example of unselfish behaviour is brought forward as relevant evidence by the one side, the other side can routinely dismiss the argument, in advance, by declaring that the action is not really 'unselfish' (in the required sense). Indeed, as Salmon points out, the egoist's thesis has become 'analytic' or true exclusively by virtue of the meanings of the words it contains. The dispute has become 'merely verbal' rather than being a real conflict of opinions that could be resolved by a critical discussion in which evidence acceptable by either side can be brought to bear on the issue.

It is just this sort of quibbling that the early positivist (analytical) philosophers wrote about when they warned that philosophy can become a kind of pointless disputation about 'unverifiable' sentences when abstract terms are not definable in a clear way, and are open to ambiguity. Surely this kind of case is a very real danger that can be a serious obstacle to resolving a conflict of opinions in a critical discussion.

Case 2.7 is an instance of equivocation to the extent that the two participants in the dispute have two different meanings of 'unselfish' in mind. When the one party cites an example of a rescue where the rescuer risked her life to save some other person, or help that other person in a life-threatening situation, she presumably means that the act was 'unselfish' in the sense of sacrificing one's own interests or safety for concern of the interests or safety of another. However, when the other party in the dispute denies such an act is unselfish, presumably he means 'unselfish' in a different sense. In this other sense, all human acts are 'selfish' because, at bottom, they can be reduced to some sort of motivation that stems from the person's own goals that express his deeper 'self'. Once this difference of terminology is spotted, the dispute can be recast, and either resolved or dissolved, provided the participants can agree on uniform terminology.

But is quibbling a subspecies of equivocation, or is it a separate fallacy in its own right? Quibbling does indeed seem to be closely related to the fallacy of equivocation, but it does not seem to be exactly the same thing. Usually in equivocation, one party deliberately deceives the other by using an ambiguous term in an argument, or the one party is not specific enough and the other party is thereby confused, or left uncertain. But in quibbling, both parties may be clear on what they mean (to themselves). It's just that they aren't talking about the same thing, even though they are using the same word. Quibbling seems more like a breakdown in communication than a fallacy. But you can certainly see why it could be thought to be a fallacy, for it certainly would block the goals of

a critical discussion.

Being confused about stipulative versus real definitions of a term, or trying to define a term ‘tautologically’ in argument (which could be a form of question-begging) are different errors from equivocation. But quibbling does seem to involve a fallacy related to equivocation, of a sort, because the ambiguity posed by the two different meanings assigned by both sides to the same key term does destroy the possibility that their arguments could logically interact with each other, refute each other, or resolve the conflict of opinions in the critical discussion the two parties are engaging in together.

The key difference between quibbling and equivocation is that equivocation characteristically involves an ambiguity in a local argument (like a syllogism, *modus ponens*, etc.) with a small number of premises and a conclusion specified. Quibbling also occurs in argumentation, but it is more of a global problem that affects the whole dialogue. But as we will see in section five, this distinction is blurred in some cases. For in some cases, the argument in which the ambiguity occurs can stretch over an extended sequence of argumentation in a discourse.

5 THE FALLACY OF RELATIVE TERMS

With some cases classified by the textbooks as instances of equivocation, the problem seems to be posed more by the vagueness of a key term than its ambiguity. This ‘vagueness’, if that is the right term, allows for a distinct shift in the meaning (or use) of the term when the context of the argument is changed. A good example of the fallacy at issue can be given by contrasting a pair of arguments used to illustrate the fallacy of equivocation in Copi and Cohen [1990, p. 114]. This same example is given by Copi and Burgess-Jackson [1992, p. 114], but classified as a special kind of equivocation called the *fallacy of relative terms*.

Case 2.8

An elephant is an animal.

Therefore, a grey elephant is a grey animal.

Case 2.9

An elephant is an animal.

Therefore, a small elephant is a small animal.

Both arguments have the same form. The first one certainly appears to be valid, and both the premise and the conclusion are true. However, with the second one, while the premise is true, the conclusion is definitely false. Hence, the second argument cannot be valid. This is a puzzle, because if both arguments share the same form, you would think that one is valid if and only if the other is, as well.

The solution to the puzzle is that something has gone wrong informally with the second argument. That something is a shift of some kind in how the word ‘small’ is used. Used to apply to the domain of animals generally, there is quite a shift of standards from when it is used to apply to elephants, specifically. When we speak of small animals generally, we tend to think of mice, gerbils, and the like. From this point of view, even a baby elephant is a very large animal. The word ‘small’ has the same general meaning in both instances, but the shift from the one reference class to the other brings with it a shift in point of view on smallness, and seems to use quite different standards of smallness.

The textbooks generally classify this kind of case as coming under the category of the fallacy of equivocation. Perhaps the basis of this classification is that we could say there has been a sort of meaning-shift in the key word in the argument, even if it is a shift in how the word is used in context, rather than a shift in the lexical, or dictionary meaning of the word. This could explain why this type of fallacy is classified as equivocation instead of as a fallacy of vagueness or imprecision. It also suggests that this case is similar to the squirrel case where (a) the shift in the meaning of ‘going round’ was not a shift in lexical meaning, but a shift of use, in context, and (b) the shift occurred over the whole dialogue, and not just in a highly localized set of premises and conclusion.

This kind of case can be a much more significant kind of error in everyday reasoning than you might tend to think. The reason is that, over a lengthy chain of argumentation a subtle shift in how a word is used can easily occur at a later occurrence of the same word, where its context of use has changed. This kind of shift can be quite hard to spot, and is definitely a serious fallacy, in the sense of being a common deception.

The following case will illustrate how this fallacy works. Originally derived from a similar example in Cederblom and Paulsen [1982, p. 59], this case was presented and analysed in some detail in Walton [1989a, pp. 274–277].

Case 2.10

Frank and Larry are discussing the issue of whether one should get married. Frank takes a traditional view, in support of marriage as a worthy institution, but Larry takes the view that mar-

riage is no longer practical or relevant, and that it should not be taken seriously.

Larry: Getting married involves promising to live with someone for the rest of your life. But nobody can safely predict compatibility with another person for life.

Frank: Don't we often make promises that we can't keep?

Larry: Yes, but one should not make a promise unless one can safely predict that one will keep it.

Frank: So you mean if two people aren't compatible, they can't live together.

Larry: Exactly. They shouldn't promise to do something they can't do. Therefore, no one should ever get married.

In Walton [1989b, p. 275], the line of reasoning in Larry's argument is laid out as a set of six steps.

1. Getting married involves promising to live with a person for the rest of one's life.
2. No one can safely predict compatibility with another person for life.
3. One should not make a promise unless one can safely predict that one will keep it.
4. If two people aren't compatible, they can't live together.
5. One should not promise to do something one can't do.
6. Therefore, nobody should ever get married.

The problem with this argument is that if you look at each of the five premises individually, they all seem like plausible propositions. At least, none of them individually is easy to refute. But when you put them all together, they imply the conclusion, which is a proposition that does not seem very plausible (except perhaps to those who share Larry's point of view). It would seem that this conclusion is a proposition that would be hard to defend convincingly.

What then has gone wrong? The structure of the argument seems to be reasonable enough, as a form of inference. So if the premises are individually plausible and persuasive, shouldn't the conclusion be too? Something seems suspicious about such an argument.

The problem is with the standards of strictness for the terms ‘compatible’ and ‘safely predict’, as analysed in Walton [1989b, pp. 275– 277]. ‘Compatible’ could mean ‘getting along smoothly’ (high standard), or only ‘functioning as a couple’ or ‘co-existing with difficulty’ (low standard). ‘Safely predict’ could mean ‘predict beyond any reasonable chance of error’ (high standard) or ‘be reasonably assured, even if exceptions can arise’ (low standard). Standards of safety can vary with the context. For example, standards of safety for a passenger aircraft in peacetime, civil aviation could be of a quite different nature from standards of safety applied to fighter aircraft in combat, e.g. during the Battle of Britain.

Case 2.10 is rightly classified as an instance of equivocation because the shift in context, over the extended context of the argument, brings with it such a sharp shift in the standard of strictness that there are grounds for judging that there is a shift in the meanings of both terms. Thus there is a basis for judging both terms, as used in context in this case, to be pragmatically ambiguous.

If this is right, vagueness and ambiguity are more closely connected than one might initially think. If you take an abstract term like ‘safely predict’, ‘compatible’ or ‘academic freedom’, it can be interpreted in various different, specific ways, using specific standards, in a context of dialogue for a given case. All abstract terms, we could say, are inherently vague, or non-specific with regard to implementation. However, more than just vagueness can be involved here. If in two specific instances, to which an abstract term is applied, there is a definite, clearly definable shift from one quite different standard of precision to another, it can be proper to describe this as an instance of ambiguity. If this is right, we need to expand the definition of ‘ambiguity’ to cover this type of shift.

6 DIALECTICAL SHIFTS

One special type of equivocation occurs where there is a shift in the use of a term from a literal meaning to a derived, secondary type of meaning which is often figurative or metaphorical in nature. William of Sherwood (first half of the thirteenth century) gives three illustrative examples of this type of equivocation within his account of it as a species of fallacy.

Example[s] of [transumptive equivocation]: ‘whatever runs has feet, the Seine runs; therefore the Seine has feet’; ‘whatever smiles has a mouth, there are smiling meadows; therefore there are meadows with mouths’; ‘whatever is expedient (*expedit*) is good, an evil thing is expedient; therefore an evil thing is good’. [These are examples

of [transumptive equivocation]] because the term ‘runs’, ‘smiles’, and ‘expedient’ signify one thing principally and are transumed to another thing by virtue of a certain resemblance. ‘Expedient’, [for example,] is said properly of what is good and [in that use] is just the same as ‘good’ (*et est idem, quod bonum simpliciter*); but then [its sense] is changed to [that of] ‘useful’ and it is predicated of an evil thing (*Tunc mutatur autem ad utile et dicitur de malo*).⁴

Cases like these are frequently found as examples of the fallacy of equivocation in modern textbooks.

In such cases, the shift may not be to a different lexical meaning. It is a shift in the context of use that makes us interpret the second occurrence in a metaphorical way. For that may be the only way we can make sense of a sentence like, ‘There are smiling meadows’. We have to adapt the concept of a smile from its normal context of application, and make sense of it in a different context which would not be the normal application of the term.

There are also other species of equivocation cited by the textbooks that strongly appear to be pragmatic in nature, in the sense that the ambiguity is defined in relation to a shift in the use of a term as an argument goes from one context of dialogue to another.

Whately [1836, p. 202] distinguished a species of equivocation he called *accidental equivocation*, which occurs because of a shift between first and second intentions of a word. According to Whately [1836, p. 203] the *first intention* of a term is ‘a certain vague and general signification of it’, as opposed to the *second intention*, which is a more ‘precise and limited’ meaning that it has in ‘some particular art, science, or system’. Whately gives the example [1836, p. 203] of the word ‘beast,’ which among farmers, in a kind of specialized argot, refers to oxen, specifically, in a second-intention meaning. This is opposed to the more usual first- intention meaning where ‘beast’ would apply broadly to any animal, and not specifically to oxen. It might be noted that Whately’s use of these terms differs from that in medieval logic.

An equivocation of this sort can occur where there has been a shift from one type of dialogue to another. It could be a shift, for example, from a critical discussion in everyday conversation to some type of specialized dialogue on a technical subject by experts in a scientific discipline.

An example of the fallacy of equivocation given by Salmon [1984, p. 162] appears to be of this type.

⁴ William of Sherwood, *Introduction to Logic*, trans. and ed. Norman Kretzmann, p. 136.

Case 2.11

If you think that a brick wall is solid, you are quite wrong. Modern science has shown that things like brick walls are made up of atoms. An atom is something like the solar system; electrons revolve around the nucleus much as the planets revolve around the sun. Like the solar system, an atom is mostly empty space. What common sense regards as solid, science has shown to be anything but solid.

Salmon's explanation [1984, p. 162] of why this case is an instance of equivocation seems to bear out that the reason is that it involves a shift from the common meaning of the word 'solid' in everyday conversation to some specialized meaning it might have in the context of a technical discussion in physics.

The equivocation that may well be present in this passage involves the word 'solid'. On the one hand, common sense may be right in regarding a brick wall as solid—meaning that it is strongly resistant to penetration. On the other hand, science may also be right in regarding the same brick wall as lacking solidity—meaning that it is not composed of tightly packed material particles.

The equivocation here is not a shift in the everyday lexical meaning of 'solid', but a shift from this meaning to a specialized, technical meaning the word takes on in a special type of dialogue.

These considerations bring us back to the suggestion raised in chapter one that standards of clarity and usage are best seen as a function of the type of dialogue in which a term is being used. Whether an ambiguity is 'bad' or 'fallacious', according to such a pragmatic point of view, depends on the standards of clarity and precision of the type of dialogue in which it has been used in argumentation. According to this viewpoint, it could be a sort of fallacy itself, or at any rate an oversimplification, to think of ambiguity in the use of a term as being inherently bad. This goes against the proposal of having a 'fallacy of ambiguity' in the textbooks which presumes that ambiguity is inherently wrong.

Some textbooks have noticed that different conversation contexts impose different standards of tolerance for ambiguity. Jevons [1883, p. 29] is of the opinion that terms are less ambiguous in technical and scientific language than in what he calls 'common life'.

Instances of univocal terms are to be found chiefly in technical and scientific language. Steam-engine, gasometer, railway train, per-

manent way, and multitudes of such technical names denoting distinct common objects, are sufficiently univocal. In common life the names penny, mantelpiece, teacup, bread and butter, have a sufficiently definite and single meaning. So also in chemistry, oxygen, hydrogen, sulphate of copper, alumina, lithia, and thousands of other terms are very precise, the words themselves having often been invented in very recent years, and the meanings exactly fixed and maintained invariable. Every science has or ought to have a series of terms equally precise and certain in meaning.

Whether in fact terms are less ambiguous in scientific and technical language than in the language of everyday conversations is an empirical claim that might be hard to prove, although it certainly appears plausible. But as a matter of normative ideals, scientific disciplines often use carefully defined technical terms with the aim of making inquiry in their subject more rigorous, and less open to error. If so, the standards of clarity and precision for the usage of a term might be quite different in a scientific inquiry than in the context of an everyday conversation between non-specialists in some scientific or technical field of expertise. Such considerations bear out Hamblin's [1970] proposal that equivocation ought to be treated as a procedural matter of clarification of the usage of terms in a dialogue.⁵

Equivocation then, is not always just caused by lexical ambiguity in the meaning of the word in common usage. It can also relate to shifts in connotation, or due to the use of analogies or other kinds of uses of words in context where the word is used in some kind of special way, other than the way indicated by common usage, or by a dictionary entry.

Terms could even be defined stipulately in the context of a discussion, or even a specialized inquiry, and this too could lead to equivocation.

It seems better then to see equivocation as a contextually sensitive type of fallacy that depends on the context of dialogue in a given case. In simple cases of equivocation, such contextual factors can be put to one side. However, in any realistic type of case where the meanings of the terms in a dialogue may themselves be subject to dispute, the contextual factors may need to be taken into account.

⁵This proposal has been developed in a formal structure of dialogue by Mackenzie [1988].

7 DEEP DECEPTION

If two parties are quibbling, then one of them has to agree with the terminology of the other, or they, at any rate, have to reach some kind of terminological agreement. But what if they can't? Then is the case one where we can rightly say that the fallacy of equivocation has been committed, by one side or the other?

Hamblin [1970, p. 15] has shown that this problem is particularly acute in 'serious' cases of cited equivocations that would be likely to deceive someone. Noting that many of the textbook examples of equivocation are trivial puns or jokes that would not be capable of deceiving anyone by 'a serious chain of reasoning exploiting double-meanings', Hamblin[1970, p. 15] goes on to show that really serious cases turn out to be problematic.

A good example of this kind of case is one given by Joseph [1916, p. 579], quoted by Hamblin [1970, p. 15].

Case 2.12

'A mistake in point of law', says Blackstone, 'which every person of discretion not only may, but is bound and presumed to know, is in criminal cases no sort of defence'; the State must perhaps presume a knowledge of the law, and so far we are bound to know it, in the sense of being required under penalty; but a criminal action done in ignorance of the law that a man is *legally* bound to know is often considered *morally* discreditable, as if the knowledge of the law on the matter were a plain moral duty. How far that is so in a particular case may be a very doubtful question; the maxim quoted tends to confuse the moral with the legal obligation.

A simple case of an equivocal argument involving this same ambiguity is the following one from Walton [1987, p. 249].

Case 2.13

All acts prescribed by law are obligatory.

Non-performance of an obligatory act is to be disapproved.

Therefore, non-performance of an act prescribed by law is to be disapproved.

The fallacy of equivocation in this argument appears to be straightforward. In the first premise, the word 'obligatory' is most plausibly taken to mean 'legally obligatory', while in the second premise, it is most plausibly taken to mean

'morally obligatory'. Hence there has been a meaning shift of the kind typical of the fallacy of equivocation.

So here we have a serious case. But the serious case poses a serious problem, as Hamblin [1970, p. 15] shows.

All that Joseph claims, however, is that it is doubtful that moral and legal duty must be identified; not that it is clear that they must be distinguished. If moral words were not slippery there would be little need for the study of moral philosophy. For this to be a clear example of Equivocation there needs to be a clear distinction between moral rectitude and obedience to the law of the land. We know, of course, that there is *sometimes* a case for saying that the law is wrong and should be altered or even disobeyed. But the law of the land is interpreted by the courts, and the courts are inevitably and properly influenced to some extent by moral factors; and, on the other hand, it could be argued that a certain conformity to law, insofar as it promotes the general good through stable government, is morally commendable on its own account.

The problem with Joseph's kind of case, as Hamblin points out, is that in some contexts 'moral obligation' and 'legal obligation' could be taken to mean the same thing, in an argument where 'obligation' occurs twice. Here there might be no fallacy of equivocation.

For example, a legal positivist, who has made clear that according to her point of view, moral obligation is identical to legal obligation, might put forward the argument in Case 2.13 in the course of arguing about disapproval of non-performance of acts prescribed by law. In such a context of disputation, her use of the argument could be nonfallacious. There is no fallacy of equivocation in such a case because, from this arguer's point of view, it is permissible to conflate the two senses of 'obligatory'. In general then, an additional requirement for the determination of a case of the fallacy is needed: it is necessary to show that the context of dialogue for the given case is one in which the distinction between the two senses of the word is appropriate.

The problem posed by Cases 2.12 and 2.13 is called the *problem of deep deception* by Walton and is discussed at some length in [1987, pp. 249–259]. Hamblin generally requires of a case of the fallacy of equivocation [1970, p. 292] that the perpetrators of an equivocal argument must either 'deceive themselves, or set out to deceive other people, into thinking the argument valid'. But what if the alleged perpetrator is so *deeply* deceived that she systematically identifies the two meanings of the ambiguous term at issue as being gener-

ally equivalent? Perhaps she even offers a definition which explicitly postulates their equivalence for her. Could we fairly accuse such an arguer of committing the fallacy of equivocation? The answer, as Hamblin [1970, p. 15] rightly says, is that ‘it must be clear that there is at least room for debate’. Here then is a general problem about pinning down an alleged case of equivocation that is fundamental to our understanding of equivocation as a fallacy.

Hamblin [1970] devoted the last chapter of his book to showing how this problem necessitates our thinking of equivocation as a procedural question of ‘points of order’ concerning how one party should challenge the terminology used in the argumentation of another party in a dialogue.

It appears that Aristotle himself recognized this problem very clearly in the passage in the *De Sophisticis Elenchis* where he wrote (182 b 8 33), ‘It must be noted about arguments in general that in some it is easier and in some more difficult to see why and where they mislead the listener’. Using the example of the fallacy of equivocation to prove his point, Aristotle writes that some cases of equivocation are ‘obvious even to the ordinary mind’ (182 b 17), while others are more difficult to detect, and may fail to be discerned by ‘even the most expert’ (182 b 23). As proof of the difficulty of some cases of equivocation, Aristotle cites the argument between Parmenides and Zeno on whether ‘being’ and ‘unity’ mean the same thing or not (182 b 27). Aristotle cites this argument as a case where people ‘dispute about the terms used’, and therefore in such a case it is difficult to say whether a fallacy of equivocation is committed or not, he thinks. He remarks on fallacies of this kind, ‘it is not always easy to grasp into which class they fall and whether refutation takes place or not’ (182 b 31).

The phenomena of quibbling and deep deception are related problems that show the acute need for a precise analysis of equivocation as a fallacy.

8 ANALYSIS OF THE FALLACY

It can be shown, as follows, exactly how an argument in which a fallacy of equivocation occurs blocks the goal of a critical discussion. The goal of a critical discussion is to resolve a conflict of opinions by rational argumentation. In order for this to take place, the arguments of the one side have to meet, to be opposed to, the arguments of the other side. For a refutation to be successful, for example, it must engage the argument or the proposition it is supposed to refute. In the language of van Eemeren and Grootendorst [1984, pp. 78–81], a critical discussion presupposes two opposed points of view in respect to a particular proposition—one party has a positive point of view, and the other party

has either a negative (opposed) or an uncommitted point of view (critical doubt expressed).

Now within this framework, an argument with an equivocation in it put forward by the one party may appear to be opposed, in the required sense, to the argument put forward by the opposing party. But is it really opposed? If it is an equivocal argument, it may not be, because the ambiguous term in it can be taken more than one way. Perhaps this is what Aristotle had in mind when he classified equivocation as a sophistical refutation (*sophistikos elenchos*), meaning a refutation that only appears to refute. In this sense, equivocation is a fallacy because it does not really work or function as a genuine refutation of the argument or proposition it (supposedly) opposes.

But ambiguity, as opposed to equivocation need not block the goal of a critical discussion. Even if ambiguity is a kind of unclarity, a certain amount of unclarity, especially in the initial stages of a critical discussion, is to be expected. In any critical discussion on a topic of public controversy for example, like the abortion issue or euthanasia, there are going to be many ambiguities in the terms used, at first, until through the discussion, the position of each party becomes clarified and sharpened. This is normal, and is part of the process of maieutic clarification achieved through a good critical discussion. It is normal for key terms in a critical discussion to be (relatively) unclear, at the beginning of the dialogue, and then to become clearer and clearer as the dialogue proceeds.⁶

Thus ambiguity in a critical discussion, and in other types of dialogue in which argumentation takes place, should not be regarded as a fallacy. This conclusion goes part of the way towards establishing our ultimate conclusion, below, that the ‘fallacy of ambiguity’ should be expunged from the logic textbooks as a correct category of fallaciousness.

Before we can establish this, however, we need an analysis of the fallacy of equivocation. A fallacy is defined here not just as a violation of a rule of a critical discussion. A fallacy is a type of sequence of moves which occurs in an argument in a context of dialogue. The critical discussion is one type of dialogue in which arguments occur, and an important one, but it is not the only one.

Typically, a fallacy is associated with the misuse of an argumentation scheme in a context of dialogue, but this is not the case with the fallacy of equivocation. As we showed in chapter one, equivocation can occur in deductive forms of argument, like the syllogism, but it can also occur in presumptive types of

⁶ Walton [1987, pp. 125-130].

argumentation, like position to know reasoning. It can occur in all types of argumentation where ambiguity poses a certain type of problem.

A fallacy is something that occurs in an argument, and it is something that makes the argument invalid, or otherwise incorrect. The word 'fallacy' denotes a systematic, underlying type of error in an argument that makes the argument flawed, and open to censure and strong refutation. A fallacy is not just any error or blunder, but a particularly serious type of error in using an argument.⁷ A fallacy is an argument (or at least something that is supposed to be an argument) that is misused to block the goals of a type of dialogue in which two parties are supposedly engaged in some kind of reasoning together.

Fallacies characteristically involve types of argumentation that can be quite correct as arguments in the right context. But they are fallacies because they are misused in a given context of dialogue. Because a fallacious argument resembles a legitimate type of argumentation, which could, in another context, be used quite correctly, fallacies are deceptive and confusing.⁸ As the tradition puts it, a fallacy is an argument that *seems* valid, but is not. This is the element of deception or *apparentia*.

In the case of the fallacy of equivocation, this element of seeming-validity (*apparentia*) is accounted for by a contextual shift in the argument. The analysis of the fallacy of equivocation specified by the six requirements below is different from the accounts of the so-called 'fallacy of ambiguity' given by Mill and Johnson and Blair (Chapter 1, Section 8, and Chapter 2, Section 1).

1. An argument is put forward, i.e. a set of premises and a conclusion, in a context of dialogue, e.g. a critical discussion.
2. A particular term occurs, twice at least, in the argument.
3. The term is pragmatically ambiguous (and may, in many cases, be lexically ambiguous as well).
4. There is a contextual shift from one premise to another (or to the conclusion), so that the term is used most plausibly one way in the one sentence, and another way in the other sentence (premise or conclusion).
5. Once the ambiguous term is interpreted, in context, wherever it occurs, the result is a multiple set of three or more arguments.

⁷ Walton [1995].

⁸ *Ibid.*

6. The arguments in the one subset of the multiple set have bite, but not bearing. The arguments in the other subset have bearing, but not bite. These two subsets are nonempty, and together make up the whole of the original multiple set.

Where all six of these conditions are present at an argument move in a dialogue, the classical pattern of an equivocation occurs. This analysis requires that the ambiguous term occur twice in the argument in the given case. The respondent is tugged one way by one interpretation of the ambiguous term, to make the argument come forward as having bite. But then at the same time, the respondent (audience, or reader of the ‘argument’, who has to deal with it in context) is also tugged the other way by the other occurrence of the term to make the argument come out as having bearing. Blurring these two *desiderata* together, the respondent may (incorrectly) take the proponent’s utterances as one (single) argument that has both bite and bearing. In reality, the utterances should correctly be interpreted as a multiplicity of arguments, none of which has both bite and bearing. Thus these six conditions define not only the normative standards of correctness for equivocation, but also explain its *apparentia* (seeming-correctness) as a fallacy.

The key element of the above analysis of the fallacy of equivocation is not (a) whether the perpetrator deliberately deceives the victim, or (b) whether the victim is confused, not knowing which way to interpret the ambiguous term. Instead, the key element is the capability of the argument, as put forward in context, to mislead any potential recipient in the dialogue, by using an ambiguous term that is plausible in one sentence when interpreted one way, and then because of a contextual shift, plausible in another sentence when interpreted another way. The shift of context disguises the multiplicity of the argumentation-bundle, making it appear that one (single) argument has been put forward in the dialogue (as is proper).

By this account, ambiguity is not (necessarily) fallacious. Ambiguity can certainly be a problem in argumentation when two parties reason together. It can even interfere with or block the goals of a dialogue. But all kinds of blunders, errors, misunderstandings, and confusions can be problematic without committing the fallacy of equivocation in the sense defined above.

9 FALLACY AND DECEPTION

The analysis of the fallacy of equivocation given in Section 8 is controversial, because it depends on a prior definition of the concept of a fallacy. If a fallacy

is a violation of a rule of a critical discussion, and that is sufficient to define the concept of fallacy then, as we have argued above, ambiguity ought to be defined as a fallacy. But it ought not to be so defined, we have argued, at least in part because, on our analysis, a fallacy is more than a violation of a rule of a critical discussion.

Admittedly however, the issue is subject to debate, and it raises the more general issue of what a fallacy is—that is, how the concept of fallacy should be defined, for purposes of informal logic.

The question once again raised is whether there is a separate ‘fallacy of ambiguity’. But even here, the anterior question is whether the intentional/unintentional distinction is a good basis for distinguishing between this (or other faults of ambiguity) and the fallacy of equivocation. There is a strong sense of the word ‘fallacy’ used by some textbooks that identify a fallacy with an intentional tactic of deception. Perhaps a *sophism* could even be defined as a deliberate tactic used to deceive a partner in dialogue. Two textbooks in particular tie the fallacy of equivocation to the deliberate or intentional use of ambiguity in an argument.

Wheelwright [1962, p. 289] claims that the ‘fallacy of ambiguity’ occurs where there are ‘two meanings of an ambiguous word or phrase at work in an argument’. He then adds [Wheelwright, 1962, p. 289], ‘When such ambiguity is deliberate it is called a *sophism* or *equivocation*.’ Here, the fallacy of equivocation has the essential characteristic of being a deliberate misuse of ambiguity in an argument by the proponent. Here too is an interesting use of the word ‘sophism,’ being used to characterize a type of fallacy where the proponent of an argument deliberately deceives the respondent.

Black [1946, p. 170] takes the point of view that ambiguity is a defect in the use of language, but is not necessarily fallacious. However, it is fallacious in two kinds of cases for Black [1946, p. 213].

Many linguistic fallacies . . . arise from the *deliberate* use of a word or phrase in more than one sense in the same argument. When this occurs a *fallacy of equivocation* is said to have been committed. If the shift of meaning is unintentional we may say a *fallacy of ambiguity* occurs.

Both Black and Wheelwright agree on the same principles—the deliberate use of ambiguity is characteristic of the fallacy of equivocation, and where such a shift is nondeliberate, we can call it the fallacy of ambiguity.

This way of connecting the fallacy of equivocation to deception is unacceptable, basically for the reason that tying the committing of a fallacy to the intent

to deceive an arguer in a given case ties the determination of fallaciousness to the intentions of a particular individual in a given case. This is a form of psychologism that is unacceptable to Hamblin [1970], van Eemeren and Grootendorst [1984; 1992], Walton [1987], and others who insist that argument evaluation of fallacies should be a critical-normative, as opposed to a psychological matter.

On the other hand, the distinction between the fallacy of equivocation and ambiguity (fallacious or otherwise) does appear, as we have seen, to be tied somehow to the inherent deceptiveness of genuine cases of the fallacy of equivocation.

Genuine cases of the fallacy of equivocation are more than just ambiguous uses of a term in argumentation. They are genuine cases of this fallacy because, due to the way they are used in a dialogue, because of a shift in context, they have a special type of capability to deceive, in the given context of dialogue.

Presumably there are many cases of equivocation like Case 2.10, which turn on shifting standards for terms like ‘compatible’ over the course of an extended argument, where neither the respondent nor the proponent may even be aware of the shift of meaning that has occurred. Yet in such cases, despite the lack of clear intent on behalf of either party, we definitely want to say that there exists a fallacy of equivocation.

Reverting to the Black–Wheelwright criterion of calling it a ‘fallacy of ambiguity’ if there was no intent to deceive, or saying (on the same criterion) that it could be either a fallacy of equivocation or fallacy of ambiguity depending on the finding of such an intent, are not good solutions. Better to simply acknowledge that intent to deceive is not necessary for the existence of a genuine case of the fallacy of equivocation, as Case 2.10 is.

A better criterion for identifying the fallacy of equivocation is to be found in the tendency of arguments that commit this fallacy to function as a kind of trap to naturally tug a respondent in dialogue two ways. As revealed in Section 8, this relates to the structure of equivocal arguments.

It is characteristic of the fallacy of equivocation, according to Woods and Walton [1979, p. 35] that the respondent is forced to choose between falsity of premise and invalidity of argument if he disambiguates the term in the argument at issue, correctly perceiving that a multiplicity of arguments exists. This is an instance of *cognitive dissonance*, according to the Woods and Walton analysis, because either choice represents a negative finding of a sort, and because the respondent is faced with a dichotomous choice. To avoid dissonance then, characteristically the respondent equivocates—he overlooks the ambiguity and treats the utterance of the proponent as being one (univocal) argument (an ap-

parently valid argument with true premises).

This account highlights the *apparentia*, the seeming-correctness of arguments where there is a fallacy of equivocation. They seem correct to the respondent because he, ambivalently and unjustifiably, in reality, is taking what is offered to him both ways at once.

Of course, cognitive dissonance is a psychological concept, and we need a normative analysis of how equivocation works as a fallacy. Is there some normative, rather than psychological way of drawing the distinction between equivocating and non-equivocating cases of ambiguity on grounds of some kind of definite textual evidence that can be found, or judged to exist, in the context of dialogue of a given case?

One way to draw this distinction would be in relation to the plausibility of the interpretation of the ambiguous term, in the context of dialogue. If it is plausible for a respondent (or reader) to interpret the ambiguous term in the one way and then the other, given a contextual shift, then it would be a case of the fallacy of equivocation. But if the one interpretation is the plausible one, in context, and it would therefore incline a respondent to interpret the text that way, then it would not be a case of the fallacy of equivocation. For characteristically in equivocation, the ambiguous term is interpreted one way in one premise by the respondent, and then in the other way in the other premise (or conclusion). So in a real case of equivocation, there is an inherent deception or trap involved, which pulls a respondent first one way and then the other, destroying the continuity needed to yield a single (nonequivocal) argument. How this trap works is explained by the analysis in Section 8. This dual tug can be defined, not just as the actual response of the particular respondent, but as the inherent tendency of the message (in context) to be ambivalent, due to structure of the fallacy of equivocation.

Knapp [1981, p. 272] distinguishes a particular type of deceptive message ‘which essentially involves the simultaneous presentation of two messages which communicate two different meanings’. He adds [Knapp, 1981, p. 272] ‘Sometimes this condition is the result of attempts to consciously deceive another and sometimes it isn’t’. This is one type of deception, different from other types of deceptive messages remarked on by Knapp, like lying, exaggerating, and so forth. The particular type of message which communicates two different meanings has different ways of being deceptive. One such example given by Knapp [1981, p. 272], ‘putting on a happy face’ is subtly deceptive, because it is put on with the hope of being seen through.

What type of deceptive message is characteristic of an equivocal argument? The particular type of deception here is that the two different meanings are in an

argument where there is a shift of context between two parts of the argument. Such a message is more than just potentially deceptive or confusing. It is a trap, which invites any respondent in the context of dialogue to equivocate, thereby wrongly assuming that he is confronted with only one argument, which has both bite and bearing. But the reality is otherwise.

10 RESOLUTION OF PROBLEM CASES

The analysis and explanation of the fallacy of equivocation given in Sections 8 and 9, along with the elucidations of associated concepts like ambiguity and fallacy, has enough bite to enable us to deal with problems posed by the case studies we have examined so far. Of course, there remain cases where we can't tell absolutely whether a fallacy of equivocation has been committed or not, because there is not enough information given in the case to enable us to tell for sure whether it meets the requirements of the analysis or not. Even so, the most acute problems of evaluation posed by the cases we have studied can be resolved satisfactorily.

Case 2.3 was classified by Damer as an instance of the fallacy of ambiguity because of the ambiguous headline, ELIZABETH TAYLOR LOSES APPEAL. But is an ambiguous headline of this type all that bad? Headlines are often meant to be provocative, and are even deliberately ambiguous and misleading on occasion, in order to catch a reader's attention so she will look at the article (or if nothing else, be amused by the headline).

In Case 2.3, the misleading aspect is not too serious, because the reader can always look at the body of the article to see what was meant. That could even have been the intent of making the ambiguous headline. In this case, the use of ambiguity is not so bad, or so much an instance of an underlying logical error, that it ought to be called a fallacy. It is certainly not a fallacy of equivocation, in our sense.

Nor are there justifiable grounds for calling it a fallacy of ambiguity. If some conclusion is being drawn from the headline, a conclusion that uses 'appeal' in a different way from the way it is used in the headline—it is not clear what this conclusion is. From the information given in the case, there is not enough evidence of an argument trading on the ambiguity to support the contention that there has been a fallacy of equivocation committed.

With regard to Case 2.4, the Sacha Guitry case, we saw in section four that an argument—from position to know reasoning, used in a context of advice-giving dialogue—can be extrapolated from this case. The same sort of reconstruction

is possible in the Raymond of Pennafort case of the equivocal homeowner.

So what should we say about these cases—are they just cases of miscommunication and lying, respectively, or are they instances of the fallacy of equivocation? Or is there room for a middle position? Should we say that while they may not be cases of the fallacy of equivocation, they could be classified as cases of the fallacy of ambiguity (along the lines of the analysis of the fallacy of ambiguity given by Johnson and Blair)?

Normally and typically, cases of the fallacy of equivocation have at least one term that occurs at least twice in the same argument, and the term plausibly means one thing in one occurrence, but plausibly means something else in the other occurrence. Most, if not all, of the standard treatment textbook cases are of this type. But the Sacha Guitry and Raymond cases show that, at least in some cases, it is possible to reconstruct equivocation-like cases as being or expressing arguments containing only one occurrence of an ambiguous term.

But in the Raymond and Guitry cases, the proponent is not arguing (presenting an argument). In the Raymond case, the proponent is making a statement (an assertion), in reply to a request for information. In the Guitry case, the proponent is also making a kind of statement—he is giving advice ‘Never collaborate!’ in the form of an imperative. In neither of these cases, is the proponent putting forward an argument. True, we can reconstruct an argument from the respondent’s point of view, as shown in our analyses of these cases. But does that reconstruction really meet the argument requirement? It is far from evident that it does, because in both cases, the ambiguity occurs in a sentence used to make a statement. The ambiguity does not occur in an argument, even though an argument representing the point of view of one side can be reconstructed from the case.

Now we must ask the question—is there a case where there is an argument with an ambiguous term that occurs only once in it, where the argument meets all the requirements of the Johnson and Blair definition of the fallacy of ambiguity? There do not seem to be any cases of this sort given in the textbook examples of equivocation, so we are cast on the expedient of trying to invent such a case. It might look like the following example.

Case 2.14

Bob and Alice are arguing about where Bob should go to get some money that was placed somewhere. Should Bob go to a designated spot at the side of the river, or should he go downtown (to a designated savings bank)? Alice presents the following argument:

The money is in the bank.
So you should go to the river.

In this argument, let's say that the term 'bank' in the premise most plausibly refers to the savings bank. But the premise is only relevant to the conclusion if the word 'bank' in the premise is taken to refer to the river bank. This argument then, it seems, meets the Johnson and Blair requirements for the fallacy of ambiguity.

Is this argument an instance of the fallacy of equivocation, or should it be so categorized? It is hard to decide exactly, because the case is not one of a very realistic deception, or that would normally deceive someone into accepting a bad argument as a good one. Most likely Bob would simply take the argument as a statement that he should go to the river to get the money. Perhaps then, to cover cases like this, we should use the expression 'fallacy of ambiguity'.

But our inclination in handling such cases is to stay away from the expression 'the fallacy of ambiguity' altogether, because ambiguity is not (in itself) fallacious, and we should not use terminology that suggests, misleadingly, that it is, or can be. Better, we think, to relinquish the 'fallacy of ambiguity' altogether.

How then should we define the fallacy of equivocation? Should it require two or more occurrences of the ambiguous term (expression) in the argument in question? Our initial hypothesis was to keep this requirement, because it is characteristic of the typical kind of case of equivocation that is evidently the target of the textbook treatments. But we have now encountered a subtlety. Cases like that of Guitry and Raymond, if they could be expressed in a form that meets the argument requirement—which is dubious, as we noted above—would be cases of equivocation where the ambiguous term that causes the equivocation occurs only once in the argument. Should such equivocation-like cases, if they exist, be classified as genuine instances of the fallacy of equivocation?

This issue is genuinely open to contention, but our inclination is to not classify them as being genuine instances of the fallacy of equivocation. They are better seen as reconstructions of cases of miscommunication and lying that arise from ambiguity.

For a genuine case of equivocation, we need an argument with an ambiguous term in it that occurs (at least) twice, where it is plausibly interpreted one way (with bearing) in one occurrence and the other way (with bite). This argument has to fail to be a single argument which meets a burden of proof, in context, because of the ambiguous usage of the term.

This is not true of the Sacha Guitry case however, even on our revised version of it. Jünger took the argument one way—the wrong way, or at any rate, not

the way it was intended by Guitry. This then is not a case of equivocation, but simply a case of misunderstanding. It was certainly a failure of communication, and one that did block the goal of advice-giving dialogue. But even so, there are adequate grounds for not calling it a case of the fallacy of equivocation, at least on our account of the structure of this fallacy.

What should we say then about Case 2.9 and its more complicated counterpart, Case 2.10? You could say that in these cases, the problem is more one of vagueness than ambiguity. The word 'small' is not lexically ambiguous, as applied to Case 2.9. But there certainly is a contextual shift when small is applied to 'elephant,' in contrast to being applied to animals generally. Is this contextual shift enough of a meaning-shift that we can say that the term 'small' is ambiguous in such a case?

A case can be made for this interpretation on the grounds that, in our analysis of equivocation, we are dealing with pragmatic ambiguity, a much broader concept than 'mere' lexical ambiguity. True the word 'small' is not literally or basically ambiguous in Case 2.9, in exactly the way such words were ambiguous in the previous cases we examined. But even so, it could be said to be pragmatically ambiguous in the sense that its standards of use changed when it was applied to a different, and more general domain.

Of course, we follow the practice of treating Cases 2.9 and 2.10 as instances of a distinct fallacy in its own right—the fallacy of relative terms. But is it proper to treat this fallacy in the textbooks as a subfallacy of equivocation? Our answer is that, yes, this approach can be justified.

A less tractable problem is posed by Cases 2.5, 2.6 and 2.7, instances of the fallacy of quibbling. Is quibbling a subspecies of equivocation? Or is it a separate fallacy in its own right? Or is it a fallacy at all?

Quibbling does seem to meet all the requirements of our definition of the fallacy of equivocation given in Section 8. But on the other hand, more seems to be involved in quibbling than just equivocation. In quibbling, there is a global misunderstanding about the nature of a dispute—there only appears to be a conflict of opinions that is more than merely verbal. Second, in quibbling, one side tries to defend its case tautologically. For example, in Case 2.7, the egoist tries to defend her side of the dispute by defining 'selfish' in such a way that no amount of empirical evidence counts against it. And third, quibbling seems to pertain more to the confrontation stage of a critical discussion, as opposed to equivocation, which normally occurs in a specific subargument (premises and conclusion) at the argumentation stage.

The problem here is a subtle one that needs further attention, and we should not close it to further investigation. Although quibbling is a serious problem

of argumentation in its own right, and deserves separate treatment on its own as a problem or fallacy, it also shares many characteristics with equivocation. Perhaps it would be best to treat quibbling as a breakdown of dialogue or fallacy that is, if not a subspecies of equivocation, a species of failure of successful argumentation that has many important affiliations with equivocation.

Quibbling could justifiably be defined as a fallacy because it involves a deceptive ambiguity in a critical discussion, and that ambiguity affects the whole discussion, preventing its ultimate resolution no matter how many arguments and refutations are brought forward by either side during the argumentation stage. On the other hand, quibbling is not a sophism or an error of reasoning committed by one side against the other in a dialogue (as fallacies typically are). Instead, it is a failure to enter into dialogue by both sides at the same time.

Ambiguity, it seems, only blocks the goal of a critical discussion where it occurs at certain points and in certain entities in the dialogue. One type of instance where ambiguity can block the goal of a critical discussion is during the argumentation stage, where the ambiguity occurs in a key term in a localized argument that is an integral part of the critical discussion (necessary for its resolution), and the ambiguity is never recognized by both parties. Here, the danger is that the argument will be taken for a real refutation (with bite and bearing), when it is not. This is equivocation.

Another kind of significant ambiguity that could prevent the solution of the conflict of opinions in a critical discussion would occur during the confrontation stage, where the *pro* and *contra* points of view are formulated. What if, due to a key ambiguity, the two points of view do not oppose each other at all, in the sense of being logical contraries or contradictories, but only appear to. In such a case, the conflict of opinions may not be possible to resolve, because there may be no (real) conflict, in the first place.

The problem in this kind of case is that the participants may be merely quibbling (in the sense defined in Section 4 above) as opposed to having a real dispute. They may be merely having a verbal disagreement over terms, as opposed to having a ‘real’ or substantive dispute upon which empirical, or other kinds of substantive evidence can be brought to bear in arriving at a resolution. This is quibbling.

Quibbling is not a fallacy in the sense of being a failure in a specific, local argument put forward by one side during the argumentation stage, like a syllogism. It is a procedural problem that affects a critical discussion globally. However, as we have seen, equivocation has its procedural aspects as well. So quibbling is very closely related to equivocation, and also to the problem of deep deception in equivocation.

Quibbling and the problem of deep deception get us into the adjacent area of the use of definitions in argumentation. The problem is one of different kinds of definitions. If one party sticks to her stipulative definition of a key term in a critical discussion, while the definition of the other party of the same term is ‘real’ (as opposed to being merely stipulative), then both quibbling and the problem of deep deception can occur together. However, the problems posed by this kind of case takes us into the adjacent, larger area of verbal agreements on definitions in reasoned dialogue. This area must be regarded as beyond the scope, for the most part anyway, of our analysis of the fallacy of equivocation.

We have seen that the textbook treatments exhibit many differences. In particular, what is problematic about these treatments is their lack of agreement on basic terminology, and on any kind of unified approach to equivocation as a fallacy. However, there is some hopeful convergence, in that the more recent treatments—especially those of Scriven, Johnson and Blair, and Freeman—do agree on many of the basic components that should go into the structure of this fallacy. Damer’s account of the fallacy of equivocation, as far as it goes, also conforms to the outline of this structure quite well. Where we have primarily disagreed with many of the textbooks (including Damer) is on their postulation of a separate ‘fallacy of ambiguity’.

It would be easy to condemn the treatments of ambiguity and equivocation in the textbooks by pointing to these contradictions, concluding that this shows once again, how disorganized and chaotic the standard treatment is. But really this would be a mistaken conclusion to derive from what we have found. For actually, the cases studied (especially Case 2.4, which could be called the pivotal and central case at issue) are quite subtle in key areas, and are non-trivial to analyse. It has by no means been a simple and straightforward exercise to arrive at some firm, obviously correct conclusion in deciding how they should best be classified.

Even more generally, the central issue posed by the various cases studied, an issue which needs to be examined very clearly and carefully, is this one, which could be called the *central problem* in defining equivocation (and/or ambiguity) as a fallacy. Suppose we have an argument with an ambiguous term in it, and this term may occur only once in the argument, but it is ambiguous, as it occurs. In context, it could be taken either way, and it is uncertain which way it should be taken. This is the kind of case of ambiguity Richard Robinson (see Section 2) labelled *uncertainty* (although, for Robinson, the case didn’t have to occur in argument). Should such an argument be rightly called an instance of the fallacy of equivocation, or alternatively, a case of the fallacy of ambiguity?

The argumentation of the previous sections clearly concludes that it ought to

be classified as neither. But it is important to see that the argumentation of the opposing side does have a case, a case that ultimately depends on how the term ‘fallacy’ should generally be defined. In the kind of case posed by the central problem, the respondent is uncertain how the ambiguous term should rightly be taken in the argument put forward by the proponent. But for the respondent in a critical discussion (and in other types of dialogue, as well), it is necessary to disambiguate, in order to get an argument that has both bite and bearing in the discussion. This is necessary in order to make the proponent’s would-be argument useful to contribute to a resolution of the conflict of opinions.

If this requirement is not met, as we saw in Section 8, the ‘argument’ in question is not a real refutation. It fails to contribute to the discussion, and instead, is actually an obstacle to the resolution of the conflict of opinions at issue. These then are the grounds for calling it a fallacy. So the textbooks that postulate a separate ‘fallacy of ambiguity’ do actually have a case to back up their point of view.

Even so, we have argued, a deeper analysis of the concept of a fallacy shows that this case is not sufficient to prove its conclusion that there should be a separate fallacy of ambiguity. It would be sufficient if the requirement of being a violation of a rule of a critical discussion like ‘Be clear’ were both necessary and sufficient to define something as a fallacy. But it is not, and therefore ambiguity, even if it is left open, and therefore blocks the resolution of the conflict in a critical discussion, should not be classified as a fallacy (in the absence of meeting other requirements essential for the fallacy of equivocation).

Persisting with the use of the label ‘fallacy of ambiguity’ in the textbooks, and generally presuming that ambiguity is fallacious, are (on balance) practices that do more harm than good. Such practices are ultimately misleading and obstructive, in that they presume without adequate justification that ambiguity is wholly bad, wherever it occurs. And they hinder fruitful lines of inquiry like that of Robinson [1941] which could ultimately give us a sound basis for evaluating when ambiguity is bad and when it is not. There is no such thing as the fallacy of ambiguity. Ambiguity can lead to uncertainty, misunderstanding, confusion, deception, lying and fallacies. But it is not a fallacy in itself.

CHAPTER 3

AMPHIBOLY

Amphiboly continues to be treated as one of the major informal fallacies by many of the logic textbooks that deal with fallacies, following a longstanding tradition that goes back through the Middle Ages, originating in Aristotle. Aristotle, in his *De Sophisticis Elenchis* or *On Sophistical Refutations* (165 b 27)—see Chapter 1—defined amphiboly as the fallacy dependent on language that arises from ambiguity in the grammatical structure of a sentence.¹ However, as noted in Chapter 1, Aristotle's examples do not translate very well into English as common errors or sophistical deceptions that contemporary students would recognize as significant fallacies. One example Aristotle gave is: 'A man a pillar sees, therefore the pillar sees.' (166 a 10). Another is: 'Surely you insist on being what you insist on being. You insist on a stone being. Therefore, you insist on being a stone'. (166 a 12 - 166 a 14). The logic textbooks in Latin, and subsequently in English and other modern languages, have struggled to find useful and convincing examples of amphiboly, in order to retain the Aristotelian tradition of having amphiboly as a fallacy. But as we will see below, these attempts have failed, quite consistently, and generally the burden of proof seems to be more and more against amphiboly as a significant fallacy [Hamblin, 1970, p. 18].

This lack of useful or convincing case materials had led the author, in his own teaching practice, to either ignore amphiboly as a serious fallacy, or to treat it as a kind of trivial footnote to equivocation. Only now has this personal practice been altered, once the considerations revealed in this Chapter showed evidence—as we will see, partial, but not complete evidence—that amphiboly is a significant fallacy.

Another interesting thing about amphiboly is that it critically challenges our idea of fallacy, by posing the same kind of question that equivocation does: does a fallacy have to be a fallacious argument, or could it be, for example, simply a failure of communication, or some other kind of confusion in a verbal ex-

¹ Form of expression, sometimes also called 'figure of speech', (the subject of Chapter 5) is a fallacy that also has to do with grammatical ambiguity, but not of a whole sentence.

change? This challenge posed by cases of amphiboly studied below suggest a need to clarify the concept of fallacy, and make it more precise.

1 THE BASIC PROBLEM

The basic problem with the so-called fallacy of amphiboly is that it is far from clear, from the accounts given in the logic textbooks, that it really is a fallacy. The main reason is the failure of the standard examples given to meet the two highly plausible requirements of what should constitute a fallacy discussed in Chapter 1. The *argument requirement* is that a fallacy should be a fallacious argument, or at least a kind of logical error or failure of correct reasoning that occurs as part of the putting forward of an argument. The *seriousness requirement* is that the error should be *serious*, in that it should be misleading or tricky or persuasive enough in some realistic type of argumentation to deceive a moderately attentive arguer, and therefore a kind of error worth teaching students of informal logic to take some care to watch for. It should not be just a joke or a pun, for example. It should be a kind of error that could really occur and could be a costly or important mistake.

Looking at the standard examples given in the textbooks, amphiboly appears to fail to meet either of these requirements. Hence it is hard to figure out how amphiboly maintained its place of prominence in the textbooks in informal logic as a standard fallacy, listed along with equivocation,² and other faults of argument arising from language.

Amphiboly, sometimes also called ‘amphibology’ in older logic texts, means ‘double arrangement,’ and refers to cases where a sentence can be taken two ways, due to its grammatical construction, rather than to ambiguity in the component words or phrases themselves.³ Typical textbook examples are the fol-

²The difference between the two fallacies is that in equivocation, the ambiguity is in a word or phrase. As shown in Section 2 below, it is not hard to see this kind of ambiguity can produce a failure of argument that represents a genuine, common fallacy. By contrast, in amphiboly, the ambiguity is in a grammatical construction rather than in the component words or phrases themselves.

³According to Joseph [1916, p. 580], the Greek word is *amphibolia* (also written this way in Latin), meaning ‘being misled by a form of words’, as opposed to ambiguity in a single word. This often became *amphibologia*, or amphibology, as it is called in many textbooks, a usage that Joseph calls a ‘corruption’ (p. 580). Joseph contrasts amphiboly with *homonymia*, where the ambiguity is in an *onoma*, or word. However, Hintikka [1959] has shown that there are two types of ambiguity in Aristotle *homonymy* (things which share the same name, literally) and *multiplicity of applications* (*pollachos*). According to Hintikka [1959, p. 148], *homonymia* occurs as one particular type of ambiguity (ambiguity of a term) in the *De Sophisticis Elenchis*. It is distinguished from *amphibolia* (syntactic ambiguity), whereas *pollachos* is used as a wider term that applies to both.

lowing two cases from Engel [1982, p. 81]. The texts are full of these kinds of apparently non-serious cases.

Case 3.1

With her enormous nose aimed at the sky, my mother rushed toward the plane.

Case 3.2

Clean and decent dancing, every night except Sunday (roadhouse sign).

These cases are certainly ambiguous sentences. The ambiguity in Case 3.2 is due to a doubly interpretable sentence structure. According to English grammar, Case 3.1 would mean that my mother's enormous nose was aimed at the sky ('my mother' being the subject of the principal clause. But, presumably, this interpretation is not intended by the author of the sentence. So ambiguity is involved in both cases. But are they instances of a fallacy? The answer seems 'no' on both counts. They are sentences rather than arguments. And although they have humour value, they do not seem to be serious errors, worthy of warning students about as common, deceptive failures of reasoning.

This practice of quoting structurally ambiguous sentences of a humorous kind, but offering no indication of what the premises and conclusion of the 'argument' are supposed to be, is in fact characteristic of the majority of examples of amphiboly given in the logic textbooks.

For example, according to Fischer [1970, p. 267], the fallacy of amphiboly 'arises in an argument where meaning is muddled by slovenly syntax—bad grammar, or poor punctuation, or both'. Fischer [1970, p. 267] gives the usual examples of syntactically ambiguous sentences without trying to explain why or how argument is involved.

Case 3.3

Richly carved Chippendale furniture was produced by colonial craftsmen with curved legs and claw feet.

Case 3.4

The ship was christened by Mrs. Coolidge. The lines of her bottom were admired by an enthusiastic crowd.

Not only do these examples fail to meet the argument requirement (at least on the surface, or as far as we can establish from the given information), but

they blatantly fail to meet the seriousness requirement. They convey to readers or students the idea that amphiboly is more of a joke than a dangerous deception that would be of practical importance in argumentation.

In fact, Engel admits as much [1982, p. 81]: ‘Simple errors like these are not likely to deceive anyone, yet they illustrate the confusion that careless sentence structure generates’. But confusion is not committing a fallacy, is it? Of course such confusion could lead you to be ‘deceived into believing something as true which is not’ [Engel, 1982, p. 81], but false belief is not fallacy either. Confusion can lead to false belief, but it is not clear that there is any serious danger that it does, or generally would, in Cases 3.1 and 3.2. And even if it did, it is not clear that this constitutes some kind of special structural failure of good reasoning that should be identified with the so-called fallacy of amphiboly.

The situation is different with equivocation, for we clearly do get into a lot of trouble in argumentation on account of the ambiguity of words and phrases. Where a word is used in one way in one premise, and another way in another premise, and both premises seem separately plausible, a wrong conclusion can be drawn by what appears (on the surface) to be a valid argument as we saw in Chapter 2.

A striking instance of the curious position of many textbooks on the fallacy of amphiboly is the treatment of Latta and MacBeath [1956]. On one page (p. 375) they write:

A FALLACY may be defined as a faulty or unsound inference. Some writers use the term more widely to cover all mistakes that lead to incorrect statements, but it is more usual to restrict it to mistaken inferences.

And then just turning the page, we find their treatment of the (so-called) fallacy of amphiboly (p. 377):

AMPHIBOLY is an ambiguity due to the structure of a sentence. Such ambiguities are of more frequent occurrence in the classical languages, but they are not unknown in English. We find an instance of it in the statement of the clergyman who said, ‘I will wear no clothes to distinguish me from my Christian brethren’. Or again, ‘The Duke yet lives that Henry shall depose’.

This is puzzling. A fallacy, we have been told, is a ‘faulty or unsound inference’—in other words, it must be made up of a set of propositions, one of which is a conclusion, drawn from the others by reasoning (which is faulty). But where is the reasoning or inference in the statement of the clergyman who said

'I will wear no clothes to distinguish me from my Christian brethren'? We are not told. And indeed, by defining amphiboly as ambiguity, Latta and MacBeath are suggesting that amphiboly is not an inference, or does not have to be one, because it can simply be a case of ambiguity.

Curiously enough, some more recent textbooks have continued this practice of defining the fallacy of amphiboly, quite explicitly, as a grammatically ambiguous sentence with multiple meanings. Not only is there no mention of an argument requirement, but it seems that amphiboly is being defined explicitly as something that is not an argument, or doesn't have to be one. Soccio and Barry [1992, p. 117] define the fallacy of amphiboly as 'a statement with more than one meaning because of ambiguous grammatical construction'. According to this account, it seems to be the ambiguity itself that is fallacious. Soccio and Barry (p. 117) comment: 'That's the problem with amphibolies; we can't always anticipate the way others will interpret them'. The account of the fallacy given seems to be that it is the ambiguity that is fallacious itself, even apart from any argument that the ambiguity might occur within.

This is very puzzling, because most of us have been inclined to presume that ambiguity is not, in itself, fallacious or faulty. It seems, especially in light of how Latta and MacBeath define fallacy, that ambiguity only becomes fallacious, or otherwise a critical fault in argumentation, when it masks a wrong inference of some sort, caused by the confusion arising from the ambiguity.

Yet in neither of their examples do Latta and MacBeath give any inkling of what this inference is, nor do they even seem to require that it must be there for a fallacy of amphiboly to have been committed.

The sentence uttered by the clergyman could have two propositions as plausible disambiguations: (1) 'I will not wear clothes of a kind that would distinguish me from my Christian brethren', or (2) 'In order to distinguish myself from my Christian brethren, I will wear no clothes'. No doubt, (1) was the interpretation intended by the speaker, while (2) is a humorous and unintended interpretation that can be taken by a hearer.

But, at least on the surface, there is no inference here. The reason: an inference is a step of reasoning from one proposition (or a set of propositions) to another proposition. In the naked clergyman case, we start with a sentence, and then extract from it, not by inference but by interpretation (or disambiguation), two propositions. Or perhaps in the case of a particular hearer, one of these propositions, rather than the other, is chosen.

The problem then is how to get some sort of inference or argument out of this case, and ones like it, that could justify calling amphiboly a fallacy, meaning that it is based on, or involves, a faulty inference.

After surveying several of the standard examples of amphiboly given in the logic textbooks, Hamblin [1970, p. 18] questioned whether any of them could be called ‘genuine cases of *fallacy*’. His reason (p. 18): the usual case of a grammatically ambiguous sentence, like ‘Save soap and waste paper!’—one example cited as amphiboly by a textbook—is not an argument at all, and even if some kind of invalid argument were erected on it there is very little likelihood that anyone would be persuaded of its validity’. The conclusion Hamblin draws is the negative and sceptical one that so far, it has not been shown that amphiboly is a real fallacy [1970, p. 18]:

To get a good example of Amphiboly as it is defined by the textbooks we need to find a case in which someone was misled by an ambiguous verbal construction in such a way that, taking it to state a truth in one of its senses, he came also to take it to state a truth in its other sense. None of the examples so far quoted is of this character; and I regret to report that, in the books I have consulted, I have found no example that is any better.

This sceptical point of view could be called ‘Hamblin’s challenge’ on amphiboly. To the present state of the art, no advance has been made beyond Hamblin’s sceptical conclusion, and nobody has met Hamblin’s challenge to produce a better example. This state of ignorance appears to have left informal logic only two plausible options: (1) stop treating amphiboly as a (real) fallacy, or (2) put amphiboly ‘on hold’ as a traditional fallacy that is subject to doubt as to whether it exists as a genuine fallacy. Neither of these options is very satisfactory, as things stand. Clearly, any further advance that could be made would make it much easier for those teaching informal logic to know how to deal with amphiboly more firmly, one way or another.

The basic problem with amphiboly is also connected to the general theoretical problem of how the concept of fallacy should best be defined. The principle, ‘A fallacy is a fallacious argument’ has often been supported in the past as generally a good one—see Woods and Walton [1989, Chapter 1]. But possible exceptions are known to exist. For example, the *fallacy of many questions*, e.g. ‘Have you stopped cheating on your income tax returns?’—see Walton [1989b, Chapter 2]—is a question rather than an argument. Even so, we have continued to call it a fallacy, and evidently on good grounds, even though, at least explicitly, or on the surface, it is not an argument, i.e. a structure having a set of premises and a conclusion.

The same kind of problem arises with amphiboly. A grammatically ambiguous or ‘amphibolous’ sentence is not an argument. But it can create confusion,

or a breakdown of communication that could be an obstacle to clear thinking or reasoned argumentation. If it blocks reasoned dialogue, could it then be called a fallacy? Or is that not enough? Does the failure have to be shown to be an incorrect argument in the sense of a conclusion that fails to follow, as good reasoning, from a set of premises? These questions challenge the very meaning of the term 'fallacy' in the field of informal logic.

2 EQUIVOCATION AND AMPHIBOLY

Equivocation is different from amphiboly in respect to the question of whether it occurs in an argument, because—as shown in Chapter 2—the usual cases of equivocation encountered in the textbooks can easily be equated with an argument. In an equivocal argument, as rightly conceived in the standard treatment, one or more of the terms is used ambiguously, i.e. used to mean one thing in one premise, and another thing in another premise, or in the conclusion of an argument.

In a simple kind of case of equivocation, one term appears in both premises. The problem is that the term is used one way in one premise, and another way in the other premise, i.e. that is how you have to interpret the term to make each premise appear plausible. But the fallacy occurs because, under such an interpretation, the argument is not valid. To make the argument valid, you have to interpret each term univocally. But this would make one premise or the other implausible (because it would be clearly false). The tactic of the equivocation is to roll several arguments into what appears (on the surface) to be one.

A classical example is the following fallacious proof for the existence of a governing deity [Burtt, 1931, p. 201].

Case 3.5

Whoever obeys laws submits himself to a governing will.

Nature obeys laws.

Therefore, nature submits herself to a governing will.

As Burtt points out [1931, p. 201], this case can be put in the form of a valid syllogism: All *B* is *C*; All *A* is *B*; Therefore, all *A* is *C*. The problem is the alleged *B*-term 'obeys laws'. In the first premise it refers to 'a free moral being in relation to a political superior'. In the second premise, it is used metaphorically perhaps, or at any rate to mean something different from the way it was used in the first premise. As Burtt (p. 201) puts it, 'the laws of nature from the standpoint of science are simply generalized descriptions of behaviour . . . , and

so far as they are correctly stated they cannot be broken'. The problem then is that once the premises are assigned nonambiguous terms, you can no longer get a valid syllogism out of Case 3.5 with true (or plausible) premises.

As Keynes [1887, p. 176] succinctly put it: 'The fallacy resulting from the ambiguity of one of the terms of a syllogism is a case of *quaternio terminorum*, i.e. a fallacy of four terms. This fallacy was often traditionally called the *fallacy of ambiguous middle*, and classified as a formal fallacy (see Chapter 1). But Schiller [1912, p. 365] pointed out that the fault is not a formal fallacy, in the sense of being simply an invalid syllogism, and is better classified as being a case of the fallacy of equivocation.⁴ Even so, as we saw in chapters one and two, equivocation has been explicitly presented by textbooks since Aristotle as a fault that occurs because of ambiguity *in an argument*.

At any rate, with respect to the fallacy of equivocation, one generally expects to associate the fault with an argument, or a set of arguments. Finding the argument is not (generally) the problem, in the way it is with amphiboly. In this respect, equivocation and amphiboly are different, as fallacies.

How deep this difference goes is another matter. Sidgwick [1914, p. 145] wrote that the distinction between equivocation (ambiguity of a word) and amphiboly (ambiguity of a phrase) 'vanishes as soon as we recognize . . . that the actual meaning of words is dependent on their use in phrases'. And as Hintikka [1959; 1971] has shown, the difference between equivocation and amphiboly may not have been very great for Aristotle. In some passages of Aristotle in the *Topics*, according to Hintikka [1971, p. 372], 'there does not seem to be much of a difference between what one can say of a single word and what one can say of a complex phrase'. Also, it appears from the *Prior Analytics* (I, 35), according to Hintikka [1971, p. 372] 'that what the syllogistic variables stand for in Aristotle is not always a single word, but might be a longer *logos*'. So from a viewpoint of Aristotelian logic, the difference between equivocation and amphiboly may not be all that deep or significant. However, from a practical point of view of analysis and evaluation of these two fallacies, the difference is quite significant. With equivocation, there is no really deep or obstructive problem of associating the fault with an argument, so that we can readily see the fallacy as a failure of a putative argument, with given premises and a conclusion, to meet some standard of good argumentation. With amphiboly, this is not the case. With amphiboly, the big problem in most typical cases is that it is not clear at all that an argument is being put forward at all, or if there is some argument

⁴ Interestingly, Schiller went on [1912, p. 351] to use this type of case, along with other cases, to argue for the 'futility of the notion of formal fallacy'. Hamblin [1970, pp. 44–45] also discusses the fallacy of four terms in relation to equivocation.

non-explicitly there, it is not clear what it is, or is supposed to be. The biggest problem generally for amphiboly then is whether it is a ‘fallacy’ in some other sense than being a faulty argument, or whether somehow a tacit argument can be extracted from it.

Another difference between equivocation and amphiboly is that, as we saw in Chapter 2, equivocation typically involves two (or more) occurrences of the same ambiguous term, whereas amphiboly typically involves one structurally ambiguous sentence that can be interpreted two different ways. An issue, examined in chapter 2, is whether it is possible to have a genuine fallacy of equivocation occur in a case (like Case 2.14) where there is only one occurrence of the ambiguous term. If a case like this can properly be called equivocation, then amphiboly would be classified as a subspecies of equivocation, but otherwise it should not be.

We are inclined to admit this type of case as a legitimate (if atypical) instance of the fallacy of equivocation, but do not regard the issue as closed.

3 THE TACIT ARGUMENT THEORY

One way to defend the traditional treatment of offering Cases like 3.1, 3.2, 3.3, and 3.4 above, syntactically ambiguous sentences, as instances of the fallacy of amphiboly, is to claim that such cases conceal hidden, unexpressed, or only tacitly ‘spelled out’ arguments. Engel [1989] defends this point of view, offering a list of forty-three examples of the following sort.

Case 3.6

As in the case of the man who advertised his dog for sale, saying: ‘It will eat anything and is very fond of children’. (Is this an unintentional warning?) [Engel, 1989, p. 349].⁵

Case 3.7

Flattering women amused him [Engel, 1989, p. 352].

Case 3.7 is simply an ambiguous sentence. It could mean that he is amused by women who flatter him, or that he is amused by his flattering of women. Where’s the argument in this? Case 3.6 has an intended meaning, but also what we could call a suggestion, innuendo, or connotation to the effect that the dog likes eating children. Presumably, this suggestion is unintended, and that is

⁵ Essentially the same case is found in Gibson [1908, p. 285].

what makes for the humour value of the case. But how is this ambiguous sentence an argument? What are its premises and conclusion? Engel does not tell us, and we are left dangling when it comes to getting any grip on amphiboly as a fallacy.

Engel [1989, p. 347] asks this question himself, writing of these cases, if they are just ‘jokes’ or ‘clumsy and inept statements, why call them fallacies?’ Noting that it has ‘bothered many people’ that if these cases are not arguments, ‘how can they be fallacies?’ Engel replies [1989, p. 348] that if we take a broader point of view on the nature of argument, we can see how they really are arguments of a sort.

Most of the arguments we make use of in our ordinary dealings are hardly ever spelled out completely. In the vast majority they are enthymemes, greatly abbreviated arguments, for thought is quick and no one wants to seem pedantic or a bore. So the sign ‘Clean and Decent Dancing Every Night Except Sunday’ is a kind of argument—just as much as, in my view, pointing a finger at someone and shouting ‘Communist!’ or ‘Liar!’ is an argument. Spelled out, what the latter says is:

*Everyone who fails to tell the truth is a liar. You are such a person.
Therefore you are a liar.*

Similarly with our amphibolic sign. What it says is:

There is clean and decent dancing in this establishment every night except Sunday. If today is Sunday, no performance will take place.

If you did go there and found the place closed you would soon realize that the ambiguous formulation led you to understand the sign, apparently, not in the way it was intended, with the result that you were led to believe something as true that was not. This is a frequent cause of error and if one of the objects of a course in logic or reasoning is to learn how to avoid error then this is all the justification one needs to include it in our study.

The suggestion made here, that there could be some kind of argument implicit in such cases, is an interesting one. But the problem is that in both cases, Engel’s analysis is unconvincing.

In the case of someone who shouts ‘Liar!’ there is not necessarily any argument advanced. It could well be, for all we know, that the speaker is simply asserting the proposition, ‘You (hearer) are a liar’. This is a proposition that is true if the hearer is a liar, otherwise not. It is not an argument (at least, without further context).

However, a plausible reconstruction of one common kind of context of dialogue for this case is the situation where the hearer is making a speech, i.e. presenting an argument, and the speaker is mounting an *ad hominem* attack against the speaker’s argument, in the form: ‘He (the speaker) is a liar, therefore you (the audience) ought to reject his contention, on the grounds that he is not a credible spokesperson for this contention’. The attack, in such a case, cites the speaker’s lack of sincerity or integrity as an honest participant in the dialogue who can be presumed to be adhering to the Gricean maxim of sincerity.⁶

This reconstruction makes the ‘Liar!’ case an argument in a convincing or plausible interpretation. By contrast, Engel’s reconstruction is unconvincing, because it commits the speaker to the universal generalization ‘Everyone who fails to tell the truth is a liar’. This generalization is not only arguably false, but it is surely a straw man fallacy to attribute it to the speaker who simply says ‘Liar!’.

At any rate, however we analyse the ‘Liar!’ case, it cannot be taken for granted that it has to express an argument. As noted above, depending on the context of dialogue, it could be simply an assertion, and not an argument at all.

In the clean and decent dancing case, the sentence can be taken literally—as saying that the roadhouse will have no performance on Sunday. Or it could be taken by some as expressing a kind of innuendo or implicature—see Section 8 below—to the effect that some performance of dancing that is neither clean nor decent will take place on Sunday. If the writer did not intend the sign to be taken this way, and the reader did show up on Sunday expecting a performance of the sort he thought was indicated by the sign, then the reader made an error. But was it an error of reasoning, a mistake in logic, or a fallacy? Or was it just a wrong interpretation of what was written on the sign? True, the reader was ‘led to believe something as true that was not’, but being led to a false belief is not necessarily a fallacy, or even a failure of an argument to meet some normative standard of correctness. It could be simply a case of lying, or of one person persuading another person to believe something false, or of some hearer wrongly interpreting an ambiguous sentence spoken by another person. In none of these cases does there have to be a fallacy, nor is it necessarily clear

⁶ See Walton [1985; 1989a].

what the argument is, if there is one.

It is a nice suggestion that amphiboly could be a fallacy on the grounds that real cases of the fallacy involve some sort of tacit or non-explicit inference drawn out in such a way that the misleading syntactical construction leads to a wrong or faulty conclusion. But how such a hidden inference is to be reconstructed (when it exists) remains elusive.⁷ We could perhaps say that the sign-reader is engaged in a deliberation on how to find a way to see some dirty dancing, and the ambiguous sign is interfering with this deliberation by confusing or misdirecting it. But this interpretation seems conjectural, at best. And the question remains open whether any of these syntactically ambiguous sentences cited by the texts are really fallacies of the tacit-inference type, or simply ambiguous sentences—often humourous—that constitute a source for potential failures of clear communication as opposed to logical fallacies.

To justify the use of such cases by arguing that ambiguity is a ‘frequent cause of error’, and that learning ‘how to avoid error’ is ‘one of the objects of a course in logic or reasoning’, is not good enough. It is not ‘all the justification one needs’. This approach is far too broad. A course in logic or reasoning should not be expected to teach students to correct or avoid all kinds of errors. It should not be expected, for example, to teach students how to avoid spelling errors. It must more narrowly focus on logical errors, on errors due to faulty or incorrect argumentation, if the course is to have any hope of being successful. It must be made clear to the students, in every case of an alleged fallacy, how and why the alleged fault is an incorrect argument.

4 ARE THERE REALLY TWO ARGUMENTS INVOLVED?

Interestingly, an example used as an exercise by Copi and Cohen [1990, p. 121] actually does have a conclusion drawn out of the amphibolous sentence initially stated.

Case 3.8

A Worm-eating Warbler was discovered by Hazel Miller in Concord, while walking along the branch of a tree, singing, and in good view. (*New Hampshire Audubon Quarterly*).

That’s our Hazel—sure-footed, happy, and with just a touch of the exhibitionist. (*The New Yorker*, July 2, 1979).

⁷ See section 8 below on Gricean implicature, however.

In the first sentence, two interpretations are possible. Presumably, the speaker meant to say that the bird was walking along the branch, singing, etc. But the sentence could (presumably incorrectly) be taken to mean that Hazel was walking along the branch.

But then, in the second sentence, it appears that the conclusion was actually drawn—presumably by a second party, a participant in dialogue other than the speaker of the first sentence—that Hazel was the one walking along the branch.

Here then, we actually have an argument in which an explicit amphiboly fallacy allegedly occurred—there is one sentence that functions as a premise, and another that functions as a conclusion. The premise-sentence contains two propositions, or two interpretations are possible. And the conclusion draws an inference from, or at least makes a remark on, one interpretation (the wrong one) of the premise. Hence we appear to have the ingredients of a fallacy of amphiboly as a wrong or incorrect argument. We have a premise, or something like it, and another sentence that appears to function at least somewhat like a conclusion being erroneously inferred from that premise.

The way the example is presented, it is somewhat unclear just what the context of dialogue is. The first sentence is quoted from the *New Hampshire Audubon Quarterly* and the second from *The New Yorker*. Was one a commentary on, or reply to the other? Or were the two discourses originally unconnected, and their juxtaposition meant to illustrate a species of fallacy of wrenching from context? This is unclear, but does not matter too much. The main thing is that we appear to have a case of amphiboly that does have the explicit structure of an argument.

But there is a technical problem. The ‘premise’ in Case 3.8 is not a proposition. It is a sentence—an ambiguous one that contains two propositions, or can be interpreted as expressing one or the other of these two propositions. Therefore, the pair of sentences, as put together by Copi and Cohen in Case 3.8 as quoted above, do not constitute an argument. At any rate, this is correct if we define an argument as a set of *propositions*, one of which is the conclusion and the others the premises.

If you have a structurally ambiguous sentence *S* and two propositions *A* and *B* that are both legitimate or possible interpretations of *S*, that in itself is not an argument. It could be called ‘amphiboly’ in the sense of a structurally ambiguous sentence. But presumably, a fallacy of amphiboly requires an argument of some sort. We still haven’t gotten an argument out of Case 3.8.

Rescher [1964] describes amphiboly as a type of ambiguity. According to his account [Rescher, 1964, p. 21], there are three types of ambiguity—equivocation, vagueness and amphiboly. However, Rescher makes it clear later (p. 75) that

the fallacy of amphiboly definitely involves an argument.

Case 3.9

A **fallacy of amphiboly** arises when the grammar of a premiss or conclusion is not sufficiently clear or definite, so that two (or more) possible meanings result, one of which is at issue in the premises and another in the conclusion. For example, in the argument

The King hopes that you the enemy will slay. 8

Therefore: The King wishes you well in the battle.

the premiss might be intended to state the very opposite of the conclusion.

The problem with this account is that the ‘argument’ above has a syntactically ambiguous sentence as its ‘premise’. It (potentially) contains two propositions: (1) The king hopes you will slay the enemy, and (2) the King hopes the enemy will slay you. Only the first (1) rightly licenses one to infer the conclusion that the King wishes you well in the battle. The problem then is that the ‘argument’ cited by Rescher is not really an argument, strictly speaking. If anything, it is more accurately describable as an ordered pair of sentences that contains two arguments, one of which is correct, and one of which is incorrect (not an inference we would judge to be licensed or justified).

Like Case 3.8 then, we seem to have two arguments that can be extracted from the pair of sentences misleadingly presented as the ‘argument’ in the case. In both cases, it is not a single premise that is involved.

The entry for *amphiboly* in the *Dictionary of Philosophy* [Runes, 1964, p. 10], written by Alonzo Church, is based on the idea of a premise that can be based on either of two grammatical constructions being accepted or proved in one way, and then used in another way. In this definition, it is clear that an argument is involved, because of the use of the word ‘premise’.

Amphiboly: Any fallacy arising from ambiguity of grammatical construction (as distinguished from ambiguity of single words), a premise being accepted, or proved, on the basis of one interpretation of the grammatical construction, and then used in a way which is correct only on the basis of another interpretation of the grammatical construction. A.C.

⁸ Aristotle in the *De Sophisticis Elenchis* (166 a 7) gives the following example of a refutation that depends on amphiboly: ‘I wish that you the enemy may capture’.

This definition is accurate, but would be even clearer if it were pointed out that really two distinct premises are involved—the one that is ‘accepted or proved’ on the basis of one interpretation of the sentence uttered in the given case, and the one that is ‘used in a way which is correct only on the basis of’ the other interpretation.

Church’s definition of the fallacy of amphiboly expresses the idea of it that Copi and Cohen, and Rescher, appear to be driving at, but in a clearer and more explicit way. According to this account, amphiboly comes out more like equivocation than we originally thought, because in amphiboly, like equivocation, the fallacy turns on the idea that there is actually more than one argument involved, at least tacitly, or under the surface of what is said.

Now we are getting closer to a useful concept of amphiboly as a fallacy in the sense of the use of an ambiguous grammatical construction to conceal or exploit a shift from one argument to another in a dialogue exchange.

5 ARE TWO PARTIES INVOLVED?

Michalos [1970, p. 71] defines the fallacy of amphiboly as committed when the ambiguous structure of a sentence is ‘played upon in a misleading or erroneous fashion’. Whether the fallacy, so defined, requires an argument or not depends on what is meant by ‘played upon’. Michalos [1970, p. 71] gives the following example.

Case 3.10

Suppose, for example, you are in a restaurant and have just finished a delicious tossed salad. You call the manager to ask him what was in the dressing and who made it. The manager replies ‘The chef tossed the salad with greasy hair tonic’. Hopefully, he meant to say that the chief who uses greasy hair tonic tossed the salad. But he might have been suggesting the ingredient for the dressing, namely greasy hair tonic. The fallacy of *amphiboly* is committed if one infers from the manager’s reply that greasy hair tonic must have been used in the salad dressing.

Judging from this case, one infers that what is meant by ‘played upon’ is the following. There are two parties to a conversation—the party addressed as ‘you’ (the customer) and the manager of the restaurant. The manager utters a syntactically ambiguous sentence which could be taken in either of two ways.

If one interprets it in one way, according to Michalos, the fallacy of amphiboly has been committed.

So described, the fallacy does not appear to have to involve only one argument, with premises and a conclusion. But argument does come into it, when Michalos uses the word ‘infers’ (above) suggesting a conclusion has been drawn, or could be drawn, by one party. But who committed the fallacy, the manager, or the customer? Or was it the person who, according to Michalos, might have made the wrong inference from the manager’s reply?

Here is another problem then. Granted that we can reconstruct some sort of inference, or pair of arguments even, in a case of the fallacy of amphiboly having been committed, we seem to need to take further steps of analysis and evaluation of a case in order to reconstruct the fallacy. What is this ‘playing upon’ of the structure of the ambiguous sentence by a participant in a dialogue that makes his use of the sentence fallacious?

Somehow it seems that the two parties in the dialogue of a given case need to combine their argumentation together to get the fallacy. One puts forward a structurally ambiguous sentence that could be used in such a way as to express or contain two arguments. One of these arguments is ‘good’ or ‘correct’ in a way the other is not. The other party then accepts the ‘bad’ argument, or, at any rate, if she did, she could commit a fallacy.

Or could it be, in some cases, that the first party commits the fallacy of amphiboly by allowing the second party to go ahead and draw an incorrect conclusion on the basis of the ‘bad’ argument or ‘wrong’ interpretation?

It seems hard to know what to say in answer to these questions. It seems that not only is argument involved in the sense of a set of propositions, but even beyond that, we need to grasp the idea of argument as a reasoned exchange of speech acts in a framework of two parties arguing with each other. Such a dialectical reconstruction could help us to solve the problem of getting an inference out of the naked clergyman case, and other cases we have looked at.

One way to do this is to have the hearer drawing a wrong conclusion from the one proposition of the pair that it is possible to get from the original ambiguous sentence. In the naked clergyman case, we could have the hearer drawing the wrong or unintended conclusion that the speaker will wear no clothes (or that he is saying he will wear no clothes). This conclusion is wrong or faulty in the sense that, even though it follows correctly from (2), it does not follow from the intended interpretation (1). Although (1) says of the speaker that he will not wear clothes of a particular kind, it would not be justified to say that (1) either states or implies the proposition that he will wear no clothes at all.

This way of getting an inference out of the case does seem to get something like the traditional idea of a fallacy. For you have one inference that seems to be correct—and indeed is correct, but is based on the wrong or unintended interpretation of the premise sentence—while you have another inference that is incorrect, although it is based on the right or intended interpretation of the original premise sentence.

This way of analysing cases of amphiboly does give us an approach to the problem of extracting tacit inferences from structurally ambiguous sentences, but, so far at least, it is far from clear how such a method of extraction should work. In the naked clergyman case for example, if a fallacy of amphiboly has been committed, who committed it—the speaker who said the ambiguous sentence or the hearer who drew the wrong inference?

6 THE DELPHIC ORACLE CASE

The most common example of the fallacy of amphiboly given in the texts is the case of the Oracle at Delphi. The version in Case 3.11 is from Copi and Cohen [1990, p. 115].

Case 3.11

Croesus, the King of Lydia, is said to have consulted the Oracle of Delphi before beginning his war with the kingdom of Persia. ‘If Croesus went to war with Cyrus’, came the oracular reply, ‘he would destroy a mighty kingdom’. Delighted with this prediction, which he took to mean that he would destroy the mighty kingdom of Persia, he attacked, and was crushed by Cyrus, king of the Persians. His life having been spared, he complained bitterly to the Oracle, whose priests pointed out in reply that the Oracle had been entirely right: in going to war Croesus *had destroyed* a mighty kingdom—his own!⁹

The first and most fundamental problem with this case is that one might argue that there is no ambiguity at all, and therefore no structural ambiguity in

⁹ A similar example, according to Hamblin [1970, pp. 16–17] came originally from Cicero (*De Divinatione*, Book II, 116), and is found in the medieval *Viennese Fallacies*, and in several modern textbooks. In this case, King Pyrrhus asks the devil whether or not to attack the Romans. That ‘olde sophister, the Devill’, in the version found in Abraham Fraunce, replies to Pyrrhus with a Latin phrase that could be translated either as ‘I say that you can conquer the Romans’, or ‘I say that the Romans can conquer you’. (*Aio te Romanos vincere posse*).

it. The Oracle's statement, 'Croesus will destroy a mighty kingdom' does not specify whose kingdom will be destroyed. But lack of specification is not the same thing as ambiguity. Where $c = \text{Croesus}$, $Mx = x$ is a mighty kingdom, and $Dxy = x \text{ will destroy } y$, the statement of the Oracle has the following form: $(\exists x)(Mx \wedge Dcx)$. This statement is not ambiguous, even though it does not specify whose kingdom will be destroyed. But failure to be specific is different from ambiguity.

However, there is a kind of pragmatic ambiguity involved in this lack of specificity. Croesus asked for advice on what to do, and the Oracle made a prediction. The prediction would naturally be taken by Croesus to mean that he (Croesus) would be the destroyer of his opponent's kingdom. But the prediction could also be taken another way (as having another specific instance). This duality of possible instances does operate like a kind of ambiguity. Could it not be called ambiguity of a sort?

The second problem with this case, as an illustration of amphiboly, is that it is not clear that a fallacy was committed. At least, it is not clear that the fault or problem arose in virtue of one party's putting forward an argument that turned out to be somehow weak, defective, erroneous or fallacious.

What (presumably) happened in this case can be described as follows. Croesus asked for advice. The Oracle made a somewhat abstract or broad prediction, one that is quite naturally taken in one way, i.e. to say that Croesus would destroy the kingdom of Cyrus. When things turned out otherwise, however, the priests could weasel out of it by saying that the Oracle's prediction should have been taken the other way, i.e. to say that Croesus would destroy his own kingdom. This response is somewhat implausible, in line with how Croesus would likely supply specifics. But it leaves open an avenue for the priests to later take advantage of 'plausible deniability'—they can rightly point out that the Oracle's prediction was not specific, with respect to the question of whose kingdom would be destroyed. But taking advantage of plausible deniability in this way is surely not a fallacy.

This does seem to be a kind of questionable tactic for evading commitment, because we all know that Croesus would be likely to take the prediction in the natural, and more straightforward way. Presumably this includes the priests, and the Oracle as well. If so, you could describe it as a tricky tactic, a kind of deceptive speech act on the part of the Oracle that left Croesus open to taking bad advice (or at least to acting on an interpretation of the Oracle's utterance that turned out to be a bad course of action) and the Oracle open to escaping blame. The prediction, although true to fact, is misleading.

But Hamblin [1970, p. 17] sees another way the case could be interpreted. Following Herodotus, he sees the case as open to an interpretation whereby the error was on the side of Croesus, not on the side of the Oracle. According to this view, Croesus deceived himself by overlooking the second possible meaning of the Oracle's utterance.

This is not a clear case of Amphiboly, since it could be argued that Croesus was deceived as much by his own plain inability to see a possible implication. As Herodotus (*History*, Book I, ch. 91) reasonably says, 'After an answer like that the wise thing would have been to send again to enquire which empire was meant'.

On this interpretation, it's a case of 'Let the consumer beware', and the fault was not a fallacy so much as a failure to ask further questions—a kind of failure of communication on the part of Croesus.

A third interpretation could be that both were partly at fault—the Oracle for failing to be specific, and Croesus for failing to demand that the Oracle be more specific. But either way, failure to be specific does not appear to be a fallacy that anyone committed, so much as a failure of communication. If so, both parties could be partly at fault by each contributing to a fallacy committed (at least partly) by both.

In this case, we have uncertainty due to a lack of specification. And it appears we also have a kind of misunderstanding, or at least questionable interpretation by the respondent. But it is not a case of ambiguity. It is a case of the misleading use of language.

But how can we get an argument out of Case 3.11? The method of extraction already advocated begins as follows. Let the amphibolous utterance of the Oracle be the grammatical construction that provides a basis for two specifications as premises. It is an abstract sentence that could be made into a premise of an argument in two possible ways, in relation to the context of Case 3.11. The mighty kingdom destroyed could be that of Cyrus or Croesus. The conclusion inferred by Croesus is to go ahead and act on the basis of the first proposition of the pair. But that conclusion turned out to be disastrous. Hence the 'bad' argument, and hence the 'fallacy'.

The main problem with this interpretation is that an incorrect inference need not be a fallacy, or the committing of a fallacy. It's true that Croesus did draw a conclusion from what the Oracle said, and then acted on it. And it's true that his action turned out badly, and apparently against the specification he had taken of the Oracle's pronouncement. There is an argument here, because Croesus did draw an inference. But is this argument the basis of the fallacy? Evidently

not, at least on the Herodotus–Hamblin interpretation, where the failure was the inability of Croesus to draw out or see a particular specification of what was said.

But perhaps we can get a fallacy out of this argument by taking the other specification of Case 3.11. Taking the Oracle’s sentence in the natural way, Croesus drew the logical conclusion: ‘If I go to war I will destroy the kingdom of Cyrus’. But Croesus failed to be alert enough to see the other specification, and perhaps follow up by further questioning the Oracle (if that was allowed).

On the other hand, the Oracle took advantage of the potentially ambiguous nature of his prediction in order to leave a way out, should things turn out the other way. On this interpretation, the Oracle used a clever tactic of deception to have it both ways, and was successful. Croesus was deceived by the clever oracle into thinking he was getting a specific prediction that indicated a clear course of action.

This interpretation does get an argument involved, in the sense of premises laid down and conclusion drawn. But it isn’t the defective inference drawn by Croesus that is the fallacy. If anybody, it was the Oracle who committed the fallacy on this interpretation, by using the deceptive tactic of evasion (if we have to put fault on one side more than the other). Croesus made an error, but the Oracle used a deceptive tactic to get the best of Croesus, at least arguably unfairly, in the exchange.

Another problem with the Oracle case is that it is questionable whether ambiguity is involved. The Oracle case is similar to someone saying, ‘Every girl at the party kissed me’, where there was in fact only one girl present at the party. The utterance of this sentence by a speaker elicits an inference by a respondent that many girls kissed the speaker. But such a case is not an instance of ambiguity, one might argue, but is merely a failure to be specific. For a general statement like ‘Health is the goal of medicine’, may be non-specific, but that does not make it ambiguous. So the Oracle case may not be a fallacy of ambiguity.

The sentence ‘Every girl at the party kissed me’ is misleading, however, because it suggests an interpretation that is at odds with the facts of the case. In this case, like the Oracle case, the ambiguity may reside in what was suggested (by innuendo or implicature). If so, the Oracle case could be a fallacy of ambiguity.

Another peculiar thing about this case is that the argument occurs in a context of advice-giving dialogue. Normally, we are more used to finding fallacies in the context of a critical discussion, where the goal is to resolve a conflict of opinions. In fact, van Eemeren and Grootendorst [1987] postulate that all falla-

cies are violations of the rules for a critical discussion. Now of course, Croesus could be having a sort of critical discussion with himself or his generals, or other advisers on whether the right thing to do is to attack Persia or not. But he is not engaging in critical discussion with the Oracle (at least so we can reasonably presume). He is asking the oracle for advice, even though this advice-giving dialogue between him and the Oracle is later used as part of the sequence of argumentation that led Croesus to take the decision to attack Persia.

So when we say there is an ‘argument’ in Case 3.11, there is a potential ambiguity. There is the advice-giving exchange between the Oracle and Croesus, which could perhaps be described as a sort of argumentation (but more of a question-reply exchange than a drawing of a conclusion from premises).

And then there is the use of this advice by Croesus to draw a conclusion to act, perhaps accompanied by his deliberation or critical discussion, and carried out in that context. Croesus drew an inference from his interpretation of what the Oracle said. But unfortunately for Croesus, it appears that he drew the ‘wrong’ inference. His conclusion to attack Persia, at any rate, turned out badly.

This case takes us part way towards meeting the argument requirement and the serious requirement. We can see that argumentation is involved in the Oracle case. The problem is that it remains unclear just how the alleged fallacy of amphiboly is an error or failure of the argument to meet appropriate standards of correctness. Did Croesus draw an incorrect or faulty inference? Or did the Oracle trick him by offering such an unspecific sentence as a pronouncement? In Sections 8 and 9, we return to these questions of defining and analysing amphiboly as a fallacy.

The Oracle case also takes us some way towards meeting the serious requirement, but perhaps not very far. Most contemporary students of informal logic are not familiar with Delphic Oracles in their everyday lives. And they have no practical need to know how to conduct themselves critically when seeking advice from an Oracle.¹ Current counterparts to Oracles may exist. But we need to find cases relating to such counterparts, if they exist.

7 CAN THE SERIOUSNESS REQUIREMENT BE MET?

In this section, several interesting cases are examined that show some promise of meeting the seriousness requirement. At least they show more promise, in this regard, than any of the cases studied so far.

¹ See the conclusions on this point drawn in Section 10.

To meet the seriousness requirement, find a real example of amphiboly that would actually fool somebody, or clearly be a deceptive tactic of argumentation of practical importance in everyday conversational exchanges. Two cases of the use of amphiboly in deceptive advertising found by Michalos [1970, p. 72] arguably fit this requirement.

Case 3.12

Suppose someone advertises his automobile for sale with the following notice:

For Sale: 1964 Ford with automatic transmission, radio, heater, power brakes, power steering and windshield wipers in good condition.

When you inspect the car, you find that the windshield wipers are the *only* accessories that are in good condition. When you charge the vendor with misrepresentation, he replies, ‘You misread the ad. Read it again’.

Case 3.13

The attendant at a roulette wheel in an amusement park offered some naive spectators ‘ten bets for a dollar’. Because this sounded like a bargain, the spectators gave him the dollar. After the first bet was made and lost, they began to make a second. But the attendant insisted that they had misunderstood him. ‘Ten bets for a dollar’, he explained ‘meant ten bets for a dollar *each*’.

Both these practical cases strongly suggest how amphiboly could be a serious kind of sophistical tactic of argumentation in business transactions. True, in either case, you would have to be pretty naive to be ‘conned’ by the ‘spiel’, but even so, these cases suggest how someone could be seriously fooled in a more complex business transaction. Perhaps such a case could occur where subtle or complex legal terminology is involved in a contract, or example.

As well as these practical kinds of cases, it is also possible to find some more theoretical ones that are serious errors.

There are some cases in philosophy that have proven to be fallacies in the sense of serious errors that have been known to trip up serious arguers, that could be classified as cases of amphiboly. These are the kinds of cases where confusion arises concerning the scope of an operator that governs a sentence.

The following case is an argument that has been known to be at the bottom of erroneous argumentation in philosophical theology.

Case 3.14

Everything has a cause.

Therefore, there is something that causes everything.

The premise is a kind of metaphysical principle concerning the universality of causality. However, the conclusion is a much different and stronger principle that implies a single cause underlying all occurrences. This principle seems to imply the existence of God, i.e. a single cause or entity behind everything.

The amphiboly is clearly revealed when you look at the contrasting quantificational structures of the premise and the conclusion. Let the predicate Cxy stand for ‘ x causes y .’ Then the premise, in its most plausible reading, says that for all x , there is something or other that causes x : $(\forall x)(\exists y)(Cyx)$. But the premise, in a less plausible reading, says the same as the conclusion, viz. that there is something y such that y causes everything: $(\exists y)(\forall x)(Cyx)$. This argument is clearly invalid, and can be shown to be so by formal means.

But is the fallacy in this kind of case a formal fallacy or an amphiboly? Despite tradition, it is neither necessary nor useful to think of this dichotomy as mutually exclusive. Since amphiboly involves sentence structure, it is quite normal but it may be expected, in some cases, to involve logical structures, like the use of parentheses to disambiguate sentences. At any rate, what we see in Case 3.14 is that formal logical structures can be used to help us disambiguate subtle sentence structures that might otherwise generate confusions in argumentation, and mistaken inferences.

Aristotle defined composition and division in the *De Sophisticis Elenchis* (166a 22–166a 37) as syntactical fallacies ‘inside language’, having to do with the combination and division of words in a sentence structure. For example, the sentence ‘A man can walk while sitting’. can be interpreted in a divided sense, meaning, ‘The sitting man has the power to walk’. Or it can be interpreted in a combined sense, meaning ‘It is possible for a man to walk-while-sitting’. As shown in Woods and Walton [1977, p. 383], this fallacy is both formal and syntactical in the sense that it can be eliminated by making the scope of the modal operator explicit.

Although this syntactic interpretation of composition and division persisted through the Middle Ages, in modern textbooks it has been superseded by the interpretation of these fallacies as errors of reasoning from parts to wholes or vice versa. The older medieval tradition, kept up by some authors, like DeMorgan, continues to treat composition and division as errors arising out of ambiguities.

DeMorgan [1847, p. 247] defined the *fallacia amphiboliae*, or *amphibologiae*, as the same fault as that of equivocation, except that the equivocation is ‘in

the construction of a phrase, and not in a single term'. As one example, DeMorgan gave the usual sort of case, found in Aristotle and many of the logic textbooks since, of the use of parentheses in mathematical expressions. But then, very interestingly, he went on to suggest that in cases of amphiboly in everyday conversation, the notion of presumption is involved.

The ambiguities of construction in our language, arising from want of inflexions and genders are tolerably (and intolerably) numerous. The difficulty of determining the emphatic word often gives a doubt as to the meaning. But very often indeed there is a want of the distinction which the algebraist makes when he writes three-and-four tens as distinguished from three and four-tens: $(3+4).10$ and $3+4.10$. It cannot, for instance, be said whether 'I intend to do it and to go there to-morrow' means that it will be done to-morrow or not. It may be either (I intend to do it and to go there) to-morrow, or I intend to do it and (to go there to-morrow). The presumption may be for the first construction: but it is only a presumption, not a rule of the language.

According to DeMorgan, if you hear a syntactically ambiguous phrase like 'I intend to do it and to go there tomorrow', you can take it in two ways. 'To-morrow' could apply to going there as well as doing it, or it could just apply to going there (and not to doing it). Either interpretation is possible.

Judging from the much-used arithmetical example of the ambiguous parentheses—quoted from DeMorgan's *Formal Logic* [DeMorgan, 1847] above—amphiboly as a fallacy includes cases of confusion due to ambiguity about the placement of parentheses in a sentence. If this is the case, then certain formal fallacies—or at least fallacies of ambiguity in discourse that can be disambiguated and analysed by applying structures of formal logic—count as genuine instances of amphiboly. Surely one classic case in point is the following warning from Hughes and Cresswell [1968, p. 27].

Case 3.15

It is important not to confuse $L(p \supset q)$, which means that the whole hypothetical 'if p then q ' is a necessary truth, or that q follows logically from p , with $p \supset Lq$, which means that if p is true then q is a necessary truth. Unhappily, these are often confused in ordinary discourse, sometimes with disastrous results; and neglect of the distinction is made all the easier by the ambiguity of such common idioms as 'If . . . then it must be (*or* is

bound to be) the case that—'. To make things worse, the structure of such sentences is more closely analogous to that of $p \supset Lq$, but one suspects that most frequently what the speaker intends to assert (or at least all he is entitled to assert) is something of the form $L(p \supset q)$. Thus someone who says, 'If it rains throughout December it is bound to rain on Christmas Day' probably means to assert that 'it will rain on Christmas Day' follows from 'it will rain throughout December' (which is true, since Christmas Day is in December); but he could be taken to be asserting that if it rains throughout December then it is a necessary truth that it will rain on Christmas Day (which, at least if it does rain throughout December, is false because, come what may about the weather, 'it will rain on Christmas Day' is still a contingent proposition, not a necessary one).

This is an important case, if Hughes and Cresswell are right in their claim that in ordinary discourse and philosophical argumentation, people have often argued for fatalistic or deterministic conclusions based on premises that confuse the scope of the L , or necessity operator. For this case gives us evidence that amphiboly is indeed a serious fallacy that can mislead people, leading to wrong conclusions in argumentation in matters where it is of some importance to be able to identify and evaluate such errors.

Taylor [1966, p. 290] described the following inferences as a 'familiar' type of fallacy: 'one truly asserts what cannot happen in case something else happens, and then, ignoring this qualification, draws some categorical conclusion about what cannot happen'. Moore [1965, p. 69] cited the following 'well known' argument that he thought people often use to convince us of determinism.

Case 3.16

It is assumed (for reasons which I need not discuss) that absolutely everything that happens has a *cause* in what precedes it. But to say that is to say that it follows necessarily from something that preceded it; or in other words, that once the preceding events which are its cause had happened, it was absolutely *bound* to happen. But to say that it was *bound* to happen, is to say that nothing else could have happened instead; so that, if *everything* has a cause, nothing ever could have happened except what did happen.

Thomas [1970, p. 143] analyses this argument as follows.

Case 3.17

1. Given that the factors which caused a man to act as he did existed, he could not have acted otherwise.
2. Those factors existed.
- ∴ 3. He could not have acted otherwise.
 ∴ He did not act of his own free will.
 (and) ∴ He cannot legitimately be held morally responsible.

Thomas [1970, p. 146] analyses the fallacy in this argument as the form of inference on the right (*A2*), which only appears plausible because it is confused with the proper argument on the left (*A1*).

$$\begin{array}{ll}
 (A1) \quad \text{If } p \text{ then } Lq & (A2) \quad L(\text{if } p \text{ then } q) \\
 p & p \\
 \text{Therefore } Lq & \text{Therefore } Lq
 \end{array}$$

The ambiguity occurs in the first premise. According to Thomas [1970, p. 146], the error lies in the *incorrect reading* of the first premise as it occurs in (*A1*). The argument form (*A1*) is valid in propositional logic, giving the original argument an air of legitimacy. By contrast, (*A2*), although it is a correct reading of the scope of the modal operator, is an invalid form of argument (at least in the standard modal logics).

The fallacy can be correctly described as a case of amphiboly assuming that the essential problem is the syntactical ambiguity of the first premise. Construed the ‘incorrect way’ you get a valid modal argument out of it that seems to lead to a deterministic conclusion. Construed the ‘correct’ way, you cannot derive the same deterministic conclusion by a valid modal argument. This combination of structural ambiguity and argument is a classic case of the fallacy of amphiboly.

But there are grounds for doubting that Case 3.15 is an instance of the fallacy of amphiboly. Erik Krabbe comments on this case that he does not think that (1) is syntactically ambiguous in English. He thinks instead that the syntactical form, which is clear, $p \rightarrow Lq$, is misleading, since the logical form is, or should be taken to be, $L(p \rightarrow q)$. So Krabbe would classify the fallacy as figure of speech (see Chapter 5) rather than amphiboly. However, Krabbe also concedes that this distinction may vanish if you take syntactic deep structures into account.

Another possible objection to citing Case 3.15 as an important type of instance of the fallacy of amphiboly is that some will argue that this case is a formal fallacy. And therefore, they will conclude, it can't be a real case of amphiboly, because amphiboly is a linguistic fallacy—a fallacy within language. But this objection rests on too tight and simplistic a distinction between the fallacy of amphiboly and formal fallacies. What this case reveals is that amphiboly can, in some cases, be (at least partly) a formal fallacy. In this case, the fallacy is partly linguistic, because it stems from a misleading and subtle ambiguity in natural language discourse. But it is an ambiguity revealed (and disambiguated) with the help of modal logic.

Fischer [1970, p. 286] presents another interesting case where more explicit indications are given of how a serious argument was involved. This case is significant, because it suggests that amphiboly is a serious fallacy that could actually deceive someone in realistic argumentation.

Case 3.18

Two nineteenth-century historians, Henry Cabot Lodge and Henry Adams, both inaccurately quoted a letter from a New England Federalist, Stephen Higginson, to Timothy Pickering, on the subject of disunion, as follows: 'I have seen your letters to Mr. Cabot and Mr. Lyman on the question of separation, which is a very delicate and important one, considered in the abstract. We all agree there can be no doubt of its being desirable'. But the manuscript actually read, 'I have seen your letters to Mr. Cabot and Mr. Lyman on the question of separation, which is a very delicate and important one. Considered in the abstract we all agree there can be no doubt of its being desirable'. Two petty changes in punctuation were made, together with other errors in other parts of the letter, with the result of making Higginson appear more favourable to disunion than in fact he was.¹¹

One can see how the amphiboly ties in with argumentation in this case, because the context is said to be that of the debate or controversy on the subject of disunion. The particular issue, in Case 3.18 is one of how to interpret Higginson's letter on the question of separation. The actual letter qualified Hig-

¹¹ According to Fisher [1970, p. 286], the source of this case is a letter, dated March 17, 1804, that appears in Henry Cabot Lodge, *The Life and Letters of George Cabot* (Boston, 1877), p. 453; and Henry B. Adams, ed., *Documents Relating to New England Federalism, 1800–1850* (New York, 1965), pp. 361–62. The original is in the Pickering Papers, Massachusetts Historical Society.

ginson's support for separation by adding the modifier 'considered in the abstract'. However, the repunctuated version removed this qualifier from Higginson's support, transferring the phrase 'considered in the abstract' to the previous sentence. The result, as noted by Fischer, made Higginson's point of view appear more favourable to disunion than he actually was.

We can see all the elements of a fallacy in this case. There was a context of dialogue—a debate on disunion, with *pro* and *contra* sides. There was an interpretation of Higginson's writing based on two changes in his original punctuation. The new interpretation made his support for disunion appear stronger than could be justified by any reasonable interpretation of what he actually wrote. Thus a wrong conclusion was drawn, or at least suggested, by Lodge and Adams.

In this case then, there was a false appearance of an argument's seeming to have such-and-such a conclusion when in fact it did not. And this false appearance was due to, or made possible by, syntactical ambiguity (mispunctuation, changing the reference of a modifier). These would seem to be enough ingredients to have a fallacy.

Indeed, in this case we would seem to have more ingredients than one would have in the usual cases of amphiboly cited by the textbooks, like Cases 3.1, 3.2, 3.3, and 3.4. In Case 3.18, we have Higginson's argument, and then we have a kind of meta-argument, an interpretation of Higginson's argument by Lodge and Adams. Moreover, this case is not a simple case of syntactic ambiguity, like Cases 3.1 to 3.4. It involves an actual change in the wording (punctuation) of the given argument. The result is a changing and distortion of the original argument, conveyed or suggested to a third-party audience—the target audience of the argumentation of Lodge and Adams in which Higginson's letter was quoted.

In short, this is not the usual case of amphiboly, as typified by the standard textbook treatments of this fallacy. It is a special case in which some actual changes to original punctuation were made, in order for, or with the result of, changing the argument conveyed in the original text of discourse. This fallacy has some affinities with the *straw man* fallacy, the fallacy of misrepresenting or distorting an arguer's position to attribute to her a different point of view from the one she really advocates.

8 DEFINING AMPHIBOLY AS A FALLACY

We have gathered some evidence that the seriousness and argument requirements can be met in at least some cases of amphiboly. But now another problem is posed. What is the meaning of the word 'fallacy' when we say that amph-

boly is a fallacy? Can a failure of communication be a fallacy, or does a fallacy have to be a fallacious argument? Does a fallacy have to be a faulty argument, i.e. a conclusion and a set of premises where there is some leap, lapse, or failure to argue correctly from one to the other? Or can a fallacy be a failure of communication that occurs in a broad context of argumentation (like a critical discussion, or advice-giving dialogue), even if it is not a failure to argue correctly from premises to a specific conclusion? Could a fallacy, in this sense, be some sort of thing like ambiguity or asking multiple questions that obstructs the proper goals of the line of argumentation generally in a dialogue that is supposed to be co-operative and goal-oriented?

These are tough questions raised by the textbook treatments of amphiboly. They show us that amphiboly is one of those traditional fallacies that challenges the meaning of the concept of fallacy generally.

Broadly speaking, there are three approaches to defining amphiboly as a fallacy—it can be defined as a failure of communication, an error of reasoning, or as a sophistical (deceptive) tactic of argumentation used in a dialogue by one party against the other.

Van Eemeren and Grootendorst [1987, p. 293] define amphiboly as syntactic ambiguity of a sort that is confusing and creates misunderstanding that is an obstacle to the resolution of a critical discussion. On their account, a fallacy is a violation of a rule of critical discussion. Rule ten [van Eemeren and Grootendorst, 1987, p. 292] says: ‘Formulations must be neither puzzlingly vague nor confusingly ambiguous and must be interpreted as accurately as possible’. The fallacy, so analysed, is a problem of failure of communication. The analysis given here of the fallacy of amphiboly is Gricean in that it is put in the framework of two parties engaging together in a context of conversation (dialogue). Such a dialogue can be partly adversarial, but it is supposed to be partly collaborative as well, following the co-operative principle of Grice [1975, p. 67]: ‘Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged’. Conversational maxims, or rules of politeness, exclude some possible conversational moves as unsuitable [Grice, 1975, p. 66]. Under the supermaxim ‘Be perspicuous’, one of the four Gricean submaxims is [1975, p. 67] ‘Avoid ambiguity’. (See Chapter 1).

Of special interest to Grice are cases where a maxim is flouted to get in a *conversational implicature*, where, by saying one thing, a participant in the conversation suggests, or indirectly implies something else. For example [Grice, 1975, p. 65] A and B are talking about a mutual friend C, and A asks B how C is getting along in his job. B replies: ‘Oh, quite well, I think; he likes his

colleagues, and he hasn't been to prison yet'. The last remark appears to violate the maxim of relevance in the conversation. But A can make it relevant by drawing the implicature that B is saying that C, for example, is a type of person likely to yield to some temptation provided by his job.

In drawing a conversational implicature from what a speaker has said, a hearer relies on five kinds of data in a given case [Grice, 1975, p. 70]: (1) the conventional meaning of the words uttered; (2) the co-operativeness principle; (3) the conversational context; (4) items of background knowledge; (5) how and who the participants know or assume items under (1) to (4) to be available to them.

One possible use of the Gricean framework would be to portray amphiboly as an error of reasoning by seeing it as some sort of implicit Gricean implicature. Perhaps that is how Engel's approach could be supported—see Section 10 below. Another use would be to portray amphiboly as a sophistical tactic where the maxim of ambiguity is deliberately exploited or violated by one party in a conversation to deceive or trick the other.

However, van Eemeren and Grootendorst see amphiboly as a failure of communication type of fallacy that creates misunderstandings, as indicated by their example [van Eemeren and Grootendorst, 1987, p. 293].

Case 3.19

- A: 'I'm not going with you because of the rain.'
- B: 'What do you mean, (a) are you not going and is the reason for it that it's raining, or (b) are you going and is the reason for it not that it's raining, but some other reason?'

In this case, the fallacy of amphiboly was committed by the speaker (A), and then corrected, or correctly dealt with by the hearer (B). But argumentation could be involved if Case 3.19 occurred in the context of a critical discussion. The fallacy (not shown in Case 3.19) is the confusion resulting from the ambiguity which somehow blocked or interfered with the resolution of a conflict of opinions in a critical discussion.

Another sense of 'fallacy' is that of an error of reasoning. A fallacy, in this sense, is a faulty or incorrect inference, or chain of inferences, where *reasoning* is defined as a chain of inferences. An inference is a set of propositions, where one is the conclusion and the others are premises, and there is a direction or movement from the premises to the conclusion.¹

It is important to recognize, however, that a blunder or error in argumentation is not necessarily a fallacy. A fallacy is a serious, systematic, underlying error

¹ Walton [1990b].

in argumentation that, once exposed, is a strong refutation of the argument it has occurred in.¹ An argument can be weak, in the sense that the premises, or the link between premises and conclusion, is insufficiently backed up by evidence. Advancing such a weak argument could be, in many cases, a blunder or error, but not such a serious or systematic type of fault that it is a fallacy. Not all errors of reasoning are fallacies.

And not all failures of communication, by the same token, are fallacies. Indeed, it is quite possible to have an error of communication where argumentation is not involved at all. And that, of course, is the problem with many of the textbook cases of amphiboly we have examined. Not enough context of dialogue is given for us to see the failure of argumentation. So, for all we know the failure could be some kind of error that is not really a fallacy at all.

Wheelwright [1962] presumes a distinction between error and fallacy, in his treatment of amphiboly. The term ‘amphiboly’ or ‘misleading syntax’ is used by Wheelwright [1962, p. 290] to designate ‘the kind of ambiguity that resides in the construction of the sentence rather than in individual words’. Such cases of misleading syntax commit the *error* of amphiboly, because ‘meaning can be muddled and communication obscured by shifts of emphasis’. [1962, p. 290]. However, an error is not necessarily a fallacy: ‘The error becomes a fallacy when it is employed functionally in an argument’ [1962, p. 291]. Hence we can say that errors of misleading syntactic structure could occur in certain types of discourse, e.g. narrative, descriptive, or explanatory discourse, without there being a fallacy. To be a fallacy, there has to be argumentation taking place in the discourse, and the error has to be employed functionally in that argumentation.

A third concept of fallacy is the sophistical tactic used by one party in argumentation to deceive or trick the other party. A fallacy in this sense is a tricky or deceptive technique of argumentation used by one party to unfairly get the best of a speech partner with whom he is reasoning together. This concept of fallacy is essentially dialectical, in that it requires a background framework of dialogue, a context of conversation in which two parties are arguing with each

¹ Here the use of the term ‘serious’ is in a different context from its use in the seriousness requirement. In the latter use, seriousness refers to practical import in the kinds of argumentation that users of informal logic need to deal with in their lives and work. In the former use, we mean that an allegation ‘You have committed a fallacy!’ is a powerful accusation that borders on being impolite in normal conversation. It is a serious accusation in the sense that it attacks the credibility of the accused, and demands a vigorous reply, if the allegation is to be rebutted. There is a difference, for example, between saying, ‘Your argument is insufficiently supported by evidence!’ and ‘You have committed a fallacy!’. The latter allegation points to a systematic underlying error of a sort that vitiates your argument, opening it to strong refutation as deeply incorrect. It is a stronger, and in this sense more ‘serious’ charge than the former allegation.

other, yet committing a sophistical tactic fallacy does not necessarily require that the arguer intentionally deceived the other party in the dialogue. Typically, sophistical tactics fallacies are consistent with an intent to deceive (as shown by evidence in the text of discourse in a given case), but a finding of intent to deceive is not required to be shown in every case of fallacy. It would be a mistake (a form of psychologism) to define the fallacy of amphiboly in such a way that it requires an intent to deceive someone by deliberate trickery.

Black [1946] makes no mention of amphiboly, but does distinguish between what he calls the *fallacy of equivocation* and the *fallacy of ambiguity* [Black, 1946, p. 213].

Many linguistic fallacies, as we have seen, arise from the *deliberate* use of a word or phrase in more than one sense in the same argument. When this occurs a *fallacy of equivocation* is said to have been committed. If the shift of meaning is unintentional we may say a *fallacy of ambiguity* occurs.

Extrapolating from this, we could draw a parallel distinction between the *fallacy of amphiboly*, where a sentence structure is deliberately used in more than one sense, and the *fallacy of syntactic (structural) ambiguity*, where the shift of meaning is unintentional.

From the point of view on analysing fallacies developed in Hamblin [1970], van Eemeren and Grootendorst [1984] and Walton [1987] however, this way of attempting to define amphiboly would be a mistake. By requiring a finding of intent to deceive to prove that the fallacy of amphiboly has been committed, it demands too much. To show an alleged case of amphiboly is really a fallacy you would have to show that the alleged perpetrator had bad intent. This would be a psychological or quasi-judicial task of a kind not appropriate for an informal logic analysis to undertake. It is a bad definition of ‘fallacy’ that would not be appropriate for the analysis of amphiboly, or other fallacies of the kind we put in the logic textbooks.

This definition of fallacy is too strong. The opposite, and more commonplace type of definition found in the logic textbooks is too weak. This definition of the fallacy of amphiboly simply defines amphiboly as structural ambiguity, whether argument is involved or not.

Castell [1935, p. 370] simply defined amphiboly as ambiguity due to word order.

Amphiboly: ambiguity due to word order. Thus: *Wanted, a chair for a baby with a cane seat.* (From Greek *amphi* and *ballo*, meaning *to throw on both sides.*)

According to this definition, amphiboly is simply a species of ambiguity. No attempt is made to distinguish between them by, for example, saying that ambiguity is not necessarily erroneous, whereas amphiboly involves some sort of mistaken inference or critical failure of argument. Whereas Black's definition of the fallacy of amphiboly was too strong, Castell's is too weak.

We conclude from this section that there are three legitimate ways that amphiboly could be defined as a fallacy, and two ways it ought not to be so defined. Now all that remains is to give an analysis of amphiboly so that it could come out as a fallacy in one or more of these three legitimate ways.

9 ANALYSIS OF AMPHIBOLY AS A FALLACY

These attempts to begin to analyse the Oracle case, and many of the other cases as well, keep coming back to the same problem. Who is committing the fallacy? Is it the hearer or the speaker? If it is the hearer who is drawing the incorrect inference, then presumably it is she who commits the fallacy of amphiboly. However, in reality, the fallacy might, in most cases, seem to be committed by the speaker who uttered the ambiguous sentence in the first place. And in fact, the textbooks that treat amphiboly as a fallacy generally seem to presume that the fault is primarily that of the speaker of the ambiguous sentence who is confusing or misleading some audience that hears or reads his sentence, and is misled by it.

A more balanced treatment of this kind of fallacy is given by Ruby [1950] who allows for the possibility that the fallacy could lie on the side of either the speaker or the hearer. In general, the speaker could be at fault if he fails to recognize a misleading ambiguity in his speech, or even worse, if he tries to exploit it to deceive the hearer. But as Ruby [1950, p. 55] points out, the hearer has an obligation as well: 'The careful reader . . . should seek further information and ask the appropriate questions in order to interpret the statements correctly'. According to Ruby's conception of a fallacy of ambiguity, the error could be either in the speaker's use or in the hearer's interpretation.

By 'fallacies' of ambiguity, we refer to cases where the speaker or reader fails to recognize the existence of ambiguity, and draws unwarranted conclusions because of this neglect. These errors occur either in use or interpretation. The speaker may use ambiguous words in an illegitimate manner; the hearer may incorrectly interpret a speaker because of failure to note the existence of ambiguity.

If Ruby is right, the inferential structure of the fallacy of amphiboly could be different, depending on whether it is a fallacy of use or a fallacy of interpretation, in a given case.

In the kind of case characteristic of amphiboly, the speaker and hearer have different obligations. Hence either party could commit a fallacy properly called amphiboly, and it would be a different kind of error.

In the Oracle at Delphi case, for example, the Oracle commits one kind of fallacy as a sophistical tactic, for purposes of ‘hedging’ or plausible deniability. The hearer, Croesus, is gullible enough to act on the interpretation he finds most congenial, presumably, without even recognizing the ambiguity of what was said. This turned out to be a bad error—so serious, in fact, that it could also be called a fallacy.

One important aspect of the sophistical tactic type of fallacy of amphiboly is what Schiller [1912, p. 366] called *hedging*, where the speaker, e.g. the Oracle at Delphi case, is trying to leave himself a ‘way out’ if his prediction or claim turns out to be false or comes into danger of being refuted, later in the dialogue. This tactic leaves the speaker the possibility of later retraction or plausible deniability, if things start to go badly for his side of the argumentation.

In this case, it seemed that the two parties in the dialogue ‘collaborated’, or at least contributed, to the committing of the fallacy of amphiboly. Or perhaps it is better to say that each of them committed a separate type of fallacy of amphiboly. However, the Oracle would appear to be the primary offender.¹

Other questions arise here too. A fallacy is a type of error, as Ruby appears to presume. But it seems that accusing someone of committing a fallacy is a serious sort of charge—more serious than accusing someone of making an error. Could many of the cases we looked at be errors of structural ambiguity rather than fallacies of amphiboly?

In Cases 3.1, 3.2, 3.3, 3.4, 3.6, and 3.7, the speaker’s sentence is ambiguous, and the problem is that the hearer can take it in a different way from what the speaker presumably intended. But no conclusions are drawn in these cases, nor is there any evidence that a conclusion can be drawn by Gricean implicature in such a way that the case exhibits an erroneous argument or fallacy. The problem is that in these cases there was not enough context of dialogue given to show that the argument requirement (in some form) was met. For all we know, they could be simply errors of wrong interpretation of a structurally ambiguous sentence, or confusion in nonargumentative discourse, as opposed to fallacies or errors of argument.

¹ But see the discussion in Section 10 below.

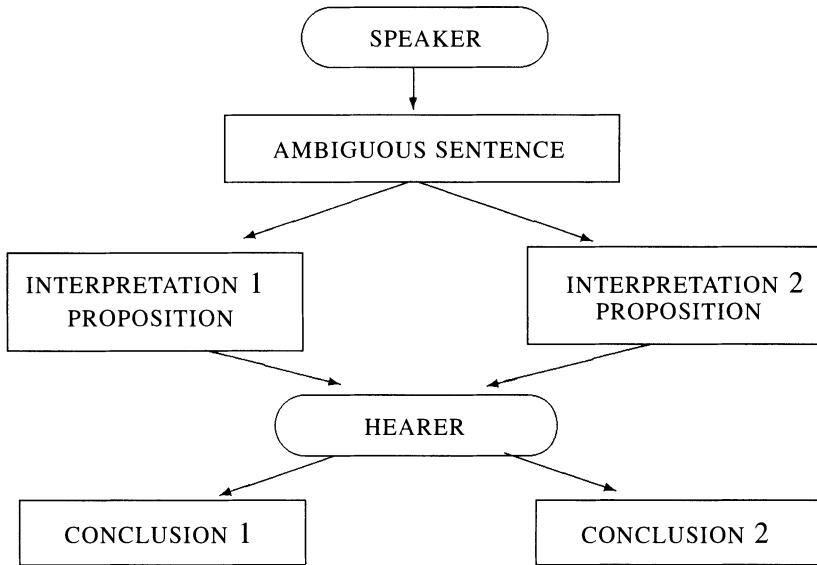


Figure 3.1.

The remaining cases fall into two broad classes: (1) those in which the speaker evidently or presumably means the structurally ambiguous sentence to be taken in one way, but there is another unintended interpretation that is inappropriate in some way, or could lead to unfortunate implications, and (2) those in which the speaker used the structurally ambiguous sentence as a tactic in order to deceive the hearer, or to prompt the hearer to draw a wrong implication, or to achieve plausible deniability, etc. The second class of cases involves the use of a tactic of deception in dialogue.

According to a dialectical way of framing the context of a case of amphiboly represented in Figure 3.1 above, the fallacy can be of three different types. Two of the types are kinds of fallacies committed by the speaker of the structurally ambiguous sentence. The other type is a kind of a fallacy committed by the hearer.

The first type of fallacy of amphiboly is a failure of communication in a dialogue containing argumentation on the part of the speaker who utters a structurally ambiguous sentence in argumentation, leaving open the possibility that the hearer is confused, possibly even leading to an error of reasoning by the hearer. The second type of fallacy of amphiboly is the error of reasoning type,

where the hearer in fact draws a strong conclusion because she interprets the ambiguous sentence in a wrong way, failing to recognize the ambiguity or deal with it appropriately. The third type of fallacy is the use of the structurally ambiguous sentence as a sophistical tactic to either lead the hearer towards drawing a wrong conclusion, or to leave the speaker a way of plausible deniability (or both).

To judge an alleged case of amphiboly as a fallacy, it is useful to look at the dialogue profile in which the argumentation has occurred. For example, in Case 3.12, the vendor replied that the reader had misread the ad. The sequence of dialogue could be reconstructed as follows.

Case 3.20

Vendor: For Sale: 1964 Ford, etc.

Reader: This ad is misleading, because it says that all the parts of the car are in good condition. That turned out to be false.

Vendor: You misread the ad. Read it again.

Here we have the characteristic structure of argument for the failure of communication type of amphiboly. There are two possible interpretations of the ad. The reader at first accepts one as true, but then finds out it is false, and points out the error to the vendor.

But the argumentation continues past this point. Next, the vendor denies he intended the interpretation initially selected by the reader. Here is textual evidence that the vendor fails to acknowledge the misleading interpretation, evidence of his disingenuously trying to evade responsibility for the misleading ambiguity. This at least suggests, or gives some evidence, that the ad was a sophistical tactic of attempting to exploit the ambiguity. The same kind of analysis also applies to Case 3.13 and to the Oracle case (Case 3.11).

In Case 3.9, with a little analysis, the classic structure of argumentation characteristic of the error of reasoning type of amphiboly can be brought out. There is an initial sentence, two possible interpretations of it, and a conclusion that is drawn by the hearer from each interpretation (or can be drawn by implicature).

In this case, the context of dialogue is somewhat elusive. It seems that a third party is passing along the wishes or greetings of the king to a hearer, but just how this involves argument—whether the context of dialogue is that of a critical discussion or advice-giving dialogue of some sort—is simply not evident. So it is not too clear exactly how the fallacy of amphiboly in this case is a failure of

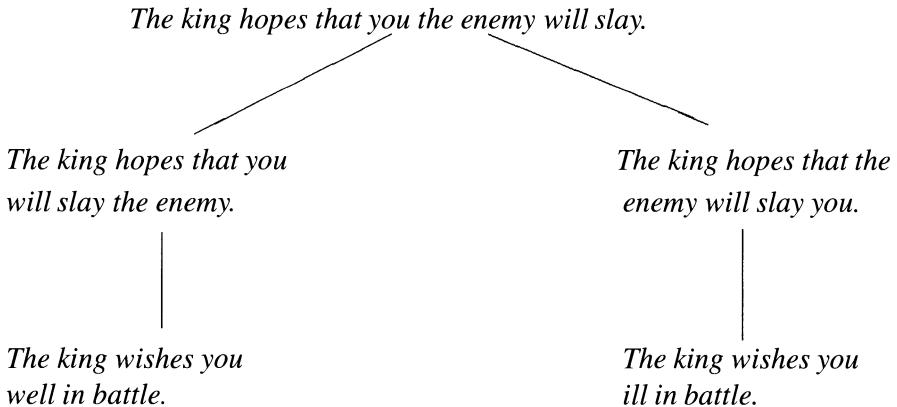


Figure 3.2.

communication type or a sophistical tactics type. But as shown from the structure of inference in Figure 3.2, we can see how it is clearly an error of reasoning type of fallacy of amphiboly.

One thing that is characteristic of some of the cases examined is the separation of the speaker and the hearer. This means that the hearer cannot, at least immediately or directly, question the speaker or ask for clarifications. In cases where the ambiguous sentence is a written message for example, the writer may not be present to respond to questions. This type of situation can make a case of amphiboly more problematic than it might otherwise be.

When a normative model of dialogue is applied to a case to evaluate an allegation of amphiboly, it does not imply the existence of an actual dialogue between a speaker and hearer who have a face-to-face conversation. The speaker's sentence could be a written message, for example in a book. The 'hearer' might be a person who reads the book after the 'speaker' has died. With amphiboly, the terms 'speaker' and 'hearer' are often appropriate for the two parties in the dialogue, but the terms 'proponent' (of the argument) and 'respondent' can also be used. The two parties are defined not as actual persons, but as roles in a dialogue representing how an exchange should go if both parties are being 'reasonable' in conforming to the maxims for that type of dialogue.

When we apply a normative context of dialogue to a case to judge whether a fallacy of amphiboly has been committed, and by whom, one important factor to take into account is how tolerant of ambiguity and vagueness the conversation

should be. In most natural language conversation, ambiguity is a normal part of communication, and it would be too strict an ideal to suppose that it can always be avoided by a speaker.

Walton and Krabbe [1995] distinguish between *rigorous dialogues*, governed by strict rules of procedure, and *permissive dialogues*, where the rules are maxims that guide conversation in a flexible way. Rigorous dialogue exhibit systems of formal dialectical structures of the sort described by Barth and Krabbe [1982]. In a rigorous dialogue, a participant's commitment set is on full view to all participants or observers—there are no so-called nonexplicit (dark-side) commitments. In a permissive dialogue, a participant's commitments may not be explicitly known, and can only be conjectured as plausible on the basis of what is known about this participant's explicit commitments. In a permissive type of dialogue, the participants must follow a Gricean co-operativeness principle in interpreting a speaker's utterances in the most constructive way that will advance the goals of the dialogue.

In light of this, each case has to be examined on its individual merits, carefully looking at the type of dialogue involved, to see if an alleged commission of the fallacy of amphiboly is more the fault of the speaker or the hearer.

10 TOWARDS BETTER CASE STUDIES

One of the main problems with many of the cases given in the existing treatments of the fallacy of amphiboly in the textbooks is that not enough context of dialogue is given to see whether or how the argument requirement is met. In other cases, an obscure context is given.

The main shortcoming of the Oracle case (Case 3.11) as an example to be used in logic textbooks is that it raises a lot of obscure questions about the role of an Oracle. These questions are not only hard to answer, but they are of dubious relevance to what ought to be taught to the textbook users of today.

The context of dialogue in the Oracle case is that of advice-giving between two parties, where the one party (the advice-seeker) is in deliberation regarding a prudent course of action. Normally, it is a rule of expert advice-giving in this type of dialogue that the expert should give clear and helpful advice that the advice-seeker can use. Such advice should be given in clear non-technical language that the user can understand. For example, a financial advisor, a physician, or other expert consultant, is rightly expected to follow these maxims of clarity when offering advice to a client or patient.

But what about Oracles? Is it a rule or maxim of dialogue that an Oracle is

supposed to give clear, specific, non-ambiguous advice? The problem is that prophets and Oracles generally give abstract, somewhat vague guidance that can be specified in concrete ways by the user, e.g. ‘Render unto Caesar what belongs to Caesar’. Such general advice is then applied by the user to his own problem or personal situation.

Can you ask an Oracle for clarification, and expect to get it? This is simply not clear, from the practical experience of contemporary students of informal logic. And the question is culture-bound in an unfavourable way for the pedagogical usefulness of this case. Introductory students in critical thinking or argumentation courses would be frustrated in trying to evaluate this case, because no definite answer can be given from their experience.

It was for these reasons that the author, as a teacher of courses in informal logic, was for many years reluctant to take amphiboly seriously as a fallacy to be presented to students, except as a sort of historical curiosity, a footnote to equivocation.

Whately [1846; 1963] took the point of view that amphiboly is a species of equivocation that is only of minor importance as a fallacy. Only mentioning amphiboly in a long footnote [Whately, 1846; 1963, p. 173], Whately described it as a fallacy that ‘in real practice’ is ‘not very likely to occur’. Although he gives five examples of amphiboly in this footnote, including an Oracle case, Whately’s treatment suggested that amphiboly is a lesser category of fallacy that can be treated as a species of equivocation.

Now however, due mainly to Cases 3.13, 3.14, 3.15, and 3.18, and to a smaller extent by some of the other cases we examined, the author has shifted the burden of proof around to being partly convinced that amphiboly is a serious fallacy that deserves treatment as such in its own right. Clearly we still need better case materials to make a convincing case for the fallacy of amphiboly as a major figure in the rogues gallery of fallacies. But you can at least get a glimpse, from the analyses given of Cases 3.13 through 3.18, how amphiboly can function as a serious error of reasoning, failure of communication in argumentation, or tactic of deception. And as such, you can appreciate how it could be a very serious fallacy indeed in dialogues like business transactions, advertising, political debates, or legal dialogues on contracts for example, where structural ambiguity could lead to costly errors.

A case given by Hurley [1991, p. 152] gives a convincing idea how amphiboly could be a serious fallacy in legal argumentation.

Case 3.21

Mr. James signed a contract that reads, ‘In exchange for painting

my house, I promise to pay David \$ 5000 and give him my new Cadillac only if he finishes the job by May 1.' Therefore, since David did not finish until May 10, it follows that he gets neither the \$ 5000 nor the Cadillac.

As Hurley [1991, p. 152] points out, in this case the failure to properly insert a comma in the language of the contract would or could lead to a serious dispute. David might argue that he was entitled to the \$5000, and there could be grounds for such a conclusion on one interpretation of the contract. On the other side, Mr. James might maintain that David was not entitled to the \$5000 because he did not finish the job by the deadline. This conclusion too, could possibly be justified by one interpretation of what the contract says.

What is important about this case is that it goes some way towards convincing us that the seriousness requirement can be met. We can see how structural ambiguity in the wording of a contract could lead to all kinds of serious problems and disputes, causing expensive litigation. More and better case studies of this sort could vindicate amphiboly as a very important fallacy.

Clearly the next step is to seek out better case study materials of serious instances of amphiboly where a detailed and useful text of discourse is given so we can fill in the context of dialogue properly. It is hoped that the analysis of amphiboly that has been presented above will lead in that direction.

As for the argument requirement, it is better not to enforce it too literally or rigidly, by requiring that the premises and conclusion of the argument in which the fallacy of amphiboly occurs have to be stated explicitly in the given case. But argument should be there in the context of the case. There should be a dispute or conflict of opinions or interests, like a critical discussion or a negotiation, where one interpretation of the amphibolous sentence supports one side, and the other supports the opposed side.

The problem with the majority of cases in the textbooks, with respect to the argument requirement, is that it is not clear from the text of discourse of the case whether, how, or if this requirement is met. With Cases 3.1 to 3.4, for example, you can perhaps extract some sort of inference from the case by Gricean implicature.

In Case 3.2, perhaps the person reading the sign takes the unintended interpretation that there will be dirty dancing in the roadhouse on Sunday night. He then concludes that since he wants to see dirty dancing, he ought to go there on Sunday night. The inference turns out to be wrong however, because the way he read the sign—as giving some covert suggestion or hint of some activity that is better not announced explicitly—was unintended.

In this case, an argument can perhaps be extracted from the case by filling in some implicatures, and by adding more context to the situation. But is this enough, or is it the right sort of argument to make Case 3.2 a good example of the fallacy of amphiboly for use in the textbooks?

The analysis of amphiboly as a fallacy given above suggests not. For too much is left to the discretion or imagination of the student in trying to pin down what the argument is supposed to be. This also leaves the student questing for some way to get an argument out of the case that meets the seriousness requirement. How does one get an argument out of this case that leads to two opposed conclusions in a serious dispute or conflict of opinions that is blocked or interfered with by the amphiboly? Here the student is left at loose ends.

A case where Gricean implicature does come into the analysis of an amphiboly is Case 3.12. The issue of whether the windshield wipers are in good condition is relatively trivial compared to the more important questions of whether the other parts mentioned, like the brakes, the steering, and so forth, are in good condition. Thus following the Gricean co-operativeness principle, it is natural to assume that the phrase ‘in good condition’ applies to all the items listed. But this, of course, is the misleading interpretation the vendor wants a prospective buyer to take. In this case, the vendor can be viewed as exploiting the co-operativeness principle to get the reader to act on one interpretation, while reserving himself the escape clause of claiming that he intended the other interpretation.

In this case, the vendor’s tactic of trying to mislead while leaving plausible deniability open is not very convincing. But, at any rate, the case shows us how this kind of tactic can work in a case of amphiboly, how the Gricean implicature can be used to reveal the implicit structure of the inference, and how it is exploited in the fallacy.

Finally, let us turn to a similar case that is the best case yet. It is not only a real case, but it shows very good evidence of meeting both the seriousness requirement and the argument requirement.

In this case, pizza outlets advertising two-for-one pizza offers—‘two for one special price’—were found by a newspaper survey to be charging more for the two pizzas than the regular price of one. These practices raised some questions about how these ‘two for one’ advertisements should be interpreted.

Case 3.22

Nicki Dewar, Consumer and Corporate Affairs regional manager of marketing practices, said ‘two for one’ advertisements should be interpreted to mean two pizzas

for the regular price of one pizza.

'The impression is that you buy one at the regular price and you get another pizza the same size free'.

'That's the impression that is given, and that's the impression we could lay charges on', Dewar said, explaining that misleading advertising is a violation of the federal Competition Act.

On a summary conviction, anyone found in contravention of the act could be fined up to \$25,000 and serve up to one year in jail.

The Free Press contacted each pizza outlet that advertised two-for-one or three-for-one in the yellow pages. At eight outlets, when asked what the price was for one pizza, vendors quoted a price lower than the two-for-one price.

When confronted about this apparent contradiction, several protested that their local advertising states 'two for one special price'.

'The bottom line is that our menu says two pizzas for one great price', said Ray Saurette, owner of Vito's Pizza, whose yellow pages ad states simply 'two for one'.

When pressed, Saurette admitted he offers the single pizza price to keep up with his competitors in a cut-throat marketplace.¹

The Free Press survey found that of thirteen pizza outlets that advertised two-for-one deals, only five were actually charging the regular price of one pizza for their two pizzas.

The outlets had already been warned that they must comply with the Competition Act, but some owners defended themselves by saying they were 'compelled' to market the 'two for one special price' promotion to 'keep up with the competition' [Gair, 1992, p. 2]. One owner who used this argument even went so far as to blame the situation on the 'indiscretion' of 'the pizza-buying public' because they 'want freebies' and therefore have accepted these misleading ads as being legitimate [Gair, 1992, p. 2]. Another pizza outlet manager said that he knew it was not supposed to be done, but with 'all the other places selling two-for-one', he 'didn't have much choice' [Gair, 1992, p. 2]. It seems that

¹ Gair [1992, pp. 1-2].

the vendors knew that what they were doing was wrong, but persisted because they knew that the other vendors, competing with them, were also doing it. This seems to imply that the misleading ads were both deliberate and successful as a sales tactic.

The ambiguity in this case, centres around the interpretation of the sentence, ‘Two pizzas for one special price’. It could be interpreted in two ways, (I1) or (I2).

(I1) Two pizzas for one (special price).

(I2) Two pizzas (for one special price).

According to (I1), the sentence means ‘two-for-one’ in the sense that the offer is that you get two pizzas for the same price that you usually pay for one. Then it is added, in (I1), that this two-for-one offer is a ‘special’ price. According to (I2), the sentence means that you get two pizzas for one ‘special’ price, i.e. presumably a price lower than the usual one for two pizzas.

If the regular price of a pizza is five dollars, for example, then a ‘special’ price of two pizzas for seven dollars would meet the requirements for (I2). But such an offer would not meet the requirements for (I1). To do this, the two pizzas would have to sell for exactly five dollars.

It is this structural ambiguity of ‘Two pizzas for one special price’ that is the basis of the deceptive argumentation that makes this case an instance of the fallacy of amphiboly. And it is this fallaciousness that is the reason why the use of the sentence in a commercial is rightly judged to be misleading advertising.

Presumably, the buyer is meant to take the sentence as meaning (I1), especially if the advertisement uses the expression ‘two-for-one’ elsewhere. As the Consumer and Corporate Affairs manager said, this should rightly be interpreted to mean ‘two pizzas for the regular price of one pizza’. However, in defending their prices, the vendors quoted in Case 3.22 claimed that (I2) could be meant, or was what was really meant. When criticized, they retreated to claiming that (I2) was how the ad should be interpreted. However, clearly this move is a tactic of plausible deniability—somewhat like the Oracle case (Case 3.11).

Case 3.22 meets the seriousness requirement, because it is a case where a successful sophistical tactic of amphiboly is being used by the vendors to deceive buyers, and there definitely are significant economic implications of the deception. The fallacy of amphiboly is here used as a tactic of misleading advertising. It is evident that buyers are confused and deceived by these structurally ambiguous sentences as used in advertising.

This type of case is closely related to the use of amphiboly in a contract. The ad in Case 3.22 offers a price for a commodity, so it can be described as an offer, or an invitation to enter into a sales transaction, with terms given.

In cases of examples of fallacies taken from advertisements, it is sometimes difficult to pin down the exact purpose of the discourse. However, in this case, an offer in the form of a price for a specific commodity is given in the ad. Because this contractual element is present, the case would seem to involve negotiation dialogue. This would pose a problem if you take the approach of van Eemeren and Grootendorst [1987], which requires that all fallacies are violations of the rules of a critical discussion. But it is not a problem if, like Walton [1989a, Chapter 1], you take the approach that negotiation dialogue is a context of argumentation in which fallacies can be committed.

As we went along in this study from Cases 3.1 through 3.22, the cases got better and better. It became less and less difficult to see how they were getting closer to meeting the argument requirement and the seriousness requirement. And it became clearer and clearer how the case in question could be analysed as a genuine and significant fallacy.

This progression points the way for the logic textbooks to improve, in the analysis of amphiboly as a fallacy, in the kinds of examples of it that should be presented to readers as case studies, and in how these case studies should be presented.

CHAPTER 4

ACCENT

Accent is a fallacy that is hard to know how to deal with in teaching courses on informal logic and argumentation. In some ways, it has seemed like a trivial, obscure, or antiquated fallacy, and in fact the majority of modern logic textbooks simply leave it out. Yet somehow it does seem to be an appropriate appendage to add to equivocation and amphiboly. And it does seem that verbal matters of stress in how an argument is presented are quite often very significant factors in judging how the argument should be interpreted, analysed and evaluated. It is true that logic has tended to neglect such matters, and that if informal logic is to be an applied subject of practical use, it should devote more attention to subtler questions of intonation and suggestion that very much affect how we interpret a speaker's argumentation in drawing inferences from what she says.

Reflecting this ambivalence, some texts either fail to mention accent, or do so in a few brief lines, while others, like Copi and Cohen [1990], include such a broad variety of matters of emphasis and accentuation under accent that you get the impression of a fallacy that is chock full of interesting material. Included are not only verbal but written forms of emphasis like newspaper headlines, innuendo, wrenching from context, and 'small print' in misleading advertising.¹ Some texts even include the so-called fallacies of 'special pleading' and 'suppression of evidence' as forms of bias, or unfair balance in selecting evidence, under the heading of the fallacy of accent.² Here, the problem with accent is not that it seems trivial or unimportant—far from it—but that it seems such a heterogeneous bag of major concerns that it is hard to get a grip on it as a coherent or well-defined fallacy.

1 HISTORY OF THE FALLACY

Hamblin's brief history of the fallacy of accent [Hamblin, 1970, pp. 22–25] is an interesting story that reveals quite a bit about how the subject of fallacies

¹ See Section 3 below.

² See Section 5 below.

evolved in the logic curriculum over the centuries.

Accent first appeared as a fallacy in Aristotle's list of sophistical refutations as a fallacy 'within language'³ in *On Sophistical Refutations*, along with equivocation and amphiboly. Greek did not have written accents at Aristotle's time—that was added later—but according to Hamblin [1970, p. 23], it was 'pronounced in such a way as to make such accents quite natural'. Accordingly, it is plausible to suppose that indicating written accents to disambiguate utterances in (spoken) speech could have been a useful way to deal with fallacies or misleading arguments in Greek.

However, this fallacy did not 'translate' too well into other languages. Both the medieval writers, who wrote in Latin, and writers of modern textbooks, writing in English and other modern languages, could not adopt Aristotle's account of accent as a sophistical refutation as some kind of fallacy that would be useful in their linguistic setting. As Hamblin [1970, p. 24] put it: 'In English we do not rely much on the rise or fall of intonation and we have few words which can be pronounced alternatively with long or short vowel-sounds'. This left logicians in a dilemma. They wanted to adhere to Aristotle's classification (and accent made a nice third member of the triad with equivocation and amphiboly) but the examples of the fallacy of accent given by Aristotle made little sense in Latin or English, nor did they suggest any straightforward adaptations that students would find familiar.

In the one paragraph of *On Sophistical Refutations* where Aristotle introduces the fallacy of accent (166 b 1 - 166 b 9), the philosopher writes that it is not easy to give an example of this fallacy in a discussion that is not written down. However, claiming that it is easier to give such an example in written matter and poetry (166 b 3), he offers the following case. The aspiration 'h' is indicated by a 'c' over the vowel-cluster, whereas a lack of aspiration [h] is indicated by a ',' symbol.

Case 4.1

To meet the objection of critics that Homer's phrase 'part of which decays in the rain' is a strange one, some solve the problem by a change of accent (substituting *ōv* [oy] (not) for *ōv̄* [hoy] so that the phrase means 'and it does not decay in the rain').

Why the question of how to interpret a phrase in poetry should be put forward as a case of a fallacy or sophistical refutation in argumentation is unclear. But

³ Sometimes also called 'fallacies dependent on language' or 'fallacies inside language', (see Chapter 1).

probably the main reason this case did not survive as a useful example in subsequent generations of logic textbooks—or even as a basis of such an example—is that it depends on the particulars of accentuation and aspiration in Greek. Hence it would be useless as an example in textbooks for students who speak and read only Latin, say, or English.

A second example Aristotle offered, also from poetry, is no better (166 b 8) as a useful case for subsequent textbooks.

A third example Aristotle offers later (177 b 35–178 a 3) in *On Sophistical Refutations*, is essentially similar to the case above, turning once again on the difference of meaning between the accented *hoy* and the unaccentuated *oy*.

None of these examples translates well in any obvious way into casework that would be useful for the traditional and current logic textbooks to present for their student readerships.⁴ And this seemed to leave the textbook authors in a conundrum about what to do with the fallacy of accent. Adhering to Aristotle's list of fallacies seemed to be a common practice in medieval textbooks. And clearly, matters of verbal emphasis are of some importance in spoken argumentation in Latin and English (though not in the way Aristotle had in mind). So those textbook authors who left accent in, perhaps felt constrained to think up some new examples of significant errors, even if they did not really fit what Aristotle may have had in mind.

Aristotle himself was not very helpful here. Aside from the two one-paragraph passages indicated, where no general attempt was made to define accent as a fallacy in any careful or precise way, he appears to have nothing else to add by way of explanation or elaboration.

Hence many textbooks have simply dropped accent from their roster of fallacies, perhaps concluding that their students would think such an alleged error trivial, or perhaps simply finding Aristotle's account too obscure to generate anything worth preserving. However, a significant minority kept accent in, simply changing the fallacy to mean something quite different (although related) to what Aristotle had in mind.⁵

In ancient Greek, melodic accents (change in pitch) were important to distinguish meanings of words. But other languages have different types of accents, e.g. durative accents (changes in duration). However, parallels for Aristotle's

⁴This is a practical, pedagogical claim, but the author can vouch for it from long experience of using such examples in courses on informal logic. Also, the failure of the textbooks to even try to use or adapt these examples of Aristotle is evidence that they are not useful for pedagogical purposes in English.

⁵Perhaps around a third of texts with sections on informal fallacies have kept accent in. Many of the most influential or interesting of these textbook accounts of accent are mentioned below.

examples may be sought in languages that lack a melodic accent. For example, in English, the word ‘present’ is accentuated differently when used as a verb than when it is used as a noun (and the two uses have different meanings).

Stress in English however (both verbal and written), also indicates emphasis. And of course emphasis (of various types) in presentation of discourse, is very important in connection with the study of fallacies, and argumentation generally. The floodgates were then opened for the textbook writers to bring in all kinds of fallacies of misleading or deceptive emphasis under the old heading of the fallacy of accent. And that is exactly what happened.

Unfortunately, the things that now entered in under the ancient heading of ‘accent’ were a heterogeneous collection of would-be fallacies, including all kinds of factors of rhetorical emphasis like connotations and the emotional colouring of words, wrenching from context, innuendo, slanted discourse, special pleading, suppressed evidence, misquoting of sources, bias in argumentation, and irony due to intonation in speech pronunciation. As Hamblin [1970, pp. 24–25] aptly put it, ‘we are on a slippery slide, and now that verbal emphasis has been allowed as relevant, *any* kind of emphasis may be called in’. Instead of having too little in the way of substantive material under the category of accent, we now have far too much, and it is far too heterogeneous to clearly represent any single fallacy. Thus the history of the subject has led to a dilemma that now demands some sort of resolution.

The majority of the modern logic textbooks that cover informal fallacies include both equivocation and amphiboly, but do not mention accent. One very widely used text, Copi and Cohen [1990, pp. 115–117] has two full pages on accent, treating it as a (comparatively) major fallacy. Thus while accent has managed to survive in the list of fallacies, the majority of writers have omitted it. Nor does there seem to be much of a changing trend. The older textbooks tended to include or omit accent in about the same proportion as the current texts.

Most of those textbooks that continue to treat accent as one of the fallacies do tend to see it in broad terms, however, including such things as wrenching from context and special pleading (under the heading of accent).

2 VERBAL STRESS, AMBIGUITY AND INNUENDO

Rescher [1964, p. 75] gives the following typical example of the fallacy of accent.

Case 4.2

The intended meaning of the democratic credo ‘Men were created equal’ can be altered by stressing the word ‘created’ (implying ‘that’s how men started out, but they are no longer so’).

One might wonder whether the credo quoted can be a fallacy, because it is a single sentence, as opposed to an argument. Moreover, Rescher takes care [Rescher, 1964, p. 75] to define the fallacy of accent as arising ‘when either one of the premises or the conclusion of an argument has several different meanings, depending upon how certain words are stressed’. The answer is that the stress in pronunciation creates a kind of tacit inference to draw out an implicit conclusion, if the words are stressed in a certain way. Thus it seems that argument is involved, in an indirect way.

Another very common example that has found its way into many of the textbooks was cited by Jevons [1883, p. 167], who got it from DeMorgan (or so he says, p. 167).

Case 4.3

The Commandment ‘Thou shalt not bear false witness against thy neighbour’ may be made by a slight emphasis of the voice on the last word to imply that we are at liberty to bear false witness against other persons.

This case, like Case 4.2, is one of ambiguity due to verbal stress. But also, like Case 4.2, it contains, as well, an aspect of implicature⁶ or innuendo generated by one particular way of putting an emphasis in spoken language on one word in the sentence.

Case 4.3 suggests an interesting and important problem posed by Erik Krabbe—does a specific stress introduce or remove an ambiguity? With Aristotle’s examples in mind, at first it seems natural to take the view that stress removes ambiguity, as in the following type of case. The ambiguity is created by a lack of verbal stress, whereas there are various possibilities for inferring the stress. In such cases, to insert the stress helps to disambiguate the sentence—and if the wrong stress is added, one may get the wrong proposition—and hence the communication problem. In this type of case then, stress removes ambiguity.

But there is also another type of case, revealing a different perspective. In this type of case, without any stress, there is a basic meaning *A*, and the stress

⁶ Grice [1975].

introduces another meaning $B(B \neq A)$. But A is still there in the case, and hence the ambiguity. Here the introduction of stress introduces an ambiguity when A lingers on, beside the new meaning B .

It is more natural to assume that stress removes ambiguity, but consideration of Case 4.3 suggests that stress can also introduce ambiguity.

Another interesting aspect of Case 4.3 is that the alleged fallacy occurs in an imperative utterance, as opposed to a statement or proposition. But possibly an argument could be involved, because the hearer of the sentence draws a practical inference about how he is permitted to act (as licensed by the injunction expressed in the command). There could be some sort of premise-conclusion relationship expressed in the case, even though it is not the more usual sort of case, so often stressed as central by logic textbooks, of one proposition drawn by valid inference from another set of propositions.

This case is also cited by Ruby [1950, p. 57] and Parker and Veatch [1959, p. 68], for example, and is probably the example of accent most commonly cited in logic textbooks. This case typifies what we might call the narrow or basic conception of accent as a fallacy—ambiguity due to various possibilities of verbal stress, accentuated in the pronunciation of a sentence by a speaker, leading a hearer to draw a misleading conclusion through confusion caused by the ambiguity.

Similar cases are given by Michalos [1970, p. 72].

Case 4.4

Men ought to be kind to strangers.

Case 4.5

Oh, he's a good *football player*.

In the first case, Michalos suggests [1970, p. 72] that someone might infer ‘that *women* may treat strangers any old way and that both men and women may be mean to *friends*’. In the second case, if the person saying the sentence accentuated the phrase *football player*, according to Michalos [1970, p. 72], ‘we might infer fallaciously that he was *only* that, or that, all things considered, he was not worth signing anyhow’.

All four Cases above (4.2–4.5) have an element of Gricean implicature attached to them, in addition to the element of ambiguity which is part of the alleged fallacy. In all four cases, the accentuated emphasis, on the indicated, particular words, suggests something to the respondent, who can draw out a conclusion from the speaker’s verbal utterance of the sentence. The conclusion

is only optional, or indirectly conveyed by implicature, however, rather than something flatly or directly asserted by the speaker.

With this type of case then, the speaker is left an escape route to later deny or retract commitment from the conclusion implied by what he said. There is an element of plausible deniability in these cases. It is not simply the element of ambiguity (by itself) that accounts for the fallacy (alleged or suspected).

Ambiguity of a sentence that could be resolved by verbal emphasis on a word or phrase is frequently cited by logic textbooks as the main problem under the heading of the fallacy of accent. Werkmeister [1948, p. 26] gives the following typical example of this type of cited case.

Case 4.6

What exactly did the reviewer mean when he wrote: ‘I *cannot* recommend this book *too highly*’? Did he mean to place the emphasis, as indicated by italics, thus: ‘I cannot recommend this book *too highly*’? Did he mean to say, in other words, that he did not regard it as a very important or very good book? Or did he mean to place the emphasis upon a different word, thus: ‘I cannot recommend this book *too* highly’, thereby indicating that he thought it a great book?

Curiously however, emphasis, in this case too, is tied in with innuendo. For Werkmeister’s first way of placing emphasis on the sentence written by the reviewer makes the resulting statement into a kind of suggestion or innuendo. By implicature, a respondent, on hearing the sentence spoken in this way, draws the inference that the speaker is conveying the message that he does not regard the book in question as very good or important. Werkmeister’s putting his reaction in the form of a question, ‘Did he mean to say . . . ?’ in Case 4.6, indicates that it is by innuendo that such a conclusion is drawn. It is drawn by implicature as opposed to implication.⁷

So we can’t seem to escape it. The fallacy of accent is more than just ambiguity due to a lack of verbal stress. The fallacy is also connected to some kind of implicature or innuendo that is the vehicle whereby a wrong or misleading conclusion is drawn.

But the cases cited so far may be dismissed by some as verbal quibbles or trivial misunderstandings. Is accent as described so far, really a serious fallacy? The following case from a legal trial, given as an example by Waller [1988, p.

⁷ Grice [1975].

236] indicates that ambiguity caused by verbal emphasis in spoken discourse can certainly be a serious problem or fallacy in argument.

Case 4.7

Accent can sometimes be a matter of life or death. When Annie Dyer was on trial for the murder of her illegitimate child, a nurse who had attended the defendant testified (for the prosecution) that Annie Dyer had asked her: ‘How can anyone get rid of a baby like this?’ This was especially damaging testimony, since shortly after the question was asked Miss Dyer took the child into her bed, where it suffocated. But during cross-examination the defense lawyer (the famous British barrister Edward Marshall Hall) asked the nurse: ‘Did she say how *can* anyone get rid of a baby like this?’ The nurse affirmed that the emphasis had indeed been on ‘can’, which changed the meaning of the question from one which seemed to ask for instruction in carrying out a murder to a question which expressed the mother’s deep affection for the infant and her amazement that anyone could give away such an infant. What had appeared damning testimony for the prosecution became strong evidence of innocence.

In this case, the problem was not produced by a statement, but by the ambiguity of a question. On one interpretation, the question appeared to ask for instructions on how to kill the baby. On the other interpretation, the question expresses amazement that anyone could give away a baby like this. But since which interpretation is more plausible depends on which word is emphasized when the sentence is spoken, the fallacy involved seems to be a genuine case of accent.

This is a serious case, in the sense we can see that the verbal confusion could be a dangerous source of error that could have very significant effects on the outcome of a real question of grave importance.

The well-circumscribed conception of the fallacy of accent defined by Cases 4.2 through 4.7 is a narrow view that represents a clear target for analysis. However, without stretching this view too much, another dimension can be added.

3 WRITTEN EMPHASIS

Once emphasis in a written text, like newspaper headlines and the like, has been brought under the category of accent, the fallacy is easily extended by some

textbooks to include misleading advertising practices. The following pair of cases of the fallacy of accent is from Copi and Cohen [1990, p. 117].

Case 4.8

In advertising such practices are not rare. A remarkably low price often appears in very large letters, followed by ‘and up’ in tiny print. Wonderful bargains in airplane fares are followed by an asterisk, with a distant footnote explaining that that price is available only three months in advance for flights on Thursdays following a full moon, or that there may be other ‘applicable restrictions’.

Case 4.9

Costly items with well-known brand names are advertised at a very low price, with a small note elsewhere in the ad that ‘prices listed are for limited quantities in stock’. Readers drawn into the store but unable to make the purchase at the advertised price may have been deliberately tricked.

In both these cases, the problem is compounded, or the tactic is assisted, by the use of small print. But that does not appear to be the main problem or ‘fallacy’. In the first case, the problem is that certain qualifications are added to the contract or sale. In the second case, the tactic is one of ‘bait and switch’, an advertising practice that has often been condemned, and could be illegal.

These observations could lead us to conclude that, in these two cases, it is not the accentuation that is the fallacy, in itself. Instead accent, in the form of ‘small print’ is used to help support an argument or tactic of advertising that is fallacious, improper, or misleading, for other reasons.

Copi and Cohen appear to be aware of this problem when they even concede that it is not the ‘accented passage’ in itself, in this kind of case, that is the fallacy [Copi and Cohen, 1990, p. 117].

Accented passages, by themselves, are not strictly fallacies; they become embedded in fallacies when one interpretation of a phrase, flowing from its accent, is relied upon to draw a conclusion (e.g. that the plane ticket or brand item can be advantageously purchased at the listed price) that is not correct when account is taken of the misleading accent.

This remark is very interesting, because it suggests that accent (presumably like equivocation and amphiboly) requires an ambiguity or dual interpretation,

plus a plausible inference in which a conclusion is drawn by a respondent from one interpretation. Thus the accent in the passage is not the fallacy, in itself. It is part of an argument framework which exists in a given case. Then the accentuation is somehow combined with this argument framework to deceive a respondent (readership or audience) to draw a plausible conclusion by means of an inference that is misleading and incorrect.

Here we seem to be getting closer to the heart of accent as a fallacy. It seems to work by some sort of Gricean implicature drawn by the respondent. The ambiguity is exploited by the proponent to set up a kind of trap, baited by accentuation of a sentence (in context). Falling into the trap, the respondent draws the ‘wrong’ conclusion, and acts accordingly. But when taken to task later, the proponent can disclaim responsibility for the error by saying that the respondent did not read the ‘small print’ disclaimers. He can in effect accuse the respondent of committing a fallacy of neglecting qualifications (*secundum quid*).

Whether the accentuation is produced by verbal stress or written, say, in the form of italics or large print, does not make much of a difference to the fallacy of accent. However, some care is needed at this point.

The use of misleading headlines is frequently cited as a case of the fallacy of accent in the textbooks. Headlines are in bold print and larger type, for example, suggesting that the fallacy is one of stress in written form. But that is not the only problem with the use of headlines that might make us want to classify them as misleading or deceptive. Headlines frequently encapsulate or summarize a long story in an eye-catching way that is ambiguous and highly misleading. It is an established custom, indeed, for editors to purposely create headlines that are highly misleading or even ironic, just to grab the reader’s attention. Here we are on the borderline of the fallacy of wrenching from context.

But wrenching from context is more than just stressing certain words in a sentence, either verbally or in writing, to engender ambiguity and innuendo. It is a contextual matter of placement of an argument in a context of dialogue. It seems a more substantive matter of balance and relevance in a dialogue, as opposed to a fallacy ‘within language’. Here then, the texts take a giant step down Hamblin’s slippery slide.

4 WRENCHING FROM CONTEXT

Many textbooks include wrenching from context under the heading of the fallacy of accent. For example, according to Damer [1980, p. 16], the fallacy of accent ‘is sometimes committed by lifting portions of a quotation out of context

in such a way as to convey a meaning not intended by the person quoted'.

The fallacy of accent may also occur when the meaning of a statement is distorted by its removal from the proper context, or when the point of view presented in a speech, an essay, or a book is misrepresented in a subsequent discussion by the omission of, or disregard for, the proper balance and context of the original statements.

A good example that shows how this works is given by Adams [1954, p. 97]. In this case, a publisher who is promoting a book gives the following glowing account, quoted from a book review.

Case 4.10

. . . a clear and compelling book on the Middle East . . . particularly welcome and valuable . . . ideas on what should be done are . . . inspiring.

However, when you look at the whole review, the evaluation of the book appears to be quite different.

What he has written is a kind of *Middle East Confidential*, with lurid adjectives tossed around like confetti. . . . The book is a treasure trove of the New Yorker's 'Block That Metaphor' department. . . . This is all the more unfortunate because a clear and compelling book on the Middle East, one that reached and stirred a broad public, would be particularly welcome and valuable. . . . The author's own ideas on what should be done are hardly inspiring.—Richard Hanser's review of Ray Brock's *Blood, Oil and Sand*, World, in *The New Leader*, XXXV, 20 (May 19, 1952), p. 23.

This practice of selectively quoting reviews to promote a book is a common one among publishers. It is not unreasonable up to a point, because the reading public knows that the publisher is trying to promote the book, and is therefore a partisan advocate. However, as this case shows, selective quotation can be carried too far.

Copi and Cohen [1990, p. 116] offer a similar example of selective and misleading quotation of a critic's review in a publisher's 'blurb' used to advertise a book. You might wonder how the textbooks made the leap from the narrow construal of the fallacy of accent as shift of meaning due to emphasis on a word, to quotation of a whole passage out of context. A clue is given in Copi and Cohen's account [1990, p. 116].

Accent is sometimes deliberately used in a seriously damaging way in quoting an author or document, by inserting (or deleting) italics to change the meaning of what had originally been written. Or, construing the Fallacy of Accent more broadly, distortion may be produced simply by pulling a quoted passage out of its context.

Here we see the leap made from inserting or deleting italics on a word, to wrenching selected parts of a passage of discourse out of context.

In the cases offered by Adams [1954] and Copi and Cohen [1990], the wrenching from context is really a fallacy of improper quotation of a source. Thus the fallacy here is really related to the *ad verecundiam* fallacy of improper quoting, which can be a form of improperly rendering an expert opinion or authority (or authoritative source) in argumentation. DeMorgan [1847, p. 185] warned of subtle changes of emphasis in the quoting of sources: ‘Omissions of context, preceding or following the quotation, may alter its character entirely: and this is one of the most frequent of the fallacies of reference, both intentional and unintentional’. Despite DeMorgan’s extensive treatment of the proper citing of sources, there is no evidence that he linked this fallacy to accent, or classified it under the heading of the fallacy of accent.

It seems then that wrenching from context presents us with a classification problem. It is an important fallacy in its own right, but should it come under the fallacy of accent, as a subspecies? Or is it more properly classified as a species of *ad verecundiam* fallacy?

Even more confusion on this point of classification is evident when we see that some textbooks classify what appears to be the same fallacy as ‘suppressed evidence’. According to Hurley [1991, pp. 148– 149] one form of the fallacy of suppressed evidence is committed by arguers who . . .

Case 4.11

. . . quote passages out of context from sources such as the Bible, the Constitution, and the Bill of Rights to support a conclusion that the passage was not intended to support. Consider, for example, the following argument against gun control:

The Second Amendment to the Constitution states that the right of the people to keep and bear arms shall not be infringed. But a law controlling handguns would infringe on the right to keep and bear arms. Therefore, a law controlling handguns would be unconstitutional.

In fact, the Second Amendment reads, ‘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’. In other words, the amendment . . .

Hurley thinks that because a law controlling handguns would have little effect on the preservation of a militia, once you read the quotation from the Constitution in context, you can see that it gives little or no support to those who are against any law controlling handguns as unconstitutional. Such a selective misuse of quoting the Constitution is classified by Hurley as an instance of the fallacy of suppressed evidence [Hurley, 1991, p. 148], the ignoring of ‘some important piece of evidence that outweighs the presented evidence and entails a very different conclusion’.

Is suppressed evidence really a fallacy in its own right? Some textbooks would classify the cases Hurley includes under this heading as instances of *secundum quid* (neglecting qualifications), hasty generalization, or accident. As noted above, examples like Case 4.11 above involve improper or misleading quotations from a source text (often meant to be an authority to back up an argument), which many texts would classify under the *ad verecundiam* fallacy.

The general description of suppressed evidence as a fallacy also makes it hard to distinguish from another so-called fallacy, that of special pleading or bias. Bias is also characterized by suppressing evidence on one side of a case to give a one-sided or slanted point of view in argumentation.⁸

Yet another problem with suppressed evidence as a claimant to fallacy status is that in some cases partisanship, only presenting evidence on one side of a disputed question, is perfectly appropriate (i.e. nonfallacious). For example, an attorney pleading a case in court, or a salesman selling a product, are cases where we expect a one-sided presentation, and failure to present the case, or a full case, for the other side, should not (in general) be categorized as fallacious. One is not always required to present ‘the whole truth’ in argumentation, and a failure to do so should not be classified *holus bolus* as fallacious.

Wrenching from context as a fallacy comprises both suppression (or at any rate, omission) of evidence or argumentation in a text of discourse, and also distortion of that text by selectively presenting only the parts that favour one’s own conclusion or interpretation. It seems that wrenching from context involves a kind of accentuation that is more like bias, of a kind often cited as fallacious in the textbooks under the headings of special pleading or half-truth, presenting only one side of a disputed issue.

⁸ Blair [1988].

By this extension, which appears difficult to resist, we have taken yet another giant step down Hamblin's slippery slide. We are now using the concept of emphasis (accentuation) to comprise not merely verbal or written stress on a word or phrase. It has come to comprise 'emphasis' in the sense of selectivity of presenting evidence, information or argumentation in a context of dialogue.

5 SPECIAL PLEADING

According to Robinson [1947, p. 191], the fallacy of accent has been extended to take in the fallacy of special pleading, which Robinson defines as, 'emphasizing the parts of a subject matter or those arguments for or against a theory which are favourable to your own position, and omitting the parts which are unfavourable to it'. The following example is given [Robinson, 1947, p. 191].

Case 4.12

Recently, I heard a well-known socialist lecturer deliver an address on the Puritans in which he emphasized to the extreme their *vices*, and omitted altogether their *virtues*. This is vicious special pleading. It is a characteristic device of the demagogue, the propagandist, the religious sectarian and the partisan politician. Perhaps the best definition of special pleading would be: Telling that part of the truth which is favourable to your own position and that part which is unfavourable to your opponent, and keeping as mum as an oyster about that part of the truth which is unfavourable to your own position and that part which is favourable to your opponent. This wily method of lying is the modernized form of the fallacy of accent.

What is described here is really partisanship in argumentation, or pressing for one point of view only, to the exclusion of the opposed point of view. It could perhaps also be called bias in argumentation.

Parker and Veatch [1959, p. 68] also define special pleading as a subspecies of the fallacy of accent.

Another form of accent is known as *special pleading*. This consists in an exclusive emphasis upon the points which are especially favourable to the speaker's or writer's own case at the expense of those which are unfavourable.

At least their definition of special pleading seems to accord pretty well with the account of it given by Robinson.

It is hard to see how what is described as special pleading is a fallacy, for partisanship (or bias) is not always wrong or inappropriate in argumentation (much less fallacious).⁹ But even despite this problem, it is not clear exactly why special pleading, whatever it is, a fallacy or occasional deficiency of some sort, should be categorized under the heading of the fallacy of accent, instead of being a separate category in its own right.

A clue, however, is given in Schipper and Schuh [1959, p. 52], also quoted by Hamblin [1970, p. 25].

The fallacy of *special pleading* or *half-truth* may be considered a distinctive kind of illegitimate accent. For if one emphasizes only those circumstances favourable to his own case, and conveniently forgets the unfavourable circumstances, he is wrongfully accenting or stressing only part of the truth. It must be admitted that special pleading is the stock in trade of the legal profession. One wonders indeed how an attorney, especially one who pleads his cases in court, could possibly build a successful practice without persistently and cleverly resorting to this fallacy.

It seems that the fallacy here is considered a species of accent because the arguer is ‘wrongfully accenting’ by ‘stressing only part of the truth’. So, supposedly, it is like wrenching from context where the parts of a discourse that don’t favour your interpretation are omitted.

Hamblin [1970, p. 25], evidently exasperated that the original fallacy of accent has been stretched this far, only comments, ‘We have come a long way since Aristotle’. Certainly once the fallacy of amphiboly has been so broadened, it would become highly questionable any more to classify it as a fallacy within language. Robinson [1947, p. 191] admits that so conceived, it would be a material, as opposed to a verbal fallacy.

The problem with the so-called fallacy of special pleading (or half-truth) is that it is difficult to distinguish between it and what might be called legitimate partisanship. In the quote from Schipper and Schuh in Hamblin [1970, p. 25], it is ‘admitted’ that ‘special pleading is the stock in trade of the legal profession’. But this poses a very important problem in identifying such a fallacy. For the whole framework of pleading a case in court is an adversary system. The lawyer who pleads a case is supposed to build up the strongest case for her own side,

⁹ Blair [1988].

to meet the burden of proof required to win the case. The job of the trial lawyer is not to build up a balanced case that fairly brings forward all the strongest arguments on *both* sides. Instead the labour is divided between the sides for the defence and the prosecution.

So it is somewhat naive to accuse lawyers of ‘persistently and cleverly’ resorting to the fallacy of special pleading, in pleading a case in court. For ‘special pleading’, so to speak, is what the lawyer is supposed to be doing. It is her proper job, and should hardly be described (at least generally) as a fallacy.

In fact, special pleading could also be described as bias (one-sidedness, partisanship, etc.). But as Blair [1988] has convincingly argued, there is good bias and bad bias. Sometimes bias, or presenting only one side (selectively) of a disputed issue, is acceptable partisanship, because that is what the arguer is supposed to be doing. In other cases however, bias can be a critical failure, a negative quality in argumentation, where the one-sidedness is illicit and misleads, or is not supposed to be what one is doing.

So if special pleading is bias, the problem is posed of how to judge between good (acceptable) bias and bad (unacceptable, critically faulty) bias. This is essentially the same as (or at least very closely related to) the problem of judging when in fact special pleading is a fallacy, in a given case.

Recent attempts to define bias in argumentation [Walton, 1991a] have taken the line that bias is not itself a fallacy, and that the question of whether an argument is biased is a kind of judgement best made on the basis of the type of dialogue (conversation) that the participants in argumentation are supposed to be engaging in. If this approach is right, it raises a lot of critical questions on whether special pleading is a fallacy in its own right. Such would-be fallacies as special pleading, half-truth, and suppression of evidence may be better dealt with under the category of bias, instead of just assuming that bias of any sort is fallacious *per se*. It should not be just taken for granted that these so-called fallacies really do represent fallacious arguments in every case, as the textbooks appear to be doing. We need to be much more sensitive to the problem that bias is not only very difficult to *prove* in a given case. It is even difficult (and highly problematic) to define what bias is.

6 BORDERLINE CASES

Jevons [1883, p. 167] cited an example that has since appeared in many of the logic textbooks.

Case 4.13

In Chapter XIII of the First Book of Kings, verse 27, it is said of the prophet, ‘And he spake to his sons, saying, Saddle me the ass’. And they saddled *him*.

But this case does not seem to be a fallacy in the sense of a wrong argument. It is an imperative that is interpreted in a funny way, perhaps meant to be a joke. Moreover, it does not seem to be a case of a serious fallacy or deceptive argument that would actually be a danger in fooling anyone.

However, Jevons adds [1883, p. 167] that the italics on *him* indicate that this word was supplied by the translators. What he is suggesting then would appear to be that the problem is that the translators made the passage into a joke by wrongly interpreting the passage. But if this is what Jevons is proposing, then he has broadened the fallacy of accent to include cases of misleading or incorrect emphasis (by italicizing, in this case) when translating discourse from one language to another. But this is probably stretching accent too far. For it would not appear that problems in translating from one natural language to another are a common or appropriate subject of concern to be treated under the heading of fallacies.

This case is also cited by Latta and MacBeath [1956, p. 378], and is quite a common example in those texts that treat the fallacy of accent. However, if it is a fallacy at all, it seems more like an instance of amphiboly, due to the ambiguous sentence structure of ‘Saddle me the ass’.

Another example classified as accent by Fischer [1970, p. 272] is a case of a misleading sentence.

Case 4.14

Captain L—had a first mate who was at times addicted to the use of strong drink, and occasionally, as the slang has it, ‘got full’. The ship was lying in a port in China, and the mate had been on shore and had there indulged rather freely in some of the vile compounds common in Chinese ports. He came on board, ‘drunk as a lord’, and thought he had a mortgage on the whole world. The captain, who rarely ever touched liquors himself was greatly disturbed by the disgraceful conduct of his officer, particularly as the crew had all observed his condition. One of the duties of the first officer [i.e. the mate] is to write up the ‘log’ each day, but as that worthy was not able to do it, the captain made the proper entry, but added: ‘The mate was drunk all day’. The ship left port

the next day and the mate got ‘sobered off’. He attended to his writing at the proper time, but was appalled when he saw what the captain had done. He went on deck, and soon after the following colloquy took place:

‘Cap’n, why did you write in the log yesterday that I was drunk all day?’

‘It was true, wasn’t it?’

‘Yes, but what will the owners say if they see it? ’T will hurt me with them.’

But the mate could get nothing more from the captain than ‘It was true, wasn’t it?’

The next day, when the captain was examining the book, he found at the bottom of the mate’s entry of observation, course, winds, and tides: ‘The captain was sober all day’. (Charles E. Trow, *The Old Shipmasters of Salem*, New York, 1905, pp. 14–15).

The problem in this case is that even though the mate’s statement was true, anyone who would read it in the log would draw a Gricean implicature that the captain was normally, or at least very often not sober, during the course of the voyage. This same case is mentioned more briefly by Copi and Cohen [1990, p. 117] under the fallacy of accent.

But is this case really an instance of the fallacy of accent? It is certainly not accent in the sense of verbal emphasis, but appears closer to wrenching from context (although it’s not quite the same thing as that either). More than any of these perhaps, it seems to be a case of innuendo which exploits our normal expectations or presumptions in a given context.

Some textbooks (as noted in Section 3 above) cite misleading newspaper headlines and titles of magazine articles as instances of the fallacy of accent, because an unusual stress may convey a misunderstanding. Damer [1980, p. 17] offers two examples of this type of accent fallacy.

Case 4.15

Several months after the death of Aristotle Onassis, one magazine used the following title for one of its articles: TEDDY CONFIRMS RUMOUR: JACKIE WILL BECOME A KENNEDY AGAIN. The title could lead readers to the conclusion that Senator Kennedy would be divorcing his wife, Joan, and marrying Jackie Onassis.

To enforce this interpretation, the front cover and the article each carried a picture of Ted and Jackie in a tender pose. However, the article simply suggested that the Kennedy clan still considered Jackie to be a part of their larger family.

Case 4.16

Suppose the following headline were printed in your local newspaper: **BILLY GRAHAM FAVOURS HOMOSEXUALS**. The headline might lead one to infer something about Reverend Graham's sexual interests, whereas the article might be simply an item from an interview in which Graham said that he saw no reason why repentant homosexuals should not be ordained into the ministry.

One can see the general point here. Headlines are often misleading. But is the problem in this pair of cases really the fallacy of accent? The first case seems to turn on the ambiguity of the phrase 'become a Kennedy again', making the fallacy, if anything, one of equivocation (or perhaps amphiboly). The second case seems more like a fallacy of overlooking qualifications (*secundum quid*) in reporting a claim in a misleading way.

One can see how accent is involved in both cases, however. In the first case, the ambiguity in the sentence is exploited by being taken out of context. In the second case, the use of the headline is a kind of wrenching from context that generates a misleading conclusion by suppressing evidence, distorting what Graham actually said.

One aspect of context that influences how a sentence is interpreted is the actual situation, the known or observed situation in which the sentence was put forth. A good example of this type of case was given by Hackett Fischer [1970, p. 272].

Case 4.17

Adlai Stevenson liked to tell a tale upon himself, which involves the fallacy of accent. During the 1956 presidential campaign he arrived at a Chicago airport to find a shouting mob waiting for him. In the front rank was an immensely pregnant lady, carrying a large sign reading '**STEVENSON IS THE MAN**'. (Kenneth S. Davis, *The Politics of Honor: A Biography of Adlai Stevenson*, New York, 1967, p. 363).

The sentence on the sign is normally taken to have one meaning in the given context of an election campaign, but in the actual circumstances, once we are told who is carrying the sign, the sentence takes on quite a different meaning.

This case could also perhaps be classified as amphiboly, on the grounds that the whole sentence is ambiguous. What appears to merit its being classified as accent is the influence of context.

A little reflection indicates, however, that amphiboly and accent can be essentially tied to each other in some cases. For a grammatically ambiguous sentence could be pronounced (or emphasized when spoken) one way or the other, producing a misleading implicature. Ruby [1950, p. 57] even identifies a particular subcategory of the fallacy of accent he calls ‘the incorrect interpretation of amphibolous sentences’. In such cases then, both accent and amphiboly could legitimately be involved as fallacies in the same case.

We could perhaps have resolved the problem of classification posed by Case 4.13 by ruling that normally it would be a case of amphiboly. However, if the ambiguity, or the misleading implicature made possible by the ambiguity, is produced or promoted by the way the sentence ‘Saddle me the ass’ was pronounced, or the words in it were emphasized, then it can be classified as an instance of the fallacy of accent.

It is even possible, as Ruby suggested, that some cases could legitimately combine both the fallacies of amphiboly and accent. Such dual cases of fallacy overlap, provided they are not problematic, or perhaps very common and difficult to disentangle, need not be conclusive evidence of any deficiency, or inappropriate vagueness, in the analysis or definition of either fallacy.

Amphiboly and accent are similar as fallacies, in key respects. Both are based on ambiguity of a sentence, and both involve the hearer of the sentence somehow selecting the wrong interpretation of the ambiguous sentence, and drawing a faulty, incorrect, unjustified, or unintended conclusion from it, using implicature. However, of the two fallacies, amphiboly seems to be on a better footing. At least grammatical ambiguity is a relatively clear univocal, and coherent concept that can serve as the basis for an analysis. In contrast, the concept of accent, clear enough when it means verbal or written stress in how a sentence is pronounced, or how the words are emphasized, becomes much more heterogeneous and less clear, when ‘emphasis’ is stretched so far as to include bias and wrenching from context.

7 IDENTIFYING THE FALLACY

The key problem with accent is one of identifying the fallacy. Even prior to the problem of evaluation—of giving precise criteria to determine when the given type of argument is fallacious or not—there exists a problem of identifying the

type of argument to be evaluated.

This problem of identification is also serious with respect to some other fallacies. The *ad baculum* is a good case in point. Some texts [Hurley, 1991, p. 112] define an *ad baculum* argument as an appeal to a threat, requiring the existence of a threat to identify the argument in question as a genuine *ad baculum*. Other texts (the majority, it seems) include scaremongering and intimidation tactics as instances of the *ad baculum*, even where a threat has not been made by the fallacy perpetrator.

With accent, the problem is that the fallacy has evolved historically from the very narrow characterization of it conveyed by Aristotle's treatment to the very broad and inclusive account of it adopted by many of the current logic textbook treatments. The problem is one of how to define accent, whether as a narrow type of fallacy that would be truly 'within language' and a more simple and homogeneous type of failure, or as a more inclusive type of fallacy that would mix several heterogeneous faults in one bag, and go 'beyond language' at key points, but that would definitely not be a trivial kind of error in argumentation. The narrower account makes accent easier to analyse and evaluate, but the broader account makes it seem much more impressive, as a substantive and seriously deceptive fault of argument, well worth careful and extensive study.

The problem, however, with defining accent in the more inclusive way is that it seems to lead to a mix-up of categories. If you include wrenching from context and special pleading under the category of the fallacy of accent, it seems to make accent a species of bias. Bias is a very important type of failure of critical argumentation, well worth investigating as a major item of study in informal logic. But bias is not a fallacy, *per se*. Or is it? Judging by the preponderance of texts in the standard treatment of fallacies, at any rate, bias is not usually listed among the major fallacies featured by the texts. These questions lead to serious problems, even confusions of categorization, no matter which way we try to answer them. If bias is included as part of accent, then we have the problems of defining bias, and of answering the questions of whether bias is a fallacy, and how bias relates to fallaciousness. These are clearly difficult and substantive questions in their own right.¹ And because of that, our attempts to define accent in a clear and precise way, so that students can identify it when it occurs, are thrown into uncertainty and confusion.

It's not that the inclusive definition of accent as a fallacy should be rejected out of hand. But one needs to realize the difficulties it involves.

The problem then, is to choose the narrower or more inclusive definition of

¹ Walton [1991a].

accent, or at least to draw a clear and defensible line somewhere between the two conceptions, so that students can be clear about what it is they are supposedly evaluating.

The problem here is one of individuating fallacies. In practice, this is a difficult job because examination of real cases in everyday discourse often shows that two or more traditional fallacies are combined in a single case. A good example is the type of case cited by DeMorgan [1847, p. 281] where an expert opinion is distorted in argumentation by selective quotation of what the expert said. This type of problem is normally dealt with under the heading of the *ad verecundiam* fallacy, but it definitely also has elements of the fallacy of accent (on the broad definition, which includes wrenching from context).

It turns out to be common that two or more of the traditional fallacy types can be combined in a single case. And this, in itself, is normal, and often quite acceptable, casting no negative light on the definition or analysis of the fallacies involved.

But it is a problem for students who are supposed to be using the fallacy categories to evaluate real argumentation. They must at least have some clear and practically useful identification criteria to enable them to tell whether the argument they are trying to evaluate is an instance of fallacy *x* or fallacy *y*, or both. When such cases of multiple identification occur without there being criteria to sort them out, it is very confusing and discouraging to students who are supposed to be evaluating a given case as fallacious or not, by means of some clear and objective guidelines. Hence, identification of fallacies is a very important problem that is an initial requirement for the successful evaluation of a fallacy.

With accent, this problem of identification is especially in the forefront of making progress in working towards the larger project of dealing with this fallacy. It could even suggest grounds for throwing ‘accent’ out as a category of fallacy. For example, we could replace accent by more specific names of fallacies like ‘misleading stress in pronunciation’, or ‘wrenching from context’. Or we could call the former ‘accent’, but not the latter. Whatever the outcome, clearly some sort of reform is needed. For the existing textbook treatments are not consistent with each other, and this in itself is a severe problem for students and instructors alike.

The most obvious way of attempting to solve the problem is to restrict the fallacy of accent to the kinds of cases of misleading ambiguity due to verbal or written stress, as studied in Sections 2 and 3. We did see, especially in Case 4.7, that this type of argumentation represents a significant and serious fallacy in its own right. To make this solution work, we will have to carefully deal with a number of borderline cases like Cases 4.8, 4.9, 4.13, 4.14, and 4.15. But the

discussions of these cases above has already given some good indications of how they can be excluded as proper instances of the fallacy of accent, or otherwise explained.

8 THE FIRST SOLUTION

One's first reaction, having studied what is in the textbooks under the heading of accent, and having encountered Hamblin's interpretation that the treatment of accent since Aristotle has been a 'slippery slide', is to adopt the conclusion that the fallacy of accent has been stretched way beyond its proper boundaries. For after all, accent was categorized by Aristotle as a fallacy 'within language', and phenomena like wrenching from context and special pleading, while they may be failures of correct emphasis in some sense, go beyond language. They do not seem to be fallacies purely within language.

One's conclusion at this point then is to adopt the view that the fallacy of accent has been stretched too far to include things that are, to a large degree, outside the proper boundaries of accent as a clearly definable and homogeneous fallacy. This solution to the identification problem is to exclude wrenching from context and bias (or special pleading) as coming under the category of accent. Although wrenching from context is, to some extent, a linguistic fallacy (relating to the wording of how a claim is expressed or conveyed), it also appears to go beyond purely verbal considerations insofar as it is a contextual matter, a question of balance and judgement that goes beyond purely verbal or linguistic considerations. Special pleading or bias is sometimes a matter of wording, or of the connotations of words chosen to make a claim. But often it is not a purely linguistic matter, and has to do with how a case is presented or argued generally, for example, if it is a one-sided presentation that unfairly excludes relevant evidence supporting the other side.

On the narrow construal of the fallacy of accent, equivocation, amphiboly and accent are closely grouped, and are all fallacies within language. This is so because, in all three fallacies, the fallacy arises through an ambiguity in discourse (written or verbal), which is the basis of some incorrect inference that is drawn, and obscured or confused by the ambiguity. In each case, the mechanism, or cause of the problem is different. With equivocation, it is the ambiguity in the meaning of a key term or phrase. With amphiboly, it is the structural ambiguity of a sentence. With accent, it is the ambiguity of different ways of emphasizing a term or phrase in spoken (or written) discourse. But the basic, underlying structure of the fallacy—the ambiguity making possible two or more

inferences to be drawn, one of which is illegitimate, misleading, or incorrect—is the same in all three fallacies. They are all three, fallacies that arise through ambiguity in language.

On the broad construal of the fallacy of accent however, accent is different from the other two. Accent, broadly interpreted, means selectivity and bias in presenting an argument, including wrenching from context and so-called special pleading. These problems or ‘fallacies’ (if they are fallacies), do not arise simply from the ambiguity of a word or phrase in natural language (or some erroneous inference drawn through such an ambiguity). They are contextual in nature, and encompass the much broader question of selectivity, suppression of evidence, fairness, and balance in presenting a case on an issue that has two sides. This is a much broader, and in many ways, a different type of problem.

Construed in this broader way, accent becomes much more contextual as a type of fallacy, and it becomes much less evident that it should be grouped with equivocation and amphiboly, and classified as a fallacy that is (at least wholly) within language. It is now as much or more of a contextual (pragmatic) fallacy than a purely verbal (semantic, syntactic, or phonetic) fallacy.

Of course, it could be contended that equivocation and amphiboly have contextual, pragmatic aspects as well, when broadly defined. But even so, the fallacy of accent becomes so outstandingly contextual when construed inclusively, that it tends to stand apart significantly from equivocation and amphiboly. Insofar as bias and context of dialogue in an argument are not purely verbal or linguistic in nature, but more substantive (or perhaps more pragmatic and dialectical) in nature, accent seems to burst out of its categorization as a fallacy within language, on the broad construal of it as a fallacy.

The evidence so far then, seems strongly in favour of drawing the line at the narrow conception. But there is a serious hitch in making this solution work.

You might say that bias (slanting, special pleading) is a substantive factor in argumentation generally, and is not therefore ‘within language’. However bias is partly linguistic, and could be described in some cases as linguistic or ‘within language’.

Adams [1954] emphasizes that an important skill is the ability to recognize and deal with *slanted discourse* that uses connotative, emotional and pictorial wording that only creates a ‘bubble of illusion’ of rationality [1954, p. 114]. Adams gives the following example of slanted discourse [1954, p. 114].

Case 4.18

Next, our double-dealing and all-mixed-up little tin saint . . . worked against the Brannan Farm Plan: aimed to end the crazy and un-

Christian destruction of food, and guaranteeing farmers a fair price for producing it.

Adams suggests that the slanted discourse needs to be rephrased into plain language. In this case, the proposed reconstruction needs to remove the presumption that the Senator's stance was undesirable [1954, p. 114]: 'Next, the Senator opposed the Brannan Farm Plan, which aimed to end crop-control measures and yet guarantee farmers a fair price'. In this kind of case, we can see that slanted discourse is problematic, or can be misleading, because the bias or special pleading for a cause is hidden in the language used.

However, not all bias is purely linguistic, and Adams himself admits [1954, p. 117] that techniques of slanted discourse includes 'emphasizing certain facts and de-emphasizing or distracting from others', as well as employing terms that are rich in connotations evoking emotional responses.

The problem with the fallacy of wrenching from context is that it appears to be a legitimate, and very important fallacy in its own right, more closely related to the straw man fallacy, perhaps, than to the fallacy of accent. Wrenching from context occurs when you are reporting on, or summarizing someone else's point of view or position, as expressed in some text of discourse where the party in question has expressed her point of view or position in an extensive fashion. Typically, such a text would be comprised of a connected sequence of argumentation containing qualifications and reservations, as well as considerations *pro* and *contra*, giving the argument as a whole a holistic balance and perspective. The fallacy of wrenching from context occurs where a selective quotation or presentation of elements of that text is used to distort or unfairly represent the position expressed by the argumentation in the original text.

The fallacy of wrenching from context, as the name rightly implies, is basically a contextual, or what is now called a pragma-dialectical type of fallacy, meaning that it has to do with the interpretation of an arguer's point of view as expressed in a context of discourse. In other words, it is not a fallacy that relates only to a very small set of premises and a conclusion in isolation from the context of the broader conversation in which that local (or smaller) argument was put forward. When dealing with this fallacy, you are dealing with larger chunks of text, and with questions of how that text is to be interpreted.

Thus it is clear that the fallacy of wrenching from context has a lot more in common with fallacies like the straw man fallacy, that concern the fair interpretation of an arguer's position, than with the accentuation of words in a single sentence (abstracted from broader matters of context and interpretation in an extensive discourse).

We can certainly see from even the simple kinds of cases offered by the textbooks that the fallacy of wrenching from context is a serious fallacy in its own right. It takes little argument to be convinced that wrenching from context is not only a common kind of argumentation, but that it is a source of deception in argument well worth knowing about, and being on guard against.

But like bias, wrenching from context is hard to separate absolutely from accent, even though the problem is here less acute perhaps. For in some instances, newspaper headlines combine accentuation (in the form of large letters and the like) with wrenching from a broader context of discourse.

These considerations lead us to a second solution to the problem of identification: recognize that the fallacy of accent is connected to bias and wrenching from context in some cases, but do not include all cases of bias and wrenching from context under accent. This solution is to include bias and wrenching from context under accent only if the bias or wrenching is due to ambiguity in a word or phrase caused by verbal or written stress. On this account bias and wrenching from context are distinct from the fallacy of accent.

9 INNUENDO AND IRONY

So far so good. If bias and wrenching from context are best viewed as substantial categories in their own right, we can draw the line at the narrow conception of accent, and stop the slippery slide. But as we saw in Sections 2 and 3 above, innuendo is another concept that is very closely bound up with the fallacy of accent. The problem here too is that innuendo also seems to be a separate concept in its own right. Some textbooks, e.g. Damer [1980, p. 19], even define ‘argument from innuendo’ as a fallacy. What should we say here? Is innuendo an essential part of the fallacy of accent or, like bias and wrenching from context, is it only something that is occasionally or accidentally tied to accent?

One way out would be to define the fallacy of accent (narrowly) as ambiguity arising from verbal or written stress in a sentence in an argument. But is ambiguity in itself a fallacy? Or even more generally, is ambiguity in argumentation generally a bad thing that contravenes the conversational maxims governing argumentation in natural-language discourse? Reviewing this issue from chapter one, we see that, perennially, two points of view tend to emerge. On the *pro* side, we find the Gricean Maxim of Manner under the supermaxim ‘Be perspicuous’, the submaxim, ‘Avoid ambiguity’. [Grice, 1975, p. 67].¹¹ On the

¹¹ This Gricean maxim is changed by van Eemeren and Grootendorst [1992, p. 52] to the commandment ‘Be clear’. According to their account this does not mean that the speaker must be com-

contra side, we find the principle often stated in logic textbooks that ambiguity is not *in itself* a bad (or fallacious) thing in everyday discourse, and that it is bad (or fallacious) only if confusion or incorrect argumentation arises from the ambiguity.¹ This point of view is based on the observation that many terms are ambiguous in natural language, and that is not a problem unless the ambiguity somehow leads to misunderstanding.

This issue of whether ambiguity is itself fallacious is a significant conflict of opinions affecting all the fallacies inside language, and it has not yet been resolved. The best way to proceed, judging from the discussion in chapter one, is to assume that we can't operate on the presumption that ambiguity is itself fallacious, or a sufficient indicator of a faulty or erroneous use of argumentation in a given case.

This assumption fits in with our analysis so far of Cases 4.2 through 4.9, where it was not the ambiguity of the accentuated sentence that was the whole fault that led us to classify these cases as instances of the fallacy of accent. The problem in these cases was that one way of stressing words in the sentence would lead a respondent to interpret the sentence in a literal, or straightforward way. But another way of stressing words in the sentence gave rise to an innuendo or irony, whereby the respondent is led to draw, by Gricean implicature, a different conclusion. The fallacy, presumably lies in the escape from commitment permitted to the proponent, who can always say to the respondent, when accused of asserting the conclusion drawn by implicature, 'Oh, of course I didn't really mean to say that. I didn't say that at all!' The fallacy is not just the ambiguity, nor is it just the innuendo (or irony). It is the use of ambiguity and innuendo to evade commitment, and to evade the fulfilment of proper burden of proof in putting forward an argument.

Another important factor here is that implicature, innuendo, and irony should not generally be presumed to be fallacious. Grice [1975] has given many examples of implicature, which could also be said to involve innuendo or irony. Yet we would not call these cases fallacious *per se*.

In an interesting remark, DeMorgan [1847, p. 291], linked irony with the fallacy of accent. According to DeMorgan, the use of irony 'as a weapon' in argument 'depends entirely upon the manner in which the question shall be settled how far irony is allowable'. DeMorgan thought that in a case where irony is allowable, a sarcasm that would otherwise be a fallacy of accent may be permitted. Then he went on to observe that there is a close link generally between

pletely explicit, but it does mean that 'he must not make it impossible, or all but impossible, for the listener to arrive at the correct interpretation' [1992, p. 50].

¹ Robinson [1941].

irony and the fallacy of accent, giving a case to illustrate his point [DeMorgan, 1847, p. 291].

Case 4.19

But I may here observe, that irony itself is generally accompanied by the *fallacia accentus*; perhaps cannot be assumed without it. A writer disclaims attempting a certain talk as above his powers, or doubts about deciding a proposition as beyond his knowledge. A self-sufficient opponent is very effective in assuring him that his diffidence is highly commendable, and fully justified by the circumstances.

Irony, in a case like this, which works indirectly through implicature, should not be categorized *per se* as fallacious. As DeMorgan quite rightly judges, whether such a use of irony is fallacious depends very much on the context of dialogue of the case.

But what about innuendo? Is that a fallacy *per se*? It may be, because innuendo is a way of indirectly putting a conclusion forward by letting a respondent draw it himself, by implicature. As such, it is a way of escaping firm commitment, and is, quite often and typically a way of evading fulfilment of burden of proof.

Parker and Veatch [1959, p. 68] explicitly include innuendo in verbal discourse as a form of the fallacy of accent. Fearnside and Holther [1959, p. 163] give an example of what they call the fallacy of ambiguous accent, which also appears to be a case of innuendo.

Case 4.20

Consider how an actor, reading Mark Antony's funeral oration, can vary his inflection to change 'But Brutus is an honourable man' from apparent sincerity to open sarcasm.

This is innuendo because the actor, or the character he portrays, is saying one thing explicitly, but quite a different proposition (in fact, the opposite) can be drawn from it by the audience by implicature. Thus the speaker could deny later, if questioned, that he asserted that Brutus is not an honourable man. It is irony, and also innuendo.

Innuendo, however, is surely different (in general) from the fallacy of accent. But you can see in this case that the two are connected, because the ambiguity (irony) which is the basis of the innuendo, is produced by verbal inflection (emphasis) in spoken language.

You can see how accent comes into this case, because it is the inflection or pronunciation of the sentence (especially in the context of the whole speech, with its heavy overtones of irony) that is the vehicle of the innuendo. It does seem that, at least in this case, accent and innuendo are legitimately connected.

Case 4.20 is a tricky one, because to see what's really going on, you have to look at Antony's funeral oration as a whole to see how Antony is using the sentence 'Brutus is an honourable man' over and over again in the speech, as a way of using irony to actually cast doubt in the minds of the audience on whether Brutus is really an honourable man. It is a use of innuendo to mount an *ad hominem* attack against the trustworthiness of Brutus, suggesting that Brutus may have taken part in the murder for his own political gain. Although accent is involved here (in the way the sentence is read or intoned by the actor portraying Antony), that is not the whole of the fallacy, or the critical problem. The main problem is that Antony is conducting a campaign of innuendo against Brutus in the speech. He is covertly saying, using irony, that Brutus is guilty, to the audience. Yet on the surface, in his actual wording, he is not committing himself (overtly) to that message at all. Indeed, he appears to be saying quite the opposite thing.

No matter how we analyse Case 4.20, then, it just seems to reinforce the lessons of Cases 4.2 to 4.9 that innuendo is closely bound up with the *modus operandi* of the fallacy of accent. The problem then is one of giving an analysis of the fallacy of accent, restricted to the narrow conception, that does justice to the involvement of accent with innuendo. Accent is not the same thing as innuendo. But it does seem to essentially involve innuendo, if one is to get a grasp of the fallacy of accent that can account for Cases 4.2 to 4.9 and Case 4.20 as instances of this supposed fallacy.

To accommodate the interpretations of the casework given above, we present the following analysis of the fallacy of accent. The fallacy of accent occurs in a context of dialogue where two parties, called the proponent and the respondent are arguing together. The proponent puts forward a potentially ambiguous sentence, *S*, that would (in written form, without verbal or written accentuation of key words or phrases) normally be interpreted to express a proposition, *A*. However, in the accentuated way that the sentence is actually pronounced by the proponent (or written by her, using italics, or whatever form of stress she uses), the sentence would normally be taken to express another proposition, *B* ($B \neq A$). Here we have ambiguity then, and potential confusion in the dialogue between the proponent and the respondent, ambiguity and confusion that could interfere with the dialogue, or even violate conversational maxims.

But ambiguity is not a fallacy. And even though Grice put forward 'Avoid

ambiguity' as a conversational maxim,¹ it may be premature, as noted above, to rule that any ambiguous sentence brought forward by any participant in a dialogue should automatically be called a fallacy. Note parenthetically here that on one analysis of the concept of fallacy, any violation of a rule of a critical discussion is a fallacy.¹⁴

But an ambiguous utterance, or any other violation of a conversational maxim could be merely a blunder, or trivial error of communication of some sort. Surely a fallacy is a more serious kind of error, a systematic, underlying flaw in the reasoning of an argument, or a sophistical deception used by one party to try to trick or trap the other party in argumentation in a dialogue.

If so, then what kind of fallacy could accent be? Accent is the exploitation by the proponent of an argument put forward in a dialogue of (a) ambiguity in stressing a word or phrase and (b) innuendo in suggesting by such stress that the respondent should draw a particular conclusion by implicature. In using accent, the proponent has the goal of getting the respondent to adopt a conclusion *C*, which follows by implicature from another proposition, *B*. But the proponent does not actually want to come out and assert *B*, overtly. Reason: then she would be committed to *B*, and that would incur a burden of proof in the dialogue to defend *B* by argument, if challenged to do so. In order to evade commitment to *B*, the proponent utters a sentence *S* that would normally (in unaccentuated form) be taken to express proposition *A*. However, as accentuated by the proponent, the respondent takes *S* to express *B*. Consequently, the respondent draws conclusion *C*.

The tree diagram in Figure 4.1 schematically depicts the structure of inference in a case of the fallacy of accent. Innueno is involved through the conversational maxims which, in a context of dialogue, allow a respondent to infer a proposition by implicature from something said in the dialogue.

This analysis applies very well to the interpretation of Cases 4.4 and 4.5 by Michalos as fallacies. In both cases it is the respondent's inference that is fallacious. Notice that by this analysis, the fallacy of accent does not have to be an intentional deception by the proponent of an argument. It can be a tactic to covertly argue for a conclusion while escaping commitment (plausible deniability). But the error could also be due to the respondent's confusion or inferential misfire, without there being an intent to deceive, or even any awareness of ambiguity, on the part of the proponent in the dialogue. So analysed, accent is a genuinely dialectical fallacy that requires the participants of two parties in a dialogue wherein argumentation exists.

¹ Grice [1975], as outlined in Chapter 1.

¹⁴ Van Eemeren and Grootendorst [1984; 1992].

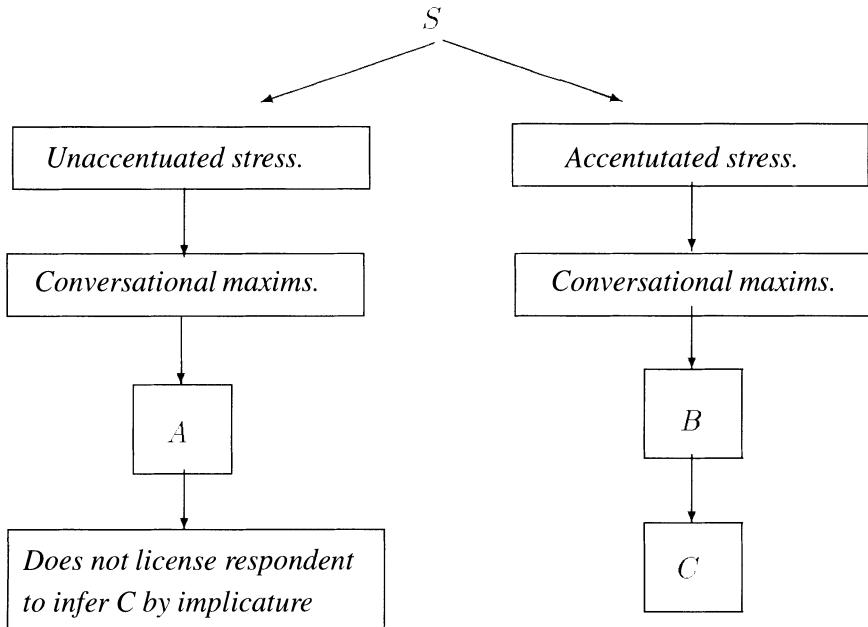


Figure 4.1.

On this analysis then, the fallacy or fault in accent is more than just ambiguity, although ambiguity is an essential part of it. The fallacy of accent resides in how a wrong or unjustified (unsupported) conclusion is drawn by one party through the use of ambiguity by the other party in a dialogue. The fallacy here is a fallacious use of argumentation, but the use is through innuendo, based on implicature.

Such an analysis stretches the concept of fallacy beyond what traditional formalists in logic might like, because it is an implicit argument, suggested by implicature in a conversational context, that is the basis of the fallacy. Fallacy is no longer now simply an invalid argument. Now factors of innuendo, suggestion and implicature must be taken into account, as judged by the context of dialogue (written and/or spoken) in a given case.

However, this analysis stops short of including wrenching from context and special pleading as subfallacies of accent. In these respects, it would be a somewhat conservative analysis.

10 DEEPENING THE ANALYSIS

Clearly the proposed analysis above is not the final word on accent, but only the beginning. Many technical problems remain of how to implement this analysis into the framework of the normative models of dialogue now in use in the field of argumentation. Implicature is of key importance here, and innuendo is a concept that needs further study.

Accent also stretches the concept of fallacy and ambiguity in another way, because it brings in the element of stress in speech, of how words or phrases are emphasized and accentuated in the verbal or written presentation of a speech. This is an additional dimension to be considered, in several respects.

Normally when studying cases of alleged fallacies, students work from a written text or *corpus* of discourse that provides a base of evidence for judging the case. Interpretation of what was said (in context) is normally a part of this process. However, normally, one is basically judging from written materials. Bringing in matters of verbal emphasis, stress, and intonation, in how such a text would be pronounced, or read aloud to an audience, is an additional dimension. It brings a rhetorical element of verbal presentation into the task of evaluating an argument as fallacious or nonfallacious that has not been traditionally taken much into account as part of the logic curriculum, where the task is to evaluate arguments normatively as correct or incorrect, valid, invalid, etc.

Taking how a sentence is spoken, or intoned verbally into account also brings an additional dimension to the key concept of commitment. According to Hamblin's normative structure of dialogue for analysis of fallacies [Hamblin, 1970; Hamblin, 1971], participants in a dialogue have sets of *commitment-stores*, propositions that are collected together as a list or set, kept track of, and added to or deleted from, as participants make their moves in a dialogue. According to Hamblin [1970, p. 263] it should be clear in a dialogue whether something is a commitment of a participant or not, at any given stage of a dialogue. Hamblin thinks of commitment-stores as sets of sentences written on a blackboard, or retained in the memory of a computer data-bank, for example.

But when matters of spoken intonation and verbal emphasis enter the picture, it is not so clear that we can definitely say that some particular proposition is definitely being expressed by a participant in dialogue as a commitment of his or not. Instead, the question seems to be more one of Gricean implicature, depending on connotations of a word, or finer shades of spoken intonation and suggestion. It is a good question whether Hamblin's very clearly defined and explicit concept of commitment can be adapted to the subtleties and finer shades of persuasion conveyed by verbal speech, as spoken by a clever and im-

passioned speaker. Here commitment is more subtle, more indirectly expressed, and more difficult to pin down by appealing to a transcript of what the speaker actually said.¹

How far do we want logic to go in this direction? Should a transcript that gives the evidence for commitment be something more than a written document? Should it be a tape recording, that gives the actual way the speaker pronounced his words? Or should it even be a videotape that shows the speaker's gestures, facial expressions, ironies, and other nuances of expression conveyed in the manner of presentation of the speech?

It seems that an informal logic that takes such vital matters of rhetoric and speech communication seriously, should pay more attention to including such factors. For they do actually influence how the commitments of an audience are altered by argumentation.

But how can we alter or extend Hamblin's austere and basic notion of commitment to take such subtleties into account? It seems that once we go this far in admitting accent as a legitimate fallacy with a place of importance in the logic curriculum, we have come within the borderline of dealing with innuendo as a phenomenon to be included as well. But the problem with innuendo is that it makes pinning down commitment a subtle and difficult matter. Innuendo works by suggestion and implicature rather than by direct or overt statement of a conclusion, leaving room open for plausible deniability (escape from commitment), should the need arise.

Hence we can see that accent stretches the concept of fallacy in a way that no doubt makes exponents of the traditional formalistic school of thought in logic apprehensive, and reluctant to follow. But where some see insurmountable problems, others of us see opportunities to make logic a practical subject that can be used to improve skills of critical thinking in everyday conversation.

¹ An analysis of the concept of commitment is given in Walton and Krabbe [1995].

CHAPTER 5

FIGURE OF SPEECH

Aristotle's fallacy of form of expression didn't have quite the impact on the logic textbook treatments of the fallacies that equivocation, amphiboly, and accent have had. Early on, it tended to be included in textbooks, as more of a minor fallacy, but then, with a few notable exceptions and honourable mentions, it eventually faded out almost to nonexistence, in the standard treatment. The current presumption is that it is not worth mentioning.

This neglect is especially inappropriate, because much of classical analytic philosophy in the twentieth century has been devoted to showing how one is so often confused by forms of expression. Ryle's classic paper 'Systematically Misleading Expressions' [1932] (reprinted in [Ryle, 1971, pp. 39–62]), shows how many instances of expressions that occur in ordinary language, once their logical form is revealed, turn out to be systematically misleading: 'there are many expressions which occur in non-philosophical discourse which, though they are perfectly clearly understood by those who use them and those who hear or read them, are nevertheless couched in grammatical or syntactical forms which are in a demonstrable way *improper* to the states of affairs which they record (or the alleged states of affairs which they profess to record)' [Ryle, 1971, p. 41]. It is shown by Ryle's classic paper—as well as by much of the work of other analytical philosophers like Wittgenstein and Russell—that the fallacy of figure of speech is very important for philosophy.

The gist of the fallacy, as Aristotle and subsequent tradition mainly and centrally conceived it, can be conveyed by the following examples.

Case 5.1

Lola developed some photographs in her darkroom.

Therefore, Lola is a developer.

Case 5.2

Ted speculated on what might have happened at the Battle of Hastings.

Therefore, Ted is a speculator.

In these cases, there is an ambiguity. Taken out of context in noun form, ‘developer’ generally means someone who engages in real estate transactions and who organizes construction of new buildings. And ‘speculator’ suggests a person who is involved in financial investments of a certain kind. Thus it is the shift of grammatical form, from verb to noun, that underlies this type of shift of meaning.

The type of fallacy involved in Cases 5.1 and 5.2 appears to be very similar to equivocation, except for the distinctive feature that the ambiguity of the key term arises from, or is related to a grammatical transformation, or inflection, from one form of speech to another. The fallacy seems somewhat related to amphiboly, because it is grammatical in nature. But it seems even more closely akin to equivocation, because the ambiguity centres on one root which occurs twice in the argument.

Textbooks subsequent to Aristotle have tended to use the phrase ‘figure of speech’ (*figura dictioonis*) in place of the original Aristotelian term ‘form of expression’. Other names used include ‘parallel word construction’ [Kreyche, 1961] and ‘paronymous words’ [Whately, 1836, p. 194]. Aristotle’s original term was *to schema tes lexeos* (the form of expression).¹ Hamblin [1970, p. 26] cites evidence to indicate that Aristotle was not the first to use this phrase, and that he borrowed it from earlier rhetorical teachings. According to Hamblin, the phrase was probably first used by the sophist Gorgias.

1 ARISTOTLE’S ACCOUNT: FORM OF EXPRESSION

In *On Sophistical Refutations* (178 a 5–179 a 10), Aristotle presents and discusses quite a number of interesting examples of the fallacy of form of expression. Most of these examples are quite subtle however. Perhaps because they were meant to be somewhat artificial in order to illustrate the fallacy without raising the inevitable complications of a real case, or perhaps because the shades of ambiguity in Greek expressions do not translate equivalently into English, these examples do not make very good cases, suitable to use as serious classroom examples for pedagogical purposes today. From Aristotle’s examples, one gets the gist of what he was driving at, yet his discussion does not appear to yield much good case material that might find its way into a modern logic textbook.

For example, Aristotle’s case of ‘doing’ versus ‘seeing,’ outlined in Chapter 1, is discussed in *On Sophistical Refutations* again, at 178 a 8–178 a 28. Aris-

¹ *On Sophistical Refutations* (166 b 10).

totle seems to see this case as an important instance of the fallacy of form of expression, but it does not translate very convincingly into English. The reason appears to be that, in English, the first premise ‘It is not possible to be doing and to have done the same thing at the same time’, is true of some actions, but not all. It is true of an action which implies success or completeness, like ‘building the garage’. If I am now building the garage, then it is not possible that I have built the (same) garage. But of other actions, it does not appear to be true. If I am bouncing the ball against the wall, it is possible that I have bounced the ball against the wall, and continue to do so.

So while one can certainly see, in general, what Aristotle is driving at here, his example does not work very well when we try to translate it into English.

Another example he gives (178 a 30) is the following case.

Case 5.3

A man has lost one die.

Therefore, he no longer has ten dice.

Here the conclusion is ambiguous. It could mean he no longer has all ten dice, i.e. has lost them all. Or it could mean he no longer has all ten dice in the sense implying he has lost one or more of them. Erik Krabbe (in discussion) proposed the following reconstruction of the argument in the this case.

Whatever a man had, and afterwards has not, he has lost (definition of ‘lost’).

This man, who has lost only one die, had ten dice, but afterwards no longer has ten dice.

Therefore this man (who has lost only one die) lost ten dice.

Put in this form, the argument appears to be a sophism—both premises are true, but the conclusion is false (by virtue of containing a contradiction).

The argument in Case 5.3 is reminiscent of the horned man fallacy.

Case 5.4

What you no longer have, you once had.

You no longer have horns.

Therefore, you once had horns.

This fallacy is evident where a proponent asks a respondent ‘Do you still have horns?’ No matter which way the respondent replies, ‘yes’ or ‘no’, he concedes that he once had horns. This fallacy is normally taken to be an interrogative fallacy—the fallacy of many questions—treated by Aristotle and others as

a different type of fallacy from figure of speech.² But one can see a relationship here.

Another example Aristotle gives is the following (178 a 38).

Case 5.5

A man [who has, say ten dice] can give what he has not got, for he has not got only one die (yet he, obviously, can give only one die).

Here the premise seems to be ambiguous. ‘He has not got only one die’ can mean either of two things: (1) It is not the case that he has exactly one die, i.e. either he has no die or he has at least two dice. (2) It is not the case that he has at most one die, i.e. he has at least two dice. It could mean ‘He has not got exactly one (single) die’ or ‘He has got more than one die’. But once again, the example is not the kind of erroneous inference that translates well into English as a good case. The premise ‘He has not got only one die’ appears grammatically awkward. Again, one can see what Aristotle is driving at generally, but the example is not a good one for current pedagogical purposes of illustration of a serious fallacy.

Or another example (178 b 30).

Case 5.6

Q: Is what a learner learns what he learns?

A: Yes.

Q: But suppose someone learns ‘slow’ quick.

Here, Aristotle writes (178 b 32), the sophistical ambiguity concerns the confusion between *what* the learner learns, and *how* he learns it. We might add that this case also involves a use-mention ambiguity between the mention of the word ‘slow’ and the use of it to describe a process.

An interesting example (178 b 33) concerns the ambiguity of the following expression.

Case 5.7

He drank the cup.

Normally, when we use this expression, we mean that the person drank the contents of the cup, e.g. a cup of tea. But literally, it seems to mean that he drank the cup itself, i.e. he swallowed the container.

² See Walton ([1989b, Chapter 2]).

What this interesting example reveals is something that seems to be true of, and characteristic of, all of Aristotle's examples of the fallacy of form of expression. The expression, as normally used, is generally taken in the customary way, but it can also be interpreted in a somewhat unusual way that can be more subtly implied or suggested.

Even though, as we have seen, the examples of form of expression given in *On Sophistical Refutations* look somewhat trivial and contrived to us, and do not come across very well when translated from Greek, there is evidence that Aristotle took this fallacy quite seriously, and saw it as important. As Huby [1994] has pointed out, it helps us to understand in ethics (*Nicomachean Ethics* 1174 a 14) that pleasure is something complete, and not a process. And it helps to explain in metaphysics (*Metaphysics* 1048 b 18) the difference between an activity (*energeia*) and a movement (*kinesis*). This evidence at least shows that Aristotle was very well aware of the lesson that grammatical form can be misleading in argumentation, and that he tried to put this lesson to work in his own discussions of philosophical arguments.

Finally, there is one more example that Aristotle used (*Metaphysics* 1042 b 19)—also noted by Huby [1994]—that is interesting to note.

Case 5.8

A thing is called a threshold only because of its position. If the same piece of wood or stone had been placed elsewhere it would not have been a threshold but, perhaps, a lintel.

Here, Aristotle is warning us of the dangers of *hypostatization*—use of the noun form may mislead us into thinking that a word refers to a specific, concrete object, or that the meaning of the word is exclusively determined by such reference. For the noun ‘threshold’ takes its meaning not exclusively from its referring to a particular piece of stone or wood. Its meaning also relates to the position or function of the object.

This example is particularly interesting in view of what we will see below, that hypostatization has become a subspecies of the fallacy of figure of speech in some recent accounts.

2 HOW SERIOUS A FALLACY IS IT?

Subsequent textbook writers didn't seem to know quite what to do with Aristotle's fallacy of form of expression. The older texts and manuals, through the middle ages and into the early twentieth century, tended to stick fairly closely

to Aristotle's classification of the fallacies dependent on language. They tended to include at least some mention of figure of speech (*figura dictioonis*) to preserve the Aristotelian category of this fallacy. But understandably, given what we have seen of Aristotle's account of the fallacy, these textbooks tended to give very brief and unconvincing, or not very realistic examples, generally giving figure of speech a very short treatment.

Gradually, figure of speech seemed to fade away, despite (as we will see) a couple of innovative textbook treatments that tried to breathe new life into it, but were not followed up much, or developed further.

Perhaps part of the problem was that figure of speech seemed like it could be trivial, because it is a grammatical fallacy that typically involves subtle verbal distinctions. Informal logic texts have tended to be written for beginners, and perhaps these readers might be expected to not welcome having to deal with subtle inflections and clever ambiguities, in any depth.

Most of the textbooks appear to have taken a dim view of figure of speech. Most don't mention it, and many of those that do dismiss it as trivial or unimportant. It is included fairly frequently by the older textbooks, whose authors tended to follow Aristotle's classifications, but it does not seem to be mentioned at all by the modern or 'new wave' textbooks, except for one or two, viz. Farnside and Holther [1959] and Fischer [1970]. Hamblin [1970, pp. 25–26] writes: 'Very few modern writers even bother to mention it. Their difficulty, if they do so, is to find serious examples of it'. Although Hamblin does cite a couple of exceptions, textbooks that do give honourable mention to this fallacy, and give potentially interesting cases of it, he tends to be dismissive, concluding, 'We do not need to examine these examples very closely' (p. 26).

Jevons [1883, p. 168] took a similarly dismissive approach.

The Fallacy of the *Figure of Speech* is the sixth and last of the semi-logical fallacies, and is of a very trifling character. It appears to consist in any grammatical mistake or confusion between one part of speech and another. Aristotle gravely gives the following instance: 'Whatever a man walks he tramples on; a man walks the whole day; therefore he tramples on the day'. Here an adverbial phrase is converted into a noun object.

The tendency seems to be to mention figure of speech, in order to retain Aristotle's classification of fallacies dependent on language, but to wave this particular fallacy aside in a line or two.

Schiller [1912, pp. 368–369] has an even lower opinion of figure of speech as a fallacy.

The list of the ‘Semi-logical’ Fallacies tails off miserably in the Fallacy of *Figure of Speech*. It is the most trivial of these ambiguities, and consists in mistaking one part of speech for another, and though this might conceivably occur to persons who have an imperfect knowledge of a language, Formal Logic here does not seem to afford much assistance even to grammar. Logically, it seems less worthy of enumeration than many other traps for the unwary.

What Schiller implicitly recommends is in fact the course taken by the majority of the modern logic textbooks—that of dropping figure of speech from the list of fallacies.

This low opinion of figure of speech as a serious fallacy worth paying attention to in the basic logic curriculum was undoubtedly compounded by what has been perhaps the most serious impediment to the development of good accounts of this fallacy—the building of a good body of casework of serious examples of instances that would really deceive an attentive, intelligent reasoner in everyday conversations of practical importance.

Except for one very good example cited by many of the textbooks (and discussed below), such a body of casework has been lacking for the fallacy of figure of speech.

Many of the textbooks and other sources that mention figure of speech cite John Stuart Mill’s famous argument attempting to prove that happiness is the highest good, in *Utilitarianism*, as a case of the fallacy. As Hamblin [1970, p. 26] wrote, Mill inadvertently made a contribution to the study of this fallacy by perpetrating it himself.

It was given to J. S. Mill to make the greatest of modern contributions to this Fallacy by perpetrating a serious example of it himself. This was what the textbook writers were waiting for, and he is widely quoted. He said (*Utilitarianism*, Ch. 4, p. 32),

The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it; and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it.

But to say that something is visible or audible, is to say that people can see or hear it, whereas to say that something is desirable is to say that it is *worthy* of desire, or, plainly, a good thing. Mill is misled by the termination ‘- able’.

Among the textbooks citing Mill's argument as a case of the fallacy of figure of speech are Hibben [1906, pp. 160–161], Gibson [1908, p. 283], Joseph [1916, p. 584], and Castell [1935, pp. 17–18]. More recent sources continuing to cite Mill's argument as an example of this fallacy are Mackie's article 'Fallacies' in the *Encyclopedia of Philosophy* [1967, p. 174] and the entry on 'Figure of Speech' in *A Dictionary of Common Fallacies*, Vol. 1 [Ward, 1980, p. 149].

What happened with figure of speech historically was somewhat similar to what happened with the fallacy of accent.³ Aristotle's examples did not translate very well out of their original Greek, and the subsequent authors failed to develop enough of a new body of appropriate casework that would be useful for their readership in gaining a sense of the seriousness of the fallacy in practical terms. But then to fill the gap, the textbook writers tended to stretch the borders of the original fallacy, or even change it to something else entirely, in order to produce something they could convince their readers to be a serious type of error in reasoning. As we will see,⁴ figure of speech came to include errors or verbal difficulties to which it is related, but which are well beyond the borders of the kind of fallacy Aristotle had in mind.

Two textbooks, however, resisted this inflationary tendency, and gave innovative and promising accounts of figure of speech roughly in line with the fallacy of form of expression as Aristotle conceived it. Joseph [1916] gave a careful, insightful, and promising account, which we will look at first. And characteristically, Whately [1836], gave a strikingly original account of the fallacy which perhaps should have, but failed to, revive interest in or spur further development of it.⁵

3 INFLECTION AND FALLACY

Joseph [1916, p. 584] gives an account of the fallacy of figure of speech that is very close to Aristotle's original conception of it. According to Joseph [1916, p. 584], this fallacy 'arises through the ambiguous force of some 'verbal inflexion'', which is wrongly alleged to imply in one case what it really implies in others'. Joseph gives a clear example [1916, p. 584].

³ See Chapter 4.

⁴ Sections 5 through 8, below.

⁵ Mill [1843; 1970, pp. 530–532] quoted much of Whately's account of the fallacy of paronymous words, but treated it under 'the fallacy of ambiguous terms', along with equivocation. Mill classified both fallacies in the category of 'fallacies of confusion'.

Case 5.9

If a man were to argue from the use of such an expression as ‘I am resolved what to do’, that, because the passive signifies not action but being acted on, as in ‘I am beaten’, ‘I am praised’, therefore a man’s resolution is not his own free act, but the result of something done to him, he would be guilty of this fallacy.

Joseph adds, however, that this general type of argumentation is not fallacious in every case. He offers a case of a philosophical argument which is a kind of figure of speech argument in the sense it is based on linguistic usage, but is not a fallacious argument.

Case 5.10

[This is the argument] that the object of sight is not a visual sensation, because you say that you feel a sensation, but no one would say that he felt a colour.

The argumentation in this case could be reconstructed as follows.

- You ‘feel’ a sensation.
- No one would say he felt a colour.
- A colour is an object of sight.
- Therefore, an object of sight is not a sensation.

The first two premises in this valid argument are based on linguistic usage. The first premise is a verbal claim about the use of the word ‘feel’ as being appropriate. The second premise is a report of general verbal usage. The third premise is a nonexplicit premise, tacitly presumed by the argument.

But Joseph [1916, p. 584] claims that even though the argument in case is based on linguistic usage, there is no ‘ambiguous inflexion’ in it, and that is what differentiates it from a fallacious case. To underscore the difference, Joseph [1916, p. 584] adds another case of what he takes to be figure of speech.

Case 5.11

But let a man say that *important* is a negative notion, because *imperturbable* or *impenitent* is, and we have a case in point.

What does Joseph mean by ‘inflexion’ here? According to *The Merriam-Webster Dictionary* ([Woolf, 1974, p. 365]), *inflection* (British, *inflexion*) refers to ‘the change of form that words undergo to mark case, gender, number, tense, person, mood, or voice’. What characterizes Case 5.11 as a fallacy of figure

of speech is ‘ambiguous inflection’. The prefix ‘in’ denotes negation in ‘imperturbable’ or ‘impenitent.’ But then there is a shift when we come to the word ‘important.’ The same form, the ‘in’ prefix is there, but the meaning is different—‘important’ cannot be broken down into having a meaning of ‘not-portant’. Here there is parallel change of form (although the negation type of inflection is not one of those mentioned in *Merriam-Webster*) but the meaning change is not comparable.

The only problem here with the use of Case 5.10 as a nonfallacious instance of the type of argument coming under the heading of figure of speech is that it is not clear what the inflection is in this case. It is not clear which word (if any) is supposed to have undergone a change of form of the kind characterizing an inflection. Is it ‘feels’ changing to ‘felt’? It seems not, because the change of tense is not really all that significant to the argument.

Yet there are hints elsewhere indicating that Joseph may be onto something here. Mackie [1967, p. 173] cites systematic ambiguities in verbs like ‘observe’ and ‘perceive’ as being an important source of serious difficulties in epistemology and philosophy of science.

Some words are systematically ambiguous in a troublesome way.

An observation may be either what is observed or the observing of it; a perception may be either a perceiving or what is perceived. There are similar indeterminacies about ‘experience’, ‘sensation’, and ‘belief’. Such ambiguities constantly create difficulties in epistemology, the philosophy of science, and philosophical psychology.

These suggestions are interesting, but Mackie does not elaborate on them or follow them up any further.

He does add another example [Mackie, 1967, p. 174] that is also interesting.

Case 5.12

A cause necessarily produces an effect, but only in the sense that it would not be called a cause if it did not.

What is the fallacy here? Perhaps it is the ambiguity or confusion between merely verbal necessity (arising from definition) and some more substantive type of necessity, like nomological necessity, or necessity due to laws expressing scientific regularities of some kind. Certainly this type of fallacy would be important in philosophy of science, even if it remains unclear why it is due to verbal inflection of some kind, as opposed to just the verbal ambiguity of the word ‘necessarily.’

The last example of figure of speech Mackie gives [1967, p. 174] is the famous case of Mill's ambiguous use of the word 'desirable' (see section one, above). Between Joseph's account, and the later remarks of Mackie, we get an inkling of figure of speech as a distinct fallacy that could possibly be important in serious controversies. But the examples given are too sketchy for us to get a good grip on exactly how this fallacy works to deceive us in a real case. But we can get some additional insight by going back to the treatment given in Whately [1836].

4 WHATELY ON FIGURE OF SPEECH

Whately [1836, pp. 194–197] ventured an innovative and interesting account of the fallacy of figure of speech. He distinguished two distinct fallacies under this general heading, writing that one is 'nearly allied to, or rather perhaps may be regarded as a branch of' the other [1836, p. 196].

Whately described the fallacy of paronymous words [1836, p. 194] as 'the Fallacy built on the grammatical structure of language, from men's usually taking for granted that paronymous [or conjugate] words—i.e. those belonging to each other, as the substantive, adjective, verb, etc. of the same root, have a precisely correspondent meaning; which is by no means universally the case'. This general principle could be called *Whately's rule of paronymous words*. As he states, the rule is generally true, and is usually (rightly enough) taken for granted. But it is a defeasible rule that goes wrong in some cases. Whately gives two very clear examples of cases falling under the rule, one being a non-fallacious case and the other a fallacious case. The contrast between the two cases shows very clearly how the fallacy of paronymous words works, and it is worth quoting Whately's account of the two cases in full.

Nothing is more common in practice than to vary continually the terms employed, with a view to grammatical convenience; nor is there any thing unfair in such a practice, as long as the *meaning* is preserved unaltered: e.g. 'murder should be punished with death; this man is a murderer; therefore he deserves to die', &, &; Here we proceed on the assumption (in this case just) that to commit murder and to be a murderer,—to deserve death and to be one who ought to die, are respectively, equivalent expressions, and it would frequently prove a heavy inconvenience to be debarred this kind of liberty; but the abuse of it gives rise to the Fallacy in question: e.g. '*projectors* are unfit to be trusted; this man has formed a *project*,

therefore he is unfit to be trusted'. Here the Sophist proceeds on the hypothesis that he who forms a *project* must be a *projector*; whereas the bad sense that commonly attaches to the latter word, is not at all implied in the former.

This is actually quite a good analysis of the fallacy, because it explains the *ap-parentia*, or seeming-correctness of the fallacy by showing how, normally, in many cases, the rule of paronymous words is a reasonable presumption, e.g. in the murderer argument. But it also shows, in the projector case, how this type of argumentation can fail us in some instances. This reveals the way in which the principle turns out to be an incorrect type of inference, when it does go wrong as an argument. Moreover, it does seem that this type of failure could be quite common in everyday argumentation. Consider an example like the following.

Case 5.13

Bob has devised a scheme to save costs by recycling paper.
Therefore, Bob is a schemer, and should not be trusted.

The fallacy works by a shift in the connotative meaning attached to a word when it is transformed from one grammatical form to another. Whately [1836, p. 96] even goes so far as to say, 'no fallacy is more common in controversy' [referring to paronymous words].

There are innumerable instances of a non-correspondence in paronymous words, similar to that above instanced; as between *art* and *artful*, *design* and *designing*, *faith* and *faithful*, &; and the more slight the variation of meaning, the more likely is the Fallacy to be successful; for when the words have become so widely removed in sense as 'pity' and 'pitiful', every one would perceive such a Fallacy, nor could it be employed but in jest [Whately, 1836, p. 96]

Whately's account of this fallacy, therefore, comes as something of a surprise to those of us who were inclined to think that figure of speech is a rare, or even a trivial fallacy, that should not be taken too seriously.

5 MISUSE OF ETYMOLOGY

Another variation of figure of speech was called the fallacy of etymology by Whately [1836, p. 196], which occurs where 'a term is used at one time, in its

customary, and at another, in its etymological sense'. For example [Whately, 1836, p. 197].

Case 5.14

The word 'truth' is derived from the verb 'trow', to believe.

Therefore, there is no eternal or immutable truth.

Whately gives another example that illustrates the fallacy very well [1836, p. 197].

Case 5.15

Perhaps no example of this can be found that is more extensively and mischievously employed than in the case of the word *representative*: assuming that its right meaning must correspond exactly with the strict and original sense of the verb, 'represent', the Sophist persuades the multitude that a member of the House of Commons is bound to be guided in all points by the opinion of his constituents: and, in short, to be merely their *spokesman*: whereas law, and custom, which in this case may be considered as fixing the meaning of the Term, require no such thing, but enjoin the representative to act according to the best of his *own* judgement, and on his own responsibility.

The fallacy Whately seems to have in mind is that of leaping too quickly to a conclusion, or trying to fix the conclusion in place too dogmatically by referring to etymological evidence that should not, as he puts it, 'fix the meaning of the term'. Etymology may throw some light on the meaning of a term, but it does not 'fix' the meaning of the term so that there has to be an equivalence, or sameness of meaning, between the historical meaning and the current meaning that has evolved from the original, historical meaning.

If this is correct, then arguing on the basis of the etymology, or historical descent of the meaning of a term, is not always fallacious. It is perhaps, therefore, somewhat misleading to call the fallacy involved 'the fallacy of etymology'.

Fearnside and Holther [1959, p. 168] have made a better choice in calling this fallacy *misure of etymology*. But they are also a bit hard on it as a type of argumentation, as shown by their handling of the following case.

Case 5.16

Speakers have been known to insist on insisting [*sic.*] that 'education' comes from 'educere', a Latin word meaning to draw

out. From this etymology they argue that education should be a matter of drawing out the student in the sense of coaxing rather than compelling. Maybe it should, but aside from the fact that the word comes from '*educare*' meaning 'to educate', the derivation remains irrelevant to the argument. This fallacy is a form of circularity, since the audience is asked to subscribe to the conclusion because of the very *meaning* of some terms used in the premises. But simple circularity is hardly apt to deceive, whereas the assumption that words should stick close to etymological sense is a limit on the conventional meaning of words and an unwarranted restriction on the growth of language.

It would appear to be somewhat too strong to say, in this case, that the derivation of *educare* is irrelevant to an argument about the purpose of education (presumably the subject of the dispute in Case 5.16). It has some relevance, perhaps, but what would be objectionable is the kind of case where the proponent thinks that this etymological derivation is sufficient by itself to resolve the dispute, and to refute any contrary view of the purpose of education.

In another case they cite, Fearnside and Holther [1959, p. 169] seem to be less absolute in declaring any kind of argumentation based on etymological premises as fallacies.

Case 5.17

Josef Pieper, a contemporary metaphysical philosopher, attempts to show that, not only is leisure of present importance to the spiritual development of Western culture, but that even in the earliest period it was the foundation of it. 'That much, at least', he says, 'can be learnt from the first chapter of Aristotle's *Metaphysics*'. He goes on, 'And even the history of the word attests the fact: for leisure in Greek is *skole*, and in Latin *scola*, the English 'school'. The word used to designate the place where we educate and teach is derived from the word which means "leisure". "School" does not, properly speaking, mean school, but leisure'.

(Joseph Pieper, *Leisure, the Basis of Culture*, trans. Alexander Dru, with an introduction by T. S. Eliot, Pantheon Books Inc., New York, pp. 25–26.)

In their commentary on this case, Fearnside and Holther concede [1959, p. 169] that if Pieper had been content to limit himself to the statement that the history of the word 'school' attests to a connection between education and leisure,

then his argument ‘would have constituted supporting evidence of a sort’. Here, Fearnside and Holther show that they are not wholly rejecting etymological considerations as a kind of evidence. What they object to is Pieper’s last sentence, which seems to say, absurdly, that ‘school’ does not really mean school. They claim [Fearnside and Holther, 1959, p. 170] that Pieper has gone too far here in denying the customary or current meaning of the word, or else he is using the word ‘mean’ in some unusual way, perhaps to connote rhetorical emphasis.

The term *misuse of etymology* then, is a good one, for this type of fallacy. For it does not imply that etymology is absolutely worthless, as evidence, in any argument. But etymology tends to be only one small factor in verbal disputes on the meaning of a word, and it needs to be kept in perspective. Any claim to absolutely fix the meaning of a term in current use, based on etymological considerations alone, clearly represents a dogmatic approach to resolving verbal disputes, and ought to be marked with a red flag as a dubious type of tactic.

A good definition of this fallacy (called ‘confusion with etymology’) is given by Michalos [1970, p. 80]: ‘[this fallacy] is committed when it is argued that a term must be used in such and such a way or mean this or that because once upon a time it (or a word from which it was derived) was used in such and such a way or meant this or that’. The emphasis should be on the word *must* in this definition.

6 HYPOSTATIZATION

One type of phenomenon sometimes included under the fallacy of figure of speech is the tendency to assume that nouns, particularly abstract nouns, must refer to specific objects. Werkmeister [1948, pp. 28–29] characterizes what he calls the fallacy of hypostatization as follows.

The fallacy of hypostatization may be regarded as a special form of the fallacy of figure of speech. It is committed whenever abstract concepts—such as ‘truth’, ‘beauty’, ‘humanity’, ‘justice’, ‘science’, ‘progress’, ‘whiteness’, ‘hunger’, etc.—are treated as if they designated specific and concrete entities capable of independent existence and of producing empirical effects. In other words, the fallacy springs from a reification or substantialization of abstractions. If one were to argue, for example, that ‘the spirit of a nation produces that nation’s art and literature’, one would commit the fallacy of hypostatization; for the ‘spirit of a nation’—whatever it

may be—is not an agency that can do things. Only the artists and writers, as individual human beings, are such agencies.

There appear to be two distinct components in this fallacy. It appears to be abstraction that is the most explicit part of the problem. But it may be the noun form of the abstract concepts that Werkmeister refers to that also contribute to the problem, and make it appear appropriate to deal with that problem under the heading of figure of speech.

Curiously, analogy also seems to be involved here, as we can see from the example of the phrase ‘spirit of a nation’. So perhaps part of the problem is also the obscurity of language containing abstract metaphors and literary allusions.

Toulmin, Rieke and Janik [1979, p. 184] cite what appears to be a similar type of fallacy, but their objection to it is more specifically related to the use of the noun form.

Another variation on the fallacy of figure of speech occurs if we assume that every noun *stands* for a thing or object. Nouns can represent aggregates (e.g. *army* or *output*) or relationships (e.g. *marriage* and *equality*) and do not refer only to the traditional triad: persons, places, and things. Nouns can also be used metaphorically or to represent abstractions, so we may speak of ‘the ship of state’ or discuss the nature of ‘legitimate authority’. However, we cannot conclude that all these subjects of discourse are the same kinds of things just because they are denoted by the same sorts of words.

Here the objection is not to the abstraction *per se*, and Toulmin, Rieke and Janik appear to be conceding that the use of nouns to express metaphors or abstractions is not, in itself, illegitimate. The fallacy, as they convey it, has to do with confusions between different grammatical categories of words. The fallacy is based on the sometimes mistaken presumption that a noun always stands for a ‘thing or object’, like a person, place or thing.

It seems like the fallacy cited by Toulmin, Rieke and Janik is more specific, and is definitely a subspecies of the fallacy of figure of speech, whereas the fallacy cited by Werkmeister also involves (a) an objection to misleading abstraction generally, in any grammatical category, and (b) an objection to obscure ‘high-flown’ language using abstractions in a confusing way.

But these accounts have in common, however, that the problem seems to lie in abstraction, in the use of abstract nouns that do not refer to specific or concrete entities directly. Both accounts seem to presume that abstraction is not illegitimate, *per se*, but that ‘reification’ is the problem—somehow thinking of

the abstract term in a concrete way, as though it does refer directly to some sort of concrete entity.

These ideas about abstraction are brought out more fully in the account of Engel [1982, p. 87].

The *fallacy of hypostatization* consists in regarding an abstract word as if it were a concrete one. Whereas concrete words designate particular objects or attributes of objects, such as *red* and *ball*, abstract words designate general qualities, such as *redness*, *roundness*, *virtue*. It is a peculiarity of abstract terms that they can be used without reference to subjects that possess the attributes they designate.

Although abstractions are a useful feature of language and thought, enabling us to discuss ideas like beauty or goodness, they carry potential dangers. We may make the mistake of assuming that, like concrete words, they name specific individual entities—that, for example, in addition to there being in the world such things as red balls and virtuous people, there are also separate entities, such as redness, roundness, and virtue.

According to Engel [1982, p. 88] hypostatization often takes the form of speaking of abstract entities as though they were persons, as in ‘The State can do no wrong’, or ‘Nature decrees what is right’. Such statements could perhaps also be described as metaphorical—seeing the State or Nature as if it were a person. So perhaps there is a genuine connection of a sort between hypostatization and analogical reasoning.

Even so, there is a danger here of conceiving the fallacy of figure of speech far too broadly, and stretching it to include a heterogeneous bag of factors that represent significant and distinct fallacies in their own right. Argument from analogy is a very large topic in its own right, and comprises a distinct category of species of fallacies that need to be studied as a separate group.

It seems we have started on a slippery slide of including use of metaphors and abstractions under the heading of figure of speech. And in fact this is just what happened, once the textbooks began to engage in a kind of questionable grammatical shift of their own from *figure of speech* to the phrase *figurative language*.

7 FIGURATIVE LANGUAGE

In some textbooks, a fallacy called ‘figurative language’ seems to have become part of the fallacy of figure of speech. This seems to be an unfortunate inclusion, because the way the fallacy of figurative language is usually conceived, it seems to be much more closely connected to the fallacy of false analogy (or the subject of the use of analogies in argumentation generally).

In Creighton [1904, p. 249], figurative language is treated as a fallacy in its own right, but the way Creighton describes the fallacy, it could appear to be a subclassification of figure of speech.

Figurative language is another frequent source of error. Of the various figures of speech, perhaps metaphors are the most misleading. The imagery aroused by metaphorical language is usually so strong as to make us forget the difference between the real subject under consideration, and the matter which has been used to illustrate it. Thus in discussing problems of mind, it is very common to employ metaphors drawn from the physical sciences. [Creighton, 1904, p. 249]

Creighton concedes [1904, p. 250] that ‘metaphorical reasoning is simply a case of analogy’, belonging in the category of errors of analogical reasoning. But perhaps his use of the term ‘figures of speech’ suggested the Aristotelian fallacy of form of expression to some readers, linking this fallacy to the fallacy of false (questionable) analogy.

At any rate, it was not long before such an identification of the two fallacies explicitly found its way into the textbooks. In Mellone [1913, p. 350], the fallacy of figure of speech, identified with the Aristotelian fallacy by use of the Greek name for it, *to schema tes lexeos*, is classified as a species of false analogy.

The fallacy of Figure of Speech (*to schema tes lexeos*) is the confusion of supposing that words similar in grammatical form (case, declension, conjugation, termination, &c.)—or similar in being derived from the same root—are similar in meaning. It is really a trivial kind of false analogy, e.g. to suppose that *poeta* is feminine because *mensa* is so; or to confuse the meanings of forms resembling one another, as do *art*, *artful*, *artificer*.

One can see a genuine link here. The kind of inference typical of figure of speech does seem to be connected to argumentation from analogy. For example,

in Aristotle's example of the fallacy of form of expression presented in Chapter 1 (Case 1.12), we can appreciate how the argument rests on an analogy between two situations involving claims about seeing and doing (premises one and three), linked together by an analogy equated by a form of expression (the middle premise).

We do not want to deny, therefore, that argument from analogy is involved in the kind of argumentation characteristic of the fallacy of figure of speech. But unfortunately, the textbooks took a logical leap to the unfortunate conclusion that figure of speech is the fallacy of obscure use of analogical and emotionally coloured speech. In Werkmeister [1948, p. 28], we find the fallacy of speech extended to include the use of analogies that are 'poetically effective' but are misleading if taken as expressing 'literally true statements'. The objection to such use of analogies seems to be that it may lack enough precision so that we can say that the sentence expressing the sentiment can be pinned down to a clear proposition that is true or false.

The fallacy of figure of speech occurs also—and this is its more common form—when certain statements or phrases which are not meant literally are interpreted or accepted in a literal sense. 'Rain typing on the roof', 'sand dunes autographed by the wind', 'Black Death ravishing the countries in Europe'—phrases such as these are poetically effective and therefore significant; they are valuable devices for the expression of emotionally coloured meanings. But when they are regarded as strictly logical and as literally true statements, an error of interpretation is made; and if an argument is based upon this misinterpretation, the fallacy of figure of speech is committed.

Other examples: 'Life is a narrow vale between the cold and barren peaks of two eternities' (Ingersoll). 'Life is a flame and we live by an invisible sun within us'. 'Memory is the tablet of our mind upon which our experiences are indelibly inscribed'. . . All of these statements contain phrases which must be understood as figures of speech. If they are taken literally, reasoning is bound to be fallacious.

The real problem that Werkmeister seems to be objecting to here is not so much ambiguity *per se*. The problem is that such poetical sentences are too vague. We could even say that they are 'meaningless', or at least lack enough precision to express any clear proposition that could be judged true or false, or used as evidence to support a claim. This is the sort of objection made by the

logical positivists against high-flown use of abstract, figurative language by idealistic philosophers prior to the advent of analytical philosophy. Their objection was that such sentences are ‘meaningless’ because they are not verifiable by citing clear counterinstances.

Werkmeister, then, is onto something here. What he describes could perhaps be called the fallacy of figurative use of language, or the fallacy of obscure speech, or something of the sort. But the problem is that it is not a fallacy arising only, or mainly, from ambiguity. And the Aristotelian fallacy of form of expression (figure of speech) cannot be stretched so far as to include this other, quite different type of fallacy.

Unfortunately, the same kind of ‘slippery slide’ problem that we had with accent is here beginning to occur, on a smaller scale. The original fallacy of figure of speech, that had to do with shifts of meaning due to grammatical inflection, has been widened to include ‘figurative’ use of speech in analogies. But here ‘figurative’ has a different meaning than it has in the technical use of the expression ‘figure of speech’ to describe the Aristotelian fallacy of form of expression.

One can easily see how this transition was made, however. The term ‘figure of speech,’ in English usage, is characteristically used to refer to use of picturesque analogies. The following exchange (from a televised interview with Liberace) illustrates this usage.

Case 5.18

Liberace: . . . a little Hollywood hideaway.

Interviewer: What are you hiding from?

Liberace: It’s just a figure of speech.

Here the interviewer, somewhat ingenuously, took the expression ‘hide-away’, literally, using this to imply that Liberace was hiding from something. The innuendo drawn leads to the posing of a loaded question. At any rate, in the usage expressed in Case 5.18, the phrase ‘figure of speech’ refers to the metaphorical use of language in colloquial expressions.

But one can see how it was tempting for the logic textbooks to transfer the term ‘figure of speech’ away from its Aristotelian meaning to the use of similes, metaphors, and generally to reasoning based on analogy. In Beardsley [1950, p. 96] we find ‘figures of speech’ defined as the use of images in our thinking which involve a comparison between two things. Under this heading, Beardsley treats use and misuse of similes and metaphors in analogical reasoning.

In Beardsley [1956, p. 239] we also find ‘figure of speech’ linked with metaphorical and figurative uses of language.

Rhetoricians have distinguished, and named, a large variety of figures of speech, though these have never been very systematically classified. There are, for example, similes, metaphors, analogies, parables, tropes, myths, and symbols. And besides these there are more special kinds of figure, as when we speak of a thing as a person (personification), a part as a whole (synecdoche), or one thing as another thing that is associated with it (metonymy).

Seeing the range and variety of different kinds of uses of ‘figurative’ language in reasoning by analogy considered here, it is clear that we have gone far past the bounds of the quite specialized and relatively narrow type of fallacy treated by Aristotle under the heading of figure of speech.

8 OBFUSCATION, FIGURES AND GOBBLEDYGOOK

Is simply being unclear in argumentation itself a fallacy? According to some textbooks, it is. Little, Wilson and Moore [1955, p. 57] define the *fallacy of obfuscation* as ‘using meaningless word groups either inadvertently or for the particular purpose of obscuring or avoiding an issue’. The following example is given [Little *et al.*, 1955, p. 57].

Case 5.19

Consider, for example, the statement of a politician who is trying to avoid committing himself on the issue of federal aid to education: ‘I firmly believe that every citizen is entitled to the best possible education. In fact, it is my unalterable conviction that it is the solemn obligation of each generation to endow its youth with the knowledge of the noble achievements of the human species, and to make these endowments equally without regard to race, creed, colour, or religion. I also hold that the burden of providing these rights and privileges should be equitably allotted among those most capable of assuming the burden’. The politician has made it clear in his first sentence that he favours education. Does he favour federal aid to education? One cannot say.

One problem with this case is that the fallacy is partly one of irrelevance or ‘red herring’ (straying from the point), combined with the *ad populum* fallacy

of appealing to popular sentiments to cover up the evasion. Thus even though obfuscation is part of the tactic, it is not evident in the case how or why unclarity or obfuscation is itself a well-defined fallacy.

One problem in this case, as Little, Wilson and Moore themselves point out, is that we cannot tell what the politician's position really is, or is supposed to be, from what he says. We can't tell whether he favours federal aid for education. He has failed to make his own position clear. But this in itself is more of a failure (or blunder) of communication than a fallacy. The fallacy comes in where the politician uses this failure of communication to avoid committing himself on the question he is supposed to take a position on, namely that of federal aid to education.

A comparable example given by Lutz [1989, pp. 5–6] is described as *gobbledygook*, a way of attempting to overwhelm an audience with sheer volume and complexity of words and language. This case occurred during the investigation of the *Challenger* space disaster in 1986, when the associate administrator of NASA was asked if the performance of the space shuttle had been holding its own or improving with each launch. His reply is quoted in Case 5.20.

Case 5.20

I think our performance in terms of lift-off performance and in terms of orbital performance, we knew more about the envelope we were operating under, and we have been pretty accurately staying in that. And so I would say that the performance has not by design drastically improved. I think we have been able to characterize the performance more as a function of our launch experience as opposed to it improving as a function of time.

According to Lutz, gobbledegook is a species of *doublespeak*, speech used to obscure, bury, deceive, evade responsibility, and impress.

Judging by these examples, the fallacy of obscure speech, gobbledegook, or obfuscation, whatever you care to call it, has two aspects. One is that it is a fallacy of relevance, a failure to answer a question, or to contribute helpfully to a discussion. But the means used to carry this out, or to cover up the failure, is obscure speech. And so, lack of clarity is the other aspect.

Here we see then, obscure speech is classified as a fallacy in its own right, separate from the fallacy of figure of speech. And this seems like it is the way these fallacies ought to be classified. For as long as we are thinking of figure of speech as a fallacy arising from ambiguity, it ought to be separated from obscure speech, which is surely a different problem.

The textbooks have found it difficult to make this separation, however. And it is not too hard to see why. Obscure speech is a matter of style of presentation, often connected with the use of metaphorical and abstract language which, in addition to being vague and unclear, can also often be ambiguous. Given the common meaning of ‘figure of speech’ as shown in the Liberace Case (5.18), it is easy to make the leap to classifying any excesses of obscure or ‘flowery’ language as coming under the heading of figure of speech.

Fischer [1970, p. 269] finds a fallacy of the use of ‘figures’ or rhetorical devices used to give embellishments and stylistic ornaments to prose. These include the following devices [Fischer, 1970, p. 269].

Antiphrasis, the use of a word to convey its opposite meaning, as Antony’s ‘such honourable men’.

Apophasis, the making of an assertion while seeming to deny it. In the *American Historical Review*, 71 (1965): 147, one historian wrote of another, ‘It is no real criticism to say that the author does not equal Eileen Power in her ability to make the past come alive’.

Litotes, a double negative, or multiple negative, as in a sentence by Harold Laski: ‘I am not, indeed, sure whether it is not true to say that the Milton who once seemed not unlike a seventeenth-century Shelley had not become, out of an experience ever more bitter each year, more alien to the founder of that Jesuit sect which nothing could induce him to tolerate’. This statement is discussed in a splendid essay by George Orwell, ‘Politics and the English Language’, in *A Collection of Essays* (New York, 1954), pp. 162–76.

Oxymoron, the joining of contradictory terms, as ‘cruelly kind’, or ‘simply gorgeous’, or ‘frightfully nice’, or ‘make haste slowly’, or ‘ordered confusion’, or ‘deafening silence’, or Michael Walzer’s characterization of John Calvin’s thought as ‘a theology antitheological’, in *The Revolution of the Saints* (Cambridge, 1965), p. 24.

Suggestio Falsi, a statement which is literally true, but which encourages a false inference, as to the question, ‘Is X a competent scholar?’ the answer, ‘X is my friend; I’d rather not say’.

What these variety of rhetorical devices most seem to have in common, as contributors to fallacy, is that through stylistic excess they can make the presentation of an argument unclear. As fallacies then, or problems associated with the committing of fallacies, they should probably come under the heading of ob-

scure speech, not figure of speech (with the exception of *antiphrasis* and *sugestio falsi*, which seem more related to innuendo).

Fischer, however, sees a connection with ambiguity, and defines the fallacy covering all these excesses as follows [1970, p. 268] : ‘The fallacy of figures is a form of ambiguity which consists in the abuse of figurative language, so that a reader cannot tell whether or not a literal meaning is intended; or if so, what that meaning might be’. Fischer does not see these stylistic ornaments as bad in themselves, but the problem he sees [1970, p. 271] is that they can be taken figuratively or literally. This, he thinks, is an ambiguity, because an expression could be meant figuratively, but ‘taken literally by an intelligent reader’. [1970, p. 271]. Hence for Fischer, the fallacy of figures is a fallacy of ambiguity.

The word ‘figure’ as used here refers to certain *rhetorical figures*, or modes of expression, which, as Perelman and Olbrechts-Tyteca [1969, pp. 167–171] show, have been known from antiquity. The word ‘figure’ seems to be derived from masks and costumes of actors who uttered different types of speech in different guises [Perelman and Olbrechts-Tyteca, 1969, p. 168], and represented artificial conventions of speech different from normal usage [Perelman and Olbrechts-Tyteca, 1969, p. 169]. Here it is evident that we are getting into matters of style and presentation, and the expression ‘figure of speech’ means something quite different from its use when referring to the Aristotelian fallacy of form of expression.

9 IS FIGURE OF SPEECH A SPECIES OF EQUIVOCATION?

On the question of whether figure of speech is a subspecies of equivocation, Castell [1935, p. 18] has some interesting remarks to make, in commenting on the famous case of Mill’s ‘desirable’ argument.

This is not, like the fallacy of equivocation, a case of using a word or part of a word in two or more senses. We do not, ordinarily, speak of equivocation on part of a word. Moreover, in this instance, the fallacy arises out of doing just the opposite of equivocation. It arises out of the attempt to give the same meaning to the same terminal syllable when, as a matter of fact, a different meaning should be given.

Castell gives two reasons for thinking equivocation different, as a fallacy, from figure of speech. First, figure of speech, unlike equivocation, has to do with a meaning shift on a part of a word. Second, figure of speech arises out of doing the opposite of equivocation.

The first reason for thinking these two fallacies different, however, is not essential to figure of speech, as Castell subsequently shows. Castell [1935, p. 18] gives the following case as an example to show that the fallacy of figure of speech ‘need not reside in violence done to part of a word’.

Case 5.21

Suppose we said that a letter-writer was a person whose business was writing letters. We could not go on to say that therefore a typewriter was a person whose business was writing types.

In this case, the inflection seems to involve the whole word, and not just one part, like a prefix or suffix. But whether this is true or not, there is an even deeper difference to be uncovered between equivocation and figure of speech, in this connection.

Equivocation turns on the shift in the meaning of a key term used in an argument. This is also true of figure of speech as a fallacy, except that in figure of speech, the shift is in the structure of the word, in its inflection, or change of form to a different part of speech. In this respect, figure of speech seems somewhat like amphiboly, because both of these fallacies have to do with grammatical structure. But in a perhaps more important respect, figure of speech is more like equivocation, because both of these fallacies have to do with a shift in a single word (a term or phrase), and not in the grammatical structure of a whole sentence (this being characteristic of amphiboly). In this respect then, figure of speech does appear to be classifiable as a species of equivocation, and not as a species of amphiboly.

But what about Castell’s second reason for thinking equivocation different from figure of speech? With figure of speech, according to Castell, the attempt is to give the same meaning to two words that should have different meaning. With equivocation, supposedly the attempt is to give different meanings to two words that should have the same meaning. But is this contrast really valid, and essential to distinguishing these two fallacies as separate species of sophisms?

Presumably, when Castell writes of ‘the attempt’, he is indicating the strategy of the sophist, or the misleading pitfall or attractiveness that is at the bottom of the deceptiveness of this kind of fallacy. In figure of speech, the misleading appearance is that the two words have a similar structure—they look parallel—hence one (erroneously) concludes that they have the same (or a parallel) meaning.

How does this work with respect to equivocation? In equivocation, the same word occurs in two different parts of an argument, and the sophist or perpetrator

tries to slur over the two different meanings that should properly be assigned to the two occurrences. The attempt here is not to give different meanings to the two words, but to cover up this difference, or at least to get the argument past without the victim being aware that the two words are different in meaning at their occurrences in the argument.

In this respect then, contrary to what Castell claims, equivocation and figure of speech are similar in how they function as sophistical tactics in argumentation. The deception is the attempt to use two words that really have different meanings in their two separate occurrences in the argument, and to elide over or conceal (or at least to trade on the unawareness of) these differences, by exploiting the surface appearance that the two occurrences have the same meaning (or a parallel meaning).

10 THE LIMITS OF THE FALLACY

There are three key problems with figure of speech as a fallacy:

1. defining its proper limits, so that we know which borderline variants to include or exclude;
2. developing enough of a body of casework to show it is a serious fallacy; and
3. analysing the core of the fallacy itself, so we can see how it works.

We have now built up some casework for this fallacy, showing at least that it has some claim to being taken seriously. Future research needs to do much more.

With reference to the third task, the key is given by Whately's rule of paronymous terms (section four above), which sets in place the usual and customary presumption that meaning is preserved over the shift of inflection in paronymous words. This explains the *apparentia* or seeming-correctness of this fallacy, and it also explains why figure of speech is a distinctive type of equivocation in its own right. It is the *same word* being used, except that it is grammatically transformed to a different part of speech. Hence we may be led not to expect an ambiguity, or shift of meaning.

Of course, with equivocation generally, it is the same word being used. But what makes figure of speech distinct as a category of fallacy is the inflection, or change to a different part of speech.

But ‘inflection’ was defined in a narrow way by the *Merriam- Webster Dictionary* (Section 3) as a kind of grammatical transformation undergone by a word, i.e. case, gender, number, tense, mood or voice. Presumably, however, this list is not complete. Could ‘inflection’ be construed more broadly to cover cases where the form in which one word is expressed is similar to the form of another expression, even though the meanings of the two words are different? Similarity of form of expression is a much broader concept than inflection (at least when ‘inflection’ is construed narrowly, as a specified kind of grammatical transformation from one part of speech to another). The difference is between likeness of form, a broad concept, and grammatical transformation (or inflection), more narrowly defined.

This is the decision that needs to be made about figure of speech as a fallacy. Only if it is defined in the broader way should many of the variants of it be properly included in it.

Defining the conceptual limits of the fallacy of figure of speech poses a number of specific problems in relation to the textbook treatments. Like many fallacies, Aristotle’s original fallacy of form of expression has tended to expand to include various fallacies, or difficulties of one sort or another, that do not properly belong in this category, or are on the border of belonging or not.

The fallacy of misuse of etymology seems more like it could be a subfallacy of the *genetic fallacy*, the error of confusing the meaning of a term or concept with its origins. On the other hand, the fallacy of abuse of etymology as characterized by Whately, Fearnside and Holther, and Michalos (see Section 5), does seem to be a fallacy of ambiguity—Whately’s example in Case 5.15 illustrates this very well. In this case, the fallacy turns on the ambiguity between the ‘strict and original’ meaning of the term ‘represent’ and its current or proper (what Whately calls ‘right’) meaning.

However, if the fallacy in such a case is taken to be one of ambiguity, perhaps it might better be classified under equivocation than figure of speech, because there is a change of meaning in a term, but it is not clear that this change is due to inflection, or a grammatical shift to a different part of speech.

On the narrower definition of figure of speech, misuse of etymology is better classified as a subfallacy of the genetic fallacy, or in some cases as a subfallacy of equivocation, depending on the nature of the misuse. However, much depends on how broadly we construe ‘inflection’ here. If change from a historical or original meaning to a current meaning of a term could be classified as a kind of ‘inflection’, or change from one part of speech to another with respect to the same word, then abuse of etymology could be classified as a species of figure of speech. Then the transformation is from the older term, which appears similar

to the current term, but has a different meaning.

Hypostatization is seen as coming under figure of speech because it is the noun form that is misleading, causing us to take any noun, even the abstract ones, as referring to some concrete entity. Parts of speech are involved here, i.e. the noun form, but where is the inflection, or change from one part of speech to another? Perhaps it is the change from an abstract noun to a concrete or referring noun. But is this a grammatical shift to a different part of speech, or merely a change in how we view the meaning or reference of the same part of speech? If it is the latter, then hypostatization should come under a different heading than figure of speech. Perhaps it could be classified as a subtype of equivocation, but more likely under fallacies that have to do with the meanings of words but do not arise from the ambiguity of these words but from some other source, e.g. confusions of meaning and reference.

At least hypostatization and misuse of etymology have some basis for a legitimate inclusion under figure of speech, on the grounds that ambiguity concealed by similarity of form is involved. But once we get over into the so-called fallacy of figurative language, the main problems, or factors out of which the problem arises, are quite different. Here the problem is mainly one of obscure language, arising out of the use of abstractions and metaphors. Here we are getting into questions of style and presentation, and the leading cause of difficulty is not so much ambiguity as lack of clarity, i.e. obscurity.

The problem here, as we saw in Case 5.18, is that the term ‘figure of speech’ in English refers to the use of metaphorical language in colloquial expressions. Unfortunately, this common usage has led many of the textbooks to infer, fallaciously it could be argued, that the use of high-flown oratorical, obscure, abstract, or metaphorical language comes under the heading of the technical term ‘figure of speech’ as it should be used in logic to refer to the type of fallacy Aristotle originally defined (or discovered).

What we need to recognize is that there is a whole group of fallacies arising from the use of obscure (unclear) language, including the fallacy of gobbledegook (or obfuscation, if you prefer). The problem here is obscurity, not ambiguity. Although these two things are connected in practice, they need to be separated in theory, as representing distinct and different kinds of requirements or maxims of communication on the use of language in argumentation.

Once we get into the area of figurative language, as treated by Fischer, it is clear that we are far beyond the fallacy arising from ambiguity and inflection, and have gone over into the area of clarity of verbal presentation, metaphorical speech, etc. The problem here is another meta-level ambiguity. The rhetorical figures in classical rhetoric are, in some sense ‘figures of speech’ [Perelman and

Olbrechts-Tyteca, 1969, p. 164], but the phrase has taken on quite a different, technical and specialized meaning.

Of course Fischer is right, the use of metaphors and other rhetorical figures can involve ambiguity, because the respondent in a given case might not know, or be able to tell, which way he should take the speaker's meaning—in the literal (familiar) or the rhetorical sense. So one problem with the use of high-flown, abstract or rhetorically artificial speech is ambiguity. But surely that is not the only, or even the central problem with such 'figures of speech'. The problem here is, generally, what style of presentation of an argument is appropriate for an audience or a situation. Fallacies or errors of argumentation in such cases can be multiple. Presumably, the leading problem is one more of clarity, or appropriateness of language in reaching your audience. While ambiguity is also involved, that is not the exclusive, or even the central problem or fallacy.

Thus the fallacy of figurative language, if there is such a fallacy, should be treated as a fallacy dependent on language, but not as a fallacy arising (primarily) from ambiguity. It should be treated as a problem having to do with style of presentation, and centrally with clarity of presentation.

One key problem with figure of speech, as with equivocation, accent, and amphiboly, is that ambiguity of meaning, in practical terms, can often tend to shift over to the area of connotative shifts due to implicature, suggestion and innuendo. For terms in natural language, as used in argumentation, significantly have a connotative meaning, often with positive or negative overtones—what Bentham called the eulogistic and dyslogistic meanings of words—that goes beyond their narrower, lexical meanings. These connotative shifts in what words suggest or imply, as they are used in argumentation, also involve a type of ambiguity that is important to the study of fallacies.

Even so, problems of bias, innuendo, and balance of presentation, types of speech appropriate for a given situation, represent distinctive and important fallacies or areas of concern in their own right. We need to resist the stretching of the fallacies arising from ambiguity as including too much related, but distinct, territory, which needs separate attention and study in its own right.

1. On Sophistical Refutations (166 a 10). 2. See Walton [1989b, Chapter 2]. 3. See Chapter 4. 4. Sections 5 through 8, below. 5. Mill [1970, pp. 530–532] quoted much of Whately's account of the fallacy of paronymous words, but treated it under 'the fallacy of ambiguous terms', along with equivocation. Mill classified both fallacies in the category of 'fallacies of confusion'.

CHAPTER 6

INNUENDO

The use of argument by innuendo to cast aspersions, doubts, and misgivings, has generally had a borderline status as a legitimate subject for study in logic. We know that, practically speaking, this kind of argumentation is very powerful and also very common in everyday conversation. But pinning such a practice down as some sort of fallacy or incorrect argument has appeared to be an elusive project. After all, if premises and conclusions are not clearly or explicitly asserted in this kind of argumentation, how can we detect and evaluate specific instances of failure to present valid or correct arguments?

On the other hand, now the study of fallacies has been deepened and enriched by advances in the field of argumentation, the importance of argument by innuendo can be appreciated, and some prospects for its useful investigation have been enhanced.

In this chapter, it will be shown how argument by innuendo is a species of presumptive reasoning that can be used in dialogue, when two parties reason together with each other. As such, it is a nonfallacious kind of argumentation that can nevertheless go wrong, or be used wrongly, in various ways. Our major concern will be with those cases where this kind of reasoning has been abused so badly that the failure merits being called a fallacy. Where this occurs, we will see that innuendo is best seen as a fallacy not dependent on language, in the way that the fallacy of accent is. Innuendo, we will conclude, should not be classified as a species of accent.

The investigation begins with a survey of four informal logic text- books that treat the argument by innuendo as a specific type of fallacy.

1 THE TEXTBOOK ACCOUNTS

Damer [1980, p. 19] cites a fallacious method of arguing called *argument by innuendo* that utilizes the power of suggestion to compensate for the lack of relevant evidence in attacking a person, group, or idea.

This fallacy consists in directing one's listeners to a particular, usually derogatory, conclusion, by a skillful choice of words or the careful arrangement of sentences, which implicitly *suggest* but do not *assert* that conclusion. The force of the fallacy lies in the impression created that some veiled claim is true, although no relevant evidence is presented to support such a view.

An example cited [Damer, 1980, p. 19] is the response of a dean of students to an inquiry by a prospective employer whether a graduate had any disciplinary problems: 'No, we were never able to convict him of any violations of college rules'. The negative conclusion suggested here is that disciplinary breaches had been both suspected and investigated by college officials.

This does involve ambiguity of a sort, if you take such a suggestion to involve a shift of meaning—at least a shift in connotative as opposed to denotative meaning. Damer notes [1980, p. 19] the 'escape route' or plausible deniability aspect (our terms) of this method of argument—because no 'actual claim' is made, it is hard to pin down the conclusion in question as an unjustified claim. And 'such a speaker would probably deny that any outright claim had been made' and try to evade responsibility for it if challenged. Hence there does appear to be a tactic of exploiting ambiguity here. But is that the basis of the fallacy? And indeed, can we say generally that use of innuendo is fallacious?

Despite the dangers and tricky aspects of argument by innuendo commented upon by Damer however, it is not clear exactly when this type of argument is fallacious and when not. For there is nothing wrong *per se* in suggesting a conclusion as a 'veiled' or implicit claim without offering relevant evidence for it. A presumptive argument, put forward as a tentative suggestion or proposal, even if not backed up by evidence, is not necessarily a fallacious argument.

Of course, it is another thing to try to evade evidence, or to refuse to present evidence if challenged to do so, or to deny (falsely) that you ever made such a claim. Any of these moves could be violations of the rules for a critical discussion.

But which one or ones of these faults should be identified with the fallacy of argument by innuendo? If argument by innuendo is not inherently bad, but can be misused or exploited mischievously in various ways, there exists the problem of pinning down which of these ways, or what pattern common to them, is characteristic of the fallacy.

Another problem is that creating an impression that some implicit claim is true without presenting relevant evidence may be a weak or unsupported type of argument in some cases, without it being so bad that the error should be called

'fallacious'. The problem here is that a fallacy is some sort of serious, underlying pattern of error or deceptive technique in the argument. An argument can be logically weak or insufficiently supported without necessarily being fallacious. Identifying a fallacy requires going beyond identifying a weakness or failure to represent evidence in an argument.¹

A fallacy called 'creating doubts' by Michalos [1970, p. 100] appears to be quite similar to Damer's fallacy of argument by innuendo, except that Michalos explicitly links his fallacy to the passing along of a rumour: 'The fallacy of *creating doubts* is committed when false rumours are spread about an issue or person to make people apprehensive or suspicious'. The example is given [Michalos, 1970, p. 100] of someone who wants to block the sale of a piece of land to the city, and who undermines the sale by spreading the rumour that any proposed buyer will get a percentage of the sale's price. The effect of such a rumour might be to 'have the purchase of the land shelved indefinitely'.

Michalos adds [1970, p. 100] that the object of the fallacy is to 'create a doubt' by arousing suspicions, apprehensions, or misgivings so people will be misled by the old adage 'where there is smoke, there is fire'. This linking of the fallacy to creating doubt (for example by questioning or suggesting something) is interesting. But questioning, raising doubt, or suggesting are not, in themselves, fallacious moves, in argumentation.

Where, then, is the fallacy? According to the description given by Michalos, the fallacy is committed by spreading a *false* rumour in order to make someone suspicious. This account of the fallacy differs from that given by Damer, where the fault was the failure to present relevant evidence to support the suggested claim. This represents an interesting difference of opinion on how the fallacy ought to be defined. But then again, perhaps we could be dealing with two fallacies rather than one.

The title of the fallacy given by Fearnside and Holther [1959, p. 102]—*creating misgivings*, or 'where there's smoke there's fire'—gives a strong impression that they see it in similar terms to the Michalos account. However, they emphasize the 'sticking power' of damaging allegations: 'The lingering suspicion which follows on unfounded charges of immorality, corruption, or disloyalty is notoriously hard to clear away'. Citing Hitler's use of the 'big lie' technique, Fearnside and Holther raise the question of why an outrageous falsehood, or 'myth', if repeated often enough, often seems to succeed in popular persuasion. As they put it [Fearnside and Holther, 1959, p. 102]: 'It is a paradoxical thing that the more wild and damaging the charges, the more likely they are to

¹ See Walton [1989b, p. 270] and [1989a].

be believed'.

Fearnside and Holther do not elaborate on what makes such an argument fallacious, but they do give an example that suggests the nature of the fault.

Case 6.1

Example: A pastor is named in a paternity suit claiming support for an illegitimate child. Evidence shows that the woman and the pastor both were guests at three social gatherings. Tests, however, establish that the accuser was blood type 'O', the pastor has type 'A' and the child has type 'B'. Suit is dismissed after uncontradicted testimony by an authority on eugenics that a child of blood type 'B' cannot be the offspring of parents with types 'O' and 'A'. In spite of being cleared of the paternity charge, the pastor decides to seek a new congregation. He finds one only after great difficulty.

Comment: The evidence clearing the pastor is as certain as any that human beings can obtain. His accuser has patently indulged in promiscuity and has wrongly—*probably* with intentional falsehood—ascribed the paternity of her child. Yet a moral suspicion still lingers even, perhaps, in the minds of those who know all details of the case. We have indicated this by italicizing '*probably*' above. What *were* the relations between the pastor and the woman? Of course, he didn't happen to be the father, but . . .²

The key to what makes the argument used to create misgivings in this case a fallacy is to be sought in two factors: (1) the evidence from the investigation of blood types does not clear the pastor, despite its conclusiveness, and (2) the accuser, *probably* with intentional falsehood, put forward the charge. This second factor is reminiscent of the account of the fallacy given by Michalos (quoted above) which says that the false rumours are spread 'to make people apprehensive or suspicious', suggesting intentionality on the part of the fallacy-perpetrator.

Finally, we might mention a related fallacy cited by Fischer [1970], which would seem to be a more general category of erroneous argument under which the previous fallacy (or fallacies) of creating misgivings would fit as species or subfallacies. According to Fischer [1970, p. 53], 'the *fallacy of the possible proof* consists in an attempt to demonstrate that a factual statement is true or

² Fearnside and Holther [1959, p. 104].

false by establishing the possibility of its truth or falsity'. The fallacy, according to Fischer's conception of it, appears to be a failure to fulfill burden of proof [Fischer, 1970, p. 53]: 'Valid empirical proof requires not merely the establishment of possibility, but an estimate of probability'. The case cited by Fischer concerns a quotation often attributed to Woodrow Wilson, but which, according to a historian who investigated the evidence, was based on 'hearsay evidence, twice removed', [Fischer, 1970, p. 54]. The problem in this case appears to have been that the quotation in question was first falsely attributed to Wilson, or at least the historical evidence strongly suggest he never spoke the words, but then subsequently, they were attributed to him by a process of passing the quotation along.

This case is different from the previous types of cases, where a false or malicious innuendo or rumour has been instigated. But it is also a passing along of an unsubstantiated allegation that is involved. And so it is possible to see some interesting connections between this fallacy and the previous fallacies of 'innuendo' and 'creating misgivings'. All of them involve a failure to fulfill a proper burden of proof in support of a proposition that is nevertheless put forward and put into a place as a conclusion by means of having it passed along as a rumour or suspicion, with the result that the rumour appears somehow credible, and has damaging effects.

2 RUMOUR AND BURDEN-SHIFTING

In the following case, quoted from 'A Few Minutes with Andy Rooney' in the *60 Minutes* news program of March 24, 1991, Rooney is ironically replying to an allegation that a CNN reporter was a 'sympathizer' of Saddam Hussein. The allegation, made by Senator Alan Simpson, was later retracted.

Case 6.2

Andy Rooney: You probably read where Senator Alan Simpson of Wyoming accused CNN reporter Peter Arnett of being a 'sympathizer' of Saddam Hussein because Arnett continued to report from Baghdad all during the Middle East war. Senator Simpson also suggested that Arnett, a Pulitzer Prize winner for his work in Vietnam, might have been in sympathy with the communist Viet Cong during that war because Arnett married a Vietnamese woman.

Well, Senator Simpson wrote a letter to *The New York Times* this week apologizing to Peter Arnett. In his letter, Senator Simpson said he was wrong repeating the rumours about Mr. Arnett's family connection to the Viet Cong because he couldn't prove them. 'I said from the outset', Senator Simpson wrote, 'that if it couldn't be proven, I would apologize'.

In that same spirit, I'd like to apologize to the Senator tonight. For some time now, at our dinner table and when I am among friends, I have referred to Senator Simpson as Saddam Hussein's friend.

Senator Simpson did go to Baghdad to see Hussein last April 13th and at that time, he comforted Hussein for things being written about him in our newspapers by saying that American reporters were 'pampered and haughty'. That's why I've been calling Senator Simpson 'Saddam Hussein's friend'.

Well, now I feel sort of bad about it. I shouldn't have done that. Senator Simpson says that *The Wall Street Journal* has suggested he's a racist, too. I certainly wouldn't suggest he's a racist because I simply don't know. I've heard rumours that, if he could, he'd repeal the 1st Amendment guaranteeing freedom of the press. I've heard rumours that he's one of our dumbest senators. It would be unfair of me to repeat those rumours because I'm not sure they're true. I've never even met him. Neither can I prove that Senator Simpson is a friend of Saddam Hussein. It is not certain that they're friends and, unless the facts prove otherwise, I apologize to him for having said they are friends. I hope you take this apology in the spirit in which it's intended, Senator—unless you can prove otherwise.³

The point being made by Rooney here is that an allegation, once made or 'suggested' by a speaker, has done its damage and will 'stick' as an innuendo, even if it is later explicitly retracted by the speaker. Many who have read or heard the original allegation may not read or hear the retraction. And even if they do, they may discount the retraction to some degree, and still give some credence to the original statement. This is the 'staining' or 'sticking' effect of gossip, rumour, and innuendo. But the clever thing about such an accusation, Rooney is ironically pointing out, is that the perpetrator can disclaim all responsibility

³CBS News Transcript, *60 Minutes*, vol. 23, no. 28, March 24, 1991, pp. 17-18.

for standing behind the allegation, simply by retracting it, or ‘apologising’ for having made it.

As Rooney shows, the technique is simple and effective. You can call someone a ‘racist’ on the grounds that someone else ‘suggested’ it, adding, ‘I certainly wouldn’t suggest he’s a racist because I simply don’t know’. By this kind of move, you have absolved yourself of all obligation to back up your allegation (burden of proof), but seeds of doubt have been sown. The possibility has been raised that this person could be a ‘racist’. In effect, a burden of presumption has been shifted onto him to refute the charge of racism if he can. And all this has been achieved at no cost to the accuser.

Another subtle aspect of the use of this technique is that the respondent who has been so accused may only make the allegation more credible if he tries to take active measures to refute it. This kind of response often just draws more publicity to the issue, securing a wider audience for the accusation. It may also make the accused person appear more likely to be guilty, because he appears so concerned about the charge—suggesting there may be some truth in it.

The hidden danger in this type of case is the covert shifting of the burden of proof. The saying, ‘Qui s’excuse, s’accuse’ suggests the nature of this phenomenon. A person who is confronted with a charge of malfeasance may appear to concede guilt if they try to disprove the charge by citing evidence, e.g. an alibi. A more credible strategy would be to appear to be outraged at the audacity of the person who would dare to make such a charge. This strategy is a kind of counterattack that throws blame on the accuser.

The danger here is a subtle one that is often overlooked. One needs to be sensitive to the adversarial aspect of the dialogue, and to the importance of the roles of the speaker and hearer as participants in a goal-directed framework of dialogue where the burden of proof can fall on one side or the other.

In a critical discussion [van Eemeren and Grootendorst, 1984] one party may have a positive burden of proof (obligation to show his thesis is right) while the other may have a role of critical questioner of this claim. Confusing these roles can lead to fallacies, confusions, and errors.

Whately [1846; 1963, p. 113] was clearly aware of this danger. He compared it to a body of troops in a fort who are strong enough to defend it against any attack, who, ignorant of their advantage, sally forth into the open field to meet the enemy and are defeated. Similarly in argument, if you have the presumption on your side, and can refute all arguments against you, it could be a serious error to concentrate on an active defence of your position. For by forgetting on whose side the burden of proof lies, you could be leaving out of consideration one of your strongest arguments.

If confronted by the question ‘Have you stopped abusing your spouse?’, Alice may react by trying to prove herself innocent. But proving yourself innocent is a difficult job, especially if no specific charge of abuse has been made. Suppose Alice proceeds to take upon herself the burden of proving her innocence. She might declare: ‘That black eye that Bob had last year. He ran into a door knob. I never did it. And his broken arm the year before. He did that playing backgammon’. By seeming to be on the defensive, Alice may seem to be conceding her own guilt. What she should have done was to challenge the presuppositions of the question. A better strategy would be for her to put the burden of proof back onto the questioner to prove his accusation if he can. She should simply deny the charge and insist on the questioner giving his reasons for this allegation, instead of voluntarily taking the burden of disproof upon herself.

The problem in this type of case is that when a questioner aggressively attacks a respondent, it often seems to place the burden of proof on the respondent to justify her position. Thus it can be a temptation for the respondent to go ahead and try to fulfil this apparent obligation. But it may be a trap. For the respondent’s strongest argument may lie in the presumption that she is not shown guilty until the questioner has proved it.

The problem in these cases is deciding where the burden of proof should lie. If the questioner has adequately supported the loaded presuppositions of his question, then the burden of response should lie upon the respondent. But the respondent should have the right to challenge whatever proofs of arguments the questioner has offered. Yet if the questioner has not given such proofs or arguments, the respondent should point this out, and make clear where the burden of proof lies.

The error in this type of failure to react aggressively enough to a loaded question can only be diagnosed and evaluated, in a given case, by studying the context of dialogue to determine where the burden of proof should lie.⁴ Such determinations can be easily made in many cases. But unless one is aware of the danger of a shift in the burden of proof in a sequence of reply it might be that the respondent would raise a strong suspicion of his guilt, especially if, as might often happen, the circumstances she marshals as evidence in her defence are not conclusive. This unfortunate result comes about because one tends to forget that the accusation may in fact be based on no established evidence. Therefore, even the weakest argument should refute it. But if the refutation is weak, it may seem unconvincing, and the whole matter of burden of proof may be overlooked.

⁴ Walton [1989a].

3 HOW INNUENDO CAN BE ABUSED

First, it needs to be said, that there is nothing inherently wrong with suggesting things in argumentation. Nor is there anything inherently wrong with asking questions, raising doubts, or subtly suggesting implicit conclusions without explicitly stating them to a hearer or audience.⁵ But there may be something critically wrong about doing one or any of these things where there is a burden of proof on the speaker. The failure here is one of not presenting sufficient evidence to back up a claim.

For example, making a public allegation that someone is a child abuser, or is guilty of sexual misconduct, is a serious charge which should not be brought forward unless it is backed up by at least some evidence. Otherwise, the chances of unwarranted damages to the person's well-being, chances of earning a living, respect within the community, etc. are simply too great. If such a claim is made, there should be a burden of proof to back it up. Otherwise, such an argument could be not only a bad argument, a failure to support a conclusion by adequate reasons, but even a brutal attack.

But an inadequately supported argument that fails to meet its proper burden of proof, is not necessarily a fallacious argument. What other ingredients would be needed to make such an argument an instance of a fallacy of creating misgivings or argument by innuendo?

Important clues to searching out a useful answer to this question are to be sought in the understanding of the three stages of the context in which innuendo is brought forward and used as a technique of argumentation.

1. *The Allegation Stage.* At this stage, a *serious* charge is brought forward, meaning one that has potentially harmful effects, and therefore carries with it a burden of proof. However, the charge is brought forward by suggestion or innuendo. For example, it may be said, 'I hear that so-and-so has committed [some socially disapproved type of act]'. The sources of the allegation may not be shown as reliable, or even named. Thus the charge is suggested, rather than asserted.
2. *The Moving Forward Stage.* The allegation is spread or passed along by typical means like rumour, gossip, or in some manner by which the original source can be shielded or concealed. The means of spreading is typically escalated by factors like suspicion, fear, or strong tides of current public opinion.

⁵ Philosophy, as a field, would be in plenty of trouble, if there were anything inherently wrong with these speech acts.

3. *The Retraction Stage.* The source can be concealed, or if it is revealed, the proponent can say, ‘I never meant to say that!’ The open route for possible evasion of the burden of proof has been created by the implicit and indirect nature of the making of the original allegation. Thus the possibility for retraction of the allegation is set in place.

Normally, in a critical discussion, retraction of one’s prior commitment should be possible in principle, even though in practice, there should be some sanctions that make retraction ‘sticky’ in some cases. As Hamblin [1970] recognized in his pioneering study of commitment in his work in formal dialogues as normative models of argument, retraction is one of the major problems of modelling commitment. What needs to be seen here is that the problem of innuendo as a fallacy is tied closely to the problem of retraction of commitment in dialogue.⁶

Generally, there ought to be some room for retraction of commitments in argumentation. But the problem with innuendo is that once it is put forward in public, it tends to get ‘stuck into place’ and have all sorts of harmful effects. Thus the proponent who has put forward such an allegation should have to take some responsibility for it, to incur a commitment on behalf of the proposition put forward in the dialogue. But with innuendo, by its nature, many avenues for easy retraction of commitment are left open. Retraction is just too easy, and even if carried out, somehow the original assertion seems to stay in place as a commitment.

How is this possible? It is possible because of presumptive implicature, an inherently legitimate kind of reasoning that works by shifting a burden of proof in dialogue. Somehow the abuse, or fallacious use, piggybacks on the genuine, legitimate, correct use of this type of reasoning.

Presumptive reasoning is defeasible, and the link between premise and conclusion of a presumptive inference is not implication, but Gricean implicature—it is a kind of rule that one thing is connected to another generally, according to normal expectations in a context of conversation, subject to exceptions. Argument by innuendo has an unstated conclusion, linked to premises by plausible reasoning. It can therefore exploit this feature of defeasibility by allowing for an ‘escape route’ of plausible deniability. Charges are made not in the form of explicit assertions, but by other means like questioning, suggesting, indirect speech acts, or even denying the proposition that is put forward.

One can even put forward a particularly insidious form of the argument by

⁶The monograph, *Commitment in Dialogue* [Walton and Krabbe, 1995] tackles this general problem.

innuendo by saying: ‘According to so-and-so (or even an unnamed source), *A* is true, but I myself deny that *A* is true!’ By using this oblique approach (plausible) deniability is not only kept open, but exercised. Indeed, in this type of speech act, an explicit denial is actually included within the act of bringing forward the proposition and drawing it to the respondent’s attention as an item for consideration. This particular tactic could be called *explicit denial innuendo*. How it works in practice is very well illustrated in the ironic account of its use given in Case 6.2 above.

Innuendo works generally by a kind of ‘sticking power’ in a conversation. This principle works because the respondent, in effect, reasons: ‘Well, if someone said it, maybe there is something in it’. If there is no evidence against the allegation, a presumption gets lodged into place. This phenomenon could be called the *staining effect* of innuendo—once a proposition is introduced into a dialogue in any form (even as a suggestion, supposition, or question), it tends to stay in a respondent’s commitment-store, even if only as a weak presumption or concession.

There may be practical reasons why this proposition, once put on the agenda, stays in memory. For example, if the person who was the subject of the innuendo is someone whom one encounters socially, or in dealing with one’s children, there could be practical reasons, on grounds of safety, for being concerned about any possibility that he or she may be a potential danger. Here the practical basis of the presumption is *tutiorism*, the principle of erring on the safe side if there is doubt, and a practical decision must be arrived at. In such a case, there is much concern with a person’s *ethos*, or reputation for good and reliable character.⁷ A stigma, even if unproven, could mean that a person’s reputation is damaged.

With innuendo, the speaker’s (sources) reliability is important, especially where the source has brought forward no evidence to support the allegation. *Rumour* is a kind of passing along of a reported proposition from one source to another, where the original source becomes lost or no longer responsible for verifying the proposition. A problem with rumour is that the proposition itself is likely to vary as the process of passing along from one source to another continues. In rumours, an allegation is typically distorted and blown out of proportion. But the opportunity for checking it by questioning the original source is typically not available to the respondent.

An extreme form of the passing on of rumours from one party to another is called *gossip*. In gossip, a proposition brought forward as a presumption is

⁷ Brinton [1986].

passed along on a presumptive basis, as an unverified report, usually with waivers of plausible deniability attached and/or understood.

In some cases, presumptions are passed around in the form of rumours, but there is no movement towards any further kind of systematic investigation that would confirm or repudiate them. In other cases, suspicions take the form of serious allegations or charges, creating pressure for the accused to rebut the charges, or for the accusers to substantiate them. Public opinion often turns out to be an important form of political pressure to speed up or intensify this process. The shifting tides of public opinion create a background context against which presumptions are pushed forward.

4 HOW CHARGES MOVE FORWARD

A key condition for the usefulness of presumptive reasoning in argumentation is the absence of knowledge that would definitively resolve the issue in question, one way or the other. You could say that the proper use of presumptive reasoning in argument is always an argument from ignorance (*argumentum ad ignorantiam*). Presumptive reasoning comes into play where there is enough evidence (soft evidence) to raise a charge, allegation, or suspicion, but not enough evidence (hard evidence) to prove or disprove the proposition at issue.

Although the argument from ignorance has traditionally been classified as a fallacy, once it is recognized that presumptive reasoning is a legitimate and correct type of reasoning in many instances, it can be seen that arguing from ignorance is not necessarily fallacious. Copi and Cohen [1990, p. 93] define the argument from ignorance as ‘the mistake that is committed whenever it is argued that a proposition is true simply on the basis that it has not been proved false, or that it is false because it has not been proved true’. However, they do admit an important class of exceptions to the rule that the argument from ignorance is an error [Copi and Cohen, 1990, p. 94]: ‘There is one special context in which the appeal to ignorance is common and appropriate, namely in a criminal court, where an accused person is presumed innocent until proved guilty’. And in fact, the way argumentation proceeds in a criminal trial is a good illustration of an argument from ignorance.

The line of argumentation in the raising and resolving of a criminal charge goes through five basic stages.

1. *Accusation.* Is the charge serious (well-founded) enough to go to court?
2. *Trial Set.* To go ahead with a trial, there must be some evidence against the defendant.

3. *Trial.* Here witnesses are questioned, evidence is examined and collected. The arguments for both sides are presented.
4. *Verdict.* A conclusion is arrived at, on the basis of burden of proof favouring the side of the defendant.
5. *Appeal.* There must be *new* evidence, i.e. evidence that was not previously considered in the trial, to make a case for appeal.

What sets the whole process in motion is the charge, an accusation or allegation made by some party against the defendant. A charge is by its nature presumptive. A serious charge must have some evidence or argumentation behind it, but by its nature, the evidence for or against a charge will be inconclusive.

The reasoning behind this five-stage sequence has a negative logic characteristic of the *argumentum ad ignorantiam*. In the absence of knowledge that the proposition alleged by the charge is false, the side in the trial with the burden of proof goes ahead to try to prove that the proposition is true. In a criminal trial, this proving must be done ‘beyond reasonable doubt’. If at any stage, definite knowledge that the proposition in the charge is false should arise, then the whole sequence of argumentation should be halted, and the charge dropped. In a sense then, ignorance is what drives the process forward and makes the quest for proof meaningful. Presumptive reasoning generally—see Section 6 below—turns out to be a species of argument from ignorance. Argument from ignorance can, in many instances, be nonfallacious [Walton, 1996].

The criminal trial is not only an expensive and time-consuming process, but it can be emotionally painful for involved parties, and drag private revelations into the public arena, especially with sensational media coverage of the event. Thus if the process of the five stages of argumentation is pushed ahead for frivolous or wrong reasons, e.g. pressure of public opinion on an emotional issue at the time, the consequences can be serious, even undermining the process itself as a public institution. The effect can be a ‘lynch mob’ syndrome, where the argumentation is pushed ahead and speeded up, on the basis of a very poor quality of argumentation. This is the type of case where presumptive reasoning goes wrong, and becomes fallacious or erroneous.

The following case is a good example of this ‘going wrong’ of a sequence of presumptive reasoning leading up to, and culminating in a criminal trial. The moving force that pushed the sequence ahead was the pressure of public opinion.

In this case, summarized from the 20-20 program ‘Presumed Guilty’, a couple who ran a private school were—unfairly, as it turned out—accused of sexual

abuse of the children in their care. Beginning as a ‘whisper of possible sexual abuse’, rumours rapidly escalated into suspicions and fears on the part of the parents. Ultimately, many charges were brought against the couple in the courts, and many accusations made by the news media, resulting in devastating effects on the couple and their two children. They had to leave the city, and both parents lost their jobs.

Case 6.3

When a four-year old student began having behavioural problems and nightmares, she was taken to a therapist who concluded that the child had ‘knowledge of sex far beyond her years’. Other children were then questioned, and police officers spread out the questioning into the community. Police suggested to parents that they send their children to therapists for questioning.

The therapists concluded that all of the children at the school had been molested. When one little girl drew a picture of a tree, the therapist interpreted it as a penis, and concluded that the child had been molested. The charges came out, not directly from the children, but through the interpretations of the therapists. On this basis, attorneys pressed forward millions of dollars of lawsuits. Hostility in the community mounted, and local newspapers ran articles saying that the couple should be ”shot, on the spot” and that child molesting was characteristic of their [Armenian] foreign culture. Their two children, aged eleven and thirteen, were said to have participated in the abuse.

Next, the couple was arrested and their case went to court. The judge commented that the case was ‘out of hand’ and would not have gone further except that some evidence was not presented. Among this evidence was the fact that the therapist, upon whose interviews much of the evidence was based, had believed that his own daughter had been molested. This bias may have helped to explain why he had asked the children so many leading questions in these interviews, e.g. ‘Did he ever try and put his penis in your bottom? Did he lay on top of you? Did it hurt when he did that [while watching the child play with ‘anatomically correct’ dolls]? The courts, once they did examine the tapes of these interviews, found them ‘coercive’ and ‘misleading’ in that the accusations seemed to come chiefly from the therapists rather than

the children. Moreover, medical reports finding no physical evidence of abuse were not presented to the court. Evidence of sexual abuse by some of the parents of the children was also not presented to the grand jury.

Eventually, the judge threw the case out of court, accusing the prosecution of ‘bowing to public pressure’. A former assistant prosecutor, who resigned during the case, said that the case was ‘politically motivated’, and that if he had dismissed the charges at the time, ‘the public would have had his head’. To have done this would, in his words, have been ‘politically impossible’, a ‘death sentence’.

The family has now moved to another state, and the husband has been unable to work. Many charges in the lawsuit are still pending, continuing the ‘nightmare’ of disruption of their lives.⁸

In this case, we can see the serious, bad effects of the sequence of events that went forward. An allegation of this type has a ‘sticking’ or ‘staining’ effect, once it is made in public. One kind of effect in this type of case is for the accused person to be stigmatized and isolated by the community, and this often means loss of one’s job or means of livelihood. The man accused in the case described it as the ‘worst nightmare’ he could ever have imagined.

In this case, the mechanism that drove the charges forward to resolution by a legal trial, starting from an extremely slim basis of presumption, was grounded in the immense popularity, at this moment, for prosecuting charges of sexual abuse against children. Once even a slight basis for suspicion was present in one case, the ‘experts’ were ready with ‘anatomically correct dolls’ to press on with all kinds of loaded, accusatory questions that really functioned more like assertions the children were asked to assent to or concede. The process was also accelerated by the fears and suspicions of the parents, and the rumour-passing in a small community. Public pressure then drove the whole process ahead by making it ‘politically impossible’ for the prosecutors not to go forward with charges.

In Case 6.3, what began as a slight suspicion was driven forward by a brushfire of rumour, bad ‘expert’ management of evidence, gossip, and innuendo, toward a tragic conclusion. It was a case of presumptive argumentation gone wild, and out of control, driven by an intense social context of popular opinion preva-

⁸ A summary précis [not quoted verbatim] of the CBS News Report ‘Presumed Guilty’ televised on 20-20, July 5, 1991.

lent at the time. It is a worst case scenario of argumentative mischief based on innuendo—a fallacious *argumentum ad ignorantiam* if there ever was one.

But is Case 6.3 rightly described as an instance of the fallacy of argument by innuendo (creating false doubts, creating misgivings, etc.)? To be sure, one way or the other, we have to come to some understanding of what went wrong. How was the argument in this case a deviation from, or abuse of some correct method of argumentation, or some normative standard of good reasoning. To see what went wrong, we need to understand what could have been right.

Traditional logic has tended to overlook presumptive, opinion-based argument as a serious kind of reasoning or evidence to be studied. But clearly this type of argument was one of the most important factors in Case 6.3.

5 ARGUMENT FROM TESTIMONY

The argument from testimony yields a kind of evidence that is source-based, which has the implication that the evidence is drawn from a source of opinion that has filtered it through a certain interpretation, and is susceptible to bias or other kinds of distortions. Source-based evidence can generally be contrasted with reproducible evidence, meaning that the same data can be produced again and again, for each different person who wants to look at it or consult it, and it will always (presumably) appear the same to each new observer.

Some source-based evidence appears to have this reproducible quality. For example, once a witness or historical author has set down his words or account, anyone can go back and read these same words. In this sense, the evidence is ‘reproducible’. But there is room for doubt whether the author or witness really wrote those words. Also, the evidence is not reproducible in the sense meant above, because as each new reader comes along, she can attach a different interpretation to those words.

For example, if Tacitus was the source of a written account of a war, his words or written accounts are reproducible, but they still remain Tacitus’ account, and are based on the source, Tacitus. It remains an open question, in judging the worth of this account as evidence, whether Tacitus is a reliable source.

The argumentation scheme for the argument from testimony is the following.⁹ *A* is a proposition, and *a* is a source of opinions (normally a person).

(AT) *I. a is (was) in a position to know whether A is true or false.*

⁹ On argumentation schemes generally, see Hastings [1962], and van Eemeren and Kruiger [1987].

2. *a is a reliable source.*
3. *a asserts that A is true (false).*
Therefore, A is true (false).

The kind of argument based on this argumentation scheme is defeasible and presumptive in nature, meaning that the conclusion is plausible, or tentatively acceptable, given that the premises are met in a given case, subject to retraction in the face of countervailing evidence that may arise in the future.

In other words, arguments based on the scheme (**AT**) are open to critical questioning. The appropriate, matching critical questions for the argumentation scheme (**AT**) are the following.

(QT) 1. *Is a a reliable source?*

2. *Is what a asserts contradicted by reproducible evidence?*
3. *Is what a asserts contradicted by what is asserted by another source?*
4. *Is (was) a really in a position to know whether A is true or false?*
5. *Did a assert A, or was A inferred from something a said?*

Under the first critical question, it can be queried whether *a* has been known to be dishonest in the past, or whether *a* has a bad character for veracity generally. It can also be queried whether *a* is biased, or has a special interest at stake, something to gain personally by claiming that *A* is true or false. All these forms of attacks on *a*'s reliability as a source come under the heading of the *argumentum ad hominem* in traditional logic.

Under the first critical question, as well, one can also raise the *ad hominem* consideration of whether what *a* says in this case is contradicted by what *a* asserts implicitly in his own case, or his own personal practices in another case. But typically, under the third critical question, it would be an argument from a separate source that is considered. If this other source is equally or more reliable, then *a*'s assertion would be thrown into question as a good basis for the use of the argument from testimony.

The fifth critical question is crucial in many cases, because a source may not have been directly or exactly quoted as saying *A*. It may often be that *A* has been inferred, by the arguer using the argument from testimony, from some collection of statements that *a* made. Here we have to be careful to ask whether *a* was quoted directly, or whether the opinion attributed to *A* was derived from

something else *a* said. Matters of quotation of a source are generally very important in assessing the worth of an argument from testimony.

Also very important generally is the naming of the source. The value and worth of argumentation from testimony is much more reliable and useful if the name, and even the address of the source is given. Attribution of sources by opaque phrases like, ‘according to an insider’, or ‘according to normally reliable sources’ is of dubious value if the source cannot be identified or verified. Arguments from testimony of this type are double-sourced, because you are depending on the reliability of the source of the report who is claiming that *his* source is reliable.

The argument from testimony is based on the Gricean maxims of communication to the effect that the speaker is making a sincere and honest attempt to enter into a conversation where she is communicating information that the hearer wants to know about.¹ A dialogue structure of communication is presupposed as a context of discussion for evaluating the worth of an argument from testimony in a given case.

In the context of legal trial, the presumption of the honesty and sincerity of the witness is made explicit in the oath that the source is asked to give. But the veracity of the witness can also be tested by the questioning of the opposed attorney in cross-examination. If there is a known bias or previous record of dishonesty which would be relevant, the questioning attorney is supposed to bring this out. Done successfully, such an attack can discredit the testimony of a witness.

Generally, the argument from testimony should be seen as a presumptive type of argumentation that shifts a burden of proof back and forth between two opposed sides in a dialogue. Such an argument is successful or correct if it tilts a balance or weight of plausibility to support one side where there is a conflict of opinions between two sides of an issue. This kind of argument is never ‘final’, but carries a weight of plausibility that is enough to overcome doubts.

Argument from testimony is one subtype of a more general kind of argumentation called ‘source-based’.

6 CHARACTERISTICS OF SOURCE-BASED ARGUMENTATION

The key characteristic of all source-based argumentation that separates it from other types of argumentation is that there are three participants involved in the context of dialogue:

¹ Grice [1975].

1. The *proponent* is using an argument for a purpose in a context of dialogue, e.g. to convince a respondent in a critical discussion that a proposition is true.
2. The *respondent* is the recipient of the argument, the person the argument is directed to by the proponent.
3. The *source* is a third party upon whose assertions or support the argument used by the proponent is based.

Typically, in this arrangement, the respondent questions, or has an attitude of doubt about the conclusion of the argument put forward by the proponent. The proponent's goal is to remove this doubt by bringing forward an argument that will convince the respondent that the conclusion is true. In a source-based argument, the proponent uses an argument that has at least one premise based on the sayso of a third-party source who vouches for the truth of the premise. The argument depends essentially on the standing or reliability of the source.

The participation of the source in the dialogue is of a different kind from that of the proponent and the respondent. The proponent and the respondent are both directly involved in a dialogue with each other. The source is external to this dialogue. The source stands in a dialogue (dialectical) relationship to the proponent. The context of dialogue here is often of an implicit or derived nature. When the proponent uses a source-based argument in a dialogue with a respondent, the proponent in effect alleges that he has consulted the source in some way. This means that there exists, at least an implicit dialogue relationship between the proponent and the source. It does not mean that the proponent has actually talked to the source. He may, for example, be citing a written source he has not actually talked to. It means, rather that what the source has asserted, allegedly, is open to challenge and critical questioning.

What is especially important to note here is that a juxtaposition of two distinct types of dialogue may be involved in the use of source-based argumentation. For example, suppose the proponent and the respondent are engaged in a critical discussion on the issue of whether or not abortion is morally acceptable as a practice. To back up one of his subarguments, suppose the proponent of one side of the issue cites an expert opinion, say, the opinion of a physician on whether a fetus could survive at some particular state of pregnancy of the mother. In this type of case, the dialogue between the proponent and the respondent is a critical discussion. However, in citing the physician's opinion on a particular point that is supposedly relevant in the critical discussion, the proponent is alleging that he and the source (the physician) stand to each other in

the relationship or structure of an information-seeking type of dialogue of the type studied in Hintikka [1981]. He is claiming to consult the expert opinion of the physician, in other words, as an authoritative source to back up his argument in the critical discussion. He need not have actually talked to the physician but he has the word or the opinion of the physician that has been brought forward and announced in some form.

The problem with a good deal of source-based argumentation is that the source is not even explicitly named or identified. For example, arguments may be based on the following kinds of claims: ‘According to experts . . .’, ‘according to reliable sources. . .’, ‘according to insider reports. . .’, and so forth. The problem with these cases is that unless a specific person or institution is mentioned, no real verification of the claim is possible. It is just this kind of abuse that is often covered in informal logic under the *argumentum ad verecundiam*.

In defining the nature of source-based argumentation, there are questions on who or what constitutes a ‘source’. Does a ‘source’ have to be a human being, or could it be something like an encyclopaedia, or other form of knowledge base? A ‘source’ does not have to be a human being. In general, what constitutes a ‘source’ depends on how it is being used or appealed to in argumentation. It depends on what question is being asked.

For example, suppose the question is about the issue, ‘Is Konigsberg in Germany?’ and the proponent of the affirmative answer cites a 1926 edition of the *Encyclopaedia Britannica* which contains the statement ‘Konigsberg is in Germany.’ This would be a case where source-based argumentation is being used by the proponent to back up his argument. The *Britannica* is being used as a source, in an appeal to expert opinion. Note that this argument, as a source-based type of argument which is an appeal to expert opinion, is open to critical questioning. One relevant critical question that is important here is whether the opinion expressed in the *Encyclopaedia* may be outdated.

On the other hand, suppose the question is: ‘Does it say in the 1926 *Encyclopaedia Britannica* that Konigsberg is in Germany?’ The proponent of the affirmative answer can cite the 1926 edition as containing the statement ‘Konigsberg is in Germany’, just as occurred in the case above. But now the argument being used is not source-based argumentation. The opinion in the *Encyclopaedia* is not being asserted as true, in this case. The question is not whether it is true, but only whether it is in the 1926 *Britannica*. The issue is not whether this assertion can be critically questioned any further. Once it is agreed that the statement is in the *Britannica* for that year, the issue is closed.

In the second case then, a source of knowledge or opinions is being consulted. But the type of argumentation involved is not source-based argumen-

tation in the sense defined above. Hence to determine whether a given case is an instance of source-based argumentation or not, you have to examine how the source is being used to support an argument in the given context of dialogue.

A key feature of Case 6.3 was that the most important witnesses were very young children—not very reliable witnesses, because of their being very much open to suggestions. But then even this very fragile kind of evidence was filtered through the questioning of ‘experts’ who were biased or predisposed towards a particular type of finding. The problem of argument by innuendo in this case was not the failure to identify sources, but the selective presentation of the source-based evidence, and the way in which the evidence was elicited from these sources by the use of questions that were suggestive of conclusions implicitly asserted by innuendo.

7 PRESUMPTIVE REASONING

Traditional logic has concentrated on assertion, where a proposition is put forward as true by a proponent, incurring a burden of proof, a positive obligation to support that proposition accruing to the proponent, upon the challenge of that proposition by the respondent.¹¹ However most propositions in everyday conversations are put forward and accepted not by assertion, but by presumption.

In many cases of dialogue on a contentious issue, knowledge of the relevant facts may be hard to come by—for example, if the discussion is about values. In this type of case, the function of the knowledge base may be partly, or even completely replaced by an arguer’s position, his set of commitments or concessions. This type of position-based dialogue is characteristic of presumptive reasoning.

In a critical discussion, a presumption can come into play where some proposition **p** is not known to be true or false, but nevertheless is pragmatically relevant to the discussion in the sense that if **p** were true, or false, it would influence the course of argumentation in the discussion. Even though the evidence for or against **p** is inconclusive, it may be that **p** has an ‘argumentative function’ in relation to the discussion—that is, **p** could be used as a premise of an argument, by one side or the other, a premise of a convincing, or at least a powerful or interesting argument. In such a case, the proponent of the argument that **p** has

¹¹ An exception to this traditional concentration is found in the theory of plausible reasoning put forward in Rescher [1976; 1977]. Rescher’s theory explains how shifts in presumptions at a local level of dialogue can be based on an initial or global burden of proof. The concept of burden of proof is further explained in Walton [1988].

an argumentative function in, can ask the other party in the discussion to tentatively accept **p**, as a working assumption ‘for the sake of argument’. In such a case, the proposition **p** is put forward as a presumption.

A presumption is a speech act that is halfway between a (mere) assumption and a (flat) assertion. It is a provisional claim put forward in a tentative fashion within a critical discussion, in order to facilitate the goals of the discussion. But presumptions are not just limited to the type of dialogue called the critical discussion. They can be useful in many kinds of dialogue, provided they meet the four general kinds of conditions below. These four conditions represent the basic structure of the analysis of presumption given in Walton [1992c].

I. *Preparatory Conditions*

1. There is a framework of dialogue involving two participants, a proponent and a respondent.
2. The dialogue permits a proposition **p**, or its negation, as a working assumption.

II. *Dialogue Move Conditions*

1. The proponent brings forward **p**, and asks the respondent to accept it as an assumption.
2. The respondent has an opportunity to reject **p** as an assumption that will hold in the subsequent dialogue.
3. If the respondent does not object (as in dialogue move 2, above), then **p** is set in place as a commitment that is binding on both parties in the dialogue.
4. At some subsequent point in the dialogue, **p** can be given up as a common commitment, subject to agreement by both parties.

III. *Obligation Conditions*

1. At dialogue move 1, the burden is on the proponent. If challenged, he must support **p** as a reasonable assumption that will apply to the dialogue.
2. At move 2, the burden shifts to the respondent. She has to give reasons why she wants to reject **p** as an assumption, if she wants to reject **p**.

3. (*Politeness Maxim*) If no objection is made by the respondent at dialogue move 3, then **p** is put in place (temporarily), as a working assumption in the subsequent dialogue. It is ‘lodged in place’, and the respondent is obliged to leave it in place for a while.

IV. *Retraction Conditions*

1. The proposition **p** stays in place in the commitment stores of both parties long enough to give the proponent room to use it for the purpose of argumentation. Once in place, it stays in place until it has been properly retracted (at an appropriate retraction point).
2. Once an appropriate retraction point has been reached, either party is free to propose retraction of **p** as a commitment, either on practical grounds (on grounds that the assumption is no longer useful for the dialogue) or on grounds that new evidence has come in which shows that **p** is false.

The set of conditions above defines how presumption is used as a practical device of argumentation to facilitate the goal of a dialogue. Use of a presumption enables a dialogue to go ahead even in the absence of sufficient evidence to back up a proposition conclusively. Even so, the proposition can be tentatively assumed as a working premise, in order to allow a participant to develop a line of argumentation, to see where the assumption leads in a dialogue.

A pure assumption is a proposition that can be asked to be granted, or that can be rejected, at any point in a dialogue, freely, by either party. In contrast, a presumption is related to evidence, and is restricted and controlled by hard evidence in a dialogue. Should hard evidence come into a dialogue at any point, evidence that refutes a presumption, then that presumption must immediately be given up by all parties to the dialogue. Thus presumption bears a kind of inverse relationship to evidence. A presumption can go forward on the basis of a lack of conclusive evidence, one way or the other. But if contrary evidence does come in at any point of a dialogue, the presumption must then be given up.

The precise mechanism whereby presumption works in a critical discussion, inquiry, or other types of dialogue, has turned out to be expressed by the principles of the *argumentum ad ignorantiam*. If **p** is not known to be false, then **p** may be presumed to be true in a dialogue. If **p** is not known to be true, then **p** may be presumed to be false, in a dialogue. These two principles express the basic principles underlying the working of presumption as a device of reasoned dialogue.

Presumption is not a semantic notion, but is an essentially dialectical concept. The key concept underlying the working of a presumption is the exchange

of rules by a proponent and respondent in dialogue. When the presumption is initially put forward by a proponent, it is up to that proponent to justify its use as a presumption in the dialogue. If challenged, he has the obligation of defending it, as a useful and permissible presumption, and of rebutting any evidence that may seem to be against it. Once the presumption has been set in place, however, the burden then shifts to the side of the respondent to dislodge it, if he objects to its use in the dialogue. Unless he can give a convincing argument against it—for example, by showing that new evidence has come into the dialogue that refutes it—he must agree to abide by the presumption, at least for a long enough time for the proponent to make use of it to put forward his point of view.

Thus the key idea behind presumption is the exchange of roles by the participants in dialogue. The burden to come up with positive argument shifts from the proponent to the respondent, during the course of the dialogue. Thus a presumption is not totally unrelated to evidence. It has an indirect relationship to positive evidence. It goes ahead on a provisional basis. There may be no evidence in favour of it, but it goes ahead in a dialogue provisionally until such time as anyone who objects to it can provide evidence to refute it.

Presumption is basically a practical (pragmatic) notion which is useful in dialogue on the basis of six types of considerations:

1. *facilitating actions*, in the absence of conclusive evidence, where a practical decision to proceed must be made;
2. *accepted procedures*, where routine ways of doing things in skills and technical practices have been found to be successful;
3. *arguments based on expert opinion*, where a proposition may be accepted even though, from the point of view of the user, it is only a presumption, not a conclusion based on hard evidence;
4. *customs and fashions*, where choices leave open various ways of proceeding;
5. *conventional, popular wisdom*, where propositions are accepted because they are generally accepted and have not been challenged, for example, by scientific or technical developments;
6. *manners and conventions of politeness*, or concessions and accepted ways of doing things that make social and business activities proceed smoothly and efficiently, where tolerance and collaboration are required in daily activities.

By this theory of presumption, the roles (burden of proof allocations) are switched around from the case of assertion. The proponent does not need to prove—once the respondent accepts the presumption, the burden of furnishing evidence is shifted to his side.

Rumour, gossip, and innuendo typify cases of argumentation in everyday conversation where presumption has gone wrong. A presumption has been put forward in dialogue on a weak, or perhaps even nonexistent basis, and pushed forward by powerful forces so that its impact is well out of proportion to the real evidential basis underlying it.

According to the theory put forward in Walton [1990a; 1992c], presumptive reasoning can be a legitimate and genuine kind of reasoning in some cases. Indeed, according to Walton [1990a], generally in everyday argumentation, presumptive reasoning of a dynamic, goal-directed, action-concluding kind is at the basis of practical reasoning in contexts of dialogue like deliberation, critical discussion, and information-seeking dialogue. Argumentation from sign is a good example.¹ If we see a sign or symptom of a particular illness or worrisome condition, then that may be a good basis of presumption for some kind of prudent action, e.g. advising the person who has this symptom to go to his physician.

Presumptive reasoning works on the basis of conditionals and generalizations that are *defeasible*, or subject to default, should contrary evidence come in, in the future. For example, the presumptive conclusion about advising a trip to the doctor above might be based on a defeasible expectation that this particular sign tends to be associated with some kind of illness or condition that makes a trip to the doctor worthwhile, e.g. it is a worrisome condition, but subject to treatment by physicians. The conclusion may be a good presumptive basis for action, even though it is recognized that the symptom observed may not in fact turn out to be associated with any particular disease or worrisome condition.

Presumptive reasoning is practically useful, and indeed indispensable, in the affairs of ordinary life and professional pursuits. But it tends to be an unreliable tool that can be used wrongly, leading to all kinds of fallacies, errors, and problems of bias. As a defeasible type of reasoning, it is subject to defaults, and must be used with caution.

To determine whether presumptive reasoning has been used correctly or incorrectly in a context of dialogue one needs to reconstruct the argumentation scheme that is appropriate. Examples of argumentation schemes already noted are those for argumentation from sign and argumentation from testimony. Both

¹ Hastings [1962] recognized argument from sign as an argumentation scheme.

of these species of argumentation are presumptive and defeasible in nature. They function by shifting a weight of presumption from one side to the other in argumentative dialogue.

Argumentation by innuendo, as a species of presumptive argumentation, has these same properties. It can be correctly used to shift a weight of presumption, but it can also be used wrongly.

8 HOW INNUENDO WORKS

The technique of using innuendo works by an inference, put forward by a proponent, where the inference has an implicit conclusion not stated (explicitly) by the proponent, and the respondent is expected to draw it. Using innuendo presupposes two things, broadly speaking:

1. an *inference*, a set of propositions, one of which is a conclusion, while the others are premises, and
2. a context of dialogue wherein a speaker, a proponent of the inference, puts forward or suggests a conclusion to be drawn by a hearer, or respondent.

The following case will serve to illustrate how innuendo generally works.

Case 6.4

Donna shouts down the stairwell to her daughter Cortney: ‘Has Wayne left for work yet?’ Cortney shouts back: ‘The jeep is not in the driveway’.

In this case, Cortney does not explicitly state the proposition, ‘Wayne has left for work’. But she implies (by implicature) that she is putting forward this proposition as the answer to Donna’s question. How this process of ‘putting forward’ works is dependent on a feature of the context.¹ Cortney knows (or presumes), and she knows that Donna knows (or accepts) the proposition that, normally, Wayne uses the jeep as his means of getting to work. Therefore, if the jeep is no longer there, it is fair to presume that Wayne has left (in the jeep) for work.

This type of inference is called presumptive because it does not necessarily follow, from the perceived absence of the jeep in the driveway, that Wayne

¹ On the importance of such contextual factors in argumentation, see Perelman and Olbrechts-Tyteca [1969].

has left for work. Normally Wayne takes the jeep, but there are exceptions to this rule of thumb. Some days, Wayne gets to work by other means. And some days, he takes the jeep, but does not go to work in it, but goes somewhere else. The inference drawn in Case 6.4 is ‘reasonable’, meaning that the respondent can expect to draw the conclusion normally, but subject to exceptions. It is not a matter of necessity, or even probability, but a matter of reasonable expectations based on how things normally go, subject to exceptions. Therefore it is a presumptive conclusion.

In Gricean conversational implicature,¹ a speaker puts forward an utterance as part of a conversation with a hearer, and the hearer is able to interpret that utterance in a certain way, or to add parts to it that were not explicitly stated by the speaker. The reason the hearer is able to add in these parts is that both the speaker and the hearer contribute to the conversation to make it go along, following conversational maxims, like the maxim of relevance. In Case 6.4, for example, the conclusion ‘Wayne has left for work’ is not explicitly stated. But unless this conclusion is understood, Cortney’s speech act is irrelevant. So Donna, following the maxim ‘Be relevant!’, fills in the conclusion that Cortney meant to convey by implicature.

A characteristic feature of the implicature in Case 6.4 is that the conclusion of the inference is left unstated by Cortney, in the expectation that Donna will draw that conclusion herself, without Cortney having to state it explicitly.

Note that this way of leaving the conclusion unstated leaves the proponent, at least arguably, some room for retraction. Suppose Donna says: ‘Hey, I see Wayne in the jeep out front. You’re wrong. He hasn’t left’. Cortney might reply, with at least some plausibility: ‘I never said he left. I only said that the jeep was not in the driveway’. This reply, is at least to some extent, correct. Cortney did not, at least explicitly, say that Wayne had left. She only implied or suggested it, by an implicature that Donna could choose to use or not to derive the conclusion that Wayne had left for work.

At least in some cases of innuendo then, there is a certain optionality in drawing the conclusion, on the part of the respondent.

Note that in Case 6.4 there is no fallacy of argument by innuendo (fallacy of creating false doubts, etc.) in the exchange. It is a normal kind of exchange that occurs very often in everyday conversation. The implicit and optional characteristics of the speech act do not mean that somehow a fallacy has been committed, or that anyone has been misled, confused, deceived, or otherwise been duped by bad reasoning.

¹ See Grice [1975].

Even in the extension of the case, where the conclusion that Wayne had left for work turned out to be false, there was not (necessarily, at least) any fallacy involved in the argument. New information came in to the dialogue situation, i.e. Donna observed the jeep out front, and communicated this information to Cortney. This new evidence showed that the inference—which, remember is an implicature, inherently subject to exceptions—can no longer be drawn, based on the normal expectations. On this day, Wayne behaved in an unusual way, subjecting the normal implicature of the inference to cancellation. But this cancellation of the inference and withdrawal of the initial conclusion is not (in itself) a fallacy.

The inference in Case 6.4 was based on plausible reasoning, a kind of reasoning that is inherently defeasible, meaning that it is subject to defeat (rebuttal) by exceptions or falsifying instances that may turn up in the future, as new information comes in. It is this feature of defeasibility that makes presumptive inferences inherently different from deductive and inductive inferences. A classic illustration is the following case.

Case 6.5

There is smoke at location x.

Therefore, there is fire at location x.¹

The premise in this inference would normally give us some, at least presumptive grounds for inferring the conclusion. However, in some instances, such a conclusion could be false. Much depends on the special circumstances of the case, and how much information is available. However, in many ordinary and familiar types of situations, verification of the premises would provide reasonable grounds for taking practical action, e.g. calling the fire department. It could be a false alarm, but nevertheless that could be quite forgivable, assuming that the evidence available at the time the smoke was cited did not make it clear that there was no fire, or not enough of a risk to call the fire department.

One problem with argument by innuendo is that when an error is made, and it turns out to be wrong, the fault may not be so forgivable. If a charge is very serious, in the sense that it could have very harmful effects, then there should be a serious burden of proof incumbent upon anyone who would bring that charge forward in a way that would spread it, or bring it into the public arena. This is really a pragmatic question, because the seriousness of a charge is defined in terms of its presumed or likely consequences.

¹ See Hamblin [1970, p. 178].

But where is the fallacy here? It may be immoral, or even illegal, to bring false or frivolous charges against somebody, but that does not make it a fallacy. A fallacy is not just a breach of ethics or civility. According to tradition, it is an argument that ‘seems valid’, but is not. Recent work has advanced on this traditional conception. According to van Eemeren and Grootendorst [1984], a fallacy is a violation of a particular type of dialogue called a critical discussion. According to Walton [1995], a fallacy is a tactic of argumentation used wrongly in a context of dialogue to block or impede the legitimate goals for that type of dialogue.

The fallacy that appears to be implicit in the use of the argument by innuendo has already been narrowed down a little bit. We have seen that it is a species of *argumentum ad ignorantiam*. But this does not help us pin it down exactly. It seems to be a subtype of the argument from ignorance that goes wrong, or is used wrongly, in its own special way.

9 RELATED FALLACIES

Of the traditional informal fallacies, the major fallacy most closely connected to the argument by innuendo is the *argumentum ad hominem*, or use of personal attack in argumentation.¹ There are probably several reasons for this connection. One is that *ad hominem* arguments—see [Walton, 1995]—are generally put forward as suggestions, or presumptions that are raised, rather than as explicit assertions supported by extensive arguments to meet burden of proof. Another reason is that one of the most common types of argument by innuendo, also commonly identified as fallacious, is the kind of attack that alleges personal blame for wrongdoing, and especially the attack on a person’s character, reputation, and/or reputation for veracity.

Cases that are in fact instances of the *argumentum ad hominem* are among the most common types of examples of the fallacy of argument by innuendo (creating doubts, creating misgivings) cited by the logic textbooks. Michalos [1970, p. 100] cites an example—quoted in Case 6.6—that is an instance of the *argumentum ad hominem*.

Case 6.6

The fallacy of *creating doubts* might be committed by spreading rumours about a political candidate. If the candidate has a reputation for honesty, someone might circulate the rumour that the

¹ Hamblin [1970, p. 160]. The only other fallacy more closely connected to argument by innuendo is the *argumentum ad ignorantiam*. See [Walton, 1996].

reputation was ‘bought with hard cash’. If a particular newspaper supports the candidate, one might pass the word that it is a ‘payoff’, i.e. that the candidate has made or intends to make some concession to the owners of the paper. Since the object of the fallacy is merely to *create a doubt*, which will then produce its own mischief, it is not necessary to elaborate on the rumours.

Since the credibility of the newspaper is at stake, the allegation in this case could have serious effects on the newspaper. But the primary target of the allegation was the reputation of the political candidate. Paying off a newspaper to get favourable news coverage is a dishonest act, clearly outside the boundaries of political ethics. But the method used to bring forward the *ad hominem* argument is that of innuendo, making it unnecessary ‘to elaborate on the rumours’ or make any serious attempt to fulfill a burden of proof. The technique works by spreading rumours, with no intent to back up the allegation, or even to make the source known.

Fearnside and Holther [1959, p. 102] cite ‘character assassination’ as the most powerful use of the fallacious argument by innuendo.

The lingering suspicion which follows on unfounded charges of immorality, corruption, or disloyalty is notoriously hard to clear away. Character assassination is probably the most powerful use made of this fallacy. Those close to a man who has lived down such a charge may be able, through their knowledge of the facts, to hold that man in undiminished regard. Others, long after they have forgotten the nature of the charge, to say nothing of whether or not it was substantiated, tend to retain lingering suspicions. Maybe they had better not rely on Paul because of that funny business back in—was it the election year? Yet what they ought to be remembering is the fellow Peter, who made the damaging allegations against Paul without impressive proof.

The significant feature of the fallacious use of the argument from innuendo noted here is the ‘sticking power’ of the charge made against the victim while the culpability of the perpetrator of the allegation tends to fade away. This seems to be exactly the opposite of what should happen.

Another of the traditional fallacies related to innuendo is the *argumentum ad baculum*. Many of the most interesting ad baculum arguments—interesting because they are highly effective and hard to pin down—are indirect speech acts. In these cases, the argument is overtly expressed as a warning—a species of

prudential argument—while covertly, the argument really functions as a threat. An overt threat would be an obvious violation of the maxims of collaborative dialogue in many of these cases, but if the respondent takes the speech act as threat, and if it appears to the respondent that the proponent is in a position to carry out the threat, the tactic has the desired effect while leaving the proponent room for plausible deniability. Indeed, a veiled threat can be all the more scary, because of its suggestion of lingering fears and doubts.

Another traditional fallacy connected to the argument by innuendo is the *argumentum ad verecundiam*, which works by suggesting that an opponent in argumentation who fails to defer to an expert is being immodest, or disrespectful of proper authority. The suggestion is that the alleged offender is a ‘smarty’, a ‘know-it-all’, or someone who thinks, illogically, that she knows better than an expert. This type of analysis of the impropriety inherent in the *argumentum ad verecundiam* is clearly evident in John Locke’s treatment of it in the passage in his *Essay on Human Understanding* (1690), quoted in Hamblin [1970, pp. 159–160], where Locke invented the term *argumentum ad verecundiam*. Locke mentioned four types of arguments that parties can use to prevail on each other’s assent when reasoning together. The first of the four was the *argumentum ad verecundiam*, as Locke said it might be called, where one party alleges the opinion of men who have some special ‘learning, eminency, power, . . . [and thence a] reputation in the common esteem with some kind of authority’.

When men are established in any kind of dignity, it is thought a breach of modesty for others to derogate any way from it, and question the authority of men who are in possession of it. This is apt to be censured as carrying with it too much of pride, when a man does not readily yield to the determination of approved authors which is wont to be received with respect and submission by others; and it is looked upon as insolence for a man to set up and adhere to his own opinion against the current stream of antiquity, or to put it in the balance against that of some learned doctor or otherwise approved writer.¹

This technique of forcing the alleged offender into submission works, judging by Locke’s remarks, by an innuendo that suggests such an individual is being immodest or insolent. There is even a kind of *ad hominem* suggestion implicit that such a person lacks good judgement or respect for established learning.

One other major traditional fallacy that should be mentioned here is the fal-

¹ Hinman [1982].

lacy of many questions (complex question).¹ Questions are the chief way of creating doubts in argumentation. Asking the question, ‘Is Bob guilty of sexual abuse?’ carries with it no burden of proof. It is merely a question. Indeed, according to the traditional type of semantic analysis, it is a ‘yes-no’ question—a *safe* question in the sense that its presupposition is the tautology, ‘Bob is guilty of sexual abuse, or Bob is not guilty of sexual abuse’. And a tautology requires no proof, or at least no substantive, empirical proof.¹⁹ However, asking this question would raise the suspicion, by implicature or innuendo, that Bob may be guilty of sexual abuse.

Cases of loaded, complex questions like, ‘Have you stopped abusing your spouse?’ are even more serious. Although such a question is overtly a yes-no question, underneath the surface it has significant presuppositions that tend to condemn the respondent, no matter which way the question is answered.²⁰ In such cases, the question does actually (if implicitly) make an assertion.

Argument by innuendo can go wrong, or be open to critical questioning, in other ways, without the fault being so serious we should call it a fallacy. In still other cases, argument by innuendo can be a correct (nonfallacious, justifiable) use of presumptive reasoning to shift a burden of proof in dialogue through raising questions, making suggestions, etc. But our original concern was with fallacies. Let us turn to the question of identifying the conditions under which argument by innuendo could properly be said to be a fallacy.

10 IS INNUENDO A FALLACY?

In asking the question of whether innuendo is a fallacy, some prior subquestions need to be dealt with. First, there is the question—what is a fallacy? Without attempting to fully or directly answer this question here, a few things need to be said. First, not every error, weakness, or fault in an argument should be called a fallacy. A fallacy is a serious, systematic, underlying structural error in an argument. While some fallacies are more like errors of reasoning, many of the major traditional fallacies are deceptive tactics of argumentation used to try to get the best of a partner in dialogue. Moreover, a fallacy is generally a violation of a rule or maxim of some type of dialogue the participants are supposed to be engaged in. A fallacy is the use of some tactic of argumentation that blocks or impedes the legitimate goals of some context of dialogue in which two parties

¹ Walton [1989b].

¹⁹ Walton [1989a].

²⁰ Walton [1989a].

are supposed to reason together for some purpose. For example, in a critical discussion, the goal is to resolve a conflict of opinions.

In particular, the fault of not fulfilling a burden of proof is not, by itself, a fallacy, although it is commonly associated with many different fallacies, e.g. begging the question. So even though one main fault with innuendo is that there may be a failure to meet a burden of proof, that, by itself, does not explain or give an analysis of why or how innuendo is a fallacy. To properly see how innuendo is a fallacy, we need to see how innuendo works as some kind of tactic or technique of argumentation that can be used as a clever or subtle deception that is effective, when used in a type of dialogue like a critical discussion, to convince people without really being a good argument (that properly contributes to the goal of the discussion).

Another question is how to define innuendo. We defined it as a presumptive inference that suggests a conclusion or raises a question to a respondent in dialogue. But surely this kind of argumentation is not, in itself, fallacious. The question then is: how is innuendo misused or abused as a type of argumentation, in those cases where it has been used fallaciously, to get the best of a respondent in dialogue unfairly or illicitly? The answer to this question, as shown by the case studies analysed, clearly has something to do with the shifting of the burden of proof in a dialogue. It is not just the evasion of the burden that constitutes the fallacy of argument by innuendo, but the way it is done.

The problem arises from the use of certain kinds of speech acts, like suggesting and questioning, that somehow lead, via rumours, gossip, etc. to a conclusion. Ambiguity can certainly be involved, in such cases, but the ambiguity is not the sole, or even the basic factor that explains the essence of the fallacy. The essential problem is one of proving a point—it is a problem of burden of proof.

But what about questions? Do they incur a burden of proof on the questioner or on the respondent? In many examples in Walton [1989b], the question was loaded with presuppositions that could be damaging to the respondent's side of the case. But the respondent did not take sufficient care to criticize the question by questioning or rejecting each of the offending presuppositions. In such a case, the question contains presuppositions which are positive assertions made when the question is posed. Properly, the burden of proof ought to be on the questioner. But the problem is that an aggressive question can often seem to shift a burden of proof against the audience of the argument. Burden of proof is set by the initial plausibility of a proposition in a dialogue. A highly plausible proposition can be accepted with little, or perhaps even no argument. A proposition that is not very plausible will require argument. How high burden of proof must be depends on the context of dialogue in a given case. For exam-

ple, if it is not known whether a gun is loaded, there is a high burden of proof to be sure it is not loaded before handling it. For a soldier in combat however, who wants to be sure his rifle is loaded, there is a high burden on the other side. He needs to be sure his rifle is loaded, and may check to see that it is.

Normally questions, suppositions, suggestions, and other kinds of moves in dialogue that are not assertions, or do not imply assertions, do not have a burden of proof attached, according to the rules for a type of dialogue, e.g. in a critical discussion. But there are many different kinds of questions and suggestions. Some of them are far from being ‘innocent’. Some of them raise serious charges for which the accuser should rightly incur some obligation to prove, or back up with evidence.

In the more tricky and interesting cases, those apparently ‘innocent’ speech acts can combine together, in a context of dialogue, in such a way that the audience is ‘fed’ a serious conclusion. This conclusion only comes out however, when you put the parts of an inference jigsaw puzzle together.

A very nice example of how different speech acts, other than assertions, can combine in an argument by innuendo is Case 6.7, quoted from Damer [1980, p. 20].

Case 6.7

Suppose that you heard the following statement uttered by one of the candidates in a hard-fought gubernatorial race: ‘If you knew that one of the candidates in this race were receiving money from illegal sources, would that affect your voting decision? Look into the matter and see where the campaign funds of my opponent are coming from. The facts might surprise you’. The speaker has allegedly made no serious claim against his opponent that requires any kind of defence; but the power of suggestion has done its work.

In this case, a question is followed by an imperative. Individually, each speech act is ‘innocent’. By itself, neither makes an accusation, or has any serious burden of proof attached that requires a finding of malfeasance on the part of the opponent. But when you put them together, the picture changes radically. They join together to point strongly towards a claim of malfeasance.

The fallacy in such cases is not, as Michalos put it, committed because the rumour spread is false. Nor is the fallacy committed because, as Damer put it, no relevant evidence has been presented to support the truth of the rumour or suggestion (although failure to meet burden of proof is certainly part of the problem). Rather, the fallacy is one of escaping commitment, which arises when a

serious charge is made that should properly have a burden of proof attached to it. But in argument by innuendo, the charge is made in the form of an indirect speech act having the form of a suggestion, question, or other type of (apparently) noncommittal move in dialogue that allows the speaker the way out of plausible deniability, if challenged to back up the allegation. The underlying mechanism that makes the fallacy work is the ‘sticking power’ of some types of allegation, noted by Fearnside and Holther in Case 6.1. Third party audience participants find the charge fascinating, memorable, or are keen on pressing ahead with it for some reason, and hence the charge moves forward, instead of getting dropped, as it should.

The underlying characteristic of the fallacy is a kind of duplicity inherent in the tactic used. The proponent is pushing forward or launching the allegation, while at the same time only ‘suggesting’ it, i.e. leaving room for deniability. The tactic is illustrated nicely by Case 6.2. Rooney explains the strategy by presenting the extreme case of overt denial, right at the beginning of the line of argument. The inconsistency of commitment² is most clearly evident in this type of case. The proponent is saying: ‘I don’t know that so-and-so is a racist, even though I have heard rumours to that effect. I personally don’t believe these rumours are true and (unless the facts prove otherwise) apologise in advance for having mentioned them’. This outline shows the essence of the tactic in its extreme form. In practice, in perhaps more typical cases, the denial is not made explicitly at the outset, but only left open as a possible move to be made at a later stage of the dialogue.

Thus innuendo does involve a kind of ambiguity—not lexical ambiguity, but a kind of shift between literal and suggested meaning. But what kind of ambiguity is this? Moreover, the fallacy of innuendo is not just one of ambiguity.

Committing the fallacy of innuendo requires two parties in a dialogue, like a critical discussion, where there is a burden of proof on one side (the proponent of a proposition). The fallacy is committed through the proponent’s use of a tactic to shift that burden of proof illicitly to the other side, to disprove that proposition if he can. The tactic is a trick to escape commitment while getting the other party to accept a proposition as a commitment. Thus it would be inherently misleading to classify innuendo as a species of accent, as a fallacy of ambiguity in the same class with equivocation and amphiboly. Innuendo is not primarily a fallacy ‘inside language’. It is primarily a fallacy of presumption.

In the case studies, several different mechanisms of moving the argument forward to execute this tactic were noted, including public opinion, fear, igno-

² See Krabbe [1990] on inconsistency of commitment.

rance, suspicion, and the smear effect of gossip and rumour-passing. Argument by innuendo was shown to be related to several of the major (traditionally more prominent) fallacies ‘outside language’, and helps to explain how these informal fallacies work as tactics of argumentation.

Later, we will have to return to the question of defining the concept of ambiguity more precisely. Can suggestion, or a shift of connotative meaning in a term or sentence in a context of use in a dialogue count as a species of ambiguity? If so, innuendo certainly involves ambiguity.

But is ambiguity the key to how the fallacy of innuendo works—the essential basis of it as a fallacy? So far, what we have found suggests not. When innuendo is fallacious, it is primarily because there has been a failure to fulfill burden of proof—or more precisely, a use of a tactic to shift burden of proof while escaping proper commitment. Certainly ambiguity, of some sort, is involved. But ambiguity is not the main thing—the primary, underlying basis of the fallacy as a deceptive tactic of illicit argumentation.

CHAPTER 7

BIAS

It would appear to be a common, and indeed quite a general presumption in informal logic that bias is a failure in argumentation that students can be taught to identify. This presumption becomes questionable, however, once we realize that there is no general method for determining bias in arguments that is widely accepted in the field of informal logic, or that is known to be itself free of bias. Even more worrisome, it is far from clear that we even understand what bias is, in the sense of being able to offer some clear and coherent definition of it that would be widely acceptable to those working in argumentation. Moreover, there are certain inherent difficulties in identifying and evaluating bias fairly and correctly, in a given case.

What should be stressed at the outset is that the criticism of bias, as used in practice, is a two-edged sword. It has a negative, or critical aspect, meaning that it is typically used to condemn, refute or criticize an argument or person as having a deficiency. But it is also often used in a spurious way, to attack a person or argument aggressively, when the charge of bias is not really justified. Bias is also subtle in many cases, and it is often simply unclear which party is in the right, the one accused of bias or the accuser. And most importantly, it needs to be noted that spirited or aggressive advocacy of a particular point of view, is not necessarily the same thing as bias (at least bias in the negative sense in which it is an interference with critical argumentation).

As a first step towards developing methods for evaluating arguments for bias, this preliminary study will ask a philosophical question—what is bias? Consequent upon examining various ways of defining bias, one particular definition will be advocated. The view of bias put forward is *pragmatic*, meaning that it relates to how arguments are used in particular cases. The view of bias put forward is also *dialectical*, meaning that it pertains to a context of dialogue in which argumentation is put forward. According to this view, bias is seen as a kind of charge put forward by one party in a dialogue, a charge that can be sustained in some cases, and refuted in other cases. Finally, the view of bias advocated in this essay is *normative*, meaning that it is based on a standard of how

participants in dialogue ought ideally to argue, if they are to be rational in their reasoning together.

The approach taken sees allegations of bias as being best evaluated as a function of the kind of argumentation put forward by a participant in dialogue. It is argued in this paper that the evidence upon which a charge of bias is best evaluated is the analysis and reconstruction of the argumentation in the given text of discourse found in a particular case. According to the account of bias given here, bias is a property of argumentation as used in a context of dialogue.

It is often said that a person can be biased, or that a question can be biased, for example. But bias, in the sense primarily addressed in this paper, is worrisome because it is a fault or failure of critical argumentation. In this sense, what is most important in judging whether a person is biased is how he or she performs in argumentation. And what is most important in judging whether a question is biased, is how the question was used in a context of dialogue to perform some purpose associated with argumentation, reasoning, or arriving at a conclusion.

In this chapter, it will be shown as well that criticisms of bias are closely associated with certain of the major informal fallacies, common and widely recognized types of faults or failures of correct argumentation. It will be shown that this association is not accidental, and that bias is essentially tied in with certain fallacies, and other wrong uses of argument.

1 A CASE OF A CRITICISM OF BIAS

An example from Walton [1989a, p. 149] can be used to show, in general outline, how criticisms of bias work. In this case, two people are part of a panel discussion that has been set up to discuss a controversial problem of public policy. During the discussion, one participant accuses the other of bias.

Case 7.1

Bob and Wilma are discussing the problem of acid rain. Wilma argues that reports on the extent of the problem are greatly exaggerated and that the costs of action are prohibitive. Bob points out that Wilma is on the board of directors of a U.S. coal company and that therefore her argument should not be taken at face value.

Bob's criticism, in this case, is a bias type of *ad hominem* attack, a species of argument directed towards the person—see section three below. Bob's argument is that Wilma is biased because of her financial involvement with the U.S.

coal company, and that therefore we should question Wilma's impartiality. The conclusion we should infer, according to Bob's argument, is that Wilma's claim that reports on the extent of the problem of acid rain are exaggerated, is not a credible claim, when you look at the person who is making it.

Bob's criticism not only questions Wilma's impartiality, it also makes an attack on her integrity, as a sincere participant in the discussion on acid rain who can be trusted to take part in the panel discussion, in accord with Gricean maxims of collaborative dialogue. The key thing here is that the dialogue is supposed to be a particular type of critical discussion that openly looks at the arguments on both sides. However, once Wilma's involvement is revealed, questions are raised whether she is covertly engaging in a quite different type of dialogue—perhaps a type of negotiation or bargaining dialogue in which her goal is to push for special interests. The suspicion is that she may be trying to use the public forum as a platform to push for one side, to support her own special interests at stake.

Another interesting factor in this case is that it would appear that Wilma did not announce her personal affiliation with the coal company at the beginning of the discussion. By revealing it unilaterally, Bob raises the implication that Wilma may have intentionally concealed this fact. This counts heavily in favour of the contention that Wilma has a bias that undermines her credibility as a balanced participant in the critical discussion.

Of course, we normally expect people to have a bias for one side or the other on a controversial issue. In itself, it might not detract from Wilma's credibility that she argues strongly against regulating emissions that are supposed to cause acid rain, even if she does so consistently. Yes, this may show a bias towards one point of view, but that in itself need not damage her credibility as a proponent of this point of view.

However, when we discover she is on the board of directors of a U.S. coal company, it is a different story. The problem here is that we naturally begin to question whether she supports this point of view because that is the way she sees the evidence, or whether her personal interest at stake is always causing her to distort the evidence, and 'bend' the arguments to the one side.

It follows that in an allegation of bias like the one in Case 7.1, there is an implicature of lack of critical doubt. The suggestion is that the biased party is 'bending' arguments to one side, instead of assessing the arguments in a critically appropriate way by paying attention to the requirements of the argumentation schemes.

Argumentation schemes require that certain kinds of premises need to be supported, and certain kinds of critical questions need to be asked, when a par-

ticular type of argument is put forward in a critical discussion. See Hastings [1962] and van Eemeren and Kruiger [1987] for an account of the various argumentation schemes. The suspicion in the case of an arguer who is badly biased is that she is not judging the worth of an argument according to these argumentation scheme requirements, but instead, always reaching the conclusion that happens to support the point of view she has chosen, in advance.

This case also reveals that an allegation of bias is a kind of criticism of argumentation that has two sides. The critic comes forward with certain kinds of evidence to support the allegation. The allegation itself can be more or less serious, depending on the circumstances. And finally, the participant accused can raise certain types of defences against the criticism.

For example, if Wilma had announced her affiliation with the coal company during the opening stage of the panel discussion, she could still be accused of bias. But such a criticism would be much less damaging than the one in Case 7.1, where she had failed to announce this fact, and it was brought forward by someone else, during the discussion.

The problem of bias in this case was not that Wilma failed to have a neutral (zero) point of view. The problem was that her favouring the one side in her pro-argumentation for the one point of view was judged inappropriate to the context of dialogue that the participants were supposed to be engaged in. They were supposed to be engaged in a public policy discussion where both parties were open to looking at the arguments on both sides. That does not mean that Wilma cannot have a point of view. But when Bob points out that Wilma is affiliated with a coal company, it casts into doubt whether she is fairly looking at the evidence on both sides. It suggests that Wilma has generally made up her mind in advance how to argue, no matter which way the evidence goes.

Bob's criticism of bias throws a weight of presumption against Wilma's side to refute the charge, if she can. Perhaps she can do it, but given her concealment, the burden is heavy against her. The question of bias arises because of the grounded suspicion of a concealed, unilateral shift in the type of dialogue involved. They are supposed to be engaged in an open critical discussion, but the suspicion is that Wilma is really engaged in a form of concealed bargaining or quarrelling dialogue that always pushes for one side only.

The problem is that in the eristic or quarrelling type of dialogue, the goal is to attack the other side and win at all costs, disregarding or overriding the evidence and legitimate critical doubt. Quarrelling is not necessarily fallacious or logically erroneous in itself as a type of dialogue. But it is a very inefficient way of conducting a critical discussion, and rightly associated with many fallacies and faults of logic when introduced into a critical discussion context of

argumentation.

Bargaining or negotiation is also a legitimate type of discourse in its own right. But problems of bias and fallacies arise when there has been an illicit, or even concealed shift from a critical discussion to a bargaining type of dialogue. The purpose of a critical discussion is to resolve a conflict of opinions by showing your argument is correct, because it is supported by evidence and conforms to rules of reasoned discussion.

But in negotiation, such matters of truth and evidence are not the main point. The goal is to make demands and concessions in order to ‘get the best deal’. A move that is quite appropriate in this type of dialogue could be inappropriate, or even highly obstructive, in a critical discussion. The problem in Case 7.1 is the possibility of an illicit shift from one type of dialogue to another.

2 CONTEXTS OF DIALOGUE

According to the analysis presented here, bias is a general concept that is pragmatic in the sense that, as applied to any real case, it presupposes a context of dialogue. Although the concept of bias has general characteristics that can be expressed in a definition, it will be implemented somewhat differently in different contexts of dialogue.

In persuasion dialogue, the goal of each participant is to persuade the other participant that a particular proposition is true, based on premises that this other party is committed to.¹ In the critical discussion (a species of persuasion dialogue) the goal is to resolve a conflict of opinions. In persuasion dialogue, partisan advocacy of one’s point of view is normal, and is necessary for this type of dialogue to be successful.

Van Eemeren and Grootendorst [1984] have shown how a critical discussion displays four stages—a confrontation stage, an opening stage, an argumentation stage, and a closing stage. At the opening stage, the participants agree to enter into the critical discussion, and not to abandon the discussion until it is properly closed, or until the other party agrees to postpone or end it.

The problem of bias was serious in Case 7.1 because of an improper or illicit dialectical shift. Wilma was supposedly engaged in a critical discussion on the issue of acid rain. But covertly, and without either the agreement or knowledge of Bob, she was really engaging in a kind of interest-based negotiation dialogue.

¹ Fuller accounts of the characteristics of these types of dialogue are given in Walton [1989b, pp. 3–9], [1990b, pp. 412–414], [1995], and Walton and Krabbe [1995].

In negotiation dialogue, the primary goal is to ‘make a deal’. The main aim is not to seek out the truth of a question, or look at both sides of the issue, giving the evidence on either side due weight.²

However, the critical discussion requires a certain openness to concede that one’s argument is subject to critical doubt, and can be subject to critical questioning, or even refuted by good evidence put forward by the other side.³ When one’s own advocacy becomes too aggressive, and is closed off from good counter-arguments that have arisen in the dialogue, then it can be proper to speak of harmful bias in a critical discussion.

The inquiry as a type of dialogue arises from a problem, rather than a conflict—something is not known to be true or false. The goal of the inquiry is to prove a proposition from premises that are known to be true, or alternatively, to show that it cannot be proved.⁴ It is debatable whether scientific argumentation takes the form of an inquiry or not. Certainly it is often a part of the rhetoric of science that scientific reasoning should take the form of an inquiry.

According to Broad and Wade [1982], bias comes into science in two forms: (1) in interpretation of data [Broad and Wade, 1982, p. 85], where the scientist either ‘fudges’ the data intentionally to make her results ‘more acceptable’ or unintentional bias, where the scientist has some personal preference for the outcome, and (2) in the peer review process and referee system which may, for example [Broad and Wade, 1982, p. 99] favour already eminent scientists over young or unknown scientists, in the allocation of credit for findings. Recent cases of fabrication of data have raised many questions about fraud and misconduct in science. Bias is an important concept in judging these concerns.

Bias can enter into an inquiry in the collection of data, because the inquiry is supposed to be based on premises that can safely be established, in order to eliminate the need for later retraction. Bias can also come into an inquiry in deciding what conclusions can be drawn from these premises, according to the methods and standards of a given branch of science.

Another basic type of dialogue is negotiation dialogue, where the goal is to divide up a commodity where resources are insufficient. Each side makes concessions and demands. In this type of dialogue, the goal is not to prove anything, or show that your point of view is right—it is to ‘get the best deal’ or bargain for what you want.⁵

In the information-seeking type of dialogue, the goal is to transfer informa-

² See Donohue [1978; 1981].

³ See Jacobs and Jackson [1983].

⁴ Walton [1995, Chapter 4].

⁵ Donohue [1978; 1981].

tion from one party to the other—one party has access to some information that the other lacks. In this type of dialogue, it is often very important that the information-giving party present the information in a balanced way.⁶

One subspecies of information-seeking is the expert consultation dialogue. Bias is often very important as a factor in judging argumentation based on appeals to expert opinion.⁷

Another species of information-seeking dialogue is news reporting by the media. Bias, in the sense of balanced reporting, is critical here, because the reporter has to be selective in presenting reports on all sorts of controversial issues. Here we often have a juxtaposition of two types of dialogues, for the reporter may be giving a report to his readers or viewers on the subject of a recent critical discussion. The report would be biased if the reporter has engaged in promoting the one side too heavily, instead of taking a balanced view that does justice to the arguments on both sides.

Eristic dialogue is a type of verbal combat where the goal is to strike out at the other party in order to win at all costs, and if possible, humiliate the other party. The quarrel is a species of eristic dialogue that has the purpose of giving vent to repressed emotions.⁸

Bias, and other categories of critical evaluation of argumentation, don't mean very much in the quarrel. Argumentation in the quarrel is, by its nature, always strongly biased towards one's own side, and against the point of view of the other side.

However, the quarrel is important as a model of dialogue in judging cases of bias, because bias often occurs where there has been a shift from some other type of dialogue to quarrel. For example, a dialectical shift from a critical discussion to a quarrel is often indicated by the presence of *ad hominem* argumentation. A fallacious argument is persuasive, or 'seems valid' as an effective trick, because such an argument could be appropriate or non-harmful in the context of a quarrel. It is only a fallacy because it should be evaluated in the original context of dialogue where the argumentation started out from.

Bias, itself, however, is not a fallacy or a fallacious type of argumentation *per se*. It is rather a type of attitude that often leads to, and is associated with fallacies. Bias is sometimes harmless, and it is only the harmful type of bias

⁶ Walton [1995, Chapter 4].

⁷ [Walton, 1995, Chapter 4]. These types of dialogue are systematically described in Walton and Krabbe [1995, Chapter 3].

⁸ Flowers, McGuire, and Birnbaum, [1982]. See also Walton [1989a, p. 3], [1995, Chapter 4]. A detailed analysis of the quarrel as a normative model of dialogue is given in Walton and Krabbe [1995].

that should be subject to criticism, in the same way that fallacies are subject to criticism, as serious failures of argumentation.

3 ARGUMENTUM AD HOMINEM

The *argumentum ad hominem* or ‘argument against the man’ is a kind of attacking or negative type of argument whereby one participant in a dialogue uses information about an opponent’s personal characteristics or circumstances to refute her argument. There are two basic and common ways to carry out this type of attack, both of which have been widely recognized in the traditional accounts in the logic textbooks. One way is to attack the person directly, by arguing that she has a bad character, especially a bad character for veracity, and cannot therefore be trusted to be a sincere or reliable participant in the dialogue. The other way is to claim that what she has advocated in her argument is a point of view that is inconsistent with her own personal circumstances. The first kind of argument has traditionally been called the ‘abusive’ *ad hominem* and the second has been called the circumstantial *ad hominem* argument.⁹

The name ‘abusive’ is misleading, however, because the first type of *ad hominem* argument can sometimes be a reasonable argument. For example, as Waller [1988, p. 108] has shown, evaluating the testimony of a witness in legal cross-examinations, by raising questions about the person’s character, reliability as a witness, past convictions, and so forth, is rightly regarded, within limits, as a legitimate kind of argumentation. Also, it has been shown in Walton [1985], through the analysis of many cases, that in election campaigning in political debates, raising questions of a candidate’s personal integrity and character are rightly recognized as legitimate, again within limits.

It is probably better to re-label the ‘abusive’ category of *ad hominem* argument as the personal or direct type of *ad hominem*. But as noted below, even the circumstantial type has a personal element, so possibly the phrase ‘direct *ad hominem* argument’ is the best term for the first species and indirect *ad hominem* for the second species.

In many instances, the circumstantial *ad hominem* can be used as a nonfallacious type of argumentation to shift a weight of presumption against one side in a dialogue.

⁹ General accounts are to be found in Hamblin [1970], Barth and Martens [1977], Hinman [1982], Walton [1985], and Krabbe and Walton [1993].

Case 7.2

Suppose a politician has gone on record as advocating keeping government expenses down by not giving out inflationary salary raises to government officials, but it is later revealed that, once elected, he has given himself a large increase to his already sizeable salary. A critic may then say ‘You do not practise what you preach!’, using the circumstantial type of *ad hominem* argument against the politician.

In such a case, the argument could be quite reasonable. Only if it is carried to excess in some way, or used in inappropriate circumstances, would it become a fallacy, or bad argument.

The personal (abusive) and the circumstantial types of *ad hominem* argument are related in some cases. Sometimes the circumstantial argument is used as a kind of lead-in attack which is then extended or more fully developed into a personal *ad hominem* attack. In such a case, the arguer’s personal circumstances are purported to be in conflict with his argument, implying that the arguer is a liar, insincere, hypocritical, or otherwise deficient in character for veracity.

Another variant of the indirect circumstantial *ad hominem* argument is the bias type of attack, where one arguer claims that the other is not an impartial or fair-minded participant in an argument on the grounds that he or she is pushing for one side by reason of some special interest in supporting that point of view. Case 7.1 is an example of this type of *ad hominem* argument. The following example is given by Waller [1988, p. 108].

Case 7.3

Pay no attention to those American Tobacco Institute arguments against restrictions on smoking. You shouldn’t take their arguments seriously; after all, those arguments are bought and paid for by the tobacco industry.¹

In this case, as Waller rightly points out, the *ad hominem* argument is a fallacy if the conclusion is that the cited arguments against restrictions on smoking have to be absolutely wrong, just because the arguer has special interests. On the other hand, had the argument been put forward in a more qualified way, that merely cited the bias of the American Tobacco Institute, without rejecting its argument as being of no possible merit on these grounds, it could have been non-fallacious. As Waller reminded us, if we were to reject any argument presented

¹ This case, or a similar one, is discussed in more detail by Blair [1988].

by a paid advocate as unsound, ‘a sound argument would be a rare event in the courtroom’. The problem is that we often tend to go too far with *ad hominem* arguments, wrongly concluding that evidence of any bias refutes an argument so decisively that further dialogue may be regarded as closed or pointless.

Another variant is the ‘poisoning the well’ type of *ad hominem* argument, an extension of the bias type of *ad hominem* argument in which an arguer is said to be so dishonest that nothing she might say can ever be trusted as reliable. This is an even more aggressive type of *ad hominem* attack that tends to have the outcome of leaving the attacked party no room available for further meaningful participation in the dialogue. The suggestion is that the attacked party is so determined to always push in a one-sided way for her or his own point of view or special interests that you can never engage in a collaborative critical discussion with her or him in a way that meets the Gricean maxims of honesty and sincerity.

As the American Tobacco Institute case above showed, the *ad hominem* argument becomes fallacious when its upshot is exaggerated. An allegation of bias may be reasonable enough if taken as a critical questioning of an argument. But if pushed further, and unjustifiably taken as a conclusive refutation of the argument, absolutely, and not just relative to the source, it can become a fallacy. Thus the *ad hominem* fallacy is a species of dialectical failure—a failure of an argument to meet the maxims of successful communication in dialogue. Putting their analysis in the framework of a Lorenzen formal dialogue, Barth and Martens [1977] describe the *ad hominem* fallacy as the following type of incorrect inference: just because the proponent has defended his thesis successfully against her opponent’s criticism *ex concessis*, it does not necessarily follow, nor it is settled that the proponent’s thesis is true. The fallacy is a kind of unjustified logical leap from a weaker to a stronger form of conclusion.

This formalistic analysis, however, leaves plenty of room for examining the given text of discourse in particular cases, to judge whether an *ad hominem* argument is fallacious or not. There may be quite a number of factors to be taken into account. An illustration is the famous smoking example, studied in detail in Walton [1985, p. 71].

Case 7.4

A parent gives a lecture to her son, arguing that smoking is very bad for your health, and that therefore one should not smoke. But the child replies, ‘What about you? You smoke. So much for your argument against smoking!’

In a case like this, we have to be very careful to try to interpret exactly what

the child's conclusion is supposed to be. If the child is rejecting the parent's argument that smoking is bad for your health *per se*, then he could be committing a serious *ad hominem* fallacy. But if the child is only questioning the sincerity of the parent, in following her own advice, then he could be raising legitimate grounds for doubt concerning the practical consistency of the parent's commitments. One can easily see from considering this kind of example that each case should be carefully considered on its merits. Sometimes the *ad hominem* argument should be rejected as a fallacy, while in other cases it is a reasonable kind of argument which can quite legitimately be used to raise critical questions or shift a burden of proof in a dialogue.

It is well to remember, however, that in cases involving witness testimony or appeal to authority, the *ad hominem* argument can often be a legitimate way of testing the credibility of a contributor to a species of reasoned dialogue like a critical discussion or a legal trial. Used properly and judiciously in such a context, it can be a nonfallacious kind of argumentation that uses a criticism of bias to raise legitimate critical doubts.

Brinton [1986] cites knowledge of ethos or character as a positive factor that can rightly be appealed to in support of argumentation. Such soft support for argument is appropriate where absence of hard knowledge leaves the way open for presumptions to guide a course of action. The rationale for utilizing such a defeasible kind of argumentation follows from Aristotle's remarks in the *Rhetoric* and *Nicomachean Ethics* that the good man's speech is more credible, especially where opinions are divided and certain knowledge that would resolve the issue is not available at the time.

According to Brinton [1986, p. 248], an ethotic argument is an argument in which *ethos* (character) is used to transfer credibility, either positively or negatively, from an arguer to her argument. If *ethos* is a legitimate factor in argumentation, it follows that the *ad hominem* argument is a legitimate kind of argumentation in some cases.

In such cases, it would be appropriate to have a kind of favourable bias towards a speaker's arguments or opinions if that speaker has a positive ethos. But if the speaker's *ethos* is legitimate, and appraised correctly by the respondent of it, would it be correct to describe his favourable attitude as bias? This question remains to be settled by an acceptable definition of bias.

We see then that although allegations of bias are associated with traditional fallacies, such arguments can, in some cases, be reasonable criticisms that raise legitimate critical questions in a context of dialogue.

One problem is that such arguments are presumptive in nature, inherently weak kinds of argumentation that shift a burden of proof in a dialogue by rais-

ing critical doubts. Because of deductivist and inductivist prejudices in logic, we are not very well equipped to deal with these kinds of argument, and often prejudge them as fallacies because they appear to fall short, or to be suspicious, from a deductivist or inductivist point of view. To begin to come to grips with these fallacies, and with the concept of bias itself, we need to overcome our prejudice against presumptive reasoning.

Just as the *ad hominem* is associated with negative bias very often, the appeal to authority as a type of argumentation is often associated with a positive bias in favour of a speaker.

4 ARGUMENTUM AD VERECUNDIAM

Bias also ties in closely with the *argumentum ad verecundiam* as a fallacy. The connection is revealed by the following case, concerning a 17-year-old who died after having an illegal abortion. She was from a state where a young woman under eighteen must get her parents' permission before having an abortion. This case became controversial, and was reported on *60 Minutes*, after the young woman's parents claimed that it was the fault of the law that their daughter died from infection because she was forced to get an illegal abortion.¹¹

This case drew national attention, and *60 Minutes* interviewed an advocate of the right-to-life movement, who maintained that, in fact, this young woman did not have an abortion, and that therefore 'the premise of the campaign against the consent law is false'.¹ This right-to-life advocate, called 'Mr. Wilke', argued that the autopsy report showed that the young woman had a miscarriage, and did not show that she had an abortion.¹³ To dispute this argument, Morley Safer, the interviewer, introduced evidence from the physician who performed the autopsy.

Case 7.5

Safer: [voice-over] But the forensic pathologist who performed the autopsy on Becky, Dr. John Pless, says that's just not true.

John Pless, Forensic Pathologist: Becky Bell died as a result of a septic abortion with pneumonia.

Safer: With tainted instruments, presumably?

Dr. Pless: Yes.

¹¹CBS News Transcript Number 24 of *60 Minutes*, February 24, 1991: 'Becky's Story,' produced by Richard Bonin, pp. 7–11.

¹ *Ibid.*, p. 10.

¹³ *Ibid.*, p. 10.

Safer: That the infection was transmitted up into the main blood-stream?

Dr. Pless: That is my belief—that the infection came from the abortion at the time that the fetus was removed—yes.

Mr. Wilke: He's wrong and we have any number of letters now from forensic pathologists, from heads of government institutions. Here's one from Dr. Nathanson, who's done a lot of this work in the courts.

Safer: But Dr. Nathanson is an admitted, well-known right-to-lifer.

Mr. Wilke: I understand.

Safer: Don't you see how his diagnosis might be a little suspect?

Mr. Wilke: He's still a physician and what he's saying compares with what the rest of them are saying. There is no evidence in here of an induced abortion.

Safer: You also cite as an expert Dr. John Curry, the former director of the tissue bank at the Bethesda Naval Hospital.

Mr. Wilke: His name has been mentioned, yes.

Safer: He told us he's never seen the autopsy, that he's not qualified to make a judgement.

Mr. Wilke: I have not talked to Dr. Curry, either. I do have some other letters here, of course.

Safer: But isn't it a bit irresponsible, even brutal of you, to gang up on this girl and her parents, who are both deeply troubled, using questionable medical evidence, playing fast and loose with the facts? Isn't that a bit unfair?

Mr. Wilke: If her parents had not gone public and made this a national thing, forcing us to say the things we're saying, I would be the last one to disturb their grief. I feel terrible doing that.¹

The *60 Minutes* interviewer made an appeal to expert opinion in consulting Dr. Pless, but it seemed to be a legitimate move, because Dr. Pless was the physician who performed the autopsy. And it was the right-to-life group who introduced this medical question into the controversy, by maintaining that the young woman did not die of infection produced by an abortion. Up to this point then, there is an argument based on appeal to expert opinion, but it is not a fallacious *argumentum ad verecundiam*.

The context of dialogue could be described as follows. The initial contro-

¹ Ibid., pp. 10–11.

versy posed by the discussion in this case was the issue of the fairness of the parental consent law for abortion. The dialogue is a critical discussion arising from a conflict of opinions concerning the rightness of a particular law. The issue is controversial—the law is on the books in thirty-four states, but not in the rest.¹ Medical matters became relevant to this discussion when the one side to the dispute, the right-to-life advocates, made the claim that the young woman in this case did not die from infection due to an abortion. Hence it came about that an expert consultation dialogue was woven into the original critical discussion.

This shift from one type of dialogue to another was not inherently illegitimate, however. In principle, it is helpful, in some instances, for second-hand knowledge to be introduced into a critical discussion by consultation with expert sources of opinion. Such practices have been recognized by van Eemeren and Grootendorst [1984, p. 71] under the heading of an *intersubjective testing procedure*, a way of bringing expert knowledge into a critical discussion; by Walton [1989a, Chapter 7] under the heading of correct appeals to expert opinion in argumentation; and in the well-established legal traditions of using expert witnesses. According to these methods, expert consultation can be used to improve the quality of argumentation in a critical discussion where a conflict of opinions is at issue.

Where the fallacious *ad verecundiam* comes in, in Case 7.5, however, is at the point where Mr. Wilke responds to the opinion given by Dr. Pless. Mr. Wilke tried to refute the evidence brought forward in Dr. Pless's opinion by citing 'any number of letters from forensic pathologists' and 'heads of government institutions'. In particular, he cited the opinion of one Dr. Nathanson 'who's done a lot of work in the courts'. One problem with these appeals to expert opinion is that none of the authorities cited can speak on the same footing with Dr. Pless. For none of them did the autopsy. This makes Mr. Wilke's appeal inherently weak.

Such a weak appeal to expert opinion is open to doubt already, and Safer then punches another hole in the argument by pointing out that Dr. Nathanson is 'an admitted, well-known right-to-lifer'. This is a key point in the dialogue. Safer is attacking Wilke's appeal to authority by claiming it is subject to critical doubt on the grounds that Dr. Nathanson is a biased source.¹⁶ The suspicion raised is that Dr. Nathanson may be just giving his personal opinion as an advocate for one side of the issue at dispute in the critical discussion, instead of impartially

¹ *Ibid.*, p. 7.

¹⁶ Attacking an appeal to expert testimony on the grounds that the expert is a biased source is allowed in legal cross-examinations as a legitimate kind of argumentation. See Graham [1977]. However, it is also a kind of argumentation that can be abused.

giving his expert opinion as a physician.

The problem of bias, like Case 7.1, arises because of the dialectical shift. It would appear from the evidence that Dr. Nathanson is not giving his advice as an ‘impartial’ expert. Instead, there is reason to believe that he is really engaging in advocacy of his own particular moral point of view.

Since Dr. Nathanson’s opinion—delivered by letter, when he has not even personally examined the medical evidence—is weak, as an expert opinion in this case, the allegation of bias is quite a strong and effective rebuttal. The rebuttal is made even stronger by Safer’s quite correct and careful use of it as an argument to raise questions by asking whether it makes Nathanson’s diagnosis ‘a little suspect’, rather than treating it as an absolute refutation of Nathanson’s opinion.

The *ad verecundiam* fallacy comes in at the next line in the case, where Wilke still tried to push forward with his appeal to expert opinion by saying of Nathanson, ‘He’s still a physician, and what he’s saying compares with what the rest of them are saying’. However, this cited parallel is false, and does not exist. For as Safer pointed out next, another of the physicians cited by Wilke admitted that he had not seen the autopsy. One expert consultation is not necessarily as strong as another. In this case, it is a question of access to, and utilization of the medical evidence relevant to the case.

The problem is that Wilke did not back off and admit that his appeals to expert opinion are weaker. Nor did he reply to the question of bias, except to reiterate that his expert sources are physicians, and therefore that their opinions are comparable to the opinion of any other physician. By refusing to make concessions or to respond properly to Safer’s legitimate critical questions and charges of bias, Wilke took a rigid stance that appears to confirm that he was taking a quarrelsome, dogmatic approach of always pushing for advocacy of his own point of view, instead of adopting a more critical attitude of at least fairly considering both sides of the issue, where doubts can be raised.

5 BIASED QUESTIONS AND POLLS

In some cases, it is neither a person nor an argument that is biased, or the source of bias. In these cases, what seems to be biased is the technique used to collect information. In this sense, the *fallacy of biased statistics* is the kind of error that occurs when a sample chosen as data is not representative of a population, meaning that the distribution of the investigated property in the sample does not

match the distribution in the population.¹ The problem here is that the kind of technique used to collect data produces a bias in the results. This problem could be called *technical bias*, meaning that the bias is in the technique used to collect data, or arrive at a result.

Biased questions also fall into this category. According to the results of a Soviet referendum held March 17, 1991, more than three quarters of those who voted said ‘yes’ to a new union supporting Mr. Gorbachev.¹⁸ Although the voting appeared to be like a western election, the referendum question had a different twist (quoted verbatim in Case 7.6).

Case 7.6

Do you think that it is necessary to preserve the Union of the Soviet Socialist Republics in which the rights and freedom of every citizen regardless of ethnic origin will be fully guaranteed?¹⁹

The ‘yes’ vote was for Gorbachev’s side, the ‘no’ for Yeltsin’s.

This case is a classic case of a biased question of the sort traditionally dealt with by logic textbooks under the heading of fallacies of questioning.²⁰ The problem is that there is a general presumption among the voters in favour of ‘rights and freedoms of every citizen regardless of ethnic origin’, and hence the question is biased towards a ‘yes’ vote. This bias would skew the results to one side, unfairly. You can see which side had the power to frame the question.

This case is called a biased question, meaning that because of the one-sided nature of the loading of the question, the result gathered from using the question will be unfairly tilted toward the one side.

Votes or polls can also be biased in another way, however. In some cases, a vote can be said to be biased in the sense that the voters are influenced by some interest or consideration, other than just giving an honest answer to the question.

Case 7.7

A Toyota dealer in California sent out a customer satisfaction survey promising a free cleaning of the customer’s car provided the ballot was marked in the ‘correct’ way. Attaching a marked sample of ‘correct’ responses to a survey, the letter noted that all ‘very

¹ Walton [1989a, p. 207].

¹⁸ *European Journal*, March 31, 1991.

¹⁹ *Ibid.*

²⁰ Walton [1989b].

'satisfied' entries means a free 'detail' (a good cleaning, inside and out, of the car).²

In Case 7.7, it is the question that is said to be biased, as opposed to the argument, or the person advocating the argument. Because the question has been worded in a particular way, it will inevitably appeal to a bias that exists in the population queried, resulting in a misleading or 'skewed' result that favours one side unduly.

Statisticians have developed careful methods for detecting these kinds of bias in polling and other techniques used for the collection of statistical data—see Campbell [1974]. Hence, in some cases, bias can be measured, at least within the technical requirements imposed by statistical methods. The term 'bias' has a special, technical meaning that applies to certain types of cases that occur in statistics. But can this special, technical meaning of 'bias', be generalized to cover the variety of different kinds of cases of bias that are encountered in informal logic?

What needs to be recognized in such cases is that question-asking is being used as a part of a dialogue. In information-seeking dialogue, questions should be *open*—they should not take a side in a critical discussion by, covertly or otherwise, pushing a respondent towards favouring one side of an issue. If the purpose of the question is really to seek information, advocacy of one side is improper. The purpose of a poll is supposedly to seek out the respondents' 'real' or honest point of view or opinion. A biased question is biased because it interferes with this primary purpose of its use in information-seeking dialogue.

Hence argumentation is involved in the use of biased questions. The respondent is supposed to draw his or her own conclusions, and not be influenced to draw a particular conclusion suggested by the structuring of the question which slants any one possible answer as the 'desired' or 'favourable' response.

Many of the kinds of cases of alleged bias that need to be dealt with in informal logic are not inductive nor statistical in nature. Instead, these cases involve presumptive reasoning, a kind of reasoning based on normal expectations in a typical case. This kind of reasoning is *defeasible*, or subject to rebuttal as new evidence comes in. Presumptive reasoning is a provisional way of moving forward in argumentation by working on the basis of plausible or practical assumptions, in cases where knowledge, or even good statistical evidence, is either not available, or is insufficient to prove or disprove the proposition in question.

² 'We Buy Votes', *Consumer Reports*, April, 1991, p. 295.

6 HASTY GENERALIZATION

Another type of fallacy often associated with bias is the ‘hasty generalization’ or *secundum quid* (neglect of qualifications) kind of error where an arguer tends to push ahead with some favourite generalization or personal prejudice, ignoring or suppressing good evidence to the contrary. Fearnside and Holther [1959] cite many examples of this kind of prejudicial attitude. The following case is cited as an instance of cultural bias.

Case 7.8

Northern travellers often return from the South complaining of the indolence, ignorance, racial attitudes, and general backwardness of certain areas. Typical comments include ‘They’re still trying to live in the ante-bellum days’. “Even their language reflects their backwardness; they drawl their words and drag their feet”. ‘Jim Crow is simply insufferable’.²²

In their comment on this case, Fearnside and Holther note [1959, p. 119] that although some areas of the South could rightly be described as ‘economically backward’, it shows a kind of prejudiced attitude or *apriorism* (closing one’s eyes to contrary evidence) to exclusively emphasize things about the South perceived as unfavourable, backward, or peculiar. The fault they cite is a kind of one-sided point of view that shows bias by always looking from this point of view and ignoring the contrary point of view. The fault is the narrowness of a cultural bias that ignores aspects outside the arguer’s personal or cultural experience.

Thouless [1930, Chapter 11] covered this type of problem under the heading of prejudice in reasoning, writing [Thouless, 1930, p. 232] that it is often the strength of our own ‘hidden emotional inclinations’ on a topic that makes it so difficult to seek out right opinions. To contend with bias in a constructive way, according to Thouless [1930, p. 232], we must cultivate an ‘attitude of detachment of mind’. But the problem is a subtle one, because merely having emotional inclinations, explicit or not, to support a point of view, is not necessarily being biased—in a way that interferes with good argumentation—or fallacious. The problem is to judge when such a proclivity becomes a negative or interfering bias in the critical sense, meaning that it is a logical failure, or obstacle to good reasoning.

²² Fearnside and Holther [1959, p. 119].

For instance, the speaker, in Case 7.8, is showing a kind of bias, or particular point of view. But the discourse in Case 7.8 is not (at least necessarily an argument). It could be, for all we know of the context, just a description of typical comments made by some persons who are describing their experience of travelling in the South. Broadly speaking, their language and description of their experiences express a ‘bias’ or point of view. But is it a ‘bias’ in the sense we are trying to analyse in this Chapter? The answer is—not necessarily, because there is not enough of an argument there to decisively reveal a kind of bias that is a critical failure of good argumentation. A person of the sort may be biased, or he/she may not be, in this sense of ‘bias’. That depends on how she/he would react to evidence presented by an opponent in subsequent dialogue—evidence that goes against his/her “Northern” point of view on the South.

Allport [1958] posed one problem of bias in argumentation succinctly, by beginning with the observation that what he called ‘overcategorization’ [Allport, 1958, p. 9] is one of the most common tricks of reasoning: ‘Given a thimbleful of facts, we rush to make generalizations as large as a tub’. For example [Allport, 1958, p. 9], a young boy sees a large Norwegian depicted in a saga, and develops the idea that all Norwegians are giants. Nowadays, we often call this ‘thinking in stereotypes’. Stereotypes are not wholly bad, but clinging to them too stubbornly can be a very real problem for engaging in the type of argumentation designed to resolve a conflict of opinions by rational means.

As Allport put it [Allport, 1958, p. 9], ‘Not every overblown generalization is a prejudice’. Some are simply pre-judgements or misconstructions. Such judgements, based on insufficient evidence, become prejudices, according to Allport [Allport, 1958, p. 9], only in cases where they are not reversed when exposed to new knowledge. Then we can have a problem for argumentation.

What Allport is suggesting here is that having an incorrect pre-judgement is not necessarily having a bias, in the sense of bias as bad or negative bias of the kind that interferes with critical argumentation and is a block to correct reasoning. For example, suppose the only Norwegians the little boy has been exposed to are giants in a saga. He is basing his depiction of Norwegians on inadequate evidence, and therefore arriving at an erroneous, distorted or ‘biased’ point of view. But this is not a critical failure, if the saga is the only evidence he has. What matters is how he responds when confronted with the evidence of non-giant Norwegians. If he revises his conclusions, then it is inappropriate to speak of bias, at least as a critical failure of his reasoning. It is only a case of bias in this sense if he sticks to his previous preconceptions and ignores, or somehow fails to take into account the new evidence.

We need to keep apart the narrower sense of ‘bias’ which is our target of analysis here, which is bias in argumentation. Bias, in this sense can be (but is not always) a failure, fault, or fallacy of arguments.

However there is a much broader sense of ‘bias’ or ‘prejudice’ in which way we say that a person is biased, an educational system is biased, or an attitude of some person or group is biased.

In our narrower, more technical sense of the term ‘bias’, an argument is said to be biased when it fails to meet the conversational requirements, the maxims of conversation, of the kind of dialogue it is supposed to be a part of. This kind of failure is a fault of reasoning in argumentation which blocks a dialogue, or at least interferes with its proper progress and successful outcome.

The problem of bias in argumentation is to distinguish between biased reasoning and non-biased presumptive reasoning. Presumptive reasoning goes forward in a dialogue on a provisional basis, in the absence of knowledge that would definitively resolve the question, one way or the other. Presumptions go forward in argumentation in relation to a burden of proof, in order to facilitate a dialogue, or to enable the participants to go ahead with proposals for action to deal with a practical problem, where sufficient knowledge to resolve the issue cannot be collected in time to be of practical value.

Presumptive argumentation is now widely recognized as important in artificial intelligence, where it has been identified with nonmonotonic reasoning. In a deductively valid argument, no matter how many new premises you add, the original inference stays valid. But in *nonmonotonic reasoning*, an inference that was correct to begin with, may become incorrect once new premises are added to it. The standard example—see Reiter [1987, p. 149]—is the following case.

Case 7.9

Birds fly.

Tweety is a bird.

Therefore, Tweety flies.

This inference is correct or acceptable, but only as a presumptive or provisional kind of argument that is subject to exceptions. For example, if we find that Tweety is a penguin, the premises still hold, but the conclusion now fails to hold. This particular case is a ‘default’, the exception to the rule.

The major premise in Case 7.9 is best treated not as a universal generalization, of the form ‘All birds fly’ (without exception), or even as an inductive or probabilistic generalization, of the form ‘Most, or a certain percentage of birds fly’. Instead, it is a presumptive generalization of the form ‘The typical bird can

be expected to fly, under normal conditions'. The presumptive generalization is, by its nature, subject to default in exceptional cases. Presumptive reasoning is based on a tentative kind of inference that goes forward provisionally, subject to correction or defeat, should new, relevant evidence come into the discussion.

Not all presumptive, stereotypical reasoning is fallacious, or biased in the critical sense that it is an obstacle to goals of reasoned discussion. Presumptive reasoning becomes biased in this sense, or commits the fallacy of *secundum quid*, when it is pushed ahead anyway by an arguer, even in the face of new, relevant evidence that defeats it, which has been introduced in the course of a dialogue.

Thus in Case 7.9, suppose the proponent is offered good evidence that Tweety is a penguin, but persists in operating on the assumption that Tweety *must* fly, because *all* birds fly, and Tweety is a bird. The proponent is being 'logical' in one sense, but he is also exhibiting a prejudice, or bad bias, that is an obstacle to continuing a reasoned discussion. The problem is that the presumption did not default in the dialogue when it should have.

Presumption becomes bad critical bias when there has been a failure in argumentation of openness to new evidence or legitimate critical doubts that have arisen in a dialogue. What matters in a situation in Case 7.8 is not the preconception or judgement of the individual in question, if he has only seen evidence that supports his own one-sided stereotype of the South. What matters is how he reacts, for example, in a critical discussion where he is presented with evidence supporting the opposed point of view. This will be revealed in a text of discourse, showing his argumentation in the context of that critical discussion, how he responds to appropriate critical questioning, etc. What reveals the bias of the person is the bias shown in his argumentation in a context of dialogue. Now we have identified and defined the kind of bias meant as the target of analysis, we turn to five hypotheses that can be used to analyse it.

7 FIVE HYPOTHESES IN DEFINING BIAS

The first hypothesis is to define bias as a failure of neutrality in argumentation. Simply put, this hypothesis defines a biased arguer or argument as one that displays a non-neutral attitude.

The first question with respect to this definition is: what is a neutral attitude in argumentation? Van Eemeren and Grootendorst [1984] are of some help here. In a critical discussion, according to their account, there is an externalized dispute about an expressed opinion where one participant expresses doubt

about the acceptability of a point of view propounded by the other participant. A neutral attitude is what they call a *zero point of view*.

If we abbreviate the *expressed opinion* in respect of which language users adopt an attitude as O , it is then possible to identify three possible *attitudes to O*: a *positive* point of view, a *negative* point of view and a *zero* point of view. In our example the first language user takes a positive attitude to O , the second a negative and the third a zero attitude. We shall abbreviate the three possible attitudes as follows:

- (a) *positive point of view*: $+/O$
- (b) *negative point of view*: $-/O$
- (c) *zero point of view*: ϕ/O

If a language user advances a positive point of view in respect of O , then he is further *positively committed to O* and if he advances a negative point of view he is *negatively committed to O* (unless he revokes his positive or negative point of view). A language user adopting a zero attitude to O is *not committed to O either positively or negatively*.²

Externalization is important in this account of the neutral (zero) attitude. Advancing an attitude in dialogue is shown by the arguer's commitments in the dialogue, which is in turn shown by the text of discourse which has exhibited how the arguer has performed in the speech act exchanges so far. Here then, we seem to have a promising framework for defining bias. Bias is simply failure to exhibit a neutral (zero) attitude in an argument.

The basic problem with this hypothesis is that it classifies any argument that shows either a positive or negative point of view as 'biased'. This seems far too strong, for it condemns all advocacy arguments of any sort as 'biased', no matter how well justified, appropriate, and reasonable such arguments are. Such an approach seems far too broad, because, in many cases, arguments showing a positive or negative point of view can be quite appropriate and useful for contributing to the legitimate goals of a critical discussion. To say that every and any such argument is biased is to spread the notion of bias too thin. Generally we think of bias as, if not something bad or inappropriate in argumentation, at least something that represents a skewed or illicit type of argumentation that

² Van Eemeren and Grootendorst [1984, p. 79].

needs to be singled out for special notice. Bias is not just a point of view, but a point of view that has somehow become too dominant and rigid, or pressed on another party in argument unfairly or inappropriately.

The problem here is, however, complicated by the distinction made by Blair [1988] between ‘good bias’ and ‘bad bias’. We might try to rescue hypothesis one by saying that advocacy (having a point of view) does generally show bias, but it is a good bias, rather than a bad bias. And it is only the bad bias that we need to single out for critical censure. But this still leaves us with the problem of distinguishing between good bias and bad bias.

And it still leaves us with a notion of bias that could be perceived as overly broad. For, according to this account, anyone who puts forward any point of view in any argument can always be replied to as follows: ‘Your argument is biased. Of course, it is a good bias, not a bad bias. But you have shown bias’. This kind of reply could be overdone. For it seems that singling out a positive or negative attitude as bias is only appropriate in special circumstances.

A second hypothesis is to define bias as absence of critical doubt. This narrower definition is also more negative. It implies that bias is to be equated with a kind of one-sided argumentation that is not open enough to admit of critical questions and grounds for doubt that are characteristic of impartial or objective argumentation.²

The first problem with this hypothesis is the question: how do you define critical doubt? If critical doubt is defined as a neutral attitude in argumentation, then of course we are back to definition one. On the other hand, if defined after the manner proposed by van Eemeren and Grootendorst (see Section 8 below), it becomes a complex concept in its own right.

The other problem with this hypothesis is that absence of critical doubt seems to equate more with dogmatism or fanaticism—extreme forms of bias, perhaps. At any rate, absence of critical doubt does not seem to be exactly the same thing as bias, even though it may be related to bias in some way.

A third hypothesis is that bias means that an arguer has something to gain by putting forward a particular argument or point of view. In this sense we speak of a ‘biased source’, meaning someone giving testimony or supporting a particular point of view, where it is revealed that this individual is being paid, or has some other personal interest at stake as a reason for supporting that point of view.

This hypothesis is inadequate, by itself, as a definition, however. Someone who has something to gain could, in some instances, put forward a non-biased

² See Section 6 above, on hasty generalization. Blair [1988] would appear to disagree with this hypothesis, but sees a connection. He argues that bias is bad when it causes closed-mindedness, or leads to distortion, unfairness, or misrepresentation.

argument. Conversely, someone who has nothing to gain could put forward a biased argument. Hence this hypothesis is refuted as a general definition of bias. It only gives an identifying sign of bias. It is a criterion, not a definition of bias. It is applicable in some cases of bias, but not all.

A fourth hypothesis is that bias is a lack of balance in argumentation, favouring one side unduly. A good example to support this view of bias would be the case of a news report on a controversial issue. It is generally a principle of journalism that the report should look at the arguments on both sides, giving a balanced coverage, if the report purports to be an unbiased news account.

This definition differs from the first one in that bias is not simply defined as non-neutrality, but as a failure of the type and degree of balance required by the type of dialogue appropriate for the circumstances of the given case. For example, news reporting is a particular type of dialogue or discourse that requires enough balance of perspective so that it is not perceived as one-sided advocacy of a cause, or even ‘propaganda’. However, in another type of situation, say in an ‘opinion column’, a much more one-sided degree of advocacy of a particular point of view might be quite acceptable. Hence this view makes bias relative to a given context of dialogue.

Finally, a fifth hypothesis is that bias is identified with a particular position or distinctive point of view that has been revealed in a discussion. For example, an argument may be said to exhibit a ‘left-liberal’ bias. Here, what is being identified is not only a non-neutrality, but the existence of a distinct type of position or bias that may be said to be present or recur throughout a whole sequence of argumentation, or even a number of arguments on different occasions or different subjects.

Like the third hypothesis, this approach appears to express a characteristic or criterion of bias that is present in some cases, rather than a general definition of bias.

In Section 9 below, a new definition of bias is proposed that incorporates some aspects of these hypotheses and excludes some other aspects of them.

8 CHARACTERISTICS OF A CREDIBLE ARGUER

There are five positive characteristics or attitudes of a credible arguer in a critical discussion.

1. *Flexibility of Commitment.*

An arguer must stick to a proposition she has committed herself to, but

must also be ready to retract her commitment to it (in the right circumstances).

2. *Empathy.*

An arguer must be willing to consider the other party's point of view accurately, perceptively and fairly.

3. *Open-mindedness.*

An arguer must be willing to consider the arguments of the opposed party and weigh them on their merits, instead of reflexively rejecting them out of hand (just because they are opposed to her point of view). Part of this characteristic is what Johnstone [1981, p. 309] describes as an ethical duty of rhetoric requiring an arguer to protect a space for future arguments on an issue.

4. *Critical Doubt.*

An arguer must be able to suspend her acceptance of a proposition. This attitude is typified by utterances such as, 'why should I accept this?'. Not only must this attitude apply to propositions accepted or proposed by the other side. An arguer must be willing to give up her own argument or proposal (concede defeat), if this argument or proposal is shown to be weak or refuted.

5. *Evidence Reactivity.*

An arguer must adjust her commitments, or acceptance of arguments, based on considerations that are clearly admissible (in a dialogue) as relevant evidence.

Any arguer, who argues in such a way in a dialogue as to clearly demonstrate that she lacks one of these attitudes, is justifiably open to an *ad hominem* attack on the grounds that she is not sincerely collaborating in the critical discussion. A critical discussion is different from a quarrel in that in a critical discussion, a balanced argument is expected of a credible arguer, instead of a constant and outright adversarial attack.

A leading characteristic of critical doubt as a kind of attitude of a participant in argumentation is restraint. Critical doubt sometimes requires a suspension of one's advocacy of one's own point of view in argumentation temporarily. While it is correct and appropriate normally to have a strong stance in favour of one's own point of view in argumentation, there are circumstances in which this pro attitude must be restrained or bracketed temporarily.

Some might say that critical doubt entails having a neutral attitude— one which is neither *pro* nor *contra* with the respect to the issue of the discussion. But another, more complex way to define critical doubt is as an attitude that one party in a dispute has toward the attitude of the other party. Van Eemeren and Grootendorst [1984, p. 81] define critical doubt as follows.

It is important to realize that the doubt expressed by a language user in a dispute does not bear directly on the expressed opinion but on the *point of view or attitude* expressed by another language user *in respect of* the expressed opinion. Perhaps it is also important here to observe once more that expressing doubt, while it may *accompany* the adoption of the opposite attitude, is *not identical* to propounding the opposite point of view.

In a critical discussion, according to van Eemeren and Grootendorst's account, two parties have set out to resolve an externalized conflict of opinions, and each party has a point of view (standpoint). A standpoint has two components: (1) a proposition, representing the thesis (conclusion) a party is arguing for, and (2) an attitude toward this proposition. An attitude can be positive, negative, or neutral [van Eemeren and Grootendorst, 1984, p. 79]. Critical doubt, according to the account given in the quotation above [van Eemeren and Grootendorst, 1984, p. 81] is an attitude of one party in a dispute towards the attitude of the other party.

This way of defining critical doubt is quite a subtle and complex one. It involves an iteration of one attitude to another attitude. This means that if one participant in a critical discussion may be said to have an attitude of critical doubt, it is implied that there is another participant in the discussion who has another attitude, and the first participant has an attitude toward the second participant's attitude. A simpler way of defining critical doubt (see characteristic 4 above) is as an attitude toward a proposition.

The iterated definition sounds so complicated and subtle that we may be led to try to define critical doubt more simply as a neutral attitude. But there are some questions on whether this simpler type of definition could ever be adequate.

Let's say there is a hotly contested dispute between two involved parties, and you are not a supporter or adherent to either of these two points of view, or have anything at stake in the dispute, as far as you know. Then you can easily be neutral with respect to this dispute. But on most issues of ethics or public policy that affect you, you are not going to be neutral, whether you think you are or not. You are going to have bias, one way or the other, whether you are aware of this

bias or not. In this type of case, you will have a bias to one side, and in order to have or employ critical doubt, you are going to have to bracket that bias, or work with it, even while you have it. In such a case, critical doubt is not just having a neutral point of view. It is restraining the non-neutral point of view you already have. However, it is still possible for you to have critical doubt with respect to such an argument. How is this possible?

In such a case, critical doubt is possible because you can temporarily suspend your *pro* attitude or *contra* attitude, and by such an act of suspension of commitment, put yourself in the frame of mind of someone who does not share your own, partisan, point of view. By such an act, to the extent that it is successful, you can discover what the strongest arguments against your own position are. This is a valuable asset in argumentation.

To carry out this function of looking at the disputed issue from your opponent's point of view, as well as your own, you have to adopt an attitude of removal from your own partisan viewpoint. Performing such a function does involve a suspension. But it does not necessarily imply that you must have a neutral attitude.

But there is a way in which critical doubt does involve a neutral attitude. In some cases, it can be useful to look at your argumentation from the point of view of a 'neutral observer', a person who has no strong opinion on the issue of the discussion, one way or the other. In such a case, the 'neutral observer' is best seen as a hypothetical construct except that he is a particular type of normal participant who is not either strongly *pro* or *contra* on the proposition in question. As such this participant is not entirely a hypothetical construct. He or she must share some features of the average participant who would be expected to be taking part in this type of discussion.

This hypothetical construct represents the average person, whom one would expect to be party to the argument, and who can be taken to have a lot of general knowledge about familiar things related to the issue of the discussion. On the other hand, he or she must also be an individual who has no strong, special, or unusual commitments one way or the other on the proposition at issue.

The idea of critical doubt developed here is a subtle one, in that it requires an arguer to play two distinct roles at the same time. Sometimes she must push ahead with the strongest arguments she can find or articulate from her own point of view. Other times, she must enter into the spirit of her opponent's position to appreciate and anticipate the arguments her opponent is likely to use to defend that position. Needless to say, the abilities required to effectively carry out such functions require flexibility and imagination.

Another skill needed to use critical doubt effectively in a critical discussion is the ability to allow one's opponent to state his point of view freely, and, at times, even to encourage him to expound his point of view. To perform this function successfully, a participant in argumentation must resist the natural impulse to press ahead aggressively with the partisan role of arguing forcefully for her own point of view. The dogmatic or inflexible arguer is unable to carry out this function well. Such an arguer tends to see her opponent as being the dogmatic or fanatical one—a person who is so wrapped up in expounding his own point of view, that he is unable to rationally evaluate an argument because of his personal bias.

It is in just this kind of case that the critical discussion tends to focus on personal attack on both sides. The problem in such a case is that the critical discussion deteriorates into a quarrelsome dialogue. This is the type of situation where fallacies tend to be committed, precisely because the quarrel leaves no room for the functioning of critical doubt necessary for a successful critical discussion to take place. The one party tends to presume that the other party is in the wrong, showing no respect for the capability of the other party to recognize a good argument. She therefore feels justified in attacking the other party, using *ad hominem* argumentation. She portrays him in her arguments as a person who has no regard for the truth. Each party then tries to browbeat the other party with aggressive and dogmatic appeals to expert opinion, and other tactics. These combative tactics, which might in other cases not be wrong or inappropriate to use in a critical discussion, can nevertheless be pushed forward in such a heavy-handed, one-sided, and aggressive way that they become serious obstacles to the continuation of dialogue. Once both parties give in to participating unrestrainedly in this quarrelling kind of exchange, the reasoned discussion of the issue becomes hopelessly blocked.

Critical discussion is a delicate kind of dialogue to carry on successfully, because it requires a balance between an adversarial partisan dialogue and a collaborative exchange where Gricean maxims of politeness are observed.² The ability to put these Gricean maxims into use effectively demands flexibility, tolerance, and restraint. One must understand, and engage the real position of one's adversary. One must, from time to time, listen to one's opponent, giving her the freedom to develop her own point of view. Even though, naturally, one is inclined to dislike that point of view, or find it wrong, or even biased, one must make an effort not to distort or exaggerate it, committing the straw man fallacy. But maintaining the right balance in an argument is not an easy skill

² Grice [1975].

when one is strongly committed to one's own deeply felt position. The commitment to push ahead with promoting one's own point of view for a 'cause' or deeply held position, is a strong motive. The kind of argumentation needed to support the goals of a critical discussion, therefore, depends very heavily on the use of restraint. And it is through understanding how restraint functions in practice to counteract the impulse to advocacy that we can come to understand critical doubt as a key concept of argumentation.

It seems then that the more complicated type of definition of critical doubt, of the kind proposed by van Eemeren and Grootendorst, may be, in the end, the best approach. Critical doubt involves appropriate restraint, meaning that a participant shows critical doubt by exhibiting an attitude towards the attitude of another participant in a dialogue. This attitude of critical doubt is exhibited in an appropriate critical questioning of the other party's arguments that does not turn into an overly aggressive attack on the other party's argumentation. Such critical questioning will legitimately have a tactical aspect of attacking the weak points in the other party's arguments, e.g. weak premises or presumptions open to criticism and legitimate doubts. But it must not develop into inappropriately aggressive and underhanded attacks, or even into negative criticism of a partisan sort.

So defined, the concept of critical doubt can be very useful in helping us to define the notion of bias. Bias is not only a non-neutral attitude, or lack of balance, it also involves an uncritical attitude, a closed and overly aggressive attitude towards an opponent's argumentation in a critical discussion, or other type of dialogue that requires adherence to Gricean maxims of collaborative discussion.

In the next section, a definition of bias is put forward that profits from the discussion of cases, and other considerations that have now enabled us to sketch out a pre-analytic target concept of bias that would be useful for informal logic.

9 CHARACTERISTICS OF DIALECTICAL BIAS

According to the definition advocated in this section, bias is said to have five main characteristics, listed below in order of importance. These characteristics define *dialectical bias of arguments* meaning that the bias is of a kind that is obstructive to the argumentation that is supposed to contribute to a dialogue like a critical discussion.

1. Bias is primarily a lack of appropriate balance in argumentation. The problem here is that an arguer supports one side too strongly and/or too

often, while ignoring or suppressing the arguments of the other side in circumstances where that is inappropriate.

2. Bias is a lack of open-mindedness in argumentation. The problem here is a failure of restraint and/or failure to suspect the natural inclination to push for a point of view one supports.
3. Bias is a lack of flexibility of commitment appropriate for a given type of dialogue that a participant is supposed to be engaged in. It is not merely a lack of flexibility, but a lack of flexibility appropriate for a particular type of dialogue.
4. Bias is often identified with a too dogmatic adherence to a particular position supported by an arguer, leaving no room for empathy with an opposing viewpoint.
5. Bias is often identified with an arguer's having something to gain—a personal interest in the outcome of an argument, e.g. a financial interest, which interfaces with her evidence reactivity.

These five characteristics could all be encapsulated in a single, more lengthy definition of dialectical bias. But it is useful to list them singly for purposes of applying the definition to a particular case where an allegation of bias has been made or is appropriate.

The first characteristic expresses the basic idea of dialectical bias. The first thing to be looked to in identifying bias is a lack of balance—a tendency to consistently favour one side of an expressed conflict of opinions or argument over the other. However, as Blair [1988] noted, not all bias is bad bias. Where evidence of the presence of the second characteristic comes forth, a criticism of bias becomes more serious and damaging.

The second characteristic implies more than a lack of balance. It implies a critical distortion. This is an even more serious charge, because it definitely implies a departure from the requirements of reasoned argumentation in a type of dialogue like a critical discussion. It could perhaps be called, if not 'bad bias', a 'worse' kind of aspect of bias than that indicated by the first characteristic.

In most cases, there is a shading, or fuzzy borderline between the first and second characteristics. Generally, the first characteristic is a milder kind of criticism, but typically it shades into the second, by implicature, or expressly leads into the introduction of the second characteristic.

What is meant by 'appropriate' in the statement of the first two characteristics is made explicit by the third characteristic of bias. It is not just any lack of

balance or critical doubt that indicates the existence of bias. An advocate of a point of view in a critical discussion, where she is defending her point of view, should naturally push ahead to passionately show her conviction for that point of view of a kind that is of critical import, or harmful to argumentation in a dialogue. That lack of balance is not, in itself, harmful or obstructive bias. It is where that lack of balance is inappropriate for the context of dialogue that it is rightly categorized as bias of a type that is open to criticism as something that blocks Gricean principles or legitimate goals of discussion.

For example, an environmentalist advocate may consistently and strongly support one side of the issue of emissions restrictions in a public speech to rally supporters. But given the purpose and context of the speech, a certain degree of lack of balance in the presentation of argumentation could be quite tolerable and understandable. However, suppose the context of dialogue is supposed to be that of a balanced news report on the controversy. In this case, the same degree of lack of balance could be open to quite serious criticisms of bias.

In judging any particular criticism of bias, or case where such a criticism may be appropriate, one key factor is to establish what the purpose of a dialogue is supposed to be. This factor sets the normative horizon against which the claim of bias can be evaluated. According to this approach then, bias is a normative concept which judges the value or appropriateness of argumentation in a context of dialogue against a normative standard set by the rules, requirements, and maxims for that type of dialogue.

So considered, dialectical bias is a pragmatic concept that needs to be judged, in a particular case, both according to the particular circumstances of the individual case and by the normative requirements for the type of dialogue the participants are supposed to be engaged in. This means that the evidence for or against a charge of bias should come from the given text of discourse and context of dialogue for that case.

To judge the third and fourth characteristics, you need to look at the text of discourse to evaluate how consistently an arguer has taken up a particular position on an issue. According to Hamblin [1970, p. 264], an arguer's *commitment store* is a set of propositions that can be listed, and attributed to a participant in dialogue in virtue of the various moves (speech acts) made by that participant in the past sequence of dialogue. A commitment store is a kind of *persona* of an arguer's beliefs, but is not to be identified with his actual beliefs. In Walton [1985], many cases of determining an arguer's position are studied, especially in relation to *ad hominem* criticisms where it is alleged that an arguer's position is inconsistent.

Finally, judging bias is inherently pragmatic because it is often unclear what type of dialogue the participants in argumentation are supposed to be engaged in. The problem in such cases is that there can be a *dialectical shift*, a movement during the sequence of argumentation from one context of dialogue to another.

Criticisms of bias are often especially prominent where there has been a shift from a critical discussion to a negotiation (or bargaining) type of dialogue. Bias is also a problem where there has been a shift from a critical discussion to an eristic (quarrelling) type of dialogue. The problem can be especially acute when the shift is concealed by one side (unilateral), or where it is a gradual and illicit shift that confuses and undermines the legitimate goals of the first type of the dialogue that the participants were initially supposed to be engaged in. These shifts are often associated with the existence of problems related to the traditional informal fallacies.

The kinds of argumentation involved in the fallacies are often argumentation schemes based on presumptive reasoning. But presumptive reasoning, to be correctly used in a context of dialogue, requires an openness to the existence or possibility of contrary evidence, should it arise in the course of a dialogue. Fallacies are sometimes just errors of reasoning, but in many cases they are types of tricky tactics used to unfairly get the best of an opponent in dialogue. They are associated with a closed, quarrelsome, biased attitude as revealed by performance in argumentation.

Bias is strongly associated with failures of presumptive reasoning, a kind of reasoning that requires a readiness to modify one's position in light of new information. Bias is also strongly associated with several specific types of failures of reasoned argumentation identified with the informal fallacies studied above.

10 SUMMARY OF THE ANALYSIS

What is bias, and how can you tell that it exists in a given case? Bias is showing too strong a partisan support for one side of an argument, in relation to the type of dialogue an arguer is engaged in. It is a kind of attitude which is revealed in an arguer's performance. It can be determined by looking at the given text of discourse of an argument, in relation to a normative model of the type of dialogue an arguer is supposed to be engaged in. The problem with dialectical bias is that it can interfere with having a critical attitude, and with other skills necessary for good argumentation in a dialogue. Bias is not a bad thing or harmful in itself, but it often does have a way of leading to errors and fallacies in argumentation that block or interfere with legitimate goals of dialogue.

Bias must always be judged relative to a given type of dialogue in which an arguer is supposed to be engaged in argument. For example, an argument is biased in a critical discussion where the partisan or adversarial aspect of it overcomes the tolerance and flexibility needed to sustain functions like empathy and critical doubt, which are necessary for the conflict of opinions to be resolved by the critical discussion. The problem may be that the arguer pushes ahead too strongly in favour of his or her own side, losing the ability to step back and see the argumentation from a critical perspective.

Eristic, partisan dialogue which always pushes ahead to support one's own point of view unquestioningly, and to attack the opposing point of view by any means, is a legitimate part of a critical discussion, provided it is restrained and channelled in a way to conform to the rules of the critical discussion. Bias comes in when this eristic dialogue gets out of hand, causing an arguer to lose the proper restraint, and the ability to exercise critical doubt.

Bias is in fact not easy to determine or judge, in many cases. It can be very subtle in some cases, and in many cases, it requires a lot of documentation to prove that it really exists in an argument. Such evidence should come from the text of discourse, analysed by using the appropriate normative model of dialogue.

Bias is, therefore, not a fallacy dependent on language, in the way equivocation or amphiboly is. Bias is not (at least centrally) a problem of a multiple argument appearing to be a single argument, because of an ambiguous term, at the local level. Instead, bias—and here we speak of dialectical bias—is a problem concerning the kind of conversation an arguer is supposed to be engaged in. It is a global question of the type of dialogue, not a purely verbal or linguistic question of the ambiguity of any single key term or sentence in an argument.

It seems unlikely then, that bias should be classified as a fallacy of ambiguity, or that the fallacy of accent should be conceived so broadly that includes biased argumentation as a subspecies. In a very broad sense, bias involves a kind of ‘ambiguity’—a duality of dialogue types. But it does not seem plausible that this is what is meant literally by ambiguity.

Bias especially comes into play where an arguer explicitly purports to be giving an impartial account of a disputed issue. In such a case, the account is correctly judged to be biased if it tends too strongly to favour the one side by ignoring or suppressing good argumentation put forward by the opposing side. The perception then, rightly, is that the arguer is concealing a partisan advocacy for the one side over the other, in conflict with her or his prior commitment to at least look at the arguments in a balanced way on both sides.

In contrast, if the account is supposed, at the opening stage, to be a partisan

argument which argues only for the point of view of the one side, by supporting the case for that side as convincingly as possible, then there should be no perception of a harmful or critical bias, in the sense meant in this essay, i.e. a bias that is subject to criticism as inappropriate.

Thus, curiously, the very same argument, in the same words, could be biased in the one case, yet unbiased in the other case. It all depends on what the purpose of the argument is supposed to be in its right context of dialogue. Is it an argument for the one side, or a supposedly nonpartisan account of the argumentation on both sides? That is the key question. It is a question of what the argument is supposed to achieve, and therefore a question of the type of dialogue that an arguer is supposed to be engaged in. Hence bias is an essentially *pragmatic* matter, according to the analysis presented here, meaning that it is a function of how an argument is used in a context of dialogue.

To accuse someone of being biased is a strong form of criticism, and it is interesting to note that false or unjustified accusations of bias are themselves very powerful and interesting kinds of arguments for the student of argumentation to study. For example, the *argumentum ad hominem* is quite often an attack that functions as a fallacious device of refutation by wrongly claiming that an opponent in argumentation is biased.

CHAPTER 8

A PRAGMATIC SYNTHESIS

In this Chapter, several issues concerning the class of fallacies arising from ambiguity, as a whole class, are addressed. A definition of ambiguity, a test for ambiguity, and a classification of types of ambiguity are proposed. Although the literature shows that ambiguity is difficult to define precisely, and has not been so defined in the past (in any clearly agreed-upon way), nevertheless the analysis of this class of fallacies requires some sort of working conception of what ambiguity is.

Another issue is whether this class of fallacies can be analysed pragmatically as violations of the Gricean maxim of clarity.¹ It will be argued that the maxim of clarity is not sufficient for this purpose, and an alternative pragmatic analysis of this class of fallacies is given.

Even so, it is argued that the maxim of clarity has a role to play, by functioning as an initial probe, or indicator of potential problems of ambiguity, to be used prior to applying the test for ambiguity. Using these criteria and indicators, not only is a general analysis of what is fallacious about this class of fallacies given. But also advocated are practical, procedural methods for identifying and countering them in conversation.

1 DEFINING AMBIGUITY

Much of the problem with getting a clear basis for the analysis of fallacies of ambiguity is one of classification. We have seen that the central fallacies of ambiguity—equivocation, amphiboly, accent, and figure of speech—have genuine practical connections with various related fallacies and other failures of critical argumentation. Despite the legitimacy of these connections, there is a very real danger of including too much, of making the concept of ambiguity bear too heavy a load, and of thereby making these fallacies so diffuse that they cease to be of any practical use.

¹ See Chapter 1, Section 10.

Accent is a key case in point. With equivocation, it is clear that we are dealing with the meaning of a term (a word or phrase), and that a shift in this kind of meaning is properly called ambiguity. With amphiboly, it is clear that we are dealing with the grammatical structure of a sentence, and that a sentence exhibiting multiple (grammatical) sentence structures that give it different meanings is properly called ambiguous.

But what about accent? Suppose we have two sentences that are otherwise the same except that stressing or intoning one part of one differently from the other results in two different meanings that the sentences will have (in context). Is this properly called ambiguity?

There is room for argument here. Some would say this is not, strictly speaking, ambiguity. They might say that this is a difference in stress, pronunciation, or emphasis that can certainly be duplicitous or confusing, but it is not ambiguity, or multiplicity of meaning *per se*.

Certainly, it is not lexical ambiguity, or grammatical ambiguity. Yet pragmatically speaking, in a context of conversation, two different meanings of the sentence containing the shift can be conveyed to the respondent or audience of the discourse. Hence, there are grounds for classifying this as a species of ambiguity as well.

Here it is important to note that in studying equivocation and amphiboly, it was pragmatic ambiguity, or ambiguity of use in a context of dialogue, as opposed to purely lexical or grammatical ambiguity (conceived in a context-free way) we found to be the root notion of ambiguity most useful for analysis of the fallacy.

We conclude then that ambiguity arising from stress or accentuation (verbal or written) should be counted as a legitimate type of ambiguity in analysing fallacies of ambiguity.

But how far should we go here? Many of the borderline fallacies arose through shifts in the connotative meaning of a word or phrase, in shifts of innuendo, suggestion, and implicature arising from the figurative use of language, of bias of presentation, or by the use of analogies and other non-literal uses of language. Should these kinds of shifts also count as ‘ambiguities’? Clearly there are legitimate connections here, and the traditional inclusion of factors like bias, innuendo, figurative speech, wrenching from context, and so forth, under the heading of the fallacies of ambiguity, cannot be ascribed purely to the shortcomings of the standard treatment of fallacies. But on the other hand, if we stretch the category of fallacies of ambiguity too thin, there is a very real danger of making this category such an inclusive, and all-encompassing classification that it becomes useless. The very real problem we have revealed is that factors

like innuendo and bias are major normative categories in argumentation in their own right. Simply lumping them under accent, for example, makes for such a bloated conception of the fallacy of accent that this one fallacy would be overwhelming in its stature and scope, for the field of informal logic, encroaching on substantive fallacies outside language.

Far better, we think, to pare the fallacy of accent back to make it comparable to equivocation and amphiboly in nature, while still recognizing that it does have legitimate, though tricky connections with other important fallacies and phenomena, like wrenching from context, bias, and innuendo. Even so, we would not count these things as falling under the category of accent (although there will be borderline cases) because they need to be recognized as important items in their own right.

A good part of the problem is that the central notion of ambiguity itself has not yet been well defined in a way that everyone agrees to, in linguistics and philosophy. Small wonder then that it is genuinely hard to know whether these factors on the periphery should rightly be counted as coming under the heading of ambiguity or not.

2 TESTS FOR AMBIGUITY

Various attempts have been made to formulate precise definitions and tests of ambiguity, but in a useful survey, Gillon [1990] has shown that all of them are problematic.²

Scheffler [1979] defined ambiguity in terms of denotation, given that connotation and meaning, apart from denotation have not been formalized. Scheffler [1979, p. 13] proposed the following definition: a word is *ambiguous* where its denotation on one occasion of its use diverges from its denotation on another occasion of its use. The difficulty with this definition pointed out by Gillon [1990, p. 398] concerns certain types of words that are ambiguous but do not appear to have denotations that diverge in the way Scheffler's definition requires.

Autohyponyms are words which are ambiguous between denoting a set and denoting a proper subset of the set. Examples are ‘dog’, ‘drink’, etc. The word ‘dog’ denotes canes familiares as well as their proper subset, namely, male canes familiares; the word ‘drink’ denotes beverages as well as their proper subset, alcoholic beverages.

² Atlas [1989] has also criticized these definitions and test of ambiguity in considerable detail.

The general problem here is that the concept of a divergence in denotation from one concept to another is itself difficult to define in a clear enough way that makes it useful to clarify or identify ambiguity. The denotation of a term, like ‘President of the U.S.’ changes from context to context. But that is no reason to call the term ‘ambiguous’.

Roberts [1984, pp. 299–300] has put forward a test for ambiguity that says a term tests as ambiguous where it has one meaning in some contexts, and another meaning in other contexts. This test has been objected to by Zwicky and Sadock [1987] and Gillon [1990] for various reasons. However, from the point of view of the study of fallacies, Roberts’ criterion has little appeal as a test, and does not appear to be useful for that purpose, because it simply states or articulates the nature of ambiguity, as we have generally characterized it. It gives a good definition of ambiguity—indeed, the right one, as our analysis of the fallacies would so far indicate—but it does not cite some distinctive identifying characteristic or sign of ambiguity that we can pick out, or test for in a given case.

What would be useful for our purposes is a test that could be applied to a typical case of equivocation or amphiboly where, supposedly, you have a number of sentences making up an argument.

A potentially better approach for this purpose is the so-called ‘test of contradiction’ proposed by Zwicky and Sadock [1975, pp. 7–8]: a sentence tests as ambiguous where, for a given state of affairs, the sentence can be both truly affirmed and truly denied. Gillon [1990, p. 408] poses three difficulties for this test.

First, as Gillon notes [1990, p. 408] this test does not apply to non-declarative expressions, like commands and questions. Second, it does not apply to tautologies and contradictions, like ‘This bank is muddy and not muddy’, which is (presumably) ambiguous, but does not appear to pass the test. Third, the test does not appear to work on cases of the following sort [Gillon, 1990, p. 408].

Case 8.1

Consider the following situation. A one year old child is playing with the doors of a fragile cabinet. Two adults in the room with the child are afraid that he will damage the cabinet by repeatedly opening and closing the doors. Shortly after one of the two adults leaves the room, the other does and reports to the first:

- (30) I have tied them together, so he can’t open the doors any more.

If the second adult appears non-plussed, it is because he has taken ‘them’ to denote the child’s hands, and not the handles on the doors of the cabinet. The sentence in (30), which can be both affirmed and denied, not in virtue of the ambiguity of the third person plural pronoun, but by dint of the relativization to context of the construal of deictic expressions.

This case is very much like what we have been calling pragmatic ambiguity, as opposed to lexical or grammatical ambiguity of the usual kinds featured in philosophical and linguistic discussions of ambiguity.

However, although all of these three difficulties are genuine problems for the test of contradiction, there is some reason to think that this test would be useful for our purposes, and is basically the right sort of test to aid in the management of fallacies arising from ambiguity.

Typically, in a case of one of these fallacies, you have two sentences, each of which could be taken one way or another, and to interpret both as (plausibly) true, you have to take one sentence in the one way, and the other sentence in the other way. What then is the most useful test, sign, or criterion of ambiguity? A sentence tests as ambiguous where it can be taken in one way that makes it (plausibly) true, relative to a given situation, and also in another way that makes it (plausibly) false. Thus it seems, from the point of view of our analysis of equivocation and related fallacies, the Zwicky and Sadock test is on the right track. But can the difficulties posed by Gillon be dealt with?

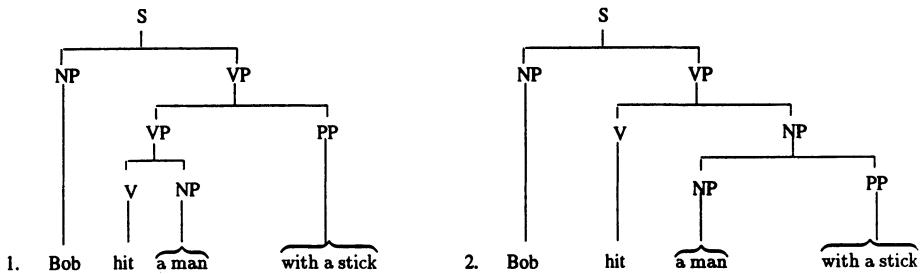
The first difficulty is not an overwhelming problem, because declarative sentences expressing propositions are our primary concern in dealing with equivocation and related fallacies due to ambiguity. And possibly the test for ambiguity could be extended to these other kinds of expressions anyway.

The second difficulty is harder to deal with, and perhaps indicates that the test is not applicable to all declarative sentences, e.g. ones like contradictions, which cannot ever come out true, presumably, under any interpretation. This would not be a practical difficulty, however, in using the test to apply to worrisome cases of equivocation and related fallacies. For in these cases, the sentences in question are generally of a kind that can be interpreted as true or false.

The third difficulty may only illustrate that with respect to fallacies arising from ambiguity, we need to take into account cases like Gillon’s sentence (30), where the ambiguity is not lexical or syntactic in nature, but is one of relativization to the context of a specific case, i.e. pragmatic.

What is indicated is the need to distinguish three broad types of ambiguity—semantic (lexical), syntactic, and pragmatic.

Structural (grammatical, syntactic) ambiguity has usually been analysed by linguists using phrase-markers, which display the grammatical structure of a sentence using inverted tree diagrams or nested brackets.³ For example, the sentence 'Bob hit a man with a stick', can be disambiguated structurally two ways, as shown below. This sort of analysis enables us to show how syntactic



ambiguity is different from lexical (semantic) ambiguity, which has to do with the ambiguity of a single word or phrase. And then pragmatic ambiguity relates to multiplicities of usage of a sentence, relativized to a specific case, like Case 2.5.

3 TYPES OF AMBIGUITY

For the purpose of analysis of fallacies of ambiguity, it is useful to classify several distinctive types of ambiguity we have encountered. The following classification is suggested. The most commonly known type of ambiguity is *lexical* or *semantic ambiguity*, meaning ambiguity of a term (word or phrase), as that term might be defined in a dictionary entry. An example would be the word 'bank'.⁴ This is to be contrasted with *pragmatic ambiguity (ambiguity of use)*, which means ambiguity of a word or phrase (or even of a whole sentence), as

³This technique can commonly be found in any textbook on transformational grammar. Analyses of many cases can be found in Cresswell [1973].

⁴Another example commonly given is the word 'pike', which could mean a type of fish or a type of weapon.

used in a particular case, i.e. a text of discourse in a context of dialogue. *Syntactic ambiguity* is a kind of structural or grammatical ambiguity of a whole sentence, as contrasted with semantic ambiguity, which only occurs in relation to some subpart of a sentence.

A word can (in a given case) be semantically ambiguous but not pragmatically ambiguous. For example, in the sentence, ‘Bob went to the bank and made a deposit of one thousand guilders’, the word ‘bank’ is (abstracted from its use in this context) semantically ambiguous, but it is not pragmatically ambiguous. In this case (in context of use), we know that ‘savings bank’, and not ‘river bank’, is the appropriate meaning.

A word can be pragmatically ambiguous, but not semantically ambiguous. For example, the expression ‘going around’ turned out to be pragmatically ambiguous, as used in the squirrel case (Case 2.5). But the phrase ‘going around’ is not, generally speaking, semantically ambiguous, in the way that the word ‘bank’ is, i.e. in having two distinctive lexical meanings in general usage.

Some would say that this is all the kinds of ambiguity there are, but we also distinguish an additional type here, called *emphatic ambiguity*. This is primarily a phonological type of ambiguity arising from different stresses or intonation in how a term or sentence is pronounced. However, it can also appear in written discourse in the form of italics, bold print, headlines, and so forth. In a case of emphatic ambiguity, a sentence may not be syntactically ambiguous, and all the words in it may be non-ambiguous lexically, and the sentence and its contents may not be pragmatically ambiguous, yet even so, the sentence may be emphatically ambiguous.

At least, a case of emphatic ambiguity would not be pragmatically ambiguous in exactly the same way, for example, the phrase ‘going around’ was in the squirrel case. On the other hand, you could say that emphatic ambiguity is very much a kind of pragmatic ambiguity, because it depends on features of the context of use in a particular case, i.e. stress and intonation of the words. So there is a good question of classification here.

In the end, however, we have opted to put emphatic ambiguity in a separate category from pragmatic ambiguity, because of its variable and optional nature as a type of interpretation of a text of discourse (as will be shown in Figure 8.1). Thus, in this classification, we use the term ‘pragmatic,’ as applied to ambiguity, in a narrower sense that refers to ambiguities of use of words, phrases or sentences, excluding those arising from differences of emphasis of stress or pronunciation.

Another type of ambiguity we call *inflective ambiguity*, occurs in a word or phrase (as opposed to a whole sentence), but occurs because of a grammatical

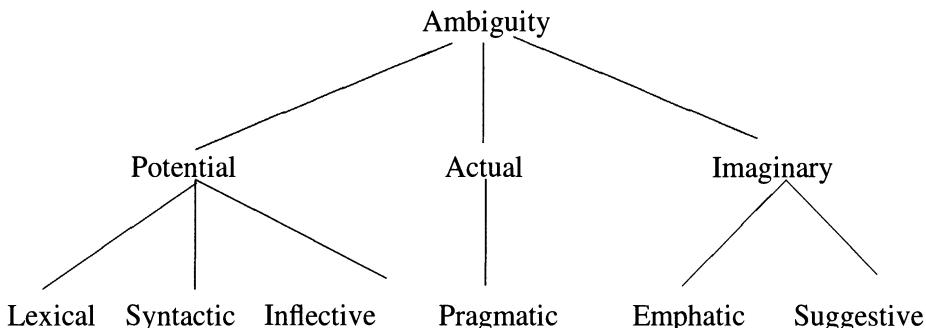


Figure 8.1. Types of Ambiguity

shift (to a different part of speech) in a second occurrence of that word.

Inflective lexical ambiguity, is a kind of composite ambiguity. Like lexical ambiguity, it occurs in a word or phrase that is a subpart of a sentence. But like syntactic ambiguity, it is structural or grammatical in nature.

Another type of ambiguity we call *suggestive ambiguity*, which has to do with implicature and innuendo, with the multiplicities of connotations of a sentence, or a word or phrase that occurs in it, with the result that different optional presumptions can be drawn from the use of that sentence. For example, in Case 4.14, when the mate wrote in the log, ‘The captain was sober all day’, the sentence suggested by implicature that the captain was normally drunk, most of the time.

In classifying these types of ambiguity, the *multiplex* categories of Alexander of Aphrodisias (Chapter 1, Section 4) can be adapted very usefully. Pragmatic ambiguity is ‘actual’, in the sense of being ‘in the act of speaking’, because it is in the text of discourse in a given case. Lexical, syntactic and inflective are all potential in a term or a sentence, prior to its actual use in a particular case. And imaginary ambiguity arises from an optional interpretation we ourselves place on a term or sentence. These types of ambiguity are classified in Figure 8.1.

No implication is made that this classification is true to the Aristotelian doctrine of fallacies dependent on language, or the *multiplex* doctrine of ambiguity of *Alexander of Aphrodisias*,⁵ or anyone else. It is an adaptation of this traditional terminology to make it most useful for the way of analysing fallacies of

⁵ See Chapter 1, Section 4.

ambiguity set forth in the previous chapters.

Probably the most controversial aspect of this classification of types of ambiguity is the imaginary category. This may be perceived to stretch the concept of ambiguity pretty far, especially for linguists who are less accustomed than communication scholars to dealing with factors of stress, emphasis and implicature in a case.

4 RELATIONSHIP OF CLARITY TO AMBIGUITY

We have argued in chapter five that obfuscation and gobbledegook are inherently different from fallacies arising from ambiguity, like figure of speech. And generally, ambiguity is different from obscurity, or lack of clarity. Ambiguity and clarity then, are not opposites, and the conversational rule ‘Be clear!’ is not what explains or analyses the fallacies arising from ambiguity as fallacies. That is, it is not an adequate analysis of these fallacies to simply say that they violate this rule.

Despite all this, there does seem to be some sort of important relationship between ambiguity and clarity, in argumentation. What is this relationship? A look at cases of equivocation and other fallacies arising from ambiguity can reveal it.

Part of what constitutes a case of equivocation, or one of those other fallacies arising from ambiguity, is the discovery of the ambiguity in a key word or phrase in the argument. Once the ambiguity is discovered, a distinction between the two senses of the expression in question can be made. And this discovery is the first step in the identification, analysis, and management of this type of fallacy.

Once the discovery step has been taken, then we can look back at the original argument (or what appeared to be a univocal argument), and say that, in a sense, it was ‘unclear’. By ‘unclear’ we mean more than just what Richard Robinson called uncertainty, and something different from what he called misunderstanding. We mean that there was what could perhaps be called a kind of *multiplex*, in a sense implying deceit or deceptiveness in the argument—what appeared, illusorily, to be a single argument, was in reality a bundle of arguments masquerading as one. This could rightly be called a kind of unclarity or confusion, at least as it existed before the discovery stage, from the point of view of after the discovery stage.

The following example, as presented and briefly described by Aristotle (*Soph. El.* 176 b 1–176 b 7) can be used to illustrate this point.

Case 8.2

When terms are used in their proper senses, one must answer either simply or by making a distinction. It is when our statement implies our meaning without expressing it—for example, when a question is not asked clearly but in a shortened form—that refutation ensues. For instance, ‘Is whatever belongs to the Athenians a property of the Athenians?’ [Note: the Greek word for ‘property’ here means possession, such as gold or houses.] ‘Yes; and this is likewise true of everything else’. ‘Well, then, does man belong to the animals?’ ‘Yes’. ‘Then man is a property of the animals. [Note: the Greek word ‘property’ here refers to characteristics of an individual, such as ‘being rational’.] For we say that man “belongs to” the animals because he is an animal, just as we say that Lysander “belongs to” the Laconians because he is a Laconian’. Obviously, therefore, when the premiss is not clear it must not be conceded simply.

This example suggests the nature of the relationship between unclarity and the fallacy of equivocation very well. When the answer to the first question in the dialogue is ‘yes’, there is no problem yet, as far as fallacies or unclarity are concerned. But when the answer to the second question is ‘yes,’ a kind of unclarity has crept in. The reason, characteristic of equivocation, is that one sense of ‘belongs to’ makes the one proposition conceded come out as plausible, but the other sense of ‘belongs to’ makes the other proposition plausible. This might not be a problem in the dialogue, except that, at the third move, the questioner draws the implausible conclusion, ‘Man is a property of the animals’. from the prior two concessions, taken together as premises of an argument. Here then is a classic case of equivocation. The two premises, separately, look plausible. But taken together they imply an implausible conclusion.

Aristotle rightly sees the problem of this type of fallacy as one of commitment in dialogue. As he put it, ‘when the premiss is not clear, it must not be conceded simply’. Once the respondent accepts both propositions as commitments, by conceding them in answering ‘yes’ twice, he has been trapped by the questioner into (apparently) having to accept an absurd conclusion—a conclusion he should clearly not be committed to.

Once you and I, as external critics, see the ambiguity of the key expression ‘belongs to’, and see that all is not what it appears to be in the dialogue, there is no longer unclarity, and no longer any real danger of the fallacy causing harm. But prior to this discovery, or from the point of view of the respondent who

may have answered ‘yes’ to both questions without perceiving the ambiguity inherent in them, we, as now aware critics, could rightly say that an unclarity existed.

What the respondent needed was an awareness that when he was asked to answer the second question in the dialogue, something was fishy—a shift of meaning had occurred. As Aristotle put it, he must not ‘answer simply’ but should instead ‘make a distinction’, complicating the conversation. The respondent should have hesitated before answering the second question, realizing that, at this point in the dialogue, a kind of unclarity or obscurity was present. This hesitation, or thinking twice, should be the first step in identifying an ambiguity in an argument, prior to the second step of applying the test for ambiguity.

Thus unclarity is not the same thing as ambiguity. But ambiguity in a pair of answers to questions in a dialogue, from which a conclusion follows, or can be drawn by argument, can conceal, and be based on a kind of unclarity. The kind of unclarity involved here relates to a concealment or unawareness of ambiguity. It is unclarity in the sense of concealed duality that appears, on the surface, to be univocity. What clarifies it, or removes the unclarity, is the perception of ambiguity, and the making of a distinction between two senses of an expression.

This is not the only type of unclarity. It is a type of verbal unclarity, but different from the type of unclarity associated with obfuscation and gobbledegook (Chapter 5, Section 8), or with figurative, fancy, nonliteral, or meaningless utterances. It is a type of verbal unclarity that has to do with duality in the meaning of an expression, before that duality is identified or discovered in a dialogue, by applying the test for ambiguity.

5 FORMULATION OF THE MAXIM OF CLARITY

Clarity is difficult to define, in absolute terms, because it varies from one context of conversation to another. An argument that is very clear in a physics seminar during a technical discussion might be very unclear if presented during a political rally (and conversely).

Moreover, clarity is a property not just of arguments, but also of explanations, and other kinds of speech acts. So the properties of a clear explanation may be somewhat different from those of a clear argument.

Despite this inherent difficulty, we can get some idea of how the maxim ‘Be clear’ should function by examining some specific instances of things that should definitely count as unclear in certain types of conversations that are contexts of argumentation.

The goal of a critical discussion is to resolve a conflict of opinions by reasoned argumentation.⁶ The means to carry out this goal is for both parties to put forward arguments that bear on the conflict, in order to assess which side has the stronger argument, or greater weight of evidence, on its side. By this means, the conflict is supposed to be resolved.

In this context, it is helpful, one might even say necessary, that each party should put forward a single argument at a time, so that the other party can respond to this argument by asking the appropriate critical questions, and so forth. If one party puts forward two arguments *at the same move* in a dialogue, this could be a problem. Which one should the respondent reply to, at his next move? If his response fails to address an argument that must be dealt with to resolve the conflict of opinions the result could hinder the discussion.

This problem is really a technical problem of the structure of the dialogue rules of a game of dialogue, in the sense of Hamblin [1970; 1971], Mackenzie [1981], and Walton and Krabbe [1995]. The concept of *move* needs to be defined for each type of dialogue, so that certain types of speech acts, like asking questions, making assertions, or putting forward arguments, or certain combinations of these, are allowed at each move. And then once one party has made a certain type of move, the rules of a dialogue must define exactly what form of response is permitted, appropriate, or required by the other party.

Obviously it makes things simpler, and theoretically easier to manage, if a party is only allowed to put forward a single argument at any given move, as in the rigorous persuasion dialogue (*RPD*) modelled in [Walton and Krabbe, 1995]. It is technically possible for a party to put forward several arguments at a single move—as done in the dialogue-system *PPD* in [Walton and Krabbe, 1995, Section 4.3.4]—but unless there is some reason for allowing this, due to the type of dialogue involved, generally in a critical discussion, it may be better not to allow it. But if we do allow it, a substantive problem could arise where one party brings forward more than one argument at a given move, where the respondent has no way of knowing which one of this set of arguments he is obliged to respond to, or even doesn’t see it as two.

One form in which this problem arises is the kind of case where one of the sentences used by the proponent of an argument, i.e. one of her premises or conclusion advanced, contains an ambiguous term, and the respondent does not have a decisive basis for knowing which way he should take this term.⁷ The respondent is, in effect, presented with a choice between two arguments. Which one should he select and respond to? The danger is that whichever one he se-

⁶ Van Eemeren and Grootendorst [1984; 1992].

⁷ Or essentially the same kind of problem occurs where the sentence, as a whole, is ambiguous.

lects, the other will not be addressed (assuming the respondent has no opportunity to come back to it, or perhaps does not even recognize the need to do so), and (a) he may later be blamed, or his performance discounted, for not having done this, or (b) the failure to respond to this particular argument may contribute to the failure of the discussion to resolve the initial conflict. Whatever else clarity amounts to then, in a critical discussion, it ought to exclude multiplicity of arguments being put forward at a single move, where a respondent does not have some definite way of knowing which of these arguments he is obliged to respond to (or which one first, at any rate).

So it may seem here that the maxim of clarity should simply exclude such multiplicity of putting forward arguments by a proponent, or asking of ambiguous questions by a questioner in a dialogue. Hence Grice's submaxim 'Avoid ambiguity!'

The problem with this approach, however, as we have seen all along, is that argumentation in natural language is full of undetected ambiguities. In fact following a submaxim to avoid ambiguity is impossible, given the practical realities of argumentation in everyday conversation.

The maxim of clarity then should more properly be applied to the respondent or answerer in a dialogue, warning him to be on the lookout for ambiguities that might be inherently problematic in an argument, i.e. to be on guard against ambiguities that might give rise to equivocation and other fallacies of the same kind.

What a respondent should be obliged to do, in such a case, is to ask for 'clarification' in the form of a procedural move. He should ask the respondent: 'Which proposition do you intend to be taken as part of your argument, this one or that one?' The justification of such a procedural move is the maxim of clarity, which surely requires (whatever else) that two arguments must not be advanced, in the same move, where it is not indicated which one is the one the respondent is obliged to respond to (or if both, in what order).

However, this simple kind of case is not the only type of breakdown of clarity caused by ambiguity in a critical discussion. Even worse, we can have a typical case of equivocation (like Case 8.2), where a term can plausibly be taken one way in one premise or in the conclusion of an argument in a dialogue, and the same term can plausibly be taken another way in another premise, or in the conclusion of that 'same' argument. The word 'same' is in quotes here because, in such a case, it is not really the same argument at all. In such a case, we really have four arguments, because each of the two terms can be taken two different ways.

The problem here may be the same as before, even though the situation is a

little more complicated. The respondent is confronted with four arguments. If he confines his attention, at his next move, to addressing one of these, even if he does so successfully, the others may slip by, and this may create a problem later that interferes with the resolution of the critical discussion.

However, in many cases, the problem may be even more severe than this. It may be plausible to take the ambiguous term one way in the one sentence, and then due to a shift in the context of dialogue, to interpret the ambiguous term most plausibly in the other way in the other sentence, as in Case 8.2. In both instances, the plausible interpretation is selected because it is the only one that makes the sentence in question come out as expressing a true (or plausibly true) proposition. In such a case, there is a contextual tug to take the one premise one way and the other premise (or conclusion) the other way, to preserve both as expressing true (or plausible) propositions, as in Case 8.2 above.

In such a case, it is up to the respondent to ask the proponent for clarification, i.e. ‘Which way is it going to be, the one interpretation or the other?’ This procedural move shifts the burden of replying back to the proponent’s side, to make a resolution one way or the other, solving the problem.

What the maxim of clarity should require then is not the total avoidance of ambiguity, but rather it should express a warning of the following kind to a respondent: ‘When asked to make concessions to sentences expressed by a questioner in dialogue, check answers containing the same term or expression pairwise, using the test of contradiction (Section 2) to see if a shift of meaning has occurred’. Where such an ambiguity is discovered, the respondent should have the right to ‘make a distinction’ before proceeding further in the dialogue. The principle of clarity should give advice of the following form to the respondent: ‘If a pair of sentences seem unclear, when put together side by side, in the sense of containing some expression that could have two senses, or be used in two different ways, then consider whether a clear distinction can be made between the two senses’. Once such a distinction has been made, and it is agreed that it works to effect a disambiguation, we are past the discovery stage, and the maxim of clarity has done its work.

However, equivocation as a fallacy is more than just a violation of the maxim of clarity. It is a special type of violation that occurs in a dialogue like that of Case 8.2, where something appears to be an argument, but is really not. The problem posed by such a case is deeper than a failure to follow the maxim of clarity, for following the indications of plausibility is likely to indicate (rightly) opting for the one proposition as the right interpretation, over the other. But the problem posed by a case of the fallacy of equivocation is more insidious, for following the indications of plausibility leads to the production of four argu-

ments. And if the respondent does not recognize the multiplicity, thinking he is dealing with a single argument, this could be a very severe hindrance indeed to a critical discussion. What appears to be one good argument is really four bad arguments.

6 FALLACY AND THE ARGUMENT REQUIREMENT

Ambiguity can lead to a lot of serious problems in communication. Hence it is difficult to resist leaping to the conclusion of saying that a ‘fallacy of ambiguity’ has occurred wherever one encounters such a problem. In fact, as we have seen, this is exactly what so many of the textbooks have done (although not consistently, by any means).⁸ And this is why some form of argument requirement is needed. To get a good grasp of fallacies like equivocation, amphiboly, and accent, we need to forestall the strong tendency among beginners to leap to identifying any misunderstanding or difficulty due to ambiguity as a case of one of these fallacies.

On the other hand, these fallacies pose a key problem, because the argument requirement, in a literal or simple form, at any rate, does not apply to them. Typically, for example, when you have an equivocation, the problem is that you don’t have an argument—at least, a single argument. What you actually have is a multiplicity of arguments that, on the surface, appears to be an argument. It is the ambiguity that makes it seem, misleadingly, to be an argument.

Hence, in the case of the fallacies arising from ambiguity, we need to modify the principle ‘A fallacy is a fallacious argument’ somewhat, to fit the nature of what is logically incorrect and deceptive in these fallacies. Such a case is rightly said to be a fallacy of this sort because it was *supposed to be an argument*, normatively speaking, but failed to meet this normative requirement. The normative requirement put in place in this conception of fallacy is contextual. It relates to what is or is not an appropriate type of move in a given type of dialogue that two parties, by convention or mutual consent, are supposed to be engaging in with each other.

The requirements of different types of dialogue can vary. But in a critical discussion, the participants are supposed to be working towards resolving a conflict of opinion by verbal means.⁹ The primary means of accomplishing this goal is by each party, in turn, putting forward arguments, one at a time. When

⁸ See Chapter 2, Section 1.

⁹ Van Eemeren and Grootendorst [1984; 1992].

one party puts forward an argument, the obligation of the other is to either accept the argument or to criticize it, by raising critical questions.

Given this background normative structure showing the purpose of putting forward argumentation in a critical discussion, we can see how an argument put forward containing an ambiguous term or sentence in the premises and/or conclusion, can block or interfere with the goal of resolving the conflict of opinions. Generally the function of an argument in a critical discussion, or in any type of persuasion dialogue, is the so-called *probative function*—the proponent is using the argument to get the respondent to become committed to the conclusion, a proposition the respondent was not previously committed to, by presenting premises that the respondent is committed to (at least will accept as commitments).¹ The probative function works because the respondent's commitment should be transferred (if the argument is a good one) from the premises to the conclusion.

But the working of this probative function presumes that a single argument has been put forward, at each single move in a dialogue where presenting an argument is appropriate. In the case of a fallacy arising from ambiguity, like equivocation, this probative function goes haywire, so to speak. It appears that it is being fulfilled, but because of the ambiguity in the argument, the respondent (and perhaps the proponent too) takes the argument wrongly to have both bearing and bite. It appears that the probative function has been fulfilled, but really it has not. Thus at the conclusion of the dialogue, both parties may think their conflict of opinions has been resolved by the rational interaction of their arguments in the discussion. But has it really? Not if one of the arguments was equivocal. Here was a breakdown or rupture in the fabric of the dialogue.

Thus to understand equivocation, amphiboly and accent as fallacies, we need to rephrase the argument requirement, making it a little more complicated. Normally, a fallacy is an argument of some sort that has gone wrong or been misused. But more generally, the concept of fallacy needs to be redefined. A fallacy is an argument, or a move in dialogue that is supposed to be an argument, that has been put forward in such a way that it interferes with the goal of the dialogue, even though on the surface it appears to contribute to the goal of the dialogue.¹¹

So conceived, the fallacies of equivocation, amphiboly, and accent are fallacies in virtue of their failure to meet the rules or requirements of a conversation, or type of dialogue. But such a fallacy is not wholly explained or analysed as a violation of a single rule like 'Be clear'. Rather, the fallacy has to be seen

¹ See Walton [1991b].

¹¹ See also Walton [1992d; 1995].

as a failure to meet the argument requirement. For further discussion of these questions about how to define the concept of fallacy, see [Walton, 1995].

The real function of the maxim of clarity, as we have seen, is to warn the respondent to be on the lookout for the kind of verbal unclarity introduced by an undetected ambiguity in a line of argument in a dialogue. But the fallacy occurs because what appears to be an argument, and may mistakenly be taken to be one, is not really an argument at all. This is not just a failure of clarity, and that is not the essence of the fallacy (at least, by itself). The fallacy is a failure to present an argument, at a move in dialogue where what one is supposed to be doing is presenting an argument.

7 EQUIVOCATION AS A PROCEDURAL MATTER

Instead of seeing equivocation as a fallacy because it is a violation of a rule of conversation saying ‘Be clear!’, we see equivocation, and related fallacies arising from ambiguity, following Hamblin [1970, Chapter 9] and Mackenzie [1988] as stemming from a kind of procedural failure in a structure of dialogue. At certain points in a dialogue, it is appropriate to put forward an argument—for example, in response to a why-question asking for justification of a previously asserted proposition. The problem posed by equivocation in such a move is that it is not (as requested and required) a single argument, but several.

However, ambiguity is very much present in natural language. Participants in such a dialogue should not have to agree, in advance, not to use any terms that are, or could turn out to be ambiguous. Instead what they should have to agree to is to respond to a procedural point of order that if a key term in their argumentation is ambiguous, or a distinction needs to be made between two senses of an expression, then they should have to respond appropriately, saying, ‘This is what I mean by it’. For as well as lexical ambiguity, which can be known ahead of time, there is also pragmatic ambiguity, which requires a distinction between two senses of an expression to be made only once the ambiguity has been revealed in the course of a discussion.

According to Hamblin [1970, p. 294] there should be a presumption of meaning-constancy in an argument, in the absence of evidence to the contrary. Hamblin [1970, p. 303] therefore saw ‘the road to an understanding of equivocation’ as ‘the understanding of *charges* of equivocation’. The formal solution to the problem of equivocation, according to this way of seeing it, is to have a procedural rule allowing a participant in a dialogue to cite an ambiguity, or two senses of an expression, in an opponent’s argument, and require the opponent

to respond by choosing one sense or the other as the one meant in the argument. The type of resolution demands and responses needed in a Hamblin-type formal dialogue have been formulated very well by Mackenzie [1988].

This solves the procedural problem of how to deal with equivocation in a dialogue. But it does not give us an analysis of equivocation (or the other fallacies arising from ambiguity) as a fallacy. From a procedural perspective, equivocation is simply a failure to make the right kind of move in a dialogue. This could be simply a slip or blunder, for, after all, ambiguity is ubiquitous, and we can't ban it entirely from argumentation. But a blunder is not necessarily a fallacy.

The fallacy arises because such an ambiguity-infected move *appears* to be an argument. This is generally so because the two propositions, looked at separately, each appear plausible only because a key expression in them is taken to mean one thing in one, and something else in the other.

Thus equivocation, as a fallacy, has four aspects. It is (1) something arising from an ambiguity, (2) a procedural problem in an organized dialogue, (3) a failure to be an argument, and (4) something that seems to be an argument, because of the plausibility of the premises or conclusion when interpreted in a certain way. The other fallacies arising from ambiguity all share this four-part nature as fallacies.

Another aspect of the procedural nature of these fallacies is that a *charge* of equivocation (or amphiboly or accent) can be made in a given case, and then fought out as a type of conflict of opinions about the meanings of words or other verbal expressions. This often happens, for example, in philosophical discussions, when the dialogue 'tightens up' and becomes more a dispute about words. One party may say 'Define exactly what you mean by such-and-such', and the other party may reply, 'I mean so-and-so'. Such a tightening of the discussion is not always a bad thing, but it can lead to distracting and quarrelsome 'logic-chopping' in some cases.

As already noted in Chapter 2, Section 7, such conflicts can be substantive, and difficult to resolve, especially in the so-called cases of deep deception.

A fertile field for further case study here is legal argumentation, especially the type of case where an argument has been made, but one party objects, or sues the other party, on the grounds that some word or clause or sentence in the contract is ambiguous. In such a case, the judge or jury has the job of attempting to resolve the verbal dispute.

8 CLASSIFYING THE FALLACIES

In chapter two, we saw that the fallacy of relative terms is partly a matter of vagueness, but also does involve a type of ambiguity. The type of ambiguity found, for example, in Case 2.9, is of a pragmatic rather than a lexical nature. But still, it is a kind of ambiguity, and therefore cases like 2.9 ought properly to come under the category of the fallacy of equivocation.

Assuming that cases like Case 2.13, where the ambiguous term has only one occurrence, can be treated as genuine instances of the fallacy of equivocation, then amphiboly can be treated as a subspecies of equivocation. However, it remains somewhat uncertain whether realistic cases of this sort do exist. Even assuming that they can exist, even though they may not be plentiful, and are not typical of the kinds of cases of the fallacy of equivocation cited in the textbook treatments, we could classify amphiboly as a species of equivocation. But it is a special subtype where the ambiguity is syntactic, and affects a whole sentence, rather than just a term, or expression that is part of a sentence, as in the case of equivocation.

Although the fallacy of quibbling is a fallacy that arises from ambiguity of a term or sentence, it is quite distinct from equivocation, because it is not localized in a specific argument. It affects a dialogue, like a critical discussion, as a whole, and involves a misunderstanding about the nature of the issue, or basic conflict of opinions the discussion is about.

Thus, although it is appropriate to classify the fallacy of quibbling as a fallacy arising from ambiguity, it is in many ways quite distinct from the fallacy of equivocation. It should not, therefore, be classified as a species of equivocation.

One large area of problems of classifications was the fallacy of accent. Innuendo, bias, and wrenching from context all appeared to be major fallacies or phenomena of argumentation in their own right, apart from the fallacy of accent. For accent, properly defined, is a fallacy arising from ambiguity in language. Innuendo, by contrast, as we saw in Chapter 6, is most often a fallacy not purely dependent on language, but having to do with shifts in presumption and burden of proof. Innuendo, as a fallacy, is really a failure to back up an argument with sufficient evidence, relying instead on shifting the burden to try to make it appear that the accused person must present enough evidence to refute the charge.

On the other hand, innuendo is related to ambiguity, as we saw in Cases 4.19 and 4.20. In Case 4.19, when the opponent replied by saying the writer's difidence was commendable, he suggested that the writer really is talking about something beyond his knowledge. But the opponent did not state this propo-

sition directly. Instead, it is an implicature that is suggested, through irony, by what he has said. Hence there is what is said directly, on the surface, and what is said indirectly, by suggestion. Is this a kind of ambiguity? It is not ambiguity in the literal meaning of a word or sentence, yet in the way it functions, it can be viewed as a type of ambiguity. But can this type of ambiguity be included in the fallacy of accent without putting us on Hamblin's slippery slide?

We think it can be. It is possible to include suggestive ambiguity, or ambiguity of implicature of this type, without going so far as to classify every case of innuendo, like Cases 6.2 and 6.3, as coming under the heading of the fallacy of accent. Cases of innuendo should only be classified as cases of the fallacy of accent where an ambiguity arising from what is suggested in the use of a word, phrase or sentence creates the classical pattern of a fallacy arising from ambiguity—an expression is taken one way in one premise, another way in another premise or the conclusion, with the result that the argument is wrongly taken to have both bearing and bite.

With bias and the so-called fallacy of special pleading, the boundaries of the fallacy of accent need to be circumscribed even more sharply. As we saw in chapter seven, bias is not in itself a fallacy. And when bias is critically a bad thing for argumentation, it is not generally due to the ambiguity of specific terms or sentences in the argumentation (though that may be part of the evidence that a bias exists in the argument). Also, even though it is quite possible to have a fallacy of biased or slanted language, as the use of the phrase 'tin saint' in Case 4.18 might illustrate, this would not be a fallacy distinctively arising from ambiguity. Hence bias, like wrenching from context, is quite a different matter from the fallacy of accent and ought, for the most part, to be treated separately.

The fallacy of figure of speech, on the other hand, is a kind of equivocation, in that it arises from an ambiguity in a word or phrase, and functions otherwise like equivocation, except that the ambiguity specifically arises from a shift in inflection. Thus figure of speech is best classified as a special subspecies of equivocation arising from misleading expressions (figures of speech).

Cases of amphiboly like Case 3.15 would perhaps have been classified by Aristotle under the fallacy of composition and division of words. But it is hard to see any real difference between this and the fallacy of amphiboly, judging from the cases we have studied. Moreover, as noted in chapter one, the Aristotelian fallacy of composition and division of words has, over the years, faded out of existence, and been replaced by the fallacy of composition and division of (non-purely-verbal) parts and wholes. So far, we have not seen any cases of ambiguity due to combining or dividing words that cannot be described under the heading of structural (grammatical) ambiguity of a sentence. This being so,

it seems reasonable to drop this fallacy as a separate classification, apart from amphiboly.

In sum then, we recognize five main fallacies arising from ambiguity—equivocation, figure of speech, quibbling, amphiboly, and accent. And under each main fallacy, we have recognized various variants or subfallacies. It is to be expected that further research will turn up more of these subclassifications.

9 LEGAL DISPUTES ABOUT AMBIGUITY

As we found in chapter three, many of the serious cases of amphiboly arose from contracts, wills, sales offers, and the like—essentially verbal agreements having legal weight, containing an ambiguous sentence which makes an argument misleading. One might therefore expect legal cases to be a fertile field for fallacies arising from ambiguity.

Certainly, in legal cases, concerning contracts for example, ambiguity is a common and serious problem. Typically however, in such cases, the situation is one where two sides disagree on what should be meant by a phrase, word or sentence that is ambiguous, or is held to be, by one of the parties.

In such a case, the problem is somewhat different from that of a case where a fallacy arising from ambiguity has been committed. The problem is generally that some expression in a contract, or in some other text of discourse, is susceptible of two different interpretations (at least allegedly), and a disagreement exists about what was really meant. The following court case illustrates this type of problem.

In the case of *Gorgichuk v. American Home Assurance Co.* (CCH DRS P43-004 I.L.R., Ontario (S.C.), April 19, 1985), the question was whether a man's accidental death was covered by his insurance policy, according to the stated terms of the contract.

Case 8.3

The plaintiff's husband died as a result of a motor vehicle accident which occurred in Barbados. The bus in which the man died was transporting him, the plaintiff, and others from their hotel in Barbados to the airport at the end of their 14-day vacation. The couple had purchased the vacation package through an agent. As part of the package they purchased accident insurance under a group policy. The policy provided \$45,000 in coverage for death occurring in consequence of riding in: (1) any aircraft . . . ; or (2) 'any airport limousine or bus or surface vehicle substituted by the

airline'. The policy provided \$15,000 in coverage for death arising out of the use of other public conveyances. The plaintiff argued that the words "substituted by the airline" in (2) above referred only to the words 'surface vehicle'.

The plaintiff argued that clause (2) ought to be punctuated as follows, to reveal its true meaning: 'any airport limousine or bus, or surface vehicle substituted by the airline'. That way, the bus did not have to be 'substituted' for an aircraft. That way, the death of her husband in a bus that was a supplement to, not a substitute for the aircraft ride, would count as coming under the clause for collection of the death benefit.

If you were to punctuate the contested clause the other way, without imagining a comma, or a sharp break, where the plaintiff claimed, then the bus would have to be substituted for an aircraft. This, of course, was not true in this case. The bus was a supplement to, not a substitute for, the aircraft trip to Barbados.

The court ruled that the second interpretation is what was meant.

The words 'substituted by the airline' referred to all the modes of transportation in clause (2). They referred to other transportation the airline would arrange if an airplane could not be used. That construction accorded best with the policy as a whole. It was not one that had to be strained for on the plain meaning of the language.

The court ruled that there was not meant to be a comma, or sharp break, where the plaintiff claimed. They ruled that the injury had to occur in a limousine, bus or service vehicle that had been substituted in for an aircraft by the airline company. This was not the case here, so the plaintiff's claim to collect the larger insurance was not supported by the contract, in the court's view.

This case seems like it could come under the heading of the fallacy of amphiboly. It does involve an argument, or conflict of opinions between two contested sides. And the dispute turns on the grammatical ambiguity of a sentence which could, judging from the dispute, be interpreted one way or the other. The issue is ambiguity, and the problem centres on the grammatical ambiguity of this sentence, depending on which way it is to be punctuated.

On the other hand, the case does not really seem to be an instance of the fallacy of amphiboly, if examined more closely. For as things turned out, the sentence was not ambiguous, despite the plaintiff's claim that it was. At least, that was the finding of the court, and there does not seem to be much of a very strong case to dispute it further. So it is not a case where the argument on one side was

committing a fallacy (arising from ambiguity) against the argument of the other side.

Perhaps what this kind of case shows most significantly is that the avoidance of ambiguity is very important in the writing of contractual documents like wills and insurance policies. Certainly one type of problem that could arise here is the occurrence of a fallacy, like equivocation or amphiboly. But probably even more common is the kind of problem that arises when an ambiguous expression lets in an interpretation of a clause not intended by the writer of the contract, and which should have been excluded by the use of nonambiguous language. The problem here is not specifically the avoidance of fallacy. It is one of how to formulate or codify an agreement in such a way as to eliminate or minimize the possibility that one party can exploit an ambiguity in the wording to later get out of the agreement in a tricky way, or otherwise abuse it in some way that might be difficult to anticipate.

It seems then that fallacies are not the only problems arising from ambiguity of interest to those of us in the field of informal logic. Ambiguity can lead to uncertainty, misunderstanding, and verbal disputes that can have all kinds of serious implications for the conduct of life.

Although we have concentrated on cases in this book where the argument in question is so badly flawed that it can be said that a fallacy has been committed, presumably there are also many cases relating to ambiguity in argumentation that are not this bad. In cases like this, for example, one side may claim the other side has committed one of the fallacies of ambiguity, or have some evidence for such a charge. Thus the field of casework that can be profitably evaluated, using fallacies arising from ambiguity as analytical tools, is wider than just the outrageously bad cases where one side has clearly committed a fallacy against the other.

At any rate, Case 8.3 should suggest that amphiboly and the other fallacies arising from ambiguity are by no means trivial, and can have quite serious financial consequences.

10 AVENUES FOR FURTHER RESEARCH

One avenue for further research on the fallacies arising from ambiguity is the development of a better body of realistic case studies. Instead of one-liner examples that are more in the nature of jokes to entertain bored students, the textbook treatments of fallacies like equivocation and amphiboly need to look at cases that are really instances of the fallacies cited and are serious errors that

are realistically deceptive.

One path along this avenue, as noted in the previous section, is the investigation of legal and business-related cases, where fallacies and failures of communication due to ambiguity have had serious financial consequences. Another area that needs to be studied and emphasized more concerns cases where ambiguity has led to loss of life. In particular, air crashes and ship collisions and sinkings can be cited.

The worst accident in aviation history, which resulted in the loss of 583 lives, resulted from a misunderstanding of the ambiguous phrase, 'at takeoff'. The flight crew of the plane, taking off from Los Rodeos airport in the Canary Islands, radioed the message 'We are now at takeoff', to the tower, meaning to say that they were now in the process of taking off [Cushing, 1994, p. 10]. But the tower controller took this message to mean, 'We are now at the takeoff point', i.e. getting ready to start the process of taking off. The KLM pilot interpreted the subsequent message of clearance given by the tower as permission to fly to a beacon, whereas the tower meant the message only as giving clearance to fly to the beacon once a further clearance message was given [Cushing, 1994, p. 10]. The result of the misunderstanding was a collision with another aircraft.

In this case, the pilot drew the conclusion that he was permitted to fly to the beacon, wrongly, because he and the tower had taken his message 'We are now at takeoff' in a different way than he had meant it to be taken. The wrong conclusion that caused the accident arose from the ambiguity of the phrase 'at takeoff'.

This case is one of many described by Cushing [1994] where linguistic phenomena like ambiguity, unclear reference, differences in intonation (or punctuation, in written language) and implicit inference have been crucial contributing factors in air crashes. According to a Transportation Safety Board of Canada report [Bertin, 1995], communication problems have been factors in many sinkings and collisions of ships.

More cases like these, where the ambiguity had led to serious consequences, need to be included in the textbook treatments of this class of fallacies. Students will then be shown, by example, that equivocation, and related verbal misunderstandings, and linguistic failures of communication are not trivial, as they are too often assumed to be by students (who have not been instructed otherwise).

In addition to these practical avenues for further research, this book has carried forward a theoretical program for research on fallacies that can be extended to other linguistic fallacies. The findings in this book should be seen as one part of research on the larger question of the use of language and definitions in argumentation. When people attempt to reason together in conversation, ambiguity

of language is not the only problem within language that they face. There are many problems relating to the use of argumentative language, like the use of ‘friendly’ and ‘hostile’ language (Bentham’s eulogistic and dyslogistic terms, noted in chapter one) that are very important to study in argumentation and informal logic. There are many problems arising from the use of obscure and vague language. There are many problems on how words should be defined in a given context, and what sorts of attempted definitions should be rejected as inadequate, or even fallacious. All of these linguistic problems that commonly arise in argumentation can be associated with various fallacies within language—fallacies other than the fallacies arising from ambiguity studied in this book.

Aristotle himself was clearly aware of these problems, as shown by his lengthy discussions in the *Topics* and *On Sophistical Refutations* on the problems of how to put forward definitions and react to a speech partner’s putting them forward in the context of a disputation.¹

Still, the fallacies arising from ambiguity have had a place of importance, in the forefront of the fallacies within language, in the history of informal logic. They are clearly a good place to start in the project of studying the fallacies within language, and more broadly, the kinds of normative problems that commonly occur in argumentation because of the language used.

On the other hand, bias and innuendo, although often associated with, and indicated by the use of language, turned out to be, to a great extent, significant problems or fallacies in their own right, outside language.

Chapter 7 concluded with an analysis of the concept of bias. Bias was defined as a failure of critical doubt to function correctly in argumentation in a given context of dialogue. Critical doubt was defined as a kind of attitude one participant has toward the attitude of another participant in dialogue. Bias, it was argued, is associated with failure to be open to new or contrary evidence that comes into a critical discussion. Bias is also shown to be associated with certain kinds of failures of good argumentation associated with several of the traditional informal fallacies outside language: *argumentum ad hominem* (personal attack), *argumentum ad verecundiam* (appeal to expert opinion), hasty generalization, prejudiced thinking, biased questions and biased statistics. After examining the role of the concept of critical doubt in defining bias, chapter seven concluded by offering a provisional definition of bias that brought together the most valuable and useful of the various hypotheses and proposed characteristics arising from the discussion. This was not the final word on bias,

¹ See especially *Topica* 106a right through almost to the end of Book I, where a very detailed treatment of this subject is given.

but gave enough of a framework to provide a basis for further research into the subject.

One could say the same about the rest of the book. It does not represent the last word on the fallacies arising from ambiguity, and is not meant to. It is meant more as an invitation for serious research on these fallacies to begin.

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